OUR LADY OF LOURDES

Sickness Absence Policy and Procedure

Schools - Sickness Absence Policy and Procedure – England - September 2013 (updated May 2021 – with minor amendment May 2022)
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'In God, we are, we know, we act'

Validation grid

Title	Sickness Absence Policy and Procedure
Author	Barbara Costa and Catholic Education Service
Associate Author	
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Stake holders consulted	All staff
Curriculum / non curricular	Non Curricular
Associated Policies / Documents	Staff Absence Policy, Disciplinary Policy and Procedure, Capability Policy
New Policy or Review of existing policy.	Review
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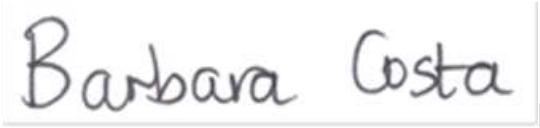
Headteacher  Barbara Costa

Chair of Governors Fiona Kerin

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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.

DEFINITIONS

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

i. 'Chair' means the Chair of the Governing Body as appointed from time to time.

ii. 'Clerk' means the Clerk to the Governing Body as appointed from time to time.

iii. 'Companion' means a willing work colleague, or a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member, who should be available for the periods of time necessary to meet the timescales under this Sickness Absence Policy and Procedure.

iv. 'Diocesan Schools Commission' means the education service provided by the diocese in which the School is situated, which may also be known, or referred to, as the Diocesan Education Service.

v. 'Governing Body' means the governing body of the School as constituted from time to time.

vi. 'Governors' means the governors appointed or elected to the Governing Body of the School, from time to time.

vii. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration.

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viii. 'School' means the school or college named at the beginning of this Sickness Absence Policy and Procedure and includes all sites upon which the School undertaking is, from time to time, being carried out.

ix. 'Vice-Chair' means the Vice-Chair of the Governing Body as elected from time to time.

x. '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.

xi. 'Working Week' means any week during which you would ordinarily work.

1. SCOPE

1.1 This Sickness Absence Policy and Procedure applies to you if you are an employee or worker at the School (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.

1.2 The purpose of this Sickness Absence Policy and 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 School 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.

1.3 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 Governors delegate their authority in the manner set out in this policy.

1.5 When implementing this policy and procedure, the Governors should have regard to the School'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. Where an employee is already subject to one of the School's policies there will not be any automatic delay or pause in the conduct of that policy as a result of an employee's

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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.

1.7 The School is committed to providing a supportive working environment for all employees. The School 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. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the School community.

1.8 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.

1.9 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.

1.10 The procedures contained in this Sickness Absence Policy and Procedure allow employees to raise mental health concerns in the knowledge that the School 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.

1.11 Consideration will be given to any difficulties which an employee may be facing, and the School will provide reasonable support and assistance to help the employee overcome them. Such support and assistance may include, where appropriate, the School seeking medical or other advice regarding the effective management of any sickness absence.

1.12 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.

2. GENERAL PRINCIPLES

The School will:

2.1 Never ignore sickness absence
2.2 Always monitor sickness absence
2.3 Ensure that short term absences do not go unnoticed
2.4 Take swift, supportive action if the absence is work related

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2.5 Keep accurate, up to date, employee attendance records
2.6 Handle attendance problems 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 Governors informed about the School'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 Policy and Procedure you and/or your line manager or the Headteacher will (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.

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 your attendance levels. This may include a referral to Occupational Health.

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 School 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 with regard to informing the School of the reason for your absence and to fulfil your obligations as 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 9 and 10.

4. EMPLOYEE'S OBLIGATIONS

Employees are expected to:

4.1 Attend work when fit to do so

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4.2 Comply with the School's sickness notification procedure

4.3 Seek medical advice and treatment and, 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 Headteacher, or nominated person (or where the absence relates to the Headteacher, the Chair), of any significant developments affecting the period of absence

4.6 Attend all medical appointments, (including Occupational Health appointments as required)

4.7 Inform the Headteacher (or where the absence relates to the Headteacher, the Chair) 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 As soon as you are aware that you will be absent from work, you must contact the School in accordance with the terms of your Contract of Employment and the Staff Handbook. 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.

