

Sickness absence procedure

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1. Our policy

- 1.1 The council is concerned for the wellbeing of its employees and seeks to protect their health and safety by creating a sound working environment free from danger. When illness or injury occurs, appropriate paid leave is given to employees.
- 1.2 In return, we expect our employees to respond in the following ways:
 - to maintain good attendance at work
 - to care for their health and to seek medical help whenever appropriate
 - to keep their manager fully informed of the position if they are unable to attend

2. The purpose of this procedure

- 2.1 This procedure is intended to ensure that sickness absences are handled promptly, sensitively and consistently by the council, through its managers.
- 2.2 Managers have direct responsibility for managing sickness absence. It is essential, therefore, that they are fully familiar with the council's procedures for reporting, monitoring and managing sickness absence, and for ensuring that their staff are aware of the reporting procedures.
- 2.3 The following procedure applies to all employees other than staff in schools under the scheme of financial delegation and employees within their probationary period.
- 2.4 The procedure advocates early intervention and in each case management will take account of prognosis, information gained via Occupational Health, individual circumstances and service needs. The procedure covers employees with short term absence and employees on long term sickness absence.
- 2.5 Sickness absence due to industrial injury, disability and pregnancy are not excluded from this policy. The detailed application of the provisions may be adjusted depending on the circumstances. [See section 11.](#)

3. Reporting absence

- 3.1 Managers must ensure that all their employees understand the requirements of how and when to notify their manager that they are not able to attend work.
- 3.2 Managers must:
 - specify the person/people to whom the employee must report their absence
 - specify the time by which this must be done and any other conditions specific to the job with which employees must comply when they are unable to attend work
 - ensure they record the expected return to work date, or agree when the employee will ring again to update and provide a return to work date
 - ensure that ITrent sickness records are maintained with strict accuracy for all periods of sickness, and monitoring action / meetings as soon as possible

3.3 When reporting absence, the employee must state:

- why they cannot attend
- what steps they are taking to assist their recovery
- when they expect to attend work again
- where possible, any work commitments which may need to be covered in their absence

3.4 The following reporting procedure must be followed by employees. Failure to follow this procedure may result in disciplinary action and/or non-payment of sick pay.

3.4.1 **First day of absence**

All employees who are unable to attend for work should personally inform the designated person of their absence, by **telephone**, within service procedures. They should give the reason for the absence and state when they expect to return to work. Managers should ensure employees are aware of the arrangements for reporting absence.

If the designated person is unavailable, then contact should be made with another line manager in the service area. If an employee is unable to reach a line manager personally they must telephone again until they make personal contact. The only exception to this is if there is a pre-agreed arrangement with the line manager. Where the employee's health condition renders them unable to personally speak to the designated person, their absence should be reported by a nominated third party e.g. relative or friend.

3.4.2 **Fourth day of absence**

If the absence continues into a fourth day, (including weekend, rest days and public holidays), the employee should again notify their manager giving some indication of the nature of the illness and the likely length of absence.

3.4.3 **Eighth day of absence**

If your absence continues for more than seven consecutive days (N.B not just working days) you must get a Fit Note and send it together with the completed Self Certification statement to your line manager.

3.5 Where absence appears to be for a work-related reason, managers must ensure that any health and safety reporting requirements have been met, that Occupational Health and/or health and safety officers are involved if appropriate, and that any necessary remedial action is taken.

3.6 In certain cases such as mental ill health or stress related absence, managers, in consultation with the employee, should consider making a referral to Occupational Health or to the employee assistance programme provider without undue delay so they can access further advice and support.

4. **Monitoring absence**

4.1 Absence levels should be monitored.

4.2 All time periods for monitoring are pro-rata for part-time.

4.3 It is the responsibility of line managers to monitor absence levels within their teams and take further action as necessary when trigger points are reached and/or where there are concerns about an employee's absence levels. Managers should discuss absence with employees **informally** when their absence reaches ten days or three occasions, particularly

to identify health support options in accordance with the council's health and wellbeing strategy.

- 4.4 Trigger points are set in order to determine when absence levels become a matter for further investigation particularly to identify support required. The council has set the following trigger levels:
- three periods or ten working days or more absence in a rolling 12 months' period
 - all long term absences (over 20 consecutive working days)
 - obvious patterns of absence, for example, regular Friday and/or Monday absences or repeated absences linked to holidays

The line manager must monitor continuing absence

- 4.5 The line manager should maintain **regular** contact with the employee in order that the situation can be monitored effectively. The manager will normally meet with the employee after a single period of absence of seven days.
- 4.6 For long term absence (20 consecutive days or more) the line manager and employee can agree a suitable frequency of contact during the employee's absence.
- 4.7 Discussions should include an update on the employee's condition, the treatment they are receiving and some idea of when they expect to return to work.

