

Date ratified at
Directors Full Board
12 December 2022

Review
Resources Committee



EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

THE TRUST MISSION STATEMENT

Inspired by the life of Christ we provide an exceptional education in our Catholic schools which enables our children:

- to fully embrace all possibilities
- to flourish
- to develop their faith

and therefore to choose a path that enables them to be a positive influence upon our world.

'Prepare the Way' The Gospel of St Mark 1:3

St John the Baptist Catholic Multi Academy Trust

Company No: 7913261

Registered Office: Surrey Street, Norwich NR1 3PB

This policy is based upon the model CES policy, which has been consulted upon with Unions at a National and Diocesan level. We recognise that full consultation with Unions has taken place but that not all Unions can agree with all aspects of the policy - for example, it may not comply with all points in the relevant NEU and NASUWT checklists. In implementing the policy we shall seek to keep its operation under review and to discuss at relevant Joint Consultative Committee meetings.



If you need this document in large print, audio, Braille, alternative format or in a different language please contact the Company Secretary on 01603 611431 and we will do our best to help.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Sickness Absence Policy and Procedure has been approved and adopted by the Academy Trust Company on 12 December 2022 and will be reviewed in December 2025.

DEFINITIONS

In this Employee Sickness Absence Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means the academy named at the beginning of this Sickness Absence Policy and Procedure and includes all sites upon which the academy undertaking is, from time to time, being carried out.
- ii. 'Academy Trust Company' means the company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Academy.
- iii. 'Board' means the board of Directors of the Academy Trust Company.
- iv. 'Chair' means the Chair of the Board or the Chair of the Local Governing Body of the Academy appointed from time to time, as appropriate.
- v. 'Clerk' means the Clerk to the Board or the Clerk to the Local Governing Body of the Academy appointed from time to time, as appropriate.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- vi. 'Companion' means a willing work colleague not involved in the substance of the employee's performance issues under review by this Sickness Absence Policy and Procedure, or an accredited trade union representative or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet timescales under this Sickness Absence Policy and Procedure.
- vii. 'Diocesan Schools Commission' means the education service provided by the diocese, which may also be known, or referred to, as the Diocesan Education Service.
- viii. 'Directors' means directors appointed to the Board of the Academy Trust Company.
- ix. 'Governing Board' means the body carrying out the employment functions of the Academy Trust Company and such term may include the Board of Directors and a Local Governing Body of the Academy.
- x. 'Governors' means the governors appointed and elected to the Local Governing Body of the Academy, from time to time.
- xi. 'Local Governing Body' means the group of governors appointed and elected to carry out specified functions in relation to the Academy as delegated by the Academy Trust Company.
- xii. 'Principal/Headteacher' means the teacher employed within each academy or across several academies in the role of CEO, Principal, Executive Headteacher, Headteacher or Head of School, as appropriate.
- xiii. 'Vice-Chair' means the Vice-Chair of the Board or the Vice-Chair of the Local Governing Body of the Academy elected from time to time, as appropriate.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- xiv. 'Working Day' means any day on which you would ordinarily work if you were a full-time employee. In other words, 'Working Day' may apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Sickness Absence Policy and Procedure.
- xv. 'Working Week' means any week during which you would ordinarily work.

1. SCOPE OF PROCEDURE

- 1.1 **The Academy is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the school community. This Sickness Absence Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils 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 of self and others, personal growth and openness.**
- 1.2 This Sickness Absence Policy and Procedure applies to you if you are an employee or worker at the Academy (hereinafter referred to as an "employee" or "you"). Regular attendance at work is a term of every employee's contract of employment. However, it is recognised that employees will, on occasion, have an acceptable health reason to be absent from work.
- 1.3 The purpose of this procedure is to establish a framework for the effective management of staff sickness absence taking into account both the wellbeing of employees and the requirements of the Academy to deliver an effective education to its pupils. In implementing this Sickness Absence Policy and Procedure, the aim is to promote honest and constructive discussions.
- 1.4 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 (GDPR) and the Data Protection Act 2018.
- 1.5 The Academy is aware that sickness absence may result from a disability or a medical condition. At each stage of the sickness absence meetings procedure outlined below, particular consideration will be given to whether there are reasonable adjustments that

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ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work. If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you may choose to inform your line manager or other nominated person.

