



*I have come that they may have life and have it to the full
(John 10:10)*

SICKNESS ABSENCE POLICY AND PROCEDURE

This policy is taken from the OLHOC Trust Handbook of Statutory policies and should be read in conjunction with the other policies within the document.

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SICKNESS ABSENCE POLICY AND PROCEDURE

1. Scope of Procedure

- 1.1. This Sickness Absence Policy and Procedure applies to all employees of the Trust (hereinafter referred to as an “employee” or “you”). This policy does not form part of any employees’ terms and conditions of employment and it is not intended to have contractual effect. The Trust reserves the right to amend this policy at any time. However, regular attendance at work is term of every employee’s contract of employment, although the Trust recognises that employees will, on occasion, require some absence from work on health grounds.
- 1.2. The purpose of this policy and procedure is to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees and the requirements of the Trust to deliver an effective education to its students. In implementing this policy and procedure, the Trust aims to promote honest and constructive discussions.
- 1.3. An employee is entitled to have access, by arrangement, to their personnel file and to request the deletion of time-expired records in line with the provisions of the General Data Protection Regulation and the Data Protection Act 2018.
- 1.4. The Trust delegates its authority in the manner set out in this policy.
- 1.5. When implementing this policy and procedure, the Trust will have regard to the Trust’s Health and Safety Policy and Procedure in relation to any overlapping health and safety consideration(s) that may arise.
- 1.6. This policy and procedure may be used concurrently with any other applicable policy and procedure (for example, capability or disciplinary). Where an employee is already subject to one of the Trust’s policies, there will not be any automatic delay or pause in the conduct of that policy or procedure as a result of an employee’s sickness absence. In such circumstances, the employee and the CEO / Principal / Head Teacher, or in the case of the CEO / Principal / Head Teacher, the CEO / Principal / Head Teacher and Chair of the Local Governing Body, will meet to discuss whether or not one of the procedures should be suspended, taking into account the most recent medical advice. The final decision as to whether or not to suspend any procedure will be taken by the CEO / Principal / Head Teacher or the Chair of the Local Governing Body (as applicable) and their decision will be final.
- 1.7. In this policy “working day” means any day on which you would ordinarily work if you were a full-time employee. In other words, “working day” will apply differently to teaching and non-teaching staff. However, part-time and full-time employees will not be treated differently for the purposes of implementing this policy and procedure.
- 1.8. The Trust is committed to providing a supportive working environment for all employees. The Trust is also committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy and procedure. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Trust community, which includes all of the academies within the Trust.

- 1.9. This Sickness Absence Policy and Procedure offers opportunities to ensure justice for teachers, support staff and students alike and has the potential for the expression of Christian qualities such as honesty, self-knowledge, respect for others and their gifts, recognition of the needs and achievements of others, challenge to self and others, personal growth and openness.
- 1.10. Reasonable adjustments to this policy and procedure may be considered in appropriate cases, depending on the specific circumstances, for example, where an employee is diagnosed with a terminal illness. All modifications to this policy and procedure will be discussed with the employee and a record of the modifications will be made.
- 1.11. The procedures contained in this policy and procedure allow employees to raise mental health concerns in the knowledge that the Trust will provide appropriate support when the employee seeks help. Employees experiencing mental health challenges will have access to appropriate reasonable adjustments, phased returns and Occupational Health referrals as set out in this policy and procedure.
- 1.12. Consideration will be given to any difficulties which an employee may be facing, and the Trust will provide reasonable support and assistance to help the employee to overcome them. Such support and assistance may include, where appropriate, the Trust seeking medical or other advice regarding the effective management of any sickness absence.
- 1.13. All personal and sensitive personal data obtained during the operation of this policy and procedure will be handled with the utmost integrity and confidentiality.

