

# **Sickness policy and procedure**

**Document Control**

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# 1. Policy

## 1.1 Aim

The aim of the sickness policy and procedure is to improve employee attendance at work.

The procedure sets out the process for managing short and long-term absences in a fair and consistent way across the Council.

The purpose of the procedure is to promote the health and wellbeing of all employees and to provide a framework to ensure that staff with health related issues receive appropriate support, whilst achieving acceptable levels of attendance.

## 1.2 Scope

The policy and procedure applies to all non-school based employees of the Council.

## 1.3 Responsibilities

**Employees** are responsible for:

- attending work when fit to do so
- complying with the sickness absence reporting procedures and reporting sickness absence when unfit to attend or remain at work
- attending return to work meetings, occupational health appointments, and any other meetings called in accordance with this procedure

**Line managers** are responsible for:

- using the procedure to ensure consistency and fairness
- ensuring that employees are treated sensitively and objectively
- maintaining confidentiality throughout the process
- monitoring and maintaining accurate sickness absence records
- ensuring employees are aware of the procedure for reporting sickness absence

The **Human Resources Division (HR)** is responsible for:

- providing impartial advice and support throughout the process
- monitoring the application and effectiveness of the procedure, reporting trends and non-compliance

## 2. Procedure

### 2.1 Introduction

- 2.1.1 The Council has a general duty of care to all employees and a statutory obligation under the Health and Safety at Work Act, to ensure, as far as is reasonably practicable, the health, safety and welfare of all its employees.
- 2.1.2 Employees who are unable to attend work due to ill health will be treated fairly and every effort will be made to assist recovery and safeguard employment whilst managing sickness absence in accordance with this policy and procedure.
- 2.1.3 This policy is closely aligned with the Council's values relating to **Fairness, Respect, Excellence, Service and Honesty**.

### 2.2 Setting standards

- 2.2.1 Accurate records of all sickness absences and action taken should be kept confidentially and monitored on a regular basis. Managers must conduct a return to work interview following each episode of sickness absence so that support and advice can be provided at an early stage.
- 2.2.2 Where work may be impacting on an employee's health, or where health issues may be affecting an employee's attendance or performance, managers should obtain advice from the Council's nominated occupational health service provider, in consultation with HR.
- 2.2.3 In deciding whether to implement the formal stages of this procedure the most important consideration is the need to act reasonably in the circumstances of the particular case. 4 periods of absence due to ill health in a rolling 12 months period or a total of more than 10 days within the same period may act as a trigger for the line manager to initiate the formal stage of this procedure. However, managers will consider the circumstances of each case and shall have discretion not to implement the formal stages of the procedure where this would be inappropriate, for example, where an employee is absent for more than ten days recuperating from an operation on medical advice and there is a known return to work date. Managers may also take action where patterns or trends of absence are evident, for example, Monday/Fridays.
- 2.2.4 Line managers are responsible for producing reports for their work area on a monthly basis to identify employees whose level of sickness absence is approaching or has exceeded these standards.

### 2.3 Disability

- 2.3.1 Where an employee's sickness absence is related to a disability, the absence will be managed with due regard to and in accordance with the Disability Discrimination legislation and related Codes of Practice.
- 2.3.2 The standard by which a disabled employee's attendance is measured must take account of their disability. Absence which is on account of an employee's disability shall not be taken into account in accordance with paragraph 2.2 above, and shall be recorded separately.
- 2.3.3 If an employee is or becomes disabled under the definitions of the **disability discrimination act (DDA)**, the manager will discuss with the employee any reasonable adjustments to support them in their work. Human Resources and other appropriate specialist advice should be sought and the employee

should be advised of their right to seek advice from their trade union. Further information can be found in the Council's **disability guidance**

