

**THE BLESSED EDWARD BAMBER CATHOLIC MULTI ACADEMY TRUST  
 SICKNESS ABSENCE POLICY AND PROCEDURE**

**1. SCOPE OF PROCEDURE**

- 1.1 This procedure shall apply to all employees employed by the Blessed Edward Bamber Catholic Multi Academy Trust.
- 1.2 This procedure is designed to establish a framework for the effective management of staff sickness absence taking into account both the welfare of employees and the requirements of the Trust to deliver an effective education to its pupils. It aims to enhance the delivery of education through improved cost efficiency.
- 1.3 The Trust delegates its authority in the manner set out in this procedure.
- 1.4 For the avoidance of doubt, this policy may be used concurrently with the Capability Policy and Procedure and the Disciplinary Policy and Procedure.
- 1.5 In this policy "working day" means any day on which you would ordinarily work. In other words it may be different for teaching and non-teaching staff. It will be different for full-time and part-time employees.

**2. GENERAL PRINCIPLES**

The Trust is committed to:

- 1.1 Never ignoring sickness absence
- 1.2 Always monitoring attendance
- 1.3 Ensuring that short term absences do not go unnoticed
- 1.4 Taking swift action if the absence is work related
- 1.5 Keeping accurate, up to date, employee attendance records
- 1.6 Recording disability-related and pregnancy-related absence separately from sickness absence
- 1.7 Developing and maintaining an atmosphere that encourages people to come to work
- 1.8 Dealing with each person as an individual
- 1.9 Handling attendance problems promptly and sensitively, in a supportive manner
- 1.10 Treating all staff fairly and consistently
- 1.11 Being kept informed about the sickness absence rates
- 1.12 Seeking support and advice from its HR provider and where appropriate, the Diocesan Schools Commission as appropriate

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**3. YOUR OBLIGATIONS**

You are expected to:

- 1.1 Comply with the Trust's sickness notification procedure.
- 1.2 Ensure medical advice and treatment, where appropriate, is received and actioned as quickly as possible, in order to facilitate a return to work
- 1.3 Take and follow the medical advice and treatment offered
- 1.4 Keep in regular touch (consistent with your medical condition) and inform the Headteacher, or nominated person, of any significant developments affecting the period of absence.
- 1.5 Attend medical appointments promptly

**4. SICKNESS NOTIFICATION PROCEDURE**

- 1.1 You must contact the Academy in accordance with your Contract of Employment (and for the Staff Handbook or equivalent document).
- 1.2 Brief details of the reason for absence and, if possible, some indication of a 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.
- 1.3 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.
- 1.4 If you are still unfit for work after three successive working days you must once again contact the Headteacher or nominated person on the fourth day as to the likely duration of the absence.
- 1.5 The Conditions of Service for Teachers in England and Wales (the Burgundy Book) stipulate 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.
- 1.6 A doctor's Statement of Fitness for Work must be provided by all staff where sickness absence lasts beyond 7 calendar days.
- 1.7 The doctor's statement must be forwarded to the Headteacher, or nominated person, to reach them on or before the eighth day of absence.
- 1.8 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. This is to ensure that the educational needs of the Academy/Trust are fulfilled and to give you the opportunity to indicate if there are any ways in which the Trust can support you and to give you the opportunity (if you wish it) to be kept up to date with developments in the Academy/Trust.
- 1.9 The requirement for weekly contact may be relaxed by the Trust if a doctor's Statement of Fitness for Work indicates that such contact would hamper your return to work. However, this must be by agreement between you and your Headteacher along with suitable alternative communication arrangements.

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**5. RETURN TO WORK DISCUSSIONS**

- 1.1 After **every** absence your line manager must discuss with you:
  - 1.1.1 the reasons for your absence
  - 1.1.2 the appropriate notification has been completed
  - 1.1.3 your fitness to work and
  - 1.1.4 whether there are any issues which require particular support from the Academy/Trust.
- 1.2 A record of this return to work discussion should be placed on your personnel file.
- 1.3 Your line manager may use the return to work discussion as an opportunity to bring you up to date with developments within the Academy/Trust during your absence.
- 1.4 Because of the nature of the medical condition you may prefer not to discuss the reasons for absence with your line manager and in that case you may hold the return to work discussion with a member of the Senior Leadership Team.