2. General Principles

- 2.1. The Trust will:
 - 2.1.1. Never ignore sickness absence
 - 2.1.2. Always monitor sickness absence
 - 2.1.3. Ensure that short term absences do not go unnoticed
 - 2.1.4. Take swift, supportive action if the absence is work related
 - 2.1.5. Keep accurate, up to date, employee attendance records
 - 2.1.6. Handle attendance problems promptly and sensitively, in a supportivemanner
 - 2.1.7. Develop and maintain an atmosphere that encourages people to come to work
 - 2.1.8. Ensure that employee wellbeing is monitored and that an atmosphere is developed in which employee wellbeing is given due importance.
 - 2.1.9. Deal with each person as an individual
 - 2.1.10. Treat all staff fairly and consistently
 - 2.1.11. Keep the Trust informed about the academy's sickness absence rate so that this can be kept under review.

- 2.1.12. Seek support and advice from its HR provider, Occupational Health and the Diocesan Schools Commission, as appropriate.

3. Informal Approach

- 3.1. Prior to invoking the formal steps set out in this policy and procedure you and/or your line manager or the CEO / Principal / Head Teacher may (where appropriate and practicable) initiate an informal discussion regarding your absence from work with a view to facilitating your attendance at work and providing assistance and support where necessary. Where absence relates to the CEO / Principal / Head Teacher, this meeting will be with the Chair of the Local Governing Body.
- 3.2. Depending on the circumstances and cause of your absence, an informal discussion may lead to agreeing strategies with you to help improve and maintain attendance levels. This may include a referral to Occupational Health.
- 3.3. Following an information discussion, you will be provided with a note of the discussion, and you will have an opportunity to provide written comments on the note of the meeting prior to it being included on your personnel file. The note of the meeting will include details of any strategies agreed with you to help improve and maintain your attendance along with a timescale for improvement and a review of your progress.
- 3.4. The Trust is not procedurally required to implement an informal approach to investigating the reason for your absence, although the Trust acknowledges that it is good practice to do so, and it will expect an informal approach to be followed in the majority of cases. It is your responsibility to follow the appropriate procedure in informing the Trust of the reason for your absence and to fulfil your obligations set out in Section 4 below. It should be noted that periods of absence that are dealt with using an informal approach count towards the review points set out in Sections 9 and 10.

4. Employee's Obligations

- 4.1. Employees are expected to:
 - 4.1.1. Attend work when fit to do so
 - 4.1.2. Comply with the Trust's sickness notification procedure
 - 4.1.3. Seek medical advice and treatment, where appropriate, to ensure that it is received as quickly as possible in order to facilitate a return to work
 - 4.1.4. Take and follow the medical advice and treatment offered
 - 4.1.5. Keep in regular touch (consistent with your medical condition) and inform the CEO / Principal / Head Teacher (or Chair of the Local Governing Body, in the case of sickness absence of the CEO / Principal / Head Teacher), of any significant developments affecting the period of absence
 - 4.1.6. Attend medical appointments promptly (including Occupational Health appointments as required)

- 4.1.7. Inform the CEO / Principal / Head Teacher (or Chair of the Local Governing Body, in the case of the sickness absence of the CEO / Principal / Head Teacher) immediately of any side effects associated with your health condition and /or medication that could have an impact on your suitability to work with children.