- 1.6 The Academy Trust Company delegates its authority in the manner set out in this policy.
- 1.7 When implementing this policy and procedure, the Academy Trust Company should have regard to the Academy's Health and Safety Policy and Procedure in relation to any overlapping health and safety consideration(s) that may arise.
- 1.8 This policy and procedure may be used concurrently with any other applicable policy and procedure. Where an employee is already subject to one of the Academy's policies there will not be any automatic delay or pause in the conduct of that policy as a result of an employee's sickness absence. In such circumstances, the employee and the Headteacher, or in a case where the absence relates to the Headteacher, the Headteacher and the Chair, 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 Headteacher or the Chair (as appropriate) and their decision shall be final.
- 1.9 For the avoidance of doubt this policy and procedure may be used concurrently with the Academy's Capability Policy and Procedure and Disciplinary Policy and Procedure.
- 1.10 This Sickness Absence Policy and Procedure offers opportunities to ensure justice for teachers, support staff and pupils 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 of self and others, personal growth and openness.
- 1.11 Reasonable adjustments to this 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 procedure will be discussed with the employee and a record of the modifications will be made.
- 1.12 The procedures contained in this Sickness Absence Policy and Procedure allow employees to raise mental health concerns in the knowledge that the Academy 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 Sickness Absence Policy and Procedure.

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ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 1.13 Consideration will be given to any difficulties which an employee may be facing, and the Academy will provide reasonable support and assistance to help the employee overcome them. Such support and assistance may include, where appropriate, the Academy seeking medical or other advice regarding the effective management of any sickness absence.
- 1.14 All personal and sensitive personal data obtained during the operation of this Sickness Absence Policy and Procedure will be handled with the utmost integrity and confidentiality.
- 1.15 In this policy “working day” means any day on which you would ordinarily work if you were a full time employee. In other words it will be different for teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this policy and procedure.

2. GENERAL PRINCIPLES

The Academy Trust Company expects the Academy to:

- 2.1 Never ignore sickness absence
- 2.2 Always monitor attendance
- 2.3 Ensure that short term absences do not go unnoticed
- 2.4 Take swift, supportive action if the absence is work related
- 2.5 Keep accurate, up to date, employee attendance records
- 2.6 Handle attendance concerns promptly and sensitively, in a supportive manner
- 2.7 Develop and maintain an atmosphere that encourages people to come to work
- 2.8 Ensure that employee wellbeing is monitored and that an atmosphere is developed in which employee wellbeing is given due importance
- 2.9 Deal with each person as an individual
- 2.10 Treat all staff fairly and consistently
- 2.11 Keep the Academy Trust Company informed about the Academy’s sickness absence rate
- 2.12 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 procedure you and/or your line manager 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 the absence relates to the Headteacher, this meeting will be with the Chair.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 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. In agreeing to a strategy informally you are entitled to include your Companion in the informal discussion process if you wish.
- 3.3 Following an informal 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 Academy is not procedurally required to implement an informal approach to investigating the reason for your absence although the Governing Body 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 Academy of the reason for your absence and to fulfil your obligations set out in Paragraph 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 Paragraphs 10 and 11.

4. EMPLOYEE'S OBLIGATIONS

Employees are expected to:

- 4.1 Attend work when fit to do so
- 4.2 Comply with the Academy's sickness notification procedure
- 4.3 Seek medical advice and treatment, where appropriate, ensure that it is received as quickly as possible in order to facilitate a return to work
- 4.4 Take and follow the medical advice and treatment offered
- 4.5 Keep in regular touch (consistent with your medical condition) and inform the Principal/Headteacher, or nominated person (or Chair in the case of sickness absence of the principal/headteacher), of any significant developments affecting the period of absence
- 4.6 Attend all medical appointments promptly (including Occupational Health appointments as required)
- 4.7 Inform the Principal/Headteacher (or Chair in the case of the sickness absence of the Principal/Headteacher) 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.

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ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

5 EMPLOYER'S OBLIGATION

- 5.1 The Employer recognises its responsibility for health and safety and the welfare of its staff, and that the management of sickness absence should be handled in a fair and consistent way. The Employer will proactively support staff in the event of ill health difficulties.
- 5.2 Line managers have a clear obligation placed on them to identify and address problems in the work environment and/or job factors that may be contributing to staff absence.
- 5.3 The Principal/Headteacher is responsible for monitoring the implementation of the procedure to ensure it is communicated to employees and applied consistently.
- 5.4 Levels of sickness absence will be monitored and will record the average number of working days lost due to sickness per full-time equivalent employee. Areas where the work of the school is being affected by absence levels, particularly in relation to teaching and learning, will be identified.