5. On return to work

- 5.1 A return to work discussion will always be conducted after every period of absence on the day the employee returns to work. The majority of discussions will be very quick and straightforward, being essentially an acknowledgement of the person's illness and a welcome back to work.
- 5.2 The return to work discussion is all about supporting employees and helping them to resolve problems. It is likely the most effective single technique for identifying contributory factors and reducing absence.
- 5.3 Managers must ensure that any necessary action is taken and recorded, following the return to work meeting, which may include seeking approval from the third tier manager, for any request for a phased return to work.
- 5.4 **The meeting**

When an employee returns after **any** period of sickness absence, the manager must talk with the employee to:

- establish reasons for absence and likelihood of reoccurrence
- ascertain the employee's state of health, e.g. fully able to work, or in need of temporary adaptations to the duties, taking account where relevant of any suggestions on the Fit Note from the employee's own GP, UK registered nurse, registered physiotherapist, registered occupational therapist or registered pharmacist
- consider adjustments for disability in accordance with the Equality Act 2010
- see whether there is anything that needs to be done to avoid a recurrence of the illness
- consider whether a referral to Occupational Health is necessary
- complete the return to work form and enter the details on iTrent

6. Attendance review meeting (informal stage)

6.1 This stage applies where the employee has met the triggers set out above.

6.2 The purpose of this stage is to make a full and in-good-faith search for the cause(s) of the sickness absence, to manage any work-related factors that may contribute, to give the council's support to the employee's own efforts at recovery, and thereby to allow the employee to return to an acceptable level of attendance if possible.

6.3 The employee's manager may refer the employee to Occupational Health, if appropriate, before arranging the Attendance Review Meeting.

6.4 The employee's manager must alert the employee, in writing, to the fact that this stage of the procedure has been triggered.

6.5 The meeting

6.5.1 Prior to the meeting gather all necessary facts about number of days absence, work related problems and any uncompleted tasks etc.

6.5.2 Managers will, in discussion with the employee:

- investigate the reasons for sickness absence, and any disability related reasons or work, or personal or domestic problems that may underlie it
- be flexible about arrangements to discuss sensitive medical issues, e.g. allowing the employee to talk to a manager of their own sex
- explain the effect of the employee's absence on the work in a **sensitive** manner and update the employee on changes in the workplace
- summarise any medical information/Occupational Health information
- explore options which may permit the employee to return to work or improve attendance, specifically addressing disability-related absence and reasonable adjustments where this is relevant
- set standards and targets and arrange to monitor attendance
- if necessary, explain the next stage of the procedure
- keep accurate records of the matters discussed and record the meeting on iTrent.

6.5.3 The employee is entitled to:

- put across their side of things
- confidentiality of medical and other personal issues
- a copy of the records of the matters discussed

6.6 The employee is responsible for:

- achieving good attendance where possible
- informing the manager of the cause of sickness absence
- attending meetings
- co-operating with any support offered, where appropriate
- keeping the manager informed of relevant facts and issues
- providing medical certificates, evidence of hospital appointments etc.
- co-operating with requests for further medical information from GP, consultant etc.

6.7 Where this stage does not achieve the required improvement in attendance, the manager must commence the next stage. Generally the period for improvement will be one month, with sustained improvement for two months, for short term absence and where there are obvious patterns of absence, and up to three months for long term absence.

7. First formal review

7.1 The precise timing of the first formal review depends on the circumstances of the individual case and the review stages set out above. This stage applies where the employee has absence beyond the levels set at the attendance review meeting, including where there are obvious patterns of absence.

7.2 The employee's manager will seek up to date medical/Occupational Health information, if appropriate, before arranging the first formal review.

7.3 A manager designated by a service director must hold a first formal review meeting with the employee. If the employee is unable to attend such a meeting by coming into work, see Special Considerations, section 10 below. The employee must be told that this is the first formal stage of the sickness absence procedure in writing.

7.4 The meeting

7.4.1 The meeting should be supportive and aim to resolve the situation. It will seek to identify the reasons for the absence and the measures that can be taken to improve attendance.