5. Sickness Notification Procedure

- 5.1. In the event that you are unable to attend work due to ill health, you must contact the Trust in accordance with the terms of your contract of employment (and this policy and procedure). If you do not report for work and have not explained the reason for your absence, you should expect to be contacted by telephone, e-mail, letter or text by your line manager or other nominated individual who will want to enquire after your health.
- 5.2. You should contact the Trust personally and not ask third parties (such as members of your family or friends) to inform it on your behalf. This is because the Trust cannot be certain of the identity of the third party and whether they are acting in your best interests. In exceptional circumstances where you are physically incapable of communicating with the Trust yourself (for example due to being hospitalised in a state of concussion), it may be necessary for the Trust to rely on a third-party explanation for your absence.
- 5.3. Brief details of the reason for absence and, if possible, some indication of a likely return to work date should be given during this contact. The position in relation to current workload should be discussed in order to help the Trust make appropriate cover arrangements. You should ensure that the Trust is kept informed of your expected return to work date.
- 5.4. If your absence is the result of an accident or an injury sustained at work, then this information must be made known. You should indicate if the incident has been reported, when it was reported and to whom.
- 5.5. If you are still unfit for work after three successive working days you must contact the CEO / Principal / Head Teacher or nominated person on the fourth day of absence and advise them of the likely duration of your continued absence according to any medical advice you may have received.
- 5.6. All employees will be required to complete a sickness self-certification form for all absences of up to seven consecutive days (inclusive of weekends and bank/public holidays). A Statement of Fitness for Work must be provided by all staff and sent to the CEO / Principal / Head Teacher or other nominated person from the 8th calendar day of sickness (counting days for this purpose Saturdays and Sundays are included). If your Statement of Fitness for Work indicates you may be fit for work with adaptations, this will be discussed with you. Where it is not possible to implement the recommended adaptations, you will remain on sickness absence until it is possible for the Trust to make the adaptations, until the adaptations are no longer required or you are fit to return to work.
- 5.7. If more than one Statement of Fitness for Work is required for any period of absence, you must keep the CEO / Principal / Head Teacher, or nominated person, informed of developments on a weekly basis. The CEO / Principal / Head Teacher,

or other nominated person, is also entitled to make reasonable contact with you during your sickness absence, whether or not you have complied with the requirement to make weekly contact. The purpose of maintaining such contact (whether on a weekly or reasonable basis) during such period of sickness absence is to ensure that the educational needs of the Trust are fulfilled, to give you the opportunity to indicate if there are any ways in which the Trust may be able to support you and to give you the opportunity (if you wish it) to be kept up to date with developments at the Trust and/or the academy in which you work.

- 5.8. The requirement that you maintain weekly contact during any period of sickness absence may be relaxed by the Trust if a Statement of Fitness for Work indicates that such contact would significantly impact your recovery prognosis or, alternatively, by agreement between you and the Trust or academy in which you work.
- 5.9. Further information relating to sick pay entitlements are set out in the Burgundy Book (for teaching staff) and the Green Book (for support staff).

6. Return to Work Discussions

- 6.1. After **every** absence your line manager (or other appointed person) will welcome you back to work and discuss with you:
 - 6.1.1. the reasons for your absence;
 - 6.1.2. whether the appropriate notification has been completed and provided;
 - 6.1.3. your fitness to work; and
 - 6.1.4. whether there are any issues which require particular support from the Trust, , which may include a phased return to work, risk assessments any measures or support the Trust may be able to accommodate or any reasonable adjustments, if you are disabled.
- 6.2. A record of this return-to-work discussion should be placed on your personnel file and you will be provided with an opportunity to provide written comments on the record of the return to work discussion prior to it being included in your personnel file.
- 6.3. Your line manager (or other appointed person) may use the return-to-work discussion as an opportunity to bring you up to date with developments within the Trust and/or academy in which you work during your absence.
- 6.4. It is anticipated that a return-to-work discussion would normally last up to 15 minutes, but this is an indication only.
- 6.5. Because of the nature of your medical condition, you may prefer not to discuss the reasons for absence with your line manager (or other appointed person) and, in that case, you may hold the return-to-work discussion with a member of the Senior Leadership Team identified by the CEO / Principal / Head Teacher. If you have any preference in relation to the identity of the member of the Senior Leadership Team, for example because you would prefer to have the discussion with somebody of the same sex, such a request will not be unreasonably refused.

- 6.6. All return-to-work discussions will be supportive and will seek to address any issues that might lead to future absence.
- 6.7. It should be noted that a return-to-work discussion will be held following every period of absence regardless of its duration. If a review point has been reached as outlined in Sections 9 or 10, a return-to-work discussion will still be held and the employee will be told in this discussion to expect an invitation to a Formal Absence Review Meeting.
- 6.8. If you have been absent for a long period, it may be appropriate to arrange for a return-to-work discussion to take place before the day of your return. A phased return to work may be planned in this meeting, along with any measures or support the Trust may be able to accommodate and any reasonable adjustments, if you are disabled.