6. SICKNESS NOTIFICATION PROCEDURE

- 6.1 As soon as you are aware that you will be absent from work, you must contact the Academy in accordance with your Contract of Employment (and/or the Staff Handbook or equivalent document). If you do not report for work and you have not explained the reason for your absence then you should expect to be contacted by either telephone, email, letter or text by your line manager or other nominated individual who will want to enquire after your health.
- 6.2 You should contact the Academy personally and not ask third parties (such as members of your family or friends) to inform us on your behalf. This is because we 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 us yourself (for example due to being hospitalised in a state of concussion), we may need to rely on a third-party explanation for your absence.
- 6.3 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 Academy make appropriate cover arrangements. You should ensure that the Academy is kept informed of your expected return to work date.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 6.4 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.
- 6.5 If you are still unfit for work after three successive working days you must once again contact the Principal/Headteacher 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 have received.
- 6.6 The Conditions of Service for Teachers in England and Wales (the Burgundy Book) (which applies to teachers employed by the Academy Trust Company) stipulates that a self-certificate should be completed from not later than the fourth working day of absence. Teachers are required to complete a self-certificate to cover every day of absence, including half days.
- 6.7 A doctor's Statement of Fitness for Work (a "doctor's statement") must be provided by all staff and sent to the line-manager or other nominated person from the 8th calendar day of sickness (when counting days for this purpose Saturdays and Sundays are included). A doctor's statement is advisory, and its contents will be considered carefully when determining what action to take pursuant to this Sickness Absence Policy and Procedure. Where a doctor's statement indicates that you are fit to work but with adjustments, you will be asked to meet with the Headteacher, your line manager or other nominated person to discuss what adjustments can be made. Where it is not possible to make any of the suggested adjustments, you will remain on sickness absence until it is possible to make the adjustments or until adjustments are no longer required.
- 6.8 If more than one doctor's statement is required for any period of absence, you must keep your line-manager or other nominated person, informed of developments on a weekly basis, unless agreed otherwise. Your line-manager 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 during such a period of sickness absence is to allow the Academy to assess and plan for likely continued absence and to also give you the opportunity to indicate if there are any ways in which the Academy may be able to support you. It can also give you the opportunity (if you wish it) to be kept up to date with developments at the Academy.
- 6.9 The requirement that you maintain weekly contact during any period of sickness absence may be relaxed by the Academy if a doctor's statement indicates that such contact would hamper your return to work or, alternatively, by agreement between you and the Academy.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

6.10 If you require information relating to sick pay entitlements please refer to the relevant provisions in the Burgundy Book or the Green Book as appropriate.

7 RETURN TO WORK DISCUSSIONS

7.1 After **every** absence your line manager (or other appointed person) will welcome you back to work and discuss with you:

7.1.1 the reasons for your absence;

7.1.2 whether the appropriate notification has been completed;

7.1.3 your fitness to work; and

7.1.4 whether there are any issues which require particular support from the Academy which may include a phased return to work, risk assessments or reasonable adjustments.

7.2 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.

7.3 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 Academy during your absence.

7.4 It is anticipated that a return-to-work discussion will normally last up to 15 minutes, but this is an indication only.

7.5 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 Headteacher. 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 request will not be unreasonably refused.

7.6 All return-to-work discussions will be supportive and will seek to address any issues that might lead to future absence.

7.7 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 Paragraphs 10 or 11, a return-to-work discussion will still be held and you will be told in this discussion to expect an invitation to a Formal Absence Review Meeting.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

7.8 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 reasonable adjustments.

8 OCCUPATIONAL HEALTH REFERRAL

8.1 Following discussion to obtain consent, the Academy can refer you to Occupational Health for an assessment of your health and:

- (a) Its impact on your attendance at the Academy
- (b) Its impact on your fitness to perform the duties required by your employment
- (c) Its impact on your ability to attend formal meetings or interviews under any other procedure particularly in the light of the guidance at page 20 of the Health and Work Handbook produced by the Faculty of Occupational Medicine, Royal College of General Practitioners, Society of Occupational Medicine
- (d) What reasonable steps the Academy could take to improve your health and/or attendance, particularly where the Occupational Health assessment concludes that the condition is work related.

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.

8.2 Before making any decision to dismiss you on notice under this Sickness Absence Policy and Procedure, the Academy will have referred you for at least one Occupational Health assessment and made all reasonable attempts to accommodate any recommendations. The Academy will usually consider the most recent assessment.

8.3 Notwithstanding Paragraph 8.2 above, if you decide not to engage in an Occupational Health referral the Academy will have no option but to proceed to make decisions without the benefit of medical advice.