5.2 You should contact the School personally and not ask third parties (such as members of your family or friends) to inform the School on your behalf. This is because the School cannot be certain of the identity of the third party and whether they are acting in your interests. In exceptional circumstances, where you are physically incapable of communicating with the School yourself, (for example due to being hospitalised in a state of concussion), it may be necessary for the School to rely on a third-party's explanation for your absence.

5.3 Brief details of the reason for your 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 School make appropriate cover arrangements. You should ensure that the School 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 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 may have received.

5.6 All staff are required to complete a self-certificate to cover every day of absence, including half days. A doctor's Statement of Fitness for Work (a "doctor's statement") must be provided by all staff and sent to the Headteacher 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

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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.

5.7 If more than one doctor's statement is required for any period of absence, you must keep the Headteacher, or nominated person, informed of developments on a weekly basis. The Headteacher, 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 School are fulfilled, to give you the opportunity to indicate if there are any ways in which the School 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 School.

5.8 The requirement that you maintain weekly contact during any period of sickness absence may be relaxed by the School if a doctor's statement indicates that such contact would hamper your return to work or your recovery or, alternatively, by agreement between you and the School.

5.9 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.

6. RETURN TO WORK DISCUSSIONS

6.1 After **every** absence your line manager (or other appointed person) will welcome you back to work within three Working Days of your return and discuss with you:

(a) the reasons for your absence;
(b) whether the appropriate notification was provided;
(c) your fitness to work; and
(d) whether there are any issues which require particular support from the School which may include a phased return to work, risk assessments or reasonable adjustments.

6.2 A record of this return to work discussion will 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 School during your absence.

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6.4 It is anticipated that a return to work discussion will 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 your 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.

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 Paragraphs 9 or 10, 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.

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 reasonable adjustments.

7. OCCUPATIONAL HEALTH REFERRAL

7.1 The School may, at any time it considers appropriate and with your consent, refer you to Occupational Health for an assessment of your health and:

(a) Its impact on your attendance at work
(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
(d) What reasonable steps the School could take to improve your health and/or attendance, particularly where the Occupational Health assessment concludes that the condition is work related.

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 School will have referred you for at least one Occupational Health assessment and will usually consider the most recent assessment.

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7.4 Notwithstanding Paragraph 7.3 above, if you decide not to engage in an Occupational Health referral the School will have no option but to proceed to make decisions without the benefit of medical advice.

8. 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:

Employee Level	***Absence Reviewer***	***Final Absence Reviewer***	***Appeal Manager (re Absence Letters)***	***Appeal Manager (re Dismissal)***
Headteacher	Chair or a non-staff Governor (other than the Vice-Chair) appointed by the Chair	Governors' Absence Panel appointed by the Vice-Chair	A non-staff Governor (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Governors' Appeal Panel, appointed by the Vice-Chair
Other Leadership Spine	Headteacher	Governors' Absence Panel appointed by the Chair	A non-staff Governor (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Governors' Appeal Panel appointed by the Vice-Chair
Other Teaching Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	Governors' Absence Panel appointed by the Chair	A non-staff Governor (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Governors' Appeal Panel appointed by the Vice-Chair
Other Support Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	Governors' Absence Panel appointed by the Chair	A non-staff Governor (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Governors' Appeal Panel appointed by the Vice-Chair

9. PERSISTENT INTERMITTENT ABSENCE

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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 can be 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.

Review Points

9.3 When the following review points are reached, the School 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:

(a) Sickness absence of 10 or more Working Days in any 12-month period, accrued over 3 or more periods of absence.

(b) Sickness absence of 6 or more Working Days in any 4-month period accrued over 2 or more periods of absence.

(c) Two periods of sickness absence of 4 or more Working Days in any 12-month period.

(d) 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), 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.

Review Points

10.2 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

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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.

11. FORMAL ABSENCE REVIEW MEETINGS

11.1 Where a Formal Absence Review Meeting is due to take place in accordance with Paragraphs 9.3 or 10.2 above, the School will appoint an Absence Reviewer in accordance with Paragraph 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' written 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:

(a) Provide details of your absences from work indicating the reasons given for the absence
(b) Provide details of any suggestions made by you or the School as to reasonable adjustments that could be made to your working arrangements with a view to reducing your absence or assisting your return to work
(c) Include copies of self-certificates, doctor's statements and all medical reports including those obtained from Occupational Health.

11.2 In the letter inviting you to the Formal Absence Review Meeting it will state that one of the possible outcomes of this Policy and Procedure could be the termination of your employment where this is appropriate.