7. Occupational Health Referral

- 7.1. The Trust may, at any time it considers appropriate, refer you to Occupational Health for an assessment of your health and:
 - 7.1.1. Its impact on your attendance at work
 - 7.1.2. Its impact on your fitness to perform the duties required by your employment
 - 7.1.3. Its impact on your ability to attend formal meetings or interviews under this or any other applicable procedure
 - 7.1.4. What steps the Trust could take to improve your health and/or attendance.
- 7.2. A referral to Occupational Health is a supportive measure and you are expected to cooperate fully where such a referral is made. Occupational Health appointments will be scheduled during working time, where possible.
- 7.3. Before making any decision to dismiss you on notice under this Sickness Absence Policy and Procedure the Trust will have referred you for at least one Occupational Health assessment and will usually consider the most recent assessment.
- 7.4. Notwithstanding Paragraph 7.3 above, if you decide not to engage in an Occupational Health referral the Trust will have no option but to proceed to make decisions without the benefit of medical advice and opinion and this may impact upon your sick pay entitlement.

8. Absence Reviewer, Final Absence Reviewer and Appeal Manager

- 8.1. The table below sets out the persons to be appointed, where possible, throughout the stages of the sickness absence review procedure depending on the person who is/has been absent from work due to sickness.

<i>Employee Level</i>	<i>Absence Reviewer</i>	<i>Final Absence Reviewer</i>	<i>Appeal Manager (re Written Warnings)</i>	<i>Appeal Manager (re Dismissal)</i>
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CEO / Principal / Head Teacher	Chair or a non-staff Director/LAC Member (other than the Vice- Chair) nominated by the Chair	Directors' / LACs' Absence Panel appointed by the Vice-Chair	A non-staff Director/ LAC Member (other than the Chair or Vice- Chair) nominated by the Vice-Chair	Directors' / LACs' Appeal Panel, appointed by the Vice- Chair
Other Leadership Spine	CEO / Principal / Head Teacher	Chair or a non-staff Governor nominated by the Chair	A non-staff Director/ LAC member nominated by the Vice-Chair	Directors' / LACs' Appeal Panel
Other Teaching Staff	A member of the Leadership Team (other than the CEO / Principal / Head Teacher) appointed by the CEO / Principal / Head Teacher or in the event that (1) above cannot be complied with, (2)A person appointed by the CEO / Principal / Head Teacher	CEO / Principal / Head Teacher	Chair or a non-staff Director/ LAC member nominated by the Chair	Directors' / LACs' Appeal Panel
Other Support Staff	A person appointed by the CEO / Principal / Head Teacher	CEO / Principal / Head Teacher	Chair or a non-staff Director / LAC member nominated by the Chair	Directors' / LACs' Appeal Panel

NB: In law, only the Trust, as the employer of staff, has the power to terminate employment. The Trust has therefore delegated this power to the Final Absence Reviewer in accordance with the table above.

9. Persistent Intermittent Absence

9.1. Persistent intermittent sickness absence can be defined as frequent short-term absences from work that are normally sporadic and attributable to minor ailments, in many cases such periods of absence are unconnected. If periods of persistent intermittent sickness absence are for the same illness, a referral to Occupational Health may be required.

9.2. Managerial problems are created by the frequency of persistent intermittent absences. The reasons behind persistent intermittent absences will always be investigated, as such absences can only be addressed effectively through proper monitoring systems and effective management action.

9.3. Review Points

9.3.1. When the following review points are reached, the Trust will consider whether a Formal Absence Review Meeting is required, Decisions will be taken on an individual basis and a Formal Absence Review Meeting will not take place automatically as soon as a review point is reached, it may also be appropriate in some cases to hold a Formal Absence Review Meeting prior to a review point being reached:

- 9.3.2. Sickness absence of 10 or more working days in any 12-month period, accrued over 3 or more periods of absence.
- 9.3.3. Sickness absence of 6 or more days accrued over 2 or more periods in any 4-month period.
- 9.3.4. Two periods of sickness absence of 4 or more days in any 12-month period.
- 9.3.5. Any levels of absence which show a trend or pattern e.g. Friday – Monday absences, monthly dates (e.g. last Friday every month) and any other notable dates.