7.4.2 The purpose of the meeting is to inform the employee that their sickness absence remains unsatisfactory and to alert the employee to the difficulties caused by their absences e.g. key objectives not being delivered; impact on other team members, council's customers etc. and:

- **for continuing absence:** to explore sensitively the possibilities of a return to work, effects on service delivery and how the employee's workload can be handled in the meantime, discuss and consider any reasonable adjustments that may be made to assist return and/or
- to arrange a referral to Occupational Health if necessary
- **for repeated absences:** to identify any underlying cause for the absences (including identifying any reasonable adjustments that may be needed), and to arrange a referral to Occupational Health if necessary;

7.5.1 At the close of the First Formal Review the manager can decide **either**:

- that the employee's return to work/level of attendance is satisfactory, and the procedure can be halted at this stage (but resumed at this stage if an unsatisfactory level of absence recurs within one year);

or

- to arrange a further follow-up meeting for instance where Occupational Health envisages a return to work within the reasonably foreseeable future (guide timing: one month after the first formal review, for short term absence or where there are obvious patterns of absence or up to three months for long term absence. This is a guide, however, and a sensible approach should be taken when determining the appropriate timescale);

or to give a warning advising the employee that attendance is unsatisfactory and that the matter will progress to a final review if a return to work/an acceptable level of attendance is not achieved within a stated time. The warning will remain in place for one year and attendance will remain under review for this period. At any point during this review period, the matter can progress to a final review if an unsatisfactory level of absence recurs.

7.6 The warning will be confirmed in writing, stating clearly the standards and targets that the employee must meet and any interim monitoring arrangements.

7.7 The employee's manager must ensure that ITrent records are updated.

8. Final review/consideration of dismissal

8.1 The precise timing of the final review depends on the circumstances of the individual case. This stage applies where the employee:

- has received a warning and does not appear to have a reasonable prospect of returning to work, in the reasonably foreseeable future or
- has not achieved an acceptable level of attendance in spite of a warning

8.2 The employee's manager will seek up to date medical/occupational health information, if appropriate, before arranging the final review.

8.3 The designated manager will hold a hearing to consider whether or not to dismiss the employee on the grounds of his/her continued absence(s), following non-compliance with a formal warning.

8.4 An extension to a warning can be considered as an alternative to dismissal in exceptional circumstances and where justified.

8.5 An HR representative who has not previously been involved in the case, should attend the hearing to offer advice to the manager.

8.6 The employee's manager must ensure that ITrent records are updated.

9. Appeals

9.1 Employees can appeal against a warning. Appeals must be sent to an independent manager designated by the employee's service director. At the appeal, the decision will be reviewed. The outcome will be to confirm the warning, or uphold the appeal and cancel the original warning. The decision is final.

9.2 Appeals against dismissal will be heard by elected Members.

9.3 An employee who wishes to appeal must submit a written notice of appeal to the designated manager, within ten working days of receiving a warning / notification of dismissal. The written notice of appeal must give details of the grounds for the appeal. The designated manager is:

- a Senior Manager (this will normally be someone reporting to service director), from an independent service area, as designated by the service director, for an appeal against a warning (issued at a first formal review)
- a service director (or third tier manager) for an appeal against dismissal

- 9.4 Appeals against a warning will normally be heard within two weeks of the appeal being lodged. Appeals against dismissal will normally be heard by elected Members within four weeks of being lodged.
- 9.5 An HR representative, who has not previously been involved with the case, and a senior manager, should attend the appeal to offer advice to the panel.
- 9.6 The employee's manager must ensure that ITrent records are updated.

