

MANAGEMENT OF SICKNESS ABSENCE

1 General Principles

- 1.1 Good employee attendance is a key factor for any organisation wishing to maximise efficiency and effectiveness. Managers have a key role in dealing with employee absence and considering the most appropriate ways of managing and monitoring absence. Employee absence can constitute a significant cost to the Council. This cost can be measured in financial terms, the impact on colleagues and in the potential disruptive effect on the Council's ability to plan for and provide its services.
- 1.2 The Council as a good employer does not expect that employees attend work when they are unable to do so as a result of illness. The Council does however, expect staff to notify their absence correctly and in accordance with this policy.
- 1.3 Managers taking measures to control sickness absence must ensure that procedures adopted are fair, consistent and equitable treatment for all staff. Managers need to treat each individual case on its own merits, taking into account all the circumstance of the case.
- 1.4 In addition to this policy, the Council has supporting guidance (which provides advice but does not form part of the Managing Sickness Absence Policy) and other related policies including, Guidance on Management of Sickness Absence; Reasonable Adjustments – Guidelines for Managers and the Management of Stress at Work Policy.

2. Scope

- 2.1 This procedure applies to all Hackney employees (except school based staff who have their own procedures).

3. Roles and Responsibilities

3.1 Employees

Employees who are unable to attend work due to illness have a responsibility to:

- follow the Sickness Notification Procedure (see appendix 1)
- return to work as soon as fit to do so
- meet with the manager upon return to work for a return to work interview
- consider and apply (as appropriate) advice and support offered by OHS

- attend any reasonable medical review referral arranged by the line manager, where practicable.

3.2 Managers

Line managers have a central role in the effective management of sickness absence and its impact on work performance and delivery. Managers must:

- ensure all employees are aware of the Council's reporting procedures for sickness absence
- create a work environment conducive for good attendance
- be knowledgeable and aware of the Council's management of sickness absence procedure
- treat employee's sickness absence and attendance record fairly and consistently with other colleagues
- maintain contact with employees, especially those on long term sickness absence at agreed times
- consult with OHS to facilitate employee's return to work and notify employees in a timely manner

3.3 Occupational Health Service

The role of OHS is to provide occupational health information to managers. Managers can refer employees for professional advice at any stage of the sickness absence. Managers can seek professional advice:

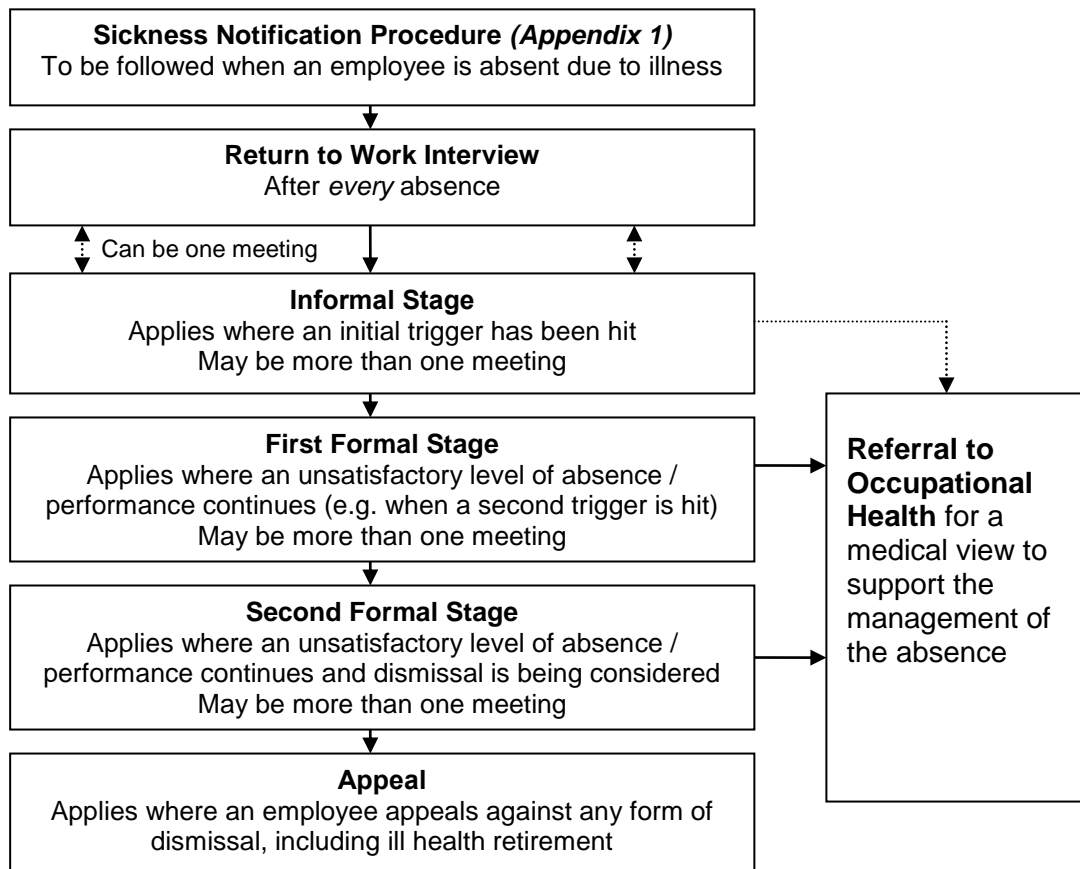
- if there is a medical condition affecting attendance or work performance
- on any potential impact of such medical condition on the employee's ability to perform their duties
- on likely date of return to work
- regarding temporary or reasonable adjustments that can be made to the role to enable the employee perform their job in spite of the health condition
- on types of suitable alternative work if an employee is unable to return to their own job