10. Long Term Absence

- 10.1. Long-term absence (which is usually defined as an absence lasting at least 4 calendar weeks or more) is where an employee is absent from work for a considerable number of weeks or months as the result of a serious health problem or planned medical procedure. It can normally be distinguished from persistent intermittent absence in that it tends to be continuous and is usually as a result of an underlying medical condition.

10.2. Review Points

- 10.2.1. Any long-term absence lasting 4 working weeks or more will normally lead to a Formal Absence Review Meeting but each case will be looked at individually and an absence lasting 4 working weeks or more will not automatically lead to a Formal Absence Review Meeting. In cases of long-term absence where a Statement of Fitness for Work confirms you will be absent from work for a period of 4 or more working weeks, any Formal Absence Review Meeting will be held towards the end of the certified period of absence.

11. Formal Absence Review Meetings

- 11.1. Where a Formal Absence Review Meeting has been triggered in accordance with Paragraphs 9.3 or 10.2 above, the Trust will appoint an Absence Reviewer in accordance with Section 8. The Absence Reviewer will write to you inviting you to a Formal Absence Review Meeting. You will be given at least 5 working days' notice of such meeting. At the same time as sending you the letter inviting you to the Formal Absence Review Meeting, the Absence Reviewer will also send you a copy of the Absence Report which they have prepared, and which shall:
 - 11.1.1. Provide details of your absences from work indicating the reasons you gave for the absence
 - 11.1.2. Set out any suggestions made by you or the Trust as to any changes to your working arrangements that may reduce your absence(s) or assist your return to work and any other measures or support the Trust may be able to put in place (including any reasonable adjustments, if you are disabled).
 - 11.1.3. Include copies of self-certificates, Statements of Fitness for Work and all medical reports including those obtained from Occupational Health.

- 11.1.4. If appropriate, state that one of the possible outcomes may be the termination of your employment on the grounds of ill-health.
- 11.2. At a Formal Absence Review Meeting you will have the opportunity to:
 - 11.2.1. Present any medical evidence in your possession or which you think is relevant
 - 11.2.2. Make reasonable suggestions about managing your return to work including any phased return to work, change or reduction of duties and / or working hours
 - 11.2.3. Make suggestions of other support or measures that may be able to be put in place (and any reasonable adjustments that could be made, if you are disabled).

12. Formal Responses

- 12.1. The Absence Reviewer will send you a copy of the notes of the Formal Absence Review Meeting and will confirm the outcome of the Formal Absence Review Meeting in writing within 5 working days of the date of such meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, make the following formal responses:
 - 12.1.1. No action required.
 - 12.1.1.1. The Absence Reviewer may conclude that no action is required, and no further action will be taken pursuant to the policy and procedure
 - 12.1.2. Reasonable adjustments to working arrangements.
 - 12.1.2.1. These will vary on a case-by-case basis depending on the medical condition identified. Reasonable adjustments for disabled staff may be made alongside a Stage 1 Absence Letter and/or a Stage 2 Absence Letter.
 - 12.1.3. A Stage 1 Absence Letter.
 - 12.1.3.1. In the context of Formal Absence Review Meeting called in response to persistent intermittent absences this is a letter stating that if you are absent from work for two or more working days in the next six months you may be invited to a further Formal Absence Review Meeting where you may be at risk of being issued with a Stage 2 Absence Letter. Please note that the two or more working days absence do not need to be consecutive. A stage 1 Absence Letter may, if appropriate, be accompanied by an action plan which provides details of any improvements necessary to achieve satisfactory levels of attendance and the timescale for improvement including details of any support or training to be provided.
 - 12.1.3.2. In the context of a long-term sickness absence this is a letter stating that if you are not fully back to work within between 4-12 working weeks there may be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the

available medical evidence. At this further Formal Absence Review Meeting, the Absence Reviewer may, in addition to making an Occupational Health referral, issue with a further Stage 1 Absence Letter or a Stage 2 Absence Letter or may determine that no further action is required. If are already fully back to work by the time of the Formal Absence Review Meeting, the Stage 1 Absence Letter will acknowledge this and will state that if you are absent from work for one or more working weeks in the next 6 months you may be invited to a further Formal Absence Review Meeting where you may be at risk of being issued with a Stage 2 Letter.