**6. OCCUPATIONAL HEALTH REFERRAL**

- 1.1 The Trust may at any time it considers appropriate refer you to Occupational Health for an assessment of:
  - (a) Your health
  - (b) Its impact on your attendance at Academy
  - (c) Its impact on your fitness to perform the duties required by your employment
  - (d) Its impact on your ability to attend formal meetings or interviews under any other procedure.
  - (e) What steps the Academy/Trust could take to improve your health and/or attendanceand you are expected to cooperate with such referrals.
- 1.2 Should you decide not to engage with the Occupational Health referral the Academy/Trust may proceed to make decisions without the benefit of medical advice.
- 1.3 Before making any decision to dismiss on notice under this Sickness Absence Policy and Procedure, the Academy/Trust will have referred you for at least one occupational health assessment relating to the current reason for absence..

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**7. ABSENCE REVIEWER, FINAL ABSENCE REVIEWER AND APPEAL MANAGER**

<b><i>Employee Level</i></b>	<b><i>Absence Reviewer</i></b>	<b><i>Final Absence Reviewer</i></b>	<b><i>Appeal Manager (re Written Warnings)</i></b>	<b><i>Appeal Manager (re Dismissal)</i></b>
CEO/Executive Director	Chair of the Board or another Board member nominated by the Chair of the Board	Chair of the Board	Trust Panel	Trust Appeal Panel,
Headteacher	CEO/Executive Director	CEO/Executive Director	Trust Panel	Trust Appeal Panel
Other Leadership Spine	Headteacher	Headteacher	CEO/Executive Director	CEO/Executive Director
Other Teaching and Support Staff	A member of the Leadership Team (other than the Headteacher) as appointed by the Headteacher	Headteacher	CEO/Executive Director	CEO/Executive Director

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**8. INTERMITTENT PERSISTENT ABSENCE**

- 1.1 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 unconnected.
- 1.2 Continuity of education for pupils is disrupted by frequent staff absence, notwithstanding the reasons behind the absence. It can only be addressed effectively through proper monitoring systems and effective management action.

**Triggers**

- 1.3 Head teachers/nominated person are responsible for monitoring sickness absence levels with reference absence management information together with information from RTW discussions, and are accountable for determining when further consideration of an employee's absence record is necessary. Whilst each case of sickness absence should be considered individually, the following triggers will normally lead to a Formal Absence Review Meeting. Triggers for part-time staff will be pro-rata.
  - 1.1.1 Sickness absence of 10 or more working days in any 12 month period, **OR** 4 or more separate periods of sickness absence, during the course of a 12 month period.
  - 1.1.2 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

The trigger points are intended to provide clear guidelines on handling recurrent absence to ensure fairness and consistency, however, the Head teacher/nominated person should treat each individual case on its merits and where the reasons for recurrent absences are legitimate and are known to be temporary it may be appropriate to defer any action until the specific issue is resolved. i.e. problematic but short term medical condition such as tonsillitis where an operation is pending.

**9. FORMAL ABSENCE REVIEW MEETINGS**

Instances of both intermittent and long term absences will not be treated separately or regarded as being exclusive of one another. Both may be considered together in determining whether to hold a formal absence review meeting and will be considered by the Absence Reviewer in deciding what action to take.

**9.1 INTERMITTENT ABSENCE REVIEW MEETINGS**

At least 5 working days before a formal Absence Review Meeting, the Absence Reviewer shall send you an Absence Report:

- 1.1.1 Setting out your absences from work indicating the reasons given for the absence
- 1.1.2 Setting 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
- 1.1.3 Including copies of self-certificates, Statements of Fitness to Work from your doctor and all medical reports including those from Occupational Health.

