

SICKNESS ABSENCE MANAGEMENT AND SICKNESS REPORTING PROCEDURE

HR Service



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1. INTRODUCTION

This document sets out the process by which absence as a result of sickness will be managed. The overriding objective of the procedure is to ensure that employees attend work and to address any issues of sickness absence promptly and effectively. Managers are responsible for following this procedure in a fair and consistent manner.

Managers will address absence that has met or exceeded the Council's annual sickness absence target (6 days per employee per year), and where sickness absence is otherwise considered a concern. (In the case of a Head Teacher, this will be the responsibility of the Chair of Governors).

Employees are responsible for following the requirements detailed at Appendix 1 in respect of any period of sickness absence. A summary flow chart can be found at Appendix 2.

A [Questions and Answers](#) document is available to support the operation of this procedure.

2. SCOPE

The Procedure applies to all employees excluding those on probation. Probationers with poor attendance will be managed under the Council's Probation Procedure although the requirements to report sickness absence and to conduct return to work reviews contained within this Procedure will still apply.

3. PROCEDURE

3.1 RECORD ALL ABSENCES

Managers must record all periods of sickness absence to ensure that absence reporting information and payroll records are accurate i.e. including any adjustment to pay.

3.2 CONDUCT RETURN TO WORK REVIEWS

Managers should, after any period of sickness absence, enquire about the employee's health, welfare and cause of the sickness absence at a Return to Work Review. Details of what to include in this discussion are included on the [Manager MyView Guide](#). The outcome of every return to work review should be recorded on MyView (or in Schools/Adult Education on the employee's personal file).

Depending upon the circumstances it may be appropriate to progress straight to a formal review under this procedure, e.g. if the absence is to be prolonged or falls within a cautionary/formal notification period.

3.3 REVIEW ABSENCES

Managers should routinely review their employee's absence records assessing both the level of absence and any patterns in the absences (e.g. common occurrences on Friday/Monday). Where this highlights an area of concern, the manager should instigate a formal review of absence under this procedure (Section 3.4).

In addition to the managers own review, managers are required to address absence that has met or exceeded the Council's annual sickness absence target. This target is reviewed each year and the HR Service will provide managers with details of those employees who have met or exceeded this target.

In long-term sickness situations the manager should be in regular contact with the employee to review progress.

Where the absence relates to an underlying medical condition or serious illness, managers should contact the employee and explain the steps that will need to be followed under this procedure. This will include seeking Occupational Health advice and establishing a support programme with regular reviews as appropriate. The formal procedure must be followed in these cases, albeit with care and sensitivity.

There are statutory requirements under the Equalities Act for managing disability related conditions. You may need to consider making reasonable adjustments to assist the employee to return or considering redeployment on a temporary or permanent basis. Please contact your HR Adviser for advice and refer to the [Questions and Answers](#).

3.4 INSTIGATE FORMAL REVIEWS

Managers will instigate formal reviews of absence under this procedure when the employee's absence:

- has met or exceeded the Council's annual target (see Section 3.3); or
- is otherwise of concern e.g. the absence is causing ongoing service delivery difficulties or there is a trend of absences occurring on particular days of the week, etc.

Occupational Health advice may be sought at any time – see Section 4. Where an employee is suffering with work related stress a referral should be made immediately to Occupational Health.

3.4.1 First Stage Review

A First Stage Review is the first formal step in addressing sickness absence under this procedure. The manager should normally contact the employee to explain the need for this review before writing to them formally under this Procedure. Managers should:

a) Write to the employee and invite them to the Formal Review (a template letter is available)

- provide seven calendar¹ days notice of the meeting*;
- advise of the entitlement to be accompanied by a trade union representative or work colleague;
- provide the relevant background information prior to the meeting including (where appropriate) a copy of Occupational Health advice – see Section 4 - and sickness absence record.

*If the employee's chosen trade union representative or work colleague is unable to attend the scheduled meeting, the employee may propose an alternative date provided it is reasonable and no more than 7 calendar days after the original date, and another meeting will be arranged. If the employee fails to attend the re-arranged meeting, a decision may be taken in their absence.

b) Hold the Review to discuss:

- the latest medical advice, prognosis and likely return to work where the absence relates to an underlying medical condition or serious illness;
- any support that may be required to improve attendance;
- the absence record and the impact that this is having on the team/service delivery; and

¹ For Teaching staff only, 5 school working days applies

- the implications of further/continued absence.

c) Decide Outcome

Consider any reasonable adjustments required for disability related conditions - contact your HR Adviser for advice and refer to the [Questions and Answers](#).