12.1.4. A Stage 2 Absence Letter

12.1.4.1. In the context of Formal Absence Review Meeting called in response to persistent intermittent absence this is a letter stating that if you are absent from work at all in the next six months you may be referred to the Final Absence Reviewer who will invite you to a Final Absence Review Meeting which could lead to your dismissal. A Stage 2 Absence Letter may, if appropriate, be accompanied by an action plan which provides details of any improvements necessary to achieve satisfactory levels of attendance and the timescale for improvement including details of any support to be provided.

12.1.4.2. In the context of long-term sickness absence this is a letter stating that if you are not fully back to work within between 4-12 working weeks you will be referred to the Final Absence Reviewer who will invite you to a Final Absence Review Meeting which could lead to your dismissal. The precise number of working weeks will be set by reference to the available medical evidence. If you are already fully back at work by the time of the Formal Absence Review Meeting the Stage 2 Absence Letter will acknowledge this and will state that if you are absent from work for one or more working weeks in the next 6 months you may be referred to the Final Absence Reviewer who will invite you a Final Absence Review Meeting which could lead to your dismissal.

12.2. Where a Final Absence Review Meeting is due to take place, the Trust will appoint a Final Absence Reviewer in accordance with Section 8. The Final Absence Reviewer will write to you inviting you to the Final Absence Review Meeting. At the same time as sending you the letter, the Final Absence Reviewer will also send you a copy of an updated Absence Report containing the information listed in Paragraph 11.1 which will be updated, if possible, to include an up-to-date Occupational Health assessment. The letter inviting you the Final Absence Review Meeting will state that one of the possible outcomes may be the termination of your employment

12.3. Any evidence you wish to present at the Final Absence Review Meeting should be provided to the Final Absence Reviewer at least two working days prior to the meeting.

12.4. A Final Absence Review Meeting may be adjourned if further information is required by the Final Absence Reviewer. You will be given at least 5 working days written notice of any reconvened meeting and you should provide any evidence

you wish to present at any reconvened meeting at least two working days prior to the meeting.

- 12.5. The Final Absence Reviewer will send you a copy of the notes of the Final Absence Review Meeting and will confirm the outcome within 5 working days of the date of such meeting. The Final Absence Reviewer may, in addition to the responses available to the Absence Reviewer), make the following formal responses:

12.5.1. Dismissal with Notice.

12.5.1.1. In coming to such a decision in relation to a case of **persistent intermittent absence** the Final Absence Reviewer will consider:

12.5.1.2. The total absence and pattern of absence

12.5.1.3. The available medical prognosis

12.5.1.4. Advice from Occupational Health

12.5.1.5. The reasons advanced for the absence

12.5.1.6. How long the employee has worked for the Trust

12.5.1.7. Is the job a key job? If so, how long can the Trust effectively function without the employee's contribution?

12.5.1.8. The additional demands the persistent intermittent absence has generated for other employees of the Trust and the impact of the employee's absence on colleagues, students and the wider Trust community

12.5.1.9. Whether other reasonable adjustments have been considered

12.5.1.10. Whether other reasonable adjustments have been made and, if so, whether they were effective

12.5.1.11. Whether adequate support was offered by the Trust

12.5.1.12. whether redeployment has been considered and/or ill-health retirement, if appropriate.

