

**Sickness Absence Policy Review 2020/2021 – Outline of Changes**

Revised sickness absence policies for school and academy staff have now been published on the CES website. The policies underwent a thorough review process including updating for changes in the law and practice, consultation with National Trade Union Representatives, and then subsequent amendment before final publication.

The table below provides an outline of the key changes that have been made to the policies. It does not list every change that has been made and it is not a substitute for reading the new policies carefully. The first part of the table covers changes that apply to the policies generally and includes changes to the policy for school staff. All paragraph numbers listed are the paragraph numbers in the Schools – England – model policy. The second section covers changes that apply only to specific versions of the policies, these changes have generally been made alongside the changes listed in the first part of the table.

It should be noted that the policies are models. In response to feedback, they are available in fully amendable word format and schools should take appropriate legal and/or HR advice where substantive changes to the models are made. Schools should also engage in local consultation before any revised policy is adopted and issued to staff. The sickness absence policy has been provided now so that it can be consulted on ready for use from the start of the 2021/22 academic year.

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| **Change** | **Comment** |
| New notes to users have been inserted to explain the requirements for consultation and to make it clear that the policy must be operated fairly. A commitment to equality has also been included. | The purpose of the notes is to explain how the document should be used and to make the local consultation requirements clear. The commitment to equality statement enshrines in the policies the principles which should underpin the management of sickness absence in a Catholic context.  |
| The definition of Companion has changed. | This definition now includes explicit reference to a trade union official in order to follow the appropriate legislation. |
| The definition of Headteacher has changed.  | The previous definition was somewhat unclear, and the definition has been amended to rectify that. |
| All references to School Days/School Week have been replaced by Working Day and Working Week and where there was no definition of School Days and School Week, Working Day and Working Week has been inserted. | This change has been made to provide consistency across the model policies. It will also make it easier for the employee and employer to establish what the appropriate timescales are for the various stages of the sickness absence process.  |
| All references to “triggers” have been replaced with “review points”. | This change was made following consultation with national trade union representatives. It seeks to better reflect the purpose of this element of the policies and to make the wording more supportive to employees. It should be noted that wording has also been included to confirm that formal meetings do not always need to be held if a review point is reached and that each case will be looked at on an individual basis. Similarly, flexibility is provided so that if absence is considered an issue but a review point has not necessarily been reached a formal meeting can still be held.  |
| In paragraph 1.1 we have added “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.” | This paragraph has been added to reflect the balance between the contractual expectation of attendance at work and the reality that ill health may result in absence from work.  |
| In paragraph 1.3 reference to the Data Protection Act 2018 has been included. | This now makes it clear that it is not just GDPR that applies but also the Data Protection Act 2018. |
| In paragraph 1.6 we have added “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 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 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.” | This paragraph clarifies how other policies or procedures should continue to function when occurring concurrently with use of the sickness absence policy and procedure. This change was made following consultation with national trade union representatives and it follows the wording in the other model policies. |
| In paragraph 1.7 we have added “The school is committed to providing a supportive working environment for all employees”.  | This addition has been made to emphasise the School’s commitment to employee support and treating individuals with dignity in accordance with Catholic Social Teaching.  |
| In paragraph 1.9 we have added “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.” | This paragraph clarifies the commitment to comply with the legal requirements to make reasonable adjustments for those with disabilities. It also clarifies that the procedure may be modified to reflect certain situations and that modifications will be discussed and recorded.  |
| In paragraph 1.10 we have added “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.” | This change has been made following consultation with national trade union representatives. It seeks to integrate mental health support into the policy.  |
| In paragraph 1.11 we have added “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.” | This change has been made following consultation with national trade union representatives. It seeks to reinforce the supportive nature of the policy. |
| In paragraph 1.12 we have added “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.” | This change was made following consultation with national trade union representatives.  |