10. Special considerations

- 10.1 The employee can be represented/accompanied at the meetings and hearings within the formal procedure (including appeals) by an accredited trade union representative or work colleague, and must be informed of this. The employee must be given at least five working days' notice in writing of meetings, and ten working days' notice in writing of meetings to consider possible dismissal.
- 10.2 Meetings under this procedure are normally held face to face but may be held at the employee's home or can be conducted virtually if appropriate and the employee agrees. In exceptional cases where it is not possible to hold a meeting with the employee either at work, at home or virtually, the employee may authorise a trade union representative or work colleague to speak on their behalf. Alternatively, or in combination with any of the above, the employee may wish to respond in writing or via an equivalent method.
- 10.3 Managers must be particularly alert to the possibility that absence may be caused by a disability, and consider getting specialist advice (e.g. from HR or Occupational Health) where this is the case. See paragraph 11.2 for further information.
- 10.4 No action will be taken under the formal review stage in respect of a trade union representative until the circumstances of the case have been discussed with a senior representative or paid official of the trade union.
- 10.5 Where it appears that the employee may be suffering from ill-health that would qualify for early retirement on the grounds of permanent incapacity under the pension scheme, the relevant provisions of the pension scheme will operate. Human resources/occupational health will advise on processes.
- 10.6 An employee who is absent from work due to ill-health is expected:
- to be at home and available to be visited or contacted by their manager or Occupational Health or HR adviser as appropriate and as agreed
 - not to undertake any activity inconsistent with their illness
 - not to go away on holiday without the specific permission of their manager
 - to attend any appointments with the council's medical adviser, as required
- 10.7 An employee's failure to comply with a referral to Occupational Health without good reason or any other breach of the sickness scheme could be regarded as misconduct.
- 10.8 Redeployment can be considered at any stage where the nature of the sickness absence means this is a suitable option. Occupational Health must advise managers whether the employee is fit to be considered for suitable alternative work.

10.9 In exceptional circumstances, where all other avenues to manage a health condition have been exhausted, Occupational Health may recommend extended triggers as a further reasonable adjustment. This is unlikely to be recommended until formal procedures have commenced.

11. General information

11.1 Accidents at work / notifiable industrial diseases

11.1.2 Absences as a result of accidents at work are covered by the sickness absence procedure and are included in sickness absence statistics.

11.1.3 Where an incident occurs at work it is the Manager's responsibility to investigate and verification is given by the Corporate Health and Safety team that the accident meets the definition of the RIDDOR Regulations (Reporting of Diseases, Dangerous Occurrences Regulations). The same is true of any notifiable occupational disease as prescribed under RIDDOR.

11.1.4 Panels hearing cases of sickness absence including absences relating to accidents at work and notifiable industrial diseases should give careful consideration to the causes of the absences when reaching a decision as to the sanction to impose on the employee.

11.1.5 Where there is a high frequency of accidents at work, which results in a cause for concern, or where the accident at work results in long term sickness absence then these incidents should be considered as part of the trigger mechanism.

11.1.6 Careful consideration needs to be made prior to formal action under the sickness absence procedure, especially as it could result in dismissal on the grounds of ill health. Before any formal action is taken, managers must consult Human Resources.

11.2 Disabled employees

Managers need to be aware that employees, with disabilities that would meet the criteria laid down by the Equality Act 2010, may experience change in the impact of their disability on their work performance over a period of time, and that existing employees may develop disabilities, which impact on their working lives. A key requirement of the Equality Act 2010 is for employers to make "reasonable adjustment" to accommodate the needs of disabled employees. The duty to make adjustments only applies if the employer knows, or should reasonably be expected to know, that the employee is disabled.

11.2.1 Examples of adjustments include:

- Allowing the employee to be absent during working hours for rehabilitation, assessment or treatment. See Equality in Employment Procedure for further information about Disability Leave
- Looking at alterations to the workplace and/or working practices if this assists the employee to return to, or remain at work
- Considering flexible working

11.2.2 Line Managers must also complete a Personal Emergency Egress Plan (PEEP) for those employees with mobility problems. Further advice is available from the Corporate Health and Safety team.

11.3 Pregnancy related absence

All sickness absence during a woman's pregnancy, pregnancy related or not, should be recorded as Sick Leave in the usual way. However, pregnancy related absences are not included as part of sickness monitoring. Any pregnancy related sickness occurring after the 4th week before the week in which the baby is due should be notified to HR as this may affect the employee's entitlement to sick pay.

Pregnant employees are entitled to paid time off for antenatal care, (evidence of appointments should be produced), and should be recorded as antenatal time off on time/flexi sheets.

Absences of half a day or less due to morning sickness should be recorded as "sick" on the time/flexi sheet. Where such absences occur regularly or are in excess of half a day, they will be monitored in line with the Sickness Absence monitoring procedure and a Fit Note will be required.

11.4 Absence due to accident - third party claims

If an employee's absence is due to an accident for which damages may be receivable from a third party, they will not be entitled to sickness allowance.

However, the council may, having regard to the circumstances, advance a sum not exceeding the sickness allowance provided under this scheme, subject to the employee undertaking to repay the total amount advanced or a proportion of it represented in the amount of damages received.