11.3 At a Formal Absence Review Meeting you will have the opportunity to:

(a) Present any medical evidence you think is relevant
(b) Make reasonable suggestions with regard to managing your return to work including any phased return to work, flexible working, change or reduction of duties and/or working hours
(c) Make suggestions of other reasonable adjustments that could be made.

11.4 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.

11.5 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.

12. FORMAL RESPONSES

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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:

(a) 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.

(b) 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.

(c) Stage 1 Absence Letter

(i) 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.

(ii) 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.

(d) Stage 2 Absence Letter

(i) 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

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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.

(ii) 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 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.

12.2 Where a Final Absence Review Meeting is due to take place, the School 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.

12.3 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.

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 2 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 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 formal responses:

(a) Dismissal with Notice

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

(i) The total absence and pattern of absence
(ii) The available medical prognosis
(iii) Advice from Occupational Health
(iv) The reasons provided for the absence
(v) How long the employee has worked for the School
(vi) Is the job a key job? If so, how long can the School effectively function without the employee's contribution?
(vii) The additional demands the persistent intermittent absence has generated for other employees and the School
(viii) Whether other reasonable adjustments or flexible working have been considered
(ix) Whether other reasonable adjustments have been made and, if so, whether they were effective
(x) Whether adequate support was offered by the School.

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

(i) The available medical prognosis
(ii) Advice from Occupational Health
(iii) Is a complete recovery likely and, if so, when?
(iv) How long the employee has worked for the School
(v) Is the job a key job? If so, how long can the School effectively function without the employee's contribution?
(vi) The additional demands the absence has generated for other employees and the School
(vii) Whether alternative employment or a transfer is available, suitable and acceptable (with salary protection being considered on a case-by-case basis)
(viii) Whether ill-health retirement has been explored
(ix) Whether other reasonable adjustments or flexible working have been considered
(x) Whether other reasonable adjustments have been made and, if so, whether they were effective.

12.6 In a case where your employment is terminated, the Final Absence Reviewer will recommend to the Governing Body 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.

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12.7 In the event that your employment is terminated in accordance with Paragraph 12.5(a) above:

(a) If your contract of employment contains a garden leave clause the Governing Body may exercise that clause so that you are not required to attend the School 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
(b) If your contract of employment contains a payment in lieu of notice clause the Governing Body 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 within 5 Working Days of the date of the relevant letter.

12.9 You may appeal against a dismissal with notice by writing to the Clerk 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:

(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.

12.11 The fact of the appeal will not delay the commencement of any period of time covered by an Absence Letter or of any notice period.

12.12 Any appeal will 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.

12.13 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.

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

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Meeting (if you were not present at the Appeal Meeting where such oral evidence 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.

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 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.

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

13. GOVERNORS' PANELS

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

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

14. COMPANION

14.1 You may be accompanied by a Companion at any return to work discussion, informal discussion, Formal Absence Review or Final Absence Review and at any subsequent Appeal Meeting.

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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, you can also be accompanied by a suitable helper.

14.4 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.

14.5 Your Companion can also confer with you during the meeting.

14.6 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.

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 School to a date and 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 Sickness Absence Policy and Procedure will be held at mutually convenient times, but depending on the circumstances, meetings may:

(a) need to be held when you were timetabled to teach (if that is appropriate to your role);
(b) exceptionally be held during planning, preparation and administration time if this does not impact on lesson preparation (if that is appropriate to your role);
(c) exceptionally be held after the end of the School day;
(d) not be held on days on which you would not ordinarily work;
(e) 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 manager will make a decision on the evidence available.

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16. VENUE AND CONDUCT OF MEETINGS

The relevant Reviewer or Manager can hold the meeting off the School 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.

17. ASSISTANCE

In all cases involving the Headteacher or a person on the leadership spine, or the potential or actual dismissal of any other member of staff, the Diocesan Schools Commission and/or the Local Authority 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 School's Disciplinary Policy and Procedure and could result in disciplinary action which may include dismissal.

18.2 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.

19. REVIEW OF THIS PROCEDURE

This procedure produced by the Catholic Education Service (CES) for use in Catholic Voluntary Aided Schools in England, was produced 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 schools subject to the approval of the CES on referral by the relevant Catholic diocese.

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