| In paragraph 2.8 we have added “Ensure that employee wellbeing is monitored and that an atmosphere is developed in which employee wellbeing is given due importance”.  | This change was made following consultation with national trade union representatives. It seeks to incorporate reference to wellbeing into the policy and to make the policy more supportive.  |
| In paragraph 3.1 we have added “with a view to facilitating your attendance at work and providing assistance and support where necessary”. | This change was made in order to emphasise the purpose of the informal approach. |
| In paragraph 3.2 we have added “This may include a referral to Occupational Health”.  | This change was made following consultation with national trade union representatives.  |
| In paragraph 3.3 we have added “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.” | This change was made following consultation with national trade union representatives who asked that a timescale for improvement/review be included and that more information be provided as to the process for informal support. |
| In paragraph 3.4 we have added “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 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”.  | This change was made following consultation with national trade union representatives. The new wording confirms that it is good practice and, in fact, that Governing Bodies will expect an informal approach to be followed. The reference to absence reviewed informally counting towards review points seeks to add clarity for employers and employees. |
| In paragraph 4.6 we have added “(including Occupational Health appointments as required)”. | This has been included as part of a number of changes to integrate the role of Occupational Health into the Policy and Procedure. The purpose of which is to facilitate the wellbeing of the employee. These changes were made following consultation with national trade union representatives. |
| In paragraph 5.1 we have added “as soon as you are aware that you will be absent from work”, and “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. [INCLUDE ANY SPECIFIC REPORTING REQUIREMENTS HERE IF THEY ARE NOT FOUND ELSEWHERE]”.  | This paragraph seeks to clarify the expectations about notification of sickness absence, what will happen if notification is not provided and an opportunity to include local provisions/practices relating to notification.  |
| In paragraph 5.3 we have added “You should ensure that the School is kept informed of your expected return to work date”. | This wording has been included to clarify the expectations about communicating expected return dates.  |
| In paragraph 5.5 we have inserted “may”. | This change was made following consultation with national trade union representatives. It acknowledges that there is no legal requirement to seek medical advice until the period of self-certification ends.  |
| In paragraph 5.6 we have added “[INSERT HERE DETAILS OF ANY SELF-CERTIFICATION DOCUMENTS THAT THE SCHOOL REQUIRES THE EMPLOYEE TO COMPLETE FOR EACH DAY OF ABSENCE IF APPLICABLE].” We have also added “(when counting days for this purpose Saturdays and Sundays are included). A doctor’s statement is advisory, and its contents will be considered carefully when determining what action to take pursuant to this Sickness Absence Policy and Procedure. Where a doctor’s statement indicates that you are fit to work but with adjustments, you will be asked to meet with the Headteacher, your line manager or other nominated person to discuss what adjustments can be made. Where it is not possible to make any of the suggested adjustments, you will remain on sickness absence until it is possible to make the adjustments or until adjustments are no longer required.” | This change was made following consultation with national trade union representatives. This paragraph allows for the inclusion of local practices on self-certification documents. It also clarifies the process when a doctor’s statement indicates that work with adjustments may be possible.  |
| In paragraph 5.9 we have added “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. [Support staff employed pursuant to the terms of the Green Book should also note the requirement to sign a statement detailing the reasons for absence for all absences up to and including seven days]. [INCLUDE THE WORDING IN BRACKETS IF THIS PROCEDURE IS NOT SET OUT ELSEWHERE].” | This paragraph has been included to clarify where staff should look for further information in relation to entitlements to sick pay.  |
| In paragraph 6.1 we have added “within three Working Days of your return”.  | This change was made following consultation with national trade union representatives. The change introduces a clear timescale within which a return to work meeting will occur.  |
| In paragraph 6.1(d) we have added “which may include a phased return to work, risk assessment or reasonable adjustments”. | This change was made following consultation with national trade union representatives.  |
| In paragraph 6.2 we have added “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”.  | This addition has been made in order to make it clear that the employee will have an opportunity to provide written comments on the record of the return to work discussion.  |
| In paragraph 6.5 we have added “if you have any preference in relation to the identity 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.” | This addition was made to ensure that reasonable requests from employees are supported. It is acknowledged that upholding these requests may result in a better dialogue with the employee and overall better outcomes for all parties. This change was made following consultation with national trade union representatives. |
| In paragraph 6.6 we have added “all return to work discussions will be supportive and will seek to address any issues that might lead to future absence”. | This paragraph has been added to highlight that the priority in return to work discussions is providing the employee with support.  |