9 ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER

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:



**ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST
EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE**

<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>
Principal/ Headteacher	Chair or a non-staff Director/Governor	Directors/ Governors' Absence Panel	A non-staff Director/ Governor	Directors/ Governors Appeal Panel
Other Leadership Spine and School Business Manager	A more senior member of the leadership team	Another member of the leadership team more senior than the previous Absence Reviewer including Principal/ Headteacher OR in cases where the Principal/ Headteacher is potentially involved, Chair or a non-staff Director/ Governor	Principal/ Headteacher OR in cases where the Principal/ Headteacher is potentially involved, Chair or non- staff Director/ Governor	Directors/ Governors Appeal Panel
Other Teaching Staff	(1) A member of the Leadership Team (other than the Principal/ Headteacher) or in the event that (1) above cannot be complied with, (2) a person appointed by the Principal/ Headteacher	Another member of the leadership team more senior than the previous Absence Reviewer including Principal/ Headteacher OR in cases where the Principal/ Headteacher is potentially involved, Chair or a non-staff Director/ Governor	Principal/ Headteacher OR in cases where the Principal/ Headteacher is potentially involved, Chair or non- staff Director/ Governor	Directors/ Governors Appeal Panel



**ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST
EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE**

Other Support Staff	A person appointed by the Principal/ Headteacher	Another member of the school staff more senior than the previous Absence Reviewer including Principal/ Headteacher OR in cases where the Principal/ Headteacher is potentially involved, Chair or a non-staff Director/ Governor	Principal/ Headteacher OR in cases where the Principal/ Headteacher is potentially involved, Chair or non-staff Director/ Governor	Directors/ Governors Appeal Panel
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NB: In law, only the Academy Trust Company, as the employer of staff, has the power to terminate employment, so the Academy Trust Company will need to ensure that it has delegated this power to the Final Absence Reviewer in accordance with the table above.

10 PERSISTENT INTERMITTENT ABSENCE

10.1 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.

10.2 Managerial problems are created by the frequency of the absences and the reasons behind the 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.

Triggers

10.3 Whilst each case of sickness absence should be considered individually and based on your working arrangements, the following triggers will normally lead to a Formal Absence Review Meeting:

10.3.1 Sickness absence of 10 or more working days in any 12 month period, accrued over 3 periods of absence or more.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

10.3.2 Sickness absence of 6 or more days accrued over 2 or more periods in any 4-month period.

10.3.3 Two periods of sickness absence both lasting 4 or more days in any 12-month period.

10.3.4 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.

11 LONG TERM ABSENCE

11.1 Long-term absence, (which is usually defined as an absence lasting at least 4 calendar weeks), 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 usually can be traced to an underlying medical condition.

Trigger

11.2 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 doctor's statement confirms that you will be absent from work for a period longer than 4 Working Weeks, any Formal Absence Review Meeting will be held towards the end of the certified period of absence.

12 FORMAL ABSENCE REVIEW MEETINGS

12.1 Where a Formal Absence Review Meeting has been triggered in accordance with Paragraphs 10 or 11 above, the Academy will appoint an Absence Reviewer in accordance with Paragraph 9. 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. You are entitled to have a companion present at this meeting. At the same time as sending you the letter inviting you to the meeting, the Absence Reviewer will also send you a copy of the Absence Report which they have prepared and which shall:

12.1.1 Set out your absences from work indicating your reasons given for the absence

12.1.2 Set out any suggestions made by you or the Academy to make reasonable adjustments to working arrangements that could reduce your absence or assist your return to work



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 12.1.3 Include copies of self-certificates, doctor's statements and all medical reports including those obtained from Occupational Health.
 - 12.1.4 State that one of the possible outcomes of the procedure could be the termination of your employment, where this applies.
- 12.2 At a Formal Absence Review Meeting you will have the opportunity to:
- 12.2.1 Present any medical evidence in your possession
 - 12.2.2 Make reasonable suggestions about managing your return to work including any phased return to work, change or reduction of duties and/or working hours
 - 12.2.3 Make suggestions of other reasonable adjustments that could be made
- 12.3 Any evidence you wish to present at a Formal Absence Review Meeting should be provided to the Absence Reviewer at least two Working Days prior to the meeting.
- 12.4 Formal Absence Review Meetings may be adjourned if further information is required by the 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 2 Working Days prior to the meeting.