As a minimum a support programme and 6 month monitoring period should be established. (The 6 months monitoring period should begin from the date the monitoring period was notified to the employee – normally the date of the First Stage Review meeting).

A decision not to take the minimum action of providing a support and monitoring programme will require approval from the Deputy Director/Head Teacher/Principal.

- Monitoring Period – this will include establishing regular meetings with the employee to discuss their attendance/sickness and progress. Actions may also include:
 - allowing further time for recovery;
 - agreeing reasonable adjustments to working arrangements;
 - referral to Occupational Health;
 - consideration of redeployment – see Section 5;
 - seeking further medical advice;
 - requiring fit notes for any further period of absence, regardless of duration;
 - considering other types of support that may be available and/or appropriate.

In addition, the manager may decide either to:

- Issue a formal caution for a period of 12 months. (The caution should begin from the date the caution was notified to the employee – normally the date of the First Stage Review meeting). Once issued, a caution will continue for the cautionary period, regardless of whether or not the employee has returned to work or has any further periods of absence. Within the caution the employee should be advised that if their attendance does not improve to the required standard then the matter may be referred to a Final Stage Review and their employment may be at risk; or
- Issue a formal notification where the absence relates to an underlying medical condition or serious illness. In determining the length of the formal notification, consider medical advice, prognosis, likely return to work date if their absence is ongoing and the ability of the service to sustain the employee's continued absence. The employee should be advised, where applicable, that if their likely return to work date is delayed beyond the agreed period, the matter may be referred to a Final Stage Review and their employment may be at risk.

If at any stage the Occupational Health Physician recommends that the employee can no longer carry out their current duties and/or should not return to their existing post, or that they will not be able to return to work or sustain regular attendance within a period of time that management considers to be reasonable the employee should be advised that the matter will be referred immediately to a Final Absence Review and their employment may be at risk.

d) Communicate the Outcome and Record the Decision

- Confirm the outcome and any actions to be taken in writing to the employee. The implications of further absence/unsatisfactory improvement should be made very clear, including the possibility of escalation to a Final Absence Review;

- Advise the employee of the right of appeal where a caution/formal notification is issued. An appeal, to the manager's manager, must be lodged within 14 calendar days² of notification of the decision. In Schools/Adult Education this may be the Head Teacher/Principal or the Governing body depending upon who issued the caution/formal notification. There is no right of appeal against a monitoring programme/period;
- A note of the discussion should be taken and the outcome recorded on MyView (or on the employee's personal file in Schools/Adult Education).

e) Review and Sign-Off or Escalate

Any subsequent absence should be closely monitored and managers should arrange to meet regularly with the employee to review progress. Depending upon the circumstances, either during or at the end of the monitoring/cautionary/notification period a decision should be taken as to what further action is necessary.

Where there has been satisfactory improvement – this should be confirmed and the employee informed that no further action will be taken under this Procedure in respect of the relevant period of sickness absence.

Where improvement has not been satisfactory –

EITHER

The First Stage Review should be reconvened to consider whether to issue a formal caution/notification or further monitoring period;

OR

The case should be escalated to a Final Stage Review. This will be appropriate where:

- a caution/formal notification has already been issued but targets have not been met and/or absence continues to be of concern; or
- the absence relates to an underlying medical condition or serious illness and the likely return to work date has been delayed and/or the absence can no longer be sustained; or
- Occupational Health recommends that the employee can no longer carry out their current duties and/or should not return to their existing post, or that they will not be able to return to work or sustain regular attendance within a period of time that management considers to be reasonable.

3.4.2 Final Absence Review

A monitoring or cautionary/notification does not need to expire before matters can be escalated to a Final Absence Review under this procedure.

Prior to a Final Absence Review managers will:

a) Obtain up-to-date Occupational Health Advice – see Section 4.

b) Write to the employee and invite them to the meeting – **note:** the meeting must be chaired by an officer with the authority to dismiss.

