SICKNESS ABSENCE POLICY AND PROCEDURE

This Sickness Absence Policy and Procedure has been approved and adopted by the Xavier Catholic Education Trust in January 2026 and will be reviewed by January 2028.

Committee Responsible: HR

Xavier Catholic Education Trust Mission Statement

To inspire, nurture and fulfil the calling of every person we encounter and the potential of every school we serve; growing together in faith, hope and love.

Everything we do in Catholic education is to help ensure that every child we teach and every person we work with has the opportunity to realise their own calling and become the best version of themselves. Our aim is to enable potential with the highest-quality provisions, to go out into the world and make our unique contribution for the greater good of all God's people here on Earth.

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. '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 as appointed from time to time.

v. 'Clerk' means the Clerk to the Board as appointed from time to time.

vi. '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.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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

viii. 'Directors' means directors appointed to the Board from time to time.

ix. 'Headteacher' means the most senior teacher in the Academy who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Principal.

x. 'Vice-Chair' means the Vice-Chair of the Board as elected from time to time.

xi. '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.

xii. '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 Xavier Catholic Education Trust and all schools within Xavier. (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 Xavier Catholic Education Trust 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 Xavier Catholic Education Trust delegates its authority in the manner set out in this policy.

1.5 When implementing this policy and procedure, the Academy Trust Company should have regard to the Xavier Catholic Education Trust's Health and Safety Policy and Procedure in relation to any overlapping health and safety consideration(s) that may arise.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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 Xavier Catholic Education Trust 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 the case where the absence relates to the Headteacher, the Headteacher and the CEO/ Deputy CEO, 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 CEO (as appropriate) and their decision shall be final.

1.7 The Xavier Catholic Education Trust is committed to providing a supportive working environment for all employees. The Xavier Catholic Education Trust is also committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Xavier community which includes all of the academies in the Xavier Catholic Education Trust

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 Xavier Catholic Education Trust will provide appropriate support when the employee seeks help. Employees experiencing mental health challenges will have access to appropriate reasonable adjustments, phased returns and Occupational Health referrals as set out in this Sickness Absence Policy and Procedure.

1.11 Consideration will be given to any difficulties which an employee may be facing, and the Xavier Catholic Education Trust will provide reasonable support and assistance to help the employee to overcome them. Such support and assistance may include, where appropriate, the Xavier Catholic Education Trust 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.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

2. GENERAL PRINCIPLES

The Xavier Catholic Education Trust 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
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 the Trust and school's sickness absence rate under review
2.12 Seek support and advice from its HR team, 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 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 CEO/ Deputy CEO.

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 Xavier Catholic Education Trust is not procedurally required to implement an informal approach to investigating the reason for your absence although the Xavier Catholic Education Trust acknowledges that it is good practice to do so, and it will expect an informal approach to be followed in the majority of cases. It is your responsibility to follow the appropriate procedure with regard to informing the Xavier Catholic Education Trust 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

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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

4.2 Comply with the Xavier Catholic Education Trust / 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 CEO/ Deputy CEO), 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 CEO/ Deputy CEO) 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 Xavier Catholic Education Trust or your school in accordance with the terms of 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. **Notification should be direct to the nominated person in the school by telephone before 7.15am on the day of any absence**

5.2 You should contact the Xavier Catholic Education Trust or your school personally and not ask third parties (such as members of your family or friends) to inform the Trust or your school on your behalf. This is because the Xavier Catholic Education Trust 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 Xavier Catholic Education Trust / your school yourself, (for example due to being hospitalised in a state of concussion), it may be necessary for the Xavier Catholic Education Trust /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 Xavier Catholic Education Trust / school make

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

appropriate cover arrangements. You should ensure that the Xavier Catholic Education Trust / 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 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 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 for 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 Xavier Catholic Education Trust / School are fulfilled, to give you the opportunity to indicate if there are any ways in which the Xavier Catholic Education Trust / 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 Xavier Catholic Education Trust / School.

5.8 The requirement that you maintain weekly contact during any period of sickness absence may be relaxed by the Xavier Catholic Education Trust 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 Xavier Catholic Education Trust .

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 and Xavier Catholic Education Trust contracts and Pay policy or contact your HR lead at Xavier Catholic Education Trust/ School.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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 Academy Trust Company 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 Xavier Catholic Education Trust during your absence.

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 Paragraphs 9 or 10 a return to work discussion will still be held and the employee will be told in this discussion to expect an invitation to a Formal Absence Review Meeting.

6.8 If you have been absent for a long period, it may be appropriate to arrange for a return to work discussion to take place before the day of your return. A phased return to work may be planned in this meeting along with any reasonable adjustments.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

7. OCCUPATIONAL HEALTH REFERRAL

7.1 The Xavier Catholic Education Trust may, at any time it considers appropriate, 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 Xavier Catholic Education Trust / 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. You will be informed when an Occupational health referral is being made.

7.3 Before making any decision to dismiss you on notice under this Sickness Absence Policy and Procedure the Xavier Catholic Education Trust will have referred you for at least one Occupational Health assessment and will usually consider the most recent assessment.