| In paragraph 6.7 we have added “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.” | This wording was added to make the process clearer. |
| In paragraph 6.8 we have added “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.” | This paragraph was added to reflect that where steps such as phased return are required it is not practical to have the return to work meeting after the return as the terms of phased return would need to be discussed in advance.  |
| In paragraph 7.1(c) we have removed reference to the handbook.  | This change was made following consultation with national trade union representatives.  |
| In paragraph 7.2 we have added “[INCLUDE HERE ANY OTHER RELEVANT INFORMATION REGARDING THE REFERRAL PROCESS. FOR EXAMPLE, THE PROVISION OF CONSENT FORMS AND/OR THE PROPOSED QUESTIONS FOR OCCUPATIONAL HEALTH TO ANSWER].” | This paragraph has been included to allow schools to personalise the policy to reflect their specific referral process.  |
| In paragraph 8 we have amended the table so that it follows the other model policies. | These changes have been made in order to ensure consistency. It should be noted that the CES advises that a panel is convened where dismissal is a possible outcome. |
| In paragraph 9.1 we have added “If periods of persistent intermittent sickness absence are for the same illness, a referral to Occupational Health may be required”.  | This addition has been made to reflect the overall emphasis in the policy on making use of Occupational Health to support employees where this is appropriate.  |
| At paragraph 10.1 we have added “(which is usually defined as an absence lasting at least 4 calendar weeks)”. | This change was made following consultation with national trade union representatives in order to provide clarity as to what would usually constitute long-term absence.  |
| At paragraph 10.2 we have added “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.” | This addition seeks to clarify that the rules about what constitutes long term absence are not inflexible and the employer should consider the reasons and nature of the absence before determining if a Formal Absence Review Meeting is necessary and appropriate.  |
| At paragraph 12.1(c) and (d) we have removed the reference to warnings and have renamed the formal responses Stage 1 Absence Letter and Stage 2 Absence Letter.  | This change was made following consultation with national trade union representatives in order to make the process more supportive. |
| At paragraph 12.1(c) (i) and (ii), (d)(i) and (ii) we have replaced the word “will” with “may”.  | This change was made following consultation with national trade union representatives. This change introduces discretion as to whether there will be a Further Absence Review Meeting.It should also be noted that the process in paragraph 12 has been reviewed and amended to make it clearer. We have also clarified the possible outcomes for appeals.  |
| At paragraph 12.6 we have made it clear that the role of the Governing Body at this point is to ratify the dismissal and not to review it. We have also inserted “appropriate alternatives to dismissal will always be considered and discussed with you”.  | This change was made following consultation with national trade union representatives and users of the policy to make sure that the role of the Governing Body was clear and to emphasise that dismissal is the last resort.  |
| At paragraph 13.1 we have added “but only if they have not been previously involved in the matter.” | This change was made following consultation with national trade union representatives. It seeks to clarify that the chair/vice-chair may only be involved where they have not previously been involved in the matter.  |
| At paragraph 13.2 we have added “exceptional” | This change was made following consultation with national trade union representatives.  |
| At Paragraph 14 we have inserted wording to make it clear that employees can be accompanied at all meetings held pursuant to the policy. | This change was made following consultation with national trade union representatives. |
| We have inserted new paragraphs at paragraph 18 in relation to unauthorised absence and the provision of false information.  | These paragraphs seek to clarify the implications of unauthorised absences and the provision of false information and how these actions interact with the Disciplinary Policy and Procedure.  |
| **Academies** |
|  A note has been included on the front page of the academy policy to make it clear that academies must review the contents of the model in light of their own governance structures.  This important review must be carried out for all academies as not all structures are the same.   | These notes have been included because the structure of academies and MATs is not always the same and different entities will have different decision-making powers.  |
| All references to “governors” have been replaced with “directors” | This change has been made to reflect the correct identity of the individuals being referred to in the policy.  |
| Where a reference was previously to the “Academy” it is now “Academy Trust Company” or “Academy/Academy Trust Company” as appropriate. | This change has been made to more accurately reflect the nature of the corporate body who is the employer.  |
| **Wales** |
| At paragraph 1.5 we have added “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 considerations(s) that may arise.  | This change has been made in order to make the Welsh version consistent with the English version.  |
| At paragraph 4 “your obligations” has been replaced with “Employee’s obligations” | This change has been made in order to make the Welsh version consistent with the English version.  |

**Catholic Education Service**

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