² For Teaching staff only, 10 school working days applies

- provide 7 calendar days³ notice of the meeting*;
- advise of the entitlement to be accompanied by a trade union representative or work colleague;
- provide the relevant background information prior to the meeting including a copy of Occupational Health advice and sickness absence record.

*If the employee's chosen trade union representative or work colleague is unable to attend the scheduled meeting, the employee may propose an alternative date provided it is reasonable and no more than 7 calendar days after the original date, and another meeting will be arranged. If the employee fails to attend the re-arranged meeting, a decision may be taken in their absence.

c) Hold the Review - to discuss:

- the absence record and, as appropriate, the measures, targets and criteria that were used to assess improvement;
- the latest Occupational Health report;
- the actions that have been taken to date;
- the impact that the absence has had on the team/service delivery; and
- any representations from the employee.

d) Decide Outcome - either:

Re-affirm caution/formal notification - where

- a caution/formal notification has previously been issued and, in exceptional circumstances, a further period of recovery or further consideration of redeployment and/or reasonable adjustment is agreed.

If this is agreed, the caution/formal notification must be re-affirmed and the employee advised that the Final Absence Review will be reconvened if an immediate improvement is not achieved and sustained. Regular monitoring should be put in place and, once issued, an employee will remain under caution for the duration of the cautionary period, regardless of whether or not they have returned to work or had any further periods of absence.

OR

Terminate employment - where

- it is decided that an improvement is unlikely to be achieved or sustained within a reasonable period; and
- redeployment is either not appropriate or available – see Section 5; and/or
- the Occupational Health Service recommend that the employee is permanently incapable of carrying out their current duties and management accept this recommendation.

Consider any reasonable adjustments required for disability related conditions - contact your HR Adviser for advice and refer to the [Questions and Answers](#).

e) Communicate the Outcome and Record the Decision

- Confirm the outcome in writing to the employee;
- Where a caution/formal notification is issued the employee should be given the right of appeal against this decision. An appeal must be lodged within 14 calendar days⁴ of notification of the decision. In Schools/Adult Education this

³ For Teaching staff only, 5 school working days applies

⁴ For Teaching staff only, 10 school working days applies

may be the Head Teacher/Principal or the Governing body depending upon who issued the caution/formal notification;

- Where the outcome is termination of employment, appropriate notice and appeal rights must be given – see Section 6. The employee may be entitled to pension benefits, subject to the relevant pension scheme rules;
- A note of the discussion should be taken and the outcome recorded on MyView (or in Schools/Adult Education on the employee's personal file).

4. OCCUPATIONAL HEALTH SERVICE

Occupational Health advice can be obtained at any stage to provide up-to-date medical information and, where appropriate, advise on a likely return to work. Up-to-date medical advice should be sought at the Final Review Stage and where the absence relates to a stress related condition or an underlying medical condition/serious illness. Referrals are made by managers via MyView or by the HR Service for Schools/Adult Education.

The employee should be contacted in advance to explain the reason for the referral, taking into account the sensitivity of the situation.

If the employee wishes to submit additional medical advice then they may do so provided they meet any associated costs.

Ill-health retirement in accordance with the relevant pension scheme provisions is subject to certification by an independent medical practitioner who is qualified in occupational health medicine and who has not previously been involved in the case. The Council's Occupational Health Service will recommend whether a referral should be made to an independent medical practitioner.

5. REDEPLOYMENT

Redeployment will be considered, if appropriate and available, taking into account advice from Occupational Health. This may be either on a permanent or temporary basis. Where permanent redeployment is appropriate but is not available, or the employee unreasonably refuses an offer of redeployment, a Final Absence Review will be held.

6. RIGHT OF APPEAL AND NOTICE ON TERMINATION OF EMPLOYMENT

The employee will be advised of their period of notice on the termination of their employment together with their right of appeal against the decision to dismiss. The employee will receive full pay during their notice period but if they remain off sick a valid fit note must be provided.

An employee may appeal the decision to terminate their employment which must be submitted in writing within 14 calendar days⁵ of the notification of the decision. The Appeal will usually be heard by the relevant Director or, in exceptional circumstances, by the Chief Executive e.g. where a Director has taken the original decision. In Schools/Adult Education, the appeal will be heard by an appropriate panel of Governors. The decision reached will be final.