## **2.4 Reporting sickness absence**

- 2.4.1 It is the responsibility of both the employee and the line manager to maintain contact during periods of sickness absence. This will enable the Council to offer appropriate support, if required.
- 2.4.2 An employee who is unable to attend work due to ill health must contact their line manager, or the person designated for this purpose within the department, by telephone within one hour of the time they are expected to start work. Employees with a flexible or irregular work pattern must make contact as early as possible in the day.
- 2.4.3 The employee will be asked to give as much of the following information as possible:
- the nature of the illness or a broad indication of the cause for the absence
  - the anticipated length of absence
- 2.4.4 Where an employee prefers not to provide detailed information about their health to their line manager they may choose to provide this information to another officer delegated for this purpose.
- 2.4.5 If the absence continues for more than three days, the employee must provide further notification as to the probable duration of the absence to their line manager, or designated officer.
- 2.4.6 If the absence is likely to exceed or exceeds seven calendar days, the employee must obtain a medical certificate from a GP to claim statutory sick pay. The original certificate must be forwarded to the line manager as soon as possible. If required, further medical certificates must be supplied to cover the entire period of sickness absence exceeding the seven calendar days. Any period of absence not covered by a medical certificate will not be eligible for statutory sick pay and an appropriate deduction to pay may be made.
- 2.4.7 It is a condition of the sick pay scheme to follow the sickness reporting procedures as outlined above. Failure to comply may result in loss of sick pay.

## **2.5 Illness at work**

- 2.5.1 Where an employee becomes ill whilst at work, they must, wherever practicable, obtain permission from their line manager to leave their place of work, either temporarily or for the day. Where the employee cannot obtain permission before leaving work they must notify their manager for example, by email or telephone before leaving, and must make contact with their manager as soon as practicable thereafter. Absence from work for part of a working day will not be recorded as sickness absence, but a managerial note should be made, which may be taken into account when looking at patterns of absence.

## **2.6 Unauthorised absence**

- 2.6.1 Unauthorised absence is considered to be misconduct under the Council's **disciplinary rules**. An employee who fails, without good reason, to follow the above reporting procedures may have their pay suspended and may be

subject to disciplinary action and appropriate disciplinary sanctions in accordance with the **disciplinary procedure**.

## **2.7 Sickness & Annual leave**

2.7.1 If an employee falls sick whilst on annual leave the normal reporting and certification arrangements apply. Annual leave may be reclaimed if the employee provides a valid medical certificate for the entire length of the absence. Medical certificates, or equivalent, issued abroad should be copied and sent to the manager as soon as possible. The original documents must be supplied on return to work.

2.7.2 Annual leave will not be re-instated on production of a self certificate.

## **2.8 Return to work interviews**

2.8.1 A return to work interview must be undertaken by the manager following every period of sickness absence. The meeting should be informal and informative, based on the concern for the health of the employee and any underlying causes which may affect health/performance. Managers will use their discretion in determining the level of detail required at the return to work interview based upon the duration of the employee's sickness absence and the complexity of the issues to be discussed. In general, the following should be discussed:

- the employee's fitness for return to work
- any underlying work, domestic or welfare issues related to the absence
- an update on any workplace developments during the absence
- review the employee's absence record

## **2.9 Long-term sickness absence**

2.9.1 Where an employee has long-term sickness absence, absence that lasts more than 28 calendar days or absence that is anticipated to last more than 28 calendar days, the manager will establish regular contact with the employee to monitor progress, and keep the employee informed of any major workplace developments.

2.9.2 In such cases, a management referral to occupational health will usually be made. (See **appendix one** for further information on **Occupational Health referrals**).

### **3. Informal stage – Stage one**

#### **3.1 Supervisory meeting**

- 3.1.1 Where a manager identifies that the required attendance standards are not being met or where a manager has genuine concerns about an employee's health, they will invite the employee to attend an informal one to one supervisory meeting, giving at least two working days notice in order to:
- investigate the problem by seeking relevant information from the employee
  - establish any underlying cause for the sickness absence
  - ask the employee for their own views on the managerial concerns
- 3.1.2 Following the informal supervisory meeting the manager will determine an appropriate course of action; normally one or more of the following:
- monitor the employee's sickness absence over a specified period of time, not less than three months. The manager will warn the employee that continued poor attendance may result in formal action being taken under this procedure.
  - refer the employee to the Council's occupational health provider (see appendix one).
  - Any other reasonable action
- 3.1.3 The line manager will confirm the decision in writing to the employee. At the end of the review period the employee will be informed, in writing, if their attendance is satisfactory. They will also be informed that they need to maintain satisfactory levels of attendance and should there be cause for concern at any point in the next 12 months, the manager may commence proceedings at the formal stage, if appropriate.