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

- 1.1.1 Present any medical evidence in your possession
- 1.1.2 Make suggestions about managing your return to work, including any phased return to work or change in hours
- 1.1.3 Make suggestions of other reasonable adjustments that could be made

### 9.2 FORMAL INTERMITTENT ABSENCE RESPONSES

The Absence Reviewer may (in addition to making an occupational health referral) undertake the following responses:

#### 1.1.1 Propose reasonable adjustments to working arrangements

These will vary on a case by case basis depending on the medical condition identified.

#### 1.1.2 Issue a First Written Caution (Stage 1)

1.1.1.1 In the context of a persistent intermittent absence this is a caution that if you are absent from work for five or more days or three occasions in either of the next two six month periods you will be at risk of a Final Written Caution.

1.1.1.2 The employee should be informed that attendance is continuously monitored.

1.1.1.3 After 12 months from the initial Stage 1 meeting should the employee continue to meet targets set then attendance procedure will cease.

#### 1.1.3 A Final Written Caution (Stage 2)

1.1.1.1 In the context of a persistent intermittent absence this is a caution that if you are absent from work for two or more days in either of the next two six month periods you will be at risk of a dismissal.

1.1.1.2 The employee should be informed that attendance is continuously monitored.

1.1.1.3 After 12 months from the initial Stage 2 meeting should the employee continue to meet targets set then attendance procedure will cease.

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1.2 The Final Absence Reviewer may undertake the following response:

1.1.1 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
- (b) The available medical prognosis
- (c) Advice from occupational health
- (d) The reasons advanced for the absence
- (e) How long can the Academy/Trust effectively function without that contribution.
- (f) What additional demands has the persistent intermittent absence generated for other employees and the Academy/Trust
- (g) Whether other reasonable adjustments have been considered
- (h) Whether other reasonable adjustments have been made and if so whether they were effective

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**10. LONG TERM ABSENCE**

Long-term absence is where an employee is absent from work for a considerable number of weeks or months as the result of an ongoing health problem. It can normally be distinguished from frequent intermittent absence, in that it tends to be continuous and usually can be traced to an underlying medical condition.

Where there is substantive medical evidence that an employee has a degenerative disease or potentially terminal illness advice should be sought from the CEO/Executive Director, at an early stage, as to whether these procedures should be suspended or alternative additional sensitivity built in.

**Trigger**

An absence lasting 4 working weeks or more will lead to a Formal Absence Review Meeting.

10.1 LONG TERM ABSENCE REVIEW MEETINGS

- 1.1 Instances of both short and long term absences will not be treated separately or regarded as being exclusive of one another. Both may be considered together in determining whether to hold a formal absence review meeting and will be considered by the Absence Reviewer in deciding what action to take.
- 1.2 At least 5 working days before a formal Absence Review Meeting, the Absence Reviewer shall send you an Absence Report:
  - 1.1.1 Setting out your absences from work indicating the reasons given for the absence
  - 1.1.2 Setting 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
  - 1.1.3 Including copies of self-certificates, Statements of Fitness to Work from your doctor and all medical reports including those from Occupational Health.
- 1.2 At a formal Absence Review Meeting you will have the opportunity to:
  - 1.1.1 Present any medical evidence in your possession
  - 1.1.2 Make suggestions about managing your return to work, including any phased return to work or change in hours
  - 1.1.3 Make suggestions of other reasonable adjustments that could be made

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**10.2 LONG TERM ABSENCE FORMAL RESPONSES**

The Absence Reviewer may (in addition to making an occupational health referral) undertake the following responses:

**1.1.1 Propose reasonable adjustments to working arrangements**

These will vary on a case by case basis depending on the medical condition identified.

**1.1.2 Issue a First Written Caution (Stage 1)**

1.1.1.1 In the context of a long term sickness absence this is a caution that if you are not fully back to work within between 4-12 working weeks there will be a further Formal Absence Review Meeting. The precise number of working weeks will be set by reference to the available medical evidence.

1.1.1.2 The employee should be informed that attendance is continuously monitored and if further action is triggered under this policy within the following 6 months, such action will begin at Stage 2 of the procedure.