12.5.1.13. In coming to such a decision in relation to a case of **long-term absence** the Final Absence Reviewer will consider:

12.5.1.14. The available medical prognosis

12.5.1.15. Advice from Occupational Health

12.5.1.16. Is complete recovery likely and, if so, when?

12.5.1.17. How long the employee has worked for the Trust

12.5.1.18. Is the job a key job? If so, how long can the Trust effectively function without the employee's contribution?

- 12.5.1.19. The additional demands the absence has generated for other employees of the Trust and the impact of the employee's absence on colleagues, students and the wider Trust community
 - 12.5.1.20. Whether alternative employment or a transfer is available, suitable and acceptable
 - 12.5.1.21. Whether ill-health retirement has been explored
 - 12.5.1.22. Whether other reasonable adjustments have been considered
 - 12.5.1.23. Whether other reasonable adjustments have been made and, if so, whether they were effective?
 - 12.5.1.24. Where adequate support was offered by the Trust.
- 12.6. In a case where your employment is terminated, the Final Absence Reviewer will recommend to the Trust that your employment is terminated in accordance with your contract of employment, and the Trust will take appropriate steps to terminate your employment.
- 12.7. In the event that your employment is terminated with notice:
- 12.7.1. If your contract of employment contains a garden leave clause the Trust may exercise that clause so that you are not required to attend the Trust or the Trust's academy in which you work during your notice period but remain employed and so bound by the terms of your contract of employment until the expiry of the notice period; or
 - 12.7.2. If your contract of employment contains a payment in lieu of notice clause the Trust may exercise that clause to bring your contract to an end with immediate effect.
- 12.8. You may appeal against a Stage 1 Absence Letter or a Stage 2 Absence letter by writing to the Clerk of the Local Governing Body within 5 working days of the date of the relevant letter.
- 12.9. You may appeal against a decision to dismiss with notice by writing to the Clerk of the Local Governing Body within 10 working days of the date of the notification of termination.
- 12.10. Any appeal letter lodged in accordance with Paragraphs 12.8 or 12.9 above must set out the grounds of your appeal in detail. When preparing your appeal letter, you may wish to consider the following grounds:
- 12.10.1. that the action taken was unfair
 - 12.10.2. that the sickness absence policy and procedure was applied unfairly or defectively
 - 12.10.3. that new evidence has come to light which was not availed when the relevant decision was made by the Absence Reviewer or Final Absence Reviewer

- 12.10.4. that the sanction was overly harsh in all the circumstances.
- 12.11. The fact of the appeal does not delay the commencement of any period of time covered by an Absence Letter or of any notice period.
- 12.12. Any appeal should normally be heard within 20 working days of the Clerk of the Local Governing Body receiving your appeal letter. You will be given at least 5 working days' notice of an Appeal Meeting and you should provide any evidence you wish to present at your appeal at least 2 working days prior to the Appeal Meeting.
- 12.13. Written or oral evidence can be presented at the Appeal Meeting. If written evidence from the Trust is to be relied upon, you will be provided with it at least 5 working days prior to the Appeal Meeting and you will be given the opportunity to comment on it at the Appeal Meeting. If you do not attend the Appeal Meeting, you will be given the opportunity to provide written responses to any evidence presented.
- 12.14. If oral evidence is heard, you will be given an opportunity to comment on it either by (a) attending the Appeal Meeting or (b) reviewing the notes of that oral evidence after the Appeal Meeting. In the event of (b), you must provide any response to the notes of the oral evidence within 5 working days of being provided with the same. The Appeal Manager will consider all of the evidence provided, and your comments on the same, in order to determine whether the relevant decision was fair and reasonable.
- 12.15. The Appeal Manager will confirm the outcome of the Appeal Meeting in writing to you within 5 working days of the date of the Appeal Meeting or receipt of your responses to the notes of the oral evidence provided to you in accordance with Paragraph 12.14 above, as appropriate. The decision of the Appeal Manager is final and there will be no further right of appeal. The outcomes of the Appeal Meeting are that:
- 12.15.1. the Appeal Manager may uphold the decision of the Absence Reviewer or Final Absence Reviewer and any sanction imposed by the Absence Reviewer or Final Absence Reviewer will be upheld; or
- 12.15.2. The Appeal Manager may uphold the employee's appeal and conclude that any sanction imposed by the Absence Reviewer or Final Absence Reviewer should be withdrawn and that no further action should be taken pursuant to this policy and procedure.
- 12.16. Should an appeal against dismissal be successful, you will be reinstated with no loss of pay or break in your continuous service.