4. Maintaining Confidentiality

Managers must ensure that they maintain confidentiality when information about sickness absence of an employee is being processed. The provisions of the Data Protection Act cover this information, and the employee also needs to be secured in the knowledge that their personal information will only be disclosed to those who need the information with their consent.

5 The Sickness Process

5.1 The stages of the sickness absence management procedure are summarised below:-



6 During Sickness Absence

6.1 The requirements on employees to notify their manager are at Appendix 1.

6.2 Throughout a period of sickness absence, employees and their manager must maintain contact via:-

- telephone contact at least fortnightly; *and/or*
- informal home visits (with the employee's consent)

6.3 Employees must send in a Statement of Fitness for Work (fit note) if their sickness absence is over 7 calendar days.

6.4 Employees must attend OHS appointments as required.

7 Return to Work Interview

7.1 Managers will hold a Return to Work Interview with the employee as soon as possible (and at least within 3 working days) after every period of sickness. The meeting should be conducted in a private and in an informal and sensitive

manner. The intention at this stage is that any discussion is informal. At the meeting the manager will:

- confirm the reason for absence, check that the employee is fit and identify any required temporary arrangements or reasonable adjustments;
- welcome the employee back to work and update them on work issues that had taken place whilst they have been away.

7.2 The interview must be documented on the Return to Work Interview Form and kept on the employee's personal file.

7.3 Where an employee cites stress at work as a reason behind their sickness absence, the manager must complete a copy of the Work Related Stress form with them and make any necessary adjustments.

8 Informal Stage

8.1 The informal stage applies where either:-

- the manager has a cause for concern about employee health; *or*
- any one of the Council's sickness triggers has been hit (*see Appendix 2 for details of the triggers*)

Note: An informal stage meeting and a return to work interview can be conducted at a single meeting.

8.2 At the informal stage meeting, managers will:

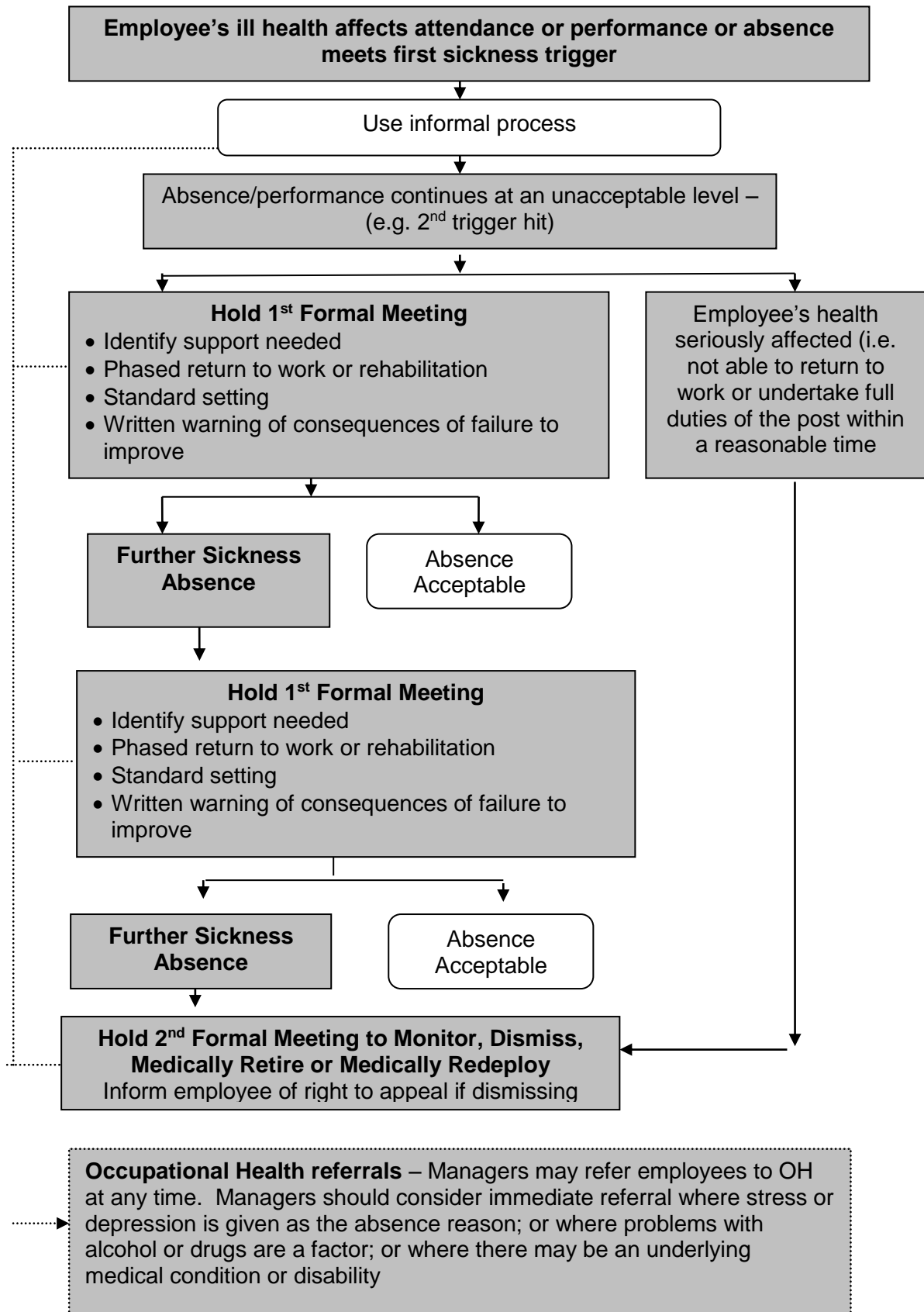
- go through the employee's absence record, explain why there is cause for concern (e.g. which trigger has been hit) and state the expected standards;
- check whether there is anything that can be done to support the employee's future attendance (e.g. reasonable adjustments to work/environment);
- reinforce the importance of good attendance
- refer the employee to the OHS if any issues arise that need a medical opinion
- inform the employee that if sufficient improvement is not demonstrated, the matter may be reviewed under a formal process

8.3 Attendance will be monitored for 12 months. If further sickness absence occurs, the process will re-commence at the point that it left off (i.e. the process will not begin again).

8.4 Employees do not have the right to be accompanied at informal meetings (which have the same status as normal supervision meetings). Similarly, an HR representative will not accompany managers.

9 Formal Stage

9.1 The decision making process to be followed is summarised below:-



9.2 The table below summarises the outcomes available to managers at formal first and second stage meetings:-

Meeting	Outcomes Available
1st Formal Stage Meeting Line Manager	Agree outcomes Phased return work Reasonable adjustments to work conditions, duties, hours, etc. Written statement warning of consequences of non-improvement Satisfactory improvement (may be subject to monitoring)
2nd Formal Stage Meeting Line Manager (At least 3rd tier where dismissals may be the outcome)	All 1 st level outcomes and:- Redeployment on medical grounds Early retirement on ill health grounds Dismissal due to sickness capability
Appeal Against Dismissal At least 2nd tier	Confirm original decision or substitute a different decision

9.3 The employee's right to be accompanied

Employees have the right to be accompanied at all formal meetings by a Trades Union Representative or work colleague.

9.4 Where an employee is too sick to attend meetings, consideration should be given to alternative means of either holding a meeting (such as a telephone conference call) or allowing third parties to represent them. HR should be consulted over these arrangements.

9.5 First Formal Stage Meeting

9.5.1 This stage applies where:-

- Repeated absence continues to be a problem (e.g. resulting in a second sickness absence trigger being hit) or improvements in attendance are not maintained; *or*
- There is a period of continuous absence that exceeds 28 (calendar) days or is expected to exceed 28 (calendar) days

9.5.2 Repeated absences

The manager will meet with the employee to:-

- Tell them what the required standard is and the improvement that is required
- Listen to the employee's views
- Let them know the operational difficulties that the absence is causing.

- Agree the support the manager will provide (training, workplace adjustments, counselling etc.)
- Let them know the monitoring period (normally 12 months) and the dates of regular review meetings during the monitoring period
- Warn the employee that:-
 - a. *if improvement is unsatisfactory, then further formal action may be taken; or*
 - b. *their job is at risk (i.e. you may be forced to consider whether the service can continue to support the absence and a second stage meeting could follow that could result in dismissal)*
- Confirm the outcome in writing and place a copy of the letter on the employee's file.

Note: If the possibility of an underlying medical condition is identified, the employee should be referred to the OHS. In this case, the meeting will be adjourned and reconvened when the medical opinion has been received.

Managers should discuss the result of the OHS report with the employee before determining the outcome of the previous meeting, and where appropriate make adjustments as recommended by OHS.

9.5.3 Continuous absence (28 consecutive days or more)

The manager will meet with the employee to:-

- Explore with the employee when it is likely that they might be able to return to work and on what basis (e.g. can the employee return to work on a phased basis – see *guidance on phased returns to work* - or if there are adaptations to their job/work environment)
- Listen to the employee's views throughout and take account of them
- Inform them that they will be referred to the OHS and the information OHS will be asked to provide
- Let them know the impact on the service that their absence is causing
- Let them know if their job is at risk. If you are beginning to consider dismissal, the employee must be issued with a warning
- Confirm the outcome in writing

9.5.4 Performance issues

Where the manager considers that an employee's health is adversely affecting their ability to do their duties, this will be managed in the same way as continuous absence. Managers should apply the principles in the Council's Capability Procedure with sensitivity and in accordance with this procedure.

Note: If there are concerns that the employee's health may put themselves, others or the service at risk at work see 12.2.

9.6 Second Formal Stage Meeting

9.6.1 This stage applies where:-

- the employee's sickness absence remains unsatisfactory despite earlier warning/s (usually two or more 1st level meetings); *or*
- medical evidence suggests that the employee will not within a reasonable period be able to return to work or undertake the full duties of the post and/or is suitable for medical redeployment; *or*
- the employee's capability remains unsatisfactory owing to a health related matter

9.6.2 Repeated absences

Managers may consider dismissal where:-

- the employee's level of absence is unacceptable; *and*
- the employee has had sufficient opportunity to improve; *and*
- the employee has been provided with clear warnings of the consequences

Note: If an underlying medical condition has been identified, then managers must consider the