## **4. Formal stage - Stage 2**

### **4.1 Formal review**

- 4.1.1 Where an employee fails to demonstrate that their attendance is improving, their line manager will write to invite them, giving at least 3 working days notice, to a formal review meeting to discuss their attendance. The letter will detail the employee's absence and advise them of their right to be accompanied by a Trade Union representative or work colleague
- 4.1.2 The employee will be informed that their attendance remains unsatisfactory and the purpose of the meeting will be to:
- identify the causes of the poor attendance and determine what further actions can be taken
  - obtain the employee's commitment to reaching a satisfactory level of attendance
- 4.1.3 The manager will decide on an appropriate course of action, which may include:
- Setting a further period of time (usually one month) for the employee to reach a satisfactory standard agreeing a monitoring system.
  - A further referral to Occupational Health
  - issuing the employee with a formal written warning, advising the employee that their employment may be at risk if their attendance does not improve
  - Any other reasonable action
- 4.1.4 Details of the formal review and any decisions discussed will be confirmed to the employee in writing. The employee will also be informed of their right to appeal any formal decision made at this meeting. Details of the appeal process can be found in Section 6 of this procedure.
- 4.1.5 Where a further review period is set, the employee will be informed at the end of this period whether or not their attendance is satisfactory. The employee will also be informed of the need to maintain satisfactory attendance and that any further course for concern in the next 12 months may result in the manager progressing to stage three of the formal procedure i.e. a formal sickness hearing

## **5. Formal Stage - Stage three**

### **5.1 Sickness hearing**

5.1.1 Where having followed stage one and two of this procedure there has been no significant improvement during any monitoring period, the manager may write to the employee instructing them to attend a formal sickness hearing. Similarly, if an employee has been on long term sick leave and all the options available in have been explored and exhausted, the manager will write to the employee instructing them to attend a sickness hearing

### **5.2 Notification of sickness hearing**

5.2.1 The line manager is responsible for convening and managing the arrangements for all meetings held under this procedure, except appeal hearings. The manager should therefore write to the employee instructing them to attend a sickness hearing. The letter instructing the employee to attend the hearing should:

- give the employee at least 5 working days notice of the hearing
- set out the date, time and place of hearing and the names of the panel members
- where possible, be accompanied by the documents that the manager will present at the hearing, although these can be sent under separate cover provided they arrive no later than 5 working days before the hearing. Documents to be considered at a formal hearing should be set out in a logical order, indexed and paginated, with a written introduction including any conclusions and recommendations to the panel.
- advise the employee of the right to accompanied by a work colleague or trade union representative
- provide a copy of the managing attendance and ill health procedure
- advise the employee that they need to provide any documentation at least one full working day before the hearing.
- explain that dismissal could be an outcome after the first formal hearing.

### **5.3 Attendance at a formal hearing**

5.3.1 The following may attend a sickness hearing:

- The employee
- The Panel of managers who will hear the case
- A HR representative who shall act as an impartial advisor to the panel
- The employee
- The employee's representative
- The investigating officer
- A note taker
- Any other member of staff invited by the Panel to advise or give information as a witness who shall remain only for the duration of their evidence
- Other employees may attend for training purposes with the consent of the Chair of the Panel

### **5.4 Requests for postponement**

5.4.1 At the request of the employee the hearing may be postponed on one occasion. The reasons for the postponement must be explained to the chair of the panel, who will decide whether to agree or not to the postponement. If

agreed, the employee must give an alternative date, no more than 5 working days after the original date for the hearing.