13 FORMAL RESPONSES

- 13.1 The Absence Reviewer will send you a copy of the notes of the Formal Absence Review Meeting and confirm the outcome of the Formal Absence Review Meeting in writing within 5 working days of the date of such a meeting. The Absence Reviewer may, in addition to making an Occupational Health referral, make the following formal responses:
- 13.1.1 No action is required

The Absence Reviewer may conclude that no action is required, and no further action will be taken pursuant to this Policy and Procedure.
 - 13.1.2 Reasonable adjustments to working arrangements

These will vary on a case-by-case basis depending on the medical condition identified. Please note that reasonable adjustments may be made alongside a Stage 1 Absence Letter and/or a Stage 2 Absence Letter.
 - 13.1.3 Stage 1 Absence Letter



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 13.1.4 In the context of a 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.
- 13.1.5 In the context of a long-term sickness absence, this is a letter stating that if you are not fully back to work within 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 you with a further Stage 1 Absence Letter or a Stage 2 Absence Letter, or may determine that no further action is required. If you 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 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.
- 13.1.6 Stage 2 Absence Letter
- 13.1.7 In the context of a 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 or training to be provided. Please note that a Stage 2 Absence Letter should not be given before a Stage 1 Absence Letter.
- 13.1.8 In the context of long-term sickness absence, this is a letter stating that if you are not fully back to work within 4-12 Working Weeks 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. The precise number of Working Weeks will be set by reference to the available medical evidence. If you are already fully back to work



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

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 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. Please note that a Stage 2 Absence Letter should not be given before a Stage 1 Absence Letter.

- 13.1.9 Where a Final Absence Review Meeting is due to take place, the Academy will appoint a Final Absence Reviewer in accordance with Paragraph 8. The Final Absence Reviewer will write to you inviting you to a Final Absence Review Meeting. You will be given at least 5 Working Days' written notice of such meeting. At the same time as sending you the letter inviting you to the Final Absence Review Meeting, 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 to the Final Absence Review Meeting will state that one of the possible outcomes of the Final Absence Review Meeting could be the termination of your employment.
- 13.1.10 Any evidence you wish to present at a Final Absence Review Meeting should be provided to the Final Absence Reviewer at least two Working Days prior to the meeting.
- 13.1.11 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 2 Working Days prior to the meeting.
- 13.2 The Final Absence Reviewer will send you a copy of the notes of the Final Absence Review Meeting and will confirm the outcome of the Final Absence Review Meeting in writing 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 responses:

13.2.1 Dismissal with Notice

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

- (a) The total absence and pattern of absence



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- (b) The available medical prognosis
- (c) Advice from Occupational Health
- (d) The reasons advanced for the absence
- (e) How long the employee has worked for the Academy
- (f) How long the Academy can effectively function with no-one in post
- (g) The additional demands the persistent intermittent absence has generated for other employees and the Academy
- (h) Whether other reasonable adjustments have been considered, made and the efficacy of these
- (i) Whether adequate support was offered by the Academy

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

- (a) The available medical prognosis
- (b) Advice from Occupational Health
- (c) Is complete recovery likely and, if so, when?
- (d) How long the employee has worked for the Academy
- (e) How long the Academy can effectively function with no-one in post.
- (f) The additional demands the absence has generated for other employees and the Academy
- (g) Whether alternative employment or a transfer is available, suitable and acceptable (with salary protection being considered on a case-by-case basis)
- (h) Whether ill-health retirement has been explored
- (i) Whether other reasonable adjustments have been considered or made, and the efficacy of these.

13.2.2 In a case where your employment is terminated, the Final Absence Reviewer will recommend to the Academy Trust Company that your employment is terminated in accordance with your contract of employment. The Governing Body will ratify that decision and then take appropriate steps to terminate your employment. Please note that the Governing Body will not review the Final Absence Reviewer's decision in order to ensure that a Governor's Appeal Panel can be convened if necessary. Appropriate alternatives to dismissal will always be considered by the Final Absence Reviewer and discussed with you.

13.2.3 In the event that your employment is terminated in accordance with Paragraph 13.2.1 above:



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 13.2.4 If your contract of employment contains a 'garden leave' clause the Governing Board may exercise that clause so that you are not required to attend the Academy 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
- 13.2.5 If your contract of employment contains a payment in lieu of notice clause the Governing Board may exercise that clause to bring your contract to an end with immediate effect.
- 13.3 You may appeal against a Stage 1 Absence Letter or a Stage 2 Absence Letter by writing to the Clerk within 5 working days of being sent the relevant letter.
- 13.4 You may appeal against a dismissal with notice by writing to the Clerk within 10 working days of being sent the notification of termination.
- Any appeal letter lodged in accordance with Paragraphs 12.4 or 12.5 above must set out the grounds of your appeal. When preparing your appeal letter, you may wish to consider the following grounds:
- (a) that the action taken was unfair;
 - (b) that this Sickness Absence Policy and Procedure was applied defectively or unfairly;
 - (c) that new evidence has come to light which was not available when the relevant decision was made by the Absence Reviewer or the Final Absence Reviewer;
 - (d) that the sanction was overly harsh in all the circumstances.
- 13.5 The fact of the appeal does not delay the commencement of any period under any caution or of any notice period.
- 13.6 Any appeal should normally be heard within 20 working days of the Clerk 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.
- 13.7 Written or oral evidence can be presented at an Appeal Meeting. If written evidence 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 a reasonable opportunity to comment on it during the Appeal Meeting, if you attend the meeting. If you do not attend the Appeal Meeting, you will be given an opportunity to provide written responses to any evidence presented.
- 13.8 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 (if you were not present at the Appeal Meeting where such oral evidence