7.4 Notwithstanding Paragraph 7.3 above, if you decide not to engage in an Occupational Health referral the Xavier Catholic Education Trust 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	CEO/ Deputy CEO	Directors' Absence Panel appointed by the Vice-Chair	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Directors' Appeal Panel, appointed by the Vice-Chair

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

Other Leadership Spine	Headteacher	CEO/ Deputy CEO	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Teaching Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	CEO/ Deputy CEO	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Vice- Chair	Directors' Appeal Panel appointed by the Vice-Chair
Other Support Staff	Headteacher or a sufficiently senior member of staff appointed by the Headteacher	CEO/ Deputy CEO	A non-staff Director (other than the Chair or Vice-Chair) appointed by the Vice-Chair	Directors' Appeal Panel appointed by the Vice-Chair

9. PERSISTENT INTERMITTENT ABSENCE

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

9.2 Managerial problems 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 Xavier Catholic Education Trust will consider whether a Formal Absence Review Meeting is required. Decisions will be taken on an individual basis and a Formal Absence Review Meeting will not take place automatically as soon as a review point is reached, it may also be appropriate in some cases to hold a Formal Absence Review Meeting prior to a review point being reached:

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

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

(b) Sickness absence of 6 or more Working Days in any term accrued over 2 or more periods of absence.

(c) 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 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 Xavier Catholic Education Trust 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 Academy Trust Company 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/ return to work, 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.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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

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) <u>No action is required</u>

The Absence Reviewer may conclude that no action is required, and no further action will be taken pursuant to this Policy and Procedure.

(b) <u>Reasonable adjustments to working arrangements</u>

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) <u>Stage 1 Absence Letter</u>

(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

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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 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 Academy Trust Company 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

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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 the Final Absence Review Meeting should be provided to the Final Absence Reviewer at least two Working Days prior to the meeting.

12.4 A Final Absence Review Meeting may be adjourned if further information is required by the Final Absence Reviewer. You will be given at least 5 Working Days' written notice of any reconvened meeting and you should provide any evidence you wish to present at any reconvened meeting at least two Working Days prior to the meeting.

12.5 The Final Absence Reviewer will send you a copy of the notes of the Final Absence Review Meeting and will confirm the outcome 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) <u>Dismissal with Notice</u>

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 Xavier Catholic Education Trust / School
(vi) Is the job a key job? If so, how long can the Xavier Catholic Education Trust / School effectively function without the employee's contribution?
(vii) The additional demands the persistent intermittent absence has generated for other employees of the Xavier Catholic Education Trust / 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 Xavier Catholic Education Trust/ 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 Xavier catholic Education Trust/ School.
(v) Is the job a key job? If so, how long can the Xavier Catholic Education Trust / School effectively function without the employee's contribution?

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

(vi) The additional demands the absence has generated for other employees of the Xavier Catholic Education Trust/ School.

(vii) Whether alternative employment or a transfer is available, suitable and acceptable (with salary protection 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 Xavier Catholic Education Trust that your employment is terminated in accordance with your contract of employment. The decision will be ratified for implementation purposes only by the Board or by the Chair, Vice-Chair or another non-staff Director acting under delegated authority from the Board. The ratifying body or Director will not review or reconsider the Final Absence Reviewer's decision, in order to ensure that a Directors' Appeal Panel can be convened if necessary. Appropriate alternatives to dismissal will always be considered by the Final Absence Reviewer and discussed with you.

Ratification of dismissal decision

Where the Final Absence Reviewer determines that dismissal with notice is appropriate, the Board delegates to the Chair of the Board, or where the Chair is unavailable or has a conflict of interest, to the Vice-Chair or another non-staff Director nominated by the Board, the authority to ratify the Final Absence Reviewer's decision for implementation purposes only.

This delegation is made pursuant to Article 105C of the Articles of Association and is subject to Articles 105A and 105B. The delegated ratifying Director shall not review, reconsider or reach any view on the merits of the Final Absence Reviewer's decision, the evidence considered, the findings reached, the reasonableness of the decision, or the proportionality of dismissal. The delegated ratifying Director's role is limited to authorising the contractual and administrative steps required to give effect to the decision, including approval for the outcome letter to be issued.

The delegated ratifying Director shall not be appointed to any Directors' Appeal Panel in relation to the same matter. The exercise of this delegated authority shall be reported to the next meeting of the Board under Chair's action or delegated action, without disclosure of unnecessary personal or medical information, in order to preserve the independence of any Directors' Appeal Panel.

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 Xavier Catholic Education Trust may exercise that clause so that you are not required to attend the Xavier Catholic

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

Education Trust/ 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 Xavier Catholic Education Trust may exercise that clause to bring your contract to an end with immediate effect.

12.8 You may appeal against a Stage 1 Absence Letter or a Stage 2 Absence Letter by writing to the Clerk 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 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.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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. DIRECTORS' PANELS

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

13.2 In the exceptional event that there are insufficient numbers of Directors available to participate in a Directors' Absence or Appeal Panel, the Academy Trust Company may appoint associate members solely to participate in the appropriate Directors' 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.

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.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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 Academy Trust Company 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 Academy 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.

16. 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

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY

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 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 Academy Trust Company'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 Academy Trust Company'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 Academies in England, was produced in September 2013, updated in June 2016, May 2018 and May 2021 following consultation with the national trade unions. It may be adapted, as appropriate, for use in joint Church academies subject to the approval of the CES on referral by the relevant Catholic diocese.

© The Catholic Education Service

THIS POLICY DOES NOT CREATE CONTRACTUAL OBLIGATIONS ON THE ACADEMY