- 5.4.2 The hearing will not normally be re-arranged more than once. Further requests for postponement of a hearing will be considered on their merits by the Chair of the panel and will not always be agreed. Following one postponement the hearing may proceed in the absence of the employee

## **5.5 Order of business**

- 5.5.1 The order of business at a sickness hearing will normally be:
- Introductions
  - Presentation by Management
  - Questions to Management by the Employee/Representative and the Panel
  - Presentation by the Employee/Representative
  - Questions to the Employee/Representative by Management and the Panel
  - Summing up by Management
  - Summing up by Employee/Representative
  - Decision of the Panel
  - Panel announce sanction to be given

## **5.6 Outcomes at sickness hearing**

- 5.6.1 The panel may decide one of the following:
- An adjournment to obtain more medical or other information
  - To issue a final warning to the employee that their attendance is unsatisfactory, setting a further period for monitoring.
  - Removal of the sick pay scheme, where abuse has occurred
  - Dismissal with pay in lieu of notice. Employees will not normally be dismissed at their first sickness hearing. However, in wholly exceptional circumstances dismissal at the first hearing may be an option.
  - Any other reasonable action, for example referral to occupational health or a medical referee
- 5.6.2 The decision of the Panel will be notified to the employee in writing as soon as practicable after the hearing, not normally to exceed 5 working days.

## **5.7 Record of proceedings**

- 5.7.1 It is important to keep written records during the entire managing attendance process. Records must include:
- The ill health issues;
  - The employee's response(s);
  - Findings made and actions taken;
  - The reason for actions taken;
  - Whether an appeal was lodged;
  - The outcome of the appeal;
  - Subsequent developments.
- 5.7.2 Copies of meeting records should be given to the employee including copies of any formal minutes that may have been taken, within five working days of the hearing.

## **6. Appeal**

### **6.1 Lodging an appeal**

- 6.1.1 The employee can appeal against any formal action taken under this procedure. The purpose of the appeal is to review the decision taken by the sickness panel, not to re-hear the case.
- 6.1.2 The appeal must be made in writing, to the Executive Director, within 10 working days of receipt of written confirmation of the decision. The appeal will normally be heard within fifteen working days from receipt of the appeal letter.
- 6.1.3 The Executive Director or his nominee shall arrange for the appeal to be heard by a panel of at least two officers, one of whom must be at the same or higher grade as the chair of the original panel. Neither shall be in the direct line management of the employee.

### **6.2 Common appeal conditions**

- 6.2.1 The grounds of appeal should relate to one or more of the following:
  - a) **The procedure**  
An appeal can be lodged on the grounds that the sickness procedure was applied unfairly or inaccurately.
  - b) **The facts**  
An appeal can be lodged where the employee believes that the facts of the case did not support the decision made; that the facts considered were not relevant; that the facts were not substantiated; or where there are new facts/evidence which needs to be considered that has come to light subsequent to the hearing
  - c) **The decision**  
An appeal can be lodged where the employee feels that the sanction received is disproportionate to the charges found taking into account the evidence/mitigating circumstances presented.
- 6.2.3 The appellant will be given 5 working days notice of the appeal hearing along with any documents which management will present at the appeal. The appellant must provide their own documents within two working days of the hearing.
- 6.2.4 The panel will review whether the original decision was reasonable having reviewed the grounds for appeal. The decision at appeal shall be either to uphold the original decision of the formal hearing, issue a lesser sanction or to overturn the original decision and impose no sanction. The appeal decision shall be final and will be confirmed in writing.
- 6.2.5 Notes shall be taken at the appeal hearing and a copy provided to the appellant within 10 working days of the hearing.

## **7. Details of approval and variation process**

7.1 Where the Council wishes to amend or terminate this procedure, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s)/termination. This procedure may be amended or terminated by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the Council reserve the right to implement its proposed amendment(s)/termination by giving one months notice to employees of its proposal(s).