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

was given). 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 in order to determine whether the relevant decision was fair and reasonable.

13.9 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 13.10 above (as appropriate). The decision of the Appeal Manager is final and there will be no further right of appeal. The potential outcomes of the Appeal Meeting are that:

(a) the Appeal Manager may uphold the decision of the Absence Reviewer or Final Absence Reviewer (as appropriate) and any sanction imposed by the Absence Reviewer or Final Absence Reviewer will be upheld; or

(b) the Appeal Manager may uphold the employee's appeal and impose a lesser sanction to that imposed by the Absence Reviewer or Final Absence Reviewer (as appropriate); or

(c) the Appeal Manager may uphold the employee's appeal and conclude that any sanction imposed by the Absence Reviewer or Final Absence Reviewer (as appropriate) should be withdrawn and that no further action should be taken pursuant to this Sickness Absence Policy and Procedure.

13.10 Should an appeal against dismissal be successful, you will be reinstated with no break in your continuous service.

14 DIRECTORS'/GOVERNORS' PANELS

14.1 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 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 may be appointed to a Directors'/Governors' Absence or Appeal Panel but only if they have not been previously involved in the matter.

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

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ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

15 COMPANION

- 15.1 If you are the subject of any return-to-work discussion, informal discussion, Formal Absence Review Meeting or Final Absence Review and subsequent appeals, you may be accompanied by a Companion.
- 15.2 You must let the relevant Reviewer or Manager know who your Companion will be at least one working day before the relevant meeting.
- 15.3 If you have any particular reasonable need, for example, because you have a disability, you can also be accompanied by a suitable helper.
- 15.4 Your Companion can address the meeting in order to:
- (a) put your case;
 - (b) sum up your case;
 - (c) respond on your behalf to any view expressed at the meeting; and
 - (d) ask questions on your behalf
- 15.5 Your Companion can also confer with you during the meeting.
- 15.6 Your Companion has no right to:
- (a) answer questions on your behalf;
 - (b) address the meeting if you do not wish it; or
 - (c) prevent you from explaining your case.
- 15.7 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 Reviewer or Manager will postpone the meeting for no more than five working days from the date set by the Academy, to a date or time agreed with your Companion provided that it is reasonable in all the circumstances. Should your Companion subsequently be unable to attend the Formal Absence Review Meeting, it may be held in their absence or written representations will be accepted.

16 TIMING OF MEETINGS

Meetings under this procedure will:

- 16.1 be held at a mutually agreed time, usually during working hours;
- 16.2 not be held on days on which you would not ordinarily work;



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

- 16.3 be extended by agreement between the parties if the time limits cannot be met for any justifiable reason.
- 16.4 Where an employee is persistently unable or unwilling to attend a meeting without good cause, the relevant manager will make a decision on the evidence available.

17 VENUE AND CONDUCT OF MEETINGS

The relevant Reviewer or Manager can hold the meeting off the Academy site to minimise any distress to the employee. 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.

18 ASSISTANCE

In all cases involving any cautions in relation to the principal/headteacher or to a person on the Leadership Spine, or to 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.

19 UNAUTHORISED ABSENCE/FALSE INFORMATION

- 19.1 Unauthorised absence will be dealt with under the School's Disciplinary Policy and Procedure and could result in disciplinary action which may include dismissal.
- 19.2 The provision of any false information will be dealt with under the School's Disciplinary Policy and Procedure and could result in disciplinary action which may include dismissal.

20 REVIEW OF THIS PROCEDURE

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Academies in England, was amended in September 2013, and 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.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

APPENDIX A – Guidance on Informal Procedures

Return to Work Discussion

The line manager will normally have a discussion with the employee on their return from a period of sickness absence. The purpose of this discussion is to determine the reason for the absence and, where appropriate, offer assistance and support. It is also an opportunity to identify any difficulties that the employee is experiencing in carrying out the duties of the post and gives the employee an opportunity to raise any concerns or questions and bring any matters to the manager's attention. The return-to-work discussion should be held in private as soon as possible after a period of sickness absence, though it need not be long.