Where a pension scheme member disagrees with a decision to grant, or not, their pension benefits they may appeal via the Internal Dispute Resolution Procedure (IDRP) of the relevant pension scheme. Further details available from the [Local Government Pension Scheme](#) or [Teachers Pension Scheme](#).

⁵ For Teaching staff only, 10 school working days applies

As an employee you must:

- attend work unless unfit to do so;
- take personal responsibility for your own wellbeing, seek medical advice and treatment promptly to facilitate good attendance at work;
- raise concerns with your manager if you believe your job is contributing to your illness;
- attend meetings with your manager as requested to discuss your absence;
- co-operate fully with the Council's Occupational Health Service, including attending appointments when requested to do so (rarely will sickness prevent you from attending an Occupational Health appointment);
- avoid activities away from the workplace that are prejudicial to your general wellbeing and recovery and/or your ability to attend work.

1. What you should do when you are off sick

You must:

- Contact your manager in person on the first day of absence, no later than one hour after your normal start time (this may be varied locally to accommodate service requirements);
- Advise your manager of any work commitments (e.g. appointments, deadlines) in order that adequate cover can be arranged;
- Make the call yourself and speak to your manager personally. It is not normally acceptable to get someone else to call for you, or to send an email, or to leave a message with a colleague;
- If your manager is not available, leave a contact telephone number and a brief message to arrange for your manager to call you back;
- Inform your manager of the reason for your absence and an indication of how long you expect to be away from work;
- Remain in regular contact with your manager during your absence, keeping him/her up to date with your progress;
- Obtain a fit note from your GP if you have been sick for more than seven consecutive calendar days (including weekends). A fit note is required on the eighth day of absence and should be passed to your line manager; and
- Refrain from activities that could jeopardise your ability to attend work or hinder your recovery.

2. Returning to work

If you have been away for 8 calendar days or more, you will need to provide a fit note from your GP confirming that you are fit to return to work. If your GP has suggested a phased return or adjustments to help you in your work, you will need to discuss these with your line manager and/or Occupational Health usually prior to your return.

Disability - If you have a disability and would like support or guidance, please ask your manager to refer you to Occupational Health in the first instance. Practical advice may also be sought from the [Access to Work Programme](#). The HR Service can also be contacted for help and advice.

3. Certification requirements

Please note - a 'fit note' is the name given to the medical certificate provided by your GP or hospital doctor which informs your manager of your sickness and when you are likely to return to work. You must provide one of these if you are off sick for more than 7 calendar days.

You must submit certificates/fit notes covering any absence as follows:

- A Council Self Certificate for absences that do not require a fit note (e.g. 7 calendar days or less). This should be submitted via MyView on your first day back to work.
- A fit note from your doctor if you are off more than 7 days. You should submit this no later than 8 calendar days after the first day of absence.
- Where the absence continues beyond the expiry date of a fit note, it is important that you send further certificates to your manager promptly. You are responsible for ensuring that there are no un-certificated periods of absence.
- You may be required to provide fit notes from your doctor for periods of absence of less than 8 calendar days in certain circumstances. The Council will reimburse the cost of the note if provided with a receipt.
- You must provide a fit note to confirm you are fit to return to work if you have been continuously absent for a period of 8 calendar days or more. A referral to Occupational Health may also be made if there is concern regarding your fitness to return.
- A fit note should be provided to cover a medical suspension from duties due to contact with infectious disease.
- If you fall sick during a period of annual leave the leave may be reclaimed if a medical certificate is provided to cover the relevant period.
- A fit note should be provided to cover any sickness absence during a period of notice to terminate the employment contract unless outstanding leave entitlement is being taken.
- Failure to comply with the Certification requirements may result in disciplinary action and/or entitlements to sick pay being withheld.

Note: If you have been identified as having a long-term incapacity following a Personal Capability Assessment by Job Centre Plus, and notification of this assessment has stated that fit notes will no longer be provided by your GP you should provide a copy of this Assessment to your HR Adviser. The Council will then no longer require fit notes until such time as this Assessment is reviewed.

SICKNESS ABSENCE MANAGEMENT PROCEDURE – FLOW CHART OF PROCESS