7.2 This policy is approved and signed by:

Nana Amoa-Buahin  
**Divisional Director Human Resources**

Jon Rogers (Branch Secretary – UNISON)  
**On behalf of Trade Unions**

## Appendix one: Occupational Health referrals

### 1. Introduction

- 1.1 If a manager has concerns regarding an employee's absence from work due to ill health, or where an employee has long term sickness absence, a management referral to Occupational Health may be made. Managers will discuss the referral with the employee concerned giving the reasons for the referral. All correspondence with Occupational Health shall be copied to the employee and, if requested, to their representative.
- 1.2 Cases referred to Occupational Health may involve:
- prognosis on the condition of an employee who is on long-term sick leave
  - an assessment of reasonable adjustments
  - an assessment of the employee's fitness to carry out the duties of their post
  - an assessment for redeployment purposes
  - an assessment for potential medical retirement
- 1.3 Management referrals should seek advice regarding:
- the impact of a health problem on the employee's ability to work
  - timescales for expected improvement
  - an opinion on the implications of the Disability Discrimination Act 2005
  - proposals for a rehabilitation programme, if appropriate
- 1.4 Interviews with Occupational Health are confidential. The outcome of assessments will be summarised and made available to HR and the line manager. The line manager will arrange a review meeting with the employee to discuss the outcome of the assessment, review the medical advice given and discuss any actions that need to be initiated in order to either improve attendance or support the employee to return to work. The employee can choose to be accompanied by a trade union representative or work colleague.
- 1.5 If the individual is unable to travel, the meeting can be conducted via telephone, or exceptionally, if agreed by the employee, at the employee's home.

### 2. Attendance at Occupational Health appointments

- 2.1 Employees are contractually obligated to attend appointments with the Council's occupational health provider. If the employee is unable to make the appointment made, they must contact their manager as soon as possible so that an alternate appointment can be arranged. Employees who repeatedly miss appointments, without good reason, may be subject to disciplinary action under the Council's **disciplinary procedure**.

### 3 Occupational Health recommendations

#### 3.1 Fit for work

- Where occupational health advise that the employee is fit for work, this will be discussed with the employee at the review meeting with the intention of agreeing a date for return to work. Any further

recommendations regarding any temporary or permanent adjustments to working arrangements will also be discussed.

- If the employee fails to return to work on the agreed date, the manager may consider referring the case to a formal sickness hearing in accordance with this procedure.

### **3.2 Phased return to work**

- Where occupational health recommend that the employee is fit for work but recommends a phased return to work, this will be discussed with the employee in order that a suitable program be arranged to introduce the employee progressively back into the workplace.
- Where a phased return to work is agreed, this will normally be on full pay for a maximum period of four weeks. If, exceptionally, the phased return is to exceed this maximum duration, the employee can either opt to use their annual leave or request unpaid leave to cover any periods not in the workplace.
- A different approach shall be adopted in the case of employees with disabilities where it may be a reasonable adjustment to allow a longer phased return to work; further guidance should be sought from HR.

### **3.3 Medical redeployment**

- Where an employee is deemed unfit for their role despite adjustments, redeployment to a suitable alternative role may be recommended. Where redeployment has been recommended by Occupational Health, the line manager will discuss this with the employee at the review meeting and the case will be referred to the Council's redeployment officer. The employee will normally be given a specified period of time, not less than four months, to secure suitable alternative employment within the Council. An extension to this period may be agreed as a reasonable adjustment
- If after the specified period of time the Council has been unable to secure suitable alternative employment for the employee, the line manager will meet with the employee to review the case and may progress the case to a formal sickness hearing in accordance with this procedure, following a further referral to occupational health.

### **3.4 Ill health retirement**

- Where an employee is deemed permanently unfit for their role or similar role, occupational health may assess the employee as being eligible for early retirement on the grounds of ill health. Where this is the case, the line manager will discuss this with the individual to seek the employee's agreement.
- Where a member of the Pension Scheme is found to be permanently unfit, their statutory rights to early payment of pension shall apply. Employees found to be permanently unfit shall have the right to appeal against medical retirement. Further advice should be sought from HR in relation to this.