The employee may be accompanied by a Companion at any return-to-work discussion, informal discussion, Formal Absence Review Meeting or Final Absence Review and subsequent appeals, if they wish.

When a note of the matters discussed at the meeting is made to record any action points, the employee will be provided with a copy.

Informal Sickness Absence Meetings

Informal sickness absence meetings may be arranged with employees whenever it is considered necessary.

Adjustments may need to be considered where the employee is considered to have a disability that is impacting upon their attendance and Occupational Health can advise further although it is for the manager to decide what adjustments are reasonable.

Certain conditions are recognised as a disability such as cancer, HIV, MS. Occupational Health can advise if other conditions are likely to be covered e.g. migraines, menopause.

In preparation for the meeting the Headteacher, delegated Line Manager or appropriate Cover Manager may, when appropriate:

- confirm that an unsatisfactory level of attendance has been reached, depending on the circumstances, or that the record shows a pattern of absence or some other factual data which identifies the cause for concern;
- consider the job description and the impact of the absences on all affected; the work of the School and on the work group.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

The purpose of the meeting is to agree a way forward, any action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure if this is required.

The Headteacher, delegated Line Manager or appropriate Cover Manager will, in normal circumstances, use the Sickness Absence Meeting Proforma at Appendix B as the agenda for the meeting and will record salient points.

The employee will be given a completed signed copy after the meeting.

The employee may be accompanied by a Companion at an informal sickness absence meeting (see section 15). The employee must let the relevant Reviewer or Manager know who their Companion would be at least one working day before the relevant meeting.

A note taker may also be present but that will not normally be necessary.

Employees' Responsibilities

If an employee does not report for work, and has not explained the reason for absence, then the employee should expect to be contacted by telephone or text during the period of absence by the Headteacher, delegated Line Manager or appropriate Cover Manager, who will want to enquire after the employee's health and be advised, if possible, as to the employee's expected return date. This must not be treated as a substitute for reporting sickness absence.

Absence that has not been notified in accordance with the sickness absence reporting procedure will be treated as unauthorised absence.

Employees must continue to submit Fit Notes during Academy closure periods.

The School or Trust may take a copy of the Fit Note for their records and return the original copy to the employee.

An employee shall, if required at any time, attend an Occupational Health (OH) or other medical appointment/examination by a registered medical practitioner nominated by the School or Trust.

Employees should inform their line manager if they are experiencing any difficulties in the workplace due to a health condition so that this can be discussed and support identified and as well as any other action points e.g. a referral to Occupational Health. Early notification will help the Headteacher, delegated Line Manager or appropriate Cover Manager to determine the most appropriate course of action to support an employee's individual needs.

There may be some instances where the employee may be reluctant to discuss this with their line manager because of the nature of their condition e.g., menopause. Where employees who do not

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ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

wish to discuss the issue with their direct line manager, they may find it helpful to have an initial discussion with a trusted colleague or another manager instead or a trade union representative if there is one in the workplace.

It is recognised that female employees may need support and adjustments at work before the menopause (known as the perimenopause) as well as during and after the menopause and they are encouraged to raise this as outlined above.

It is understood that the menopause and perimenopause is an individual experience. Therefore, the age a female employee experiences symptoms can vary significantly as well the type of symptoms, severity of symptoms as well as the adjustments required. In addition, a trans man - someone who proposes to go through, is going through or has gone through a process, or part of a process, to change their gender from woman to man - may go through perimenopausal and menopausal symptoms. Early menopause can also take place following certain surgery or health conditions.

Probationary Periods for Support Staff

All new Support Staff employees are subject to a probationary period. Sickness absence issues that arise during an employee's probationary period may be taken into account in determining whether or not the probationary period is completed satisfactorily, and this procedure (save for the sickness absence reporting procedure) will not normally apply.

Unauthorised Absence/False Information

Unauthorised absence will be dealt with under the Disciplinary Procedure and could result in disciplinary action which may include dismissal.

The provision of any false information will be dealt with under our Disciplinary Procedure and could result in disciplinary action, which may include dismissal.

General Return to Work Arrangements

Phased returns

Where an employee returns to work on a part time basis following long-term sickness absence, with the expectation that they will be able to work their full contractual hours (or other such amended contractual hours as agreed) within a reasonable period of time, then, in accordance with medical advice provided by the Occupational Health doctor or the Fit for Work service, the following arrangements will normally be made in relation to pay:



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

1. Where the employee has exhausted their sick pay entitlement, the salary payment made will be based on the number of hours worked during the phased return.
2. Where the employee has not exhausted their sick pay entitlement, the employee will be paid in accordance with the number of hours worked, or the occupational sick pay entitlement that would be payable if the employee remained off work due to sickness absence, whichever is the greater amount.