13. Directors'/Governors' Panels

- 13.1. Directors' / Governors' Absence and Appeal Panels shall comprise three non-staff Directors / Governors not previously involved in the matter and shall not comprise the Chair or Vice-Chair of the Local Governing Body unless there are insufficient numbers of non-staff Directors / Governors not previously involved in the matter, in which case the Chair and / or Vice-Chair of the Local Governing Body may be appointed to a Directors' / Governors' Absence or Appeal Panel but only if they

have not previously been involved in the matter.

- 13.2. In the exceptional event that there are insufficient numbers of Directors/Governors available to participate in a Directors'/Governors' Absence or Appeal Panel, the Trust may appoint associate members solely to participate in the appropriate Directors'/Governors' Absence or Appeal Panel on the recommendation of the Diocesan Schools Commission.

14. Companion

- 14.1. If you are the subject of any Formal Absence Review Meeting, Final Absence Review Meeting or Appeal Meeting, you may be accompanied by a companion, such as a colleague or a Trade Union Representative.
- 14.2. You must let the relevant Reviewer or Manager know who your companion will be at least one working day before the relevant meeting.
- 14.3. If you have any particular reasonable need, for example, because you have a disability, the Trust may agree to you being accompanied by a suitable helper (such as a relative or friend).
- 14.4. Your Companion can address the meeting in order to:
- 14.4.1. put your case;
 - 14.4.2. sum up your case;
 - 14.4.3. respond on your behalf to any view expressed at the meeting; and
 - 14.4.4. Ask questions on your behalf
- 14.5. Your companion can also confer with you during the meeting.
- 14.6. Your companion has no right to:
- 14.6.1. answer questions on your behalf;
 - 14.6.2. address the meeting if you do not wish it; or
 - 14.6.3. prevent you from explaining your case
- 14.7. Where you have identified your companion and they have confirmed in writing to the relevant Reviewer or Manager that they cannot attend the date or time set for the meeting, the relevant meeting will be postponed for a period not in excess of five working days from the date set by the Trust to a date or time agreed with your companion. Should your companion subsequently be unable to attend the rearranged meeting, it may be held in their absence or written representations will be accepted.
- #### **15. Timing of Meetings**
- 15.1. The aim is that meetings under this policy and procedure will be held at mutually convenient times, but depending on the circumstances, meetings may:

- 15.1.1. need to be held when you are timetabled to teach
 - 15.1.2. exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation.
 - 15.1.3. Exceptionally be held after the end of the working day.
 - 15.1.4. not be held on days on which you would not ordinarily work.
 - 15.1.5. be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.
- 15.2. Where an employee is persistently unable or unwilling to attend a meeting without good cause, the relevant Reviewer or Manager will make a decision on the evidence available.

16. Venue for Meetings

- 16.1. The relevant Reviewer or Manager can hold the meeting off the Trust premises or the academy site at which the employee works to minimise any distress to them. Any reasonable request to do so will not be unreasonably refused. If the employee is unable to attend a meeting in person due to illness, alternative arrangements will be made where this is possible.

17. Assistance

- 17.1. In all cases involving the CEO / Principal / Head Teacher or a person on the Leadership Spine, or the potential or actual dismissal of any other member of staff, the Diocesan Schools Commission may send a representative to advise the Absence Reviewer, the Final Absence Reviewer or the Appeal Manager.

18. Unauthorised Absence/False Information

- 18.1. Unauthorised absence will be dealt with under the Trust's Disciplinary Policy and Procedure and may result in disciplinary action, including dismissal.
- 18.2. The provision of any false information will be dealt with under the Trust's Disciplinary Policy and Procedure and may result in disciplinary action, including dismissal.

19. Review of this Procedure

- 19.1. This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, was produced in September 2013, updated in June 2016, May 2018 and May 2021 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.