1.1.1.3 After 12 months from the initial Stage 1 meeting should the employee continue to meet targets set then the attendance procedure will cease. However, if the triggers are hit again then this procedure will continue.

**1.1.3 A Final Written Caution (Stage 2)**

1.1.1.1 In the context of long term sickness absence this is a caution that if you are not fully back to work within between 4-12 working weeks you will be referred to the Final Absence Reviewer which could lead to termination of employment. The precise number of working weeks will be set by reference to the available medical evidence.

1.1.1.2 The employee should be informed that attendance is continuously monitored and if further action is triggered under this policy within the following 12 months, such action will begin at the Final Absence Stage of the procedure.

1.1.1.3 After 12 months from the Stage 2 meeting should the employee continue to meet targets set then attendance procedure will cease. However, if the triggers are hit again then this procedure will continue.

1.2 The Final Absence Reviewer may undertake the following response:

**Dismissal with Notice**

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

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- (c) Is complete recovery likely and, if so, when.
- (d) How long can the Trust effectively function without that contribution.
- (e) What additional demands has the absence generated for other employees and the Trust
- (f) Whether alternative employment or a transfer is available, suitable and acceptable
- (g) Whether ill-health retirement has been explored.
- (h) Whether other reasonable adjustments have been considered
- (i) Whether other reasonable adjustments have been made and if so whether they were effective

**11. APPEALS**

- 1.1 You may appeal against a written caution by writing to the Clerk to the Board within 5 working days of being sent a caution.
- 1.2 You may appeal against a dismissal on notice by writing to the Clerk to the Board within 10 working days of being sent the notification of termination.
- 1.3 The fact of the appeal does not delay the commencement of any period under any caution or of any notice period.
- 1.4 If your contract contains a payment in lieu of notice clause the Trust may exercise that clause to bring your contract to an end with immediate effect.
- 1.5 Any appeal should normally be heard within 20 working days of the Trust receiving your appeal.

**12. TRUST PANELS**

- 1.1 Trust Absence and Appeal Panels shall comprise three members not previously involved in the matter .
- 1.2 In the event that there are insufficient numbers of Trust Members available to participate in a Panel, the Chair of the Board may appoint associate members to solely participate in the appropriate Panel, taking advice as necessary from the Diocesan Schools Commission.

**13. COMPANION**

- 1.1 If you are the subject of any formal absence review meeting, you may be accompanied by a companion who must be either a willing work colleague not involved in the substance of absence issues related to you or an accredited trade union representative of a union recognised by the Trust.
- 1.2 You must let the relevant Reviewer or Manager know who your companion will be at least one working day before the relevant meeting.
- 1.3 If you have any particular need, for example, a disability, you can also be accompanied by a suitable helper.
- 1.4 Your companion can address the meeting in order to:

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- (a) put your case
- (b) sum up your case
- (c) respond on your behalf to any view expressed at the meeting.

- 1.5 Your companion can also confer with you during the meeting.
- 1.6 Your companion has no right to answer questions on your behalf, or to address the meeting if you do not wish it, or to prevent you from explaining your case.
- 1.7 Where you have identified your companion to the relevant Reviewer or Manager and your companion has 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 Trust to a date or time agreed with your companion provided that it is reasonable.

### 14. TIMING OF MEETINGS

Meetings under this procedure may:

- 1.1 need to be held when you were timetabled to teach.
- 1.2 exceptionally be held during planning preparation and administration time if this does not impact on lesson preparation.
- 1.3 be held after the end of the Academy day.
- 1.4 not be held on days on which you would not ordinarily work.

### 15. VENUE FOR MEETINGS

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

### 16. ASSISTANCE

In all cases involving any cautions in relation to the CEO/Executive Director, the 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.

### 17. REVIEW OF THIS PROCEDURE

This procedure was first produced in September 2014 and follows the principles set out in the Catholic Education Service (CES) policy and procedure for use in Catholic Voluntary Aided Schools and Academies in England. It will be kept under regular review and any proposed changes will be the subject of consultation with the recognised trade unions.

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