If the employee returns to work with a Fit Note which states 'may be fit for work', the employee should notify their manager immediately. The advice on the note will be discussed together with any additional measures that may be needed to facilitate the employee's return to work, taking into account the doctor's advice.

Consideration will be given as to how the advice impacts the employee, the job, the workplace, service delivery, pupils and colleagues. The doctor's comments, any of the return-to-work tick boxes and any other action that could facilitate a return to work will be considered with due regard to the Equality Act 2010. Options may include:

- phased return to work;
- altered hours;
- amended duties;
- consideration of redeployment;
- workplace adaptations;
- other reasonable adjustments.

If a return to work is possible, the agreed action plan will be documented and implemented usually by the Headteacher, delegated Line Manager or appropriate Cover Manager.

If it is not possible to provide the support suggested by the doctor, the employee will remain on sick leave and will not normally need to return to their doctor to obtain a revised Fit Note unless this is required in the circumstances. A review date will be set.

Consideration will be given as to whether a risk assessment is required to ensure the health and safety of the employee in light of the reason for their ill health, for example a stress, ergonomic, menopausal or more general risk assessment may be required.

The employee may return to work before the expiry of a Fit Note without going back to see their doctor, even if their G.P has indicated that they need to assess them again. This will not breach the Trust's Employer's Liability Compulsory Insurance, providing a **suitable risk assessment** has taken place if required.



ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE

Monitoring Period following Informal Sickness Absence

After conducting a sickness absence meeting, the Headteacher, delegated Line Manager or appropriate Cover Manager will review or monitor the employee's attendance for a further period, normally this will be for a period of not less than one month and no longer than three months. Further meetings may take place during the monitoring period if there are further instances of sickness absence, including the initiation of formal absence procedures.

The Headteacher, delegated Line Manager or appropriate Cover Manager will:

- assess the employee's absence record and its impact;
- attempt to establish reasons for any on-going absence/s;
- offer any assistance to the employee (e.g., Occupational Health, Employee Assistance/Counselling);
- consider what, if any, measures might improve the employee's health and/or attendance with a view to supporting the employee and improving the employee's attendance record.

If the suggested support cannot be reasonably accommodated in order to facilitate the employee's return to work, a decision may be made to move to the formal part of the policy.

Where the Headteacher, delegated Line Manager or appropriate Cover Manager is of the view that the employee's attendance has not improved to an acceptable level after the review period, the Headteacher, delegated Line Manager or appropriate Cover Manager should inform the employee that the issue will:

- be referred to the formal procedure.
- if there are exceptional circumstances and it is appropriate to do so, extend the review period.



**ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST
EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE**

Details of Meeting

Key Points Discussed

Welcome and update, if necessary, on work events and changes

Reasons for Absence

Underlying medical condition?

The value of your contribution

The impact of absence on teaching and learning, service delivery and colleagues. How your work has been covered in your absence.

Are you fully recovered and able to resume full duties? Yes No

If your view is “no” then action plan should consider:

- Referral to Occupational Health (OH)
- Temporary adjustments which can reasonably be accommodated?



**ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST
EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE**

Action Plan

The objective is that attendance will be satisfactory to the employer. Is there anything we can do to improve your attendance, e.g., OH referral, counselling, a review of risk assessment, temporary or permanent reasonable adjustments to the workplace, working practices or working hours or training?

Is your absence in any way related to work?

Are you doing all you can to improve your attendance?

e.g., Act on medical advice, lifestyle choices, attention to work life balance, non-medical support e.g. counselling.

Fit note required for any period of absence during the monitoring period?

(see paras 3 and 6.7)

Yes No



**ST JOHN THE BAPTIST CATHOLIC MULTI ACADEMY TRUST
EMPLOYEE SICKNESS ABSENCE POLICY AND PROCEDURE**

Review

Attendance will be reviewed in:

1 month 2 months 3 months Date of review [Click here to enter a date.](#)

Please note that further absence during this period may, depending on the circumstances, mean that the review is held under Stage 1 of the formal procedure if appropriate.

[Copy of Sickness Absence Policy and Procedure has been provided and process explained.](#)

Yes Date: [Click here to enter a date.](#) No (must be provided and explained prior to a formal meeting)

Signature of Manager

Date

Signature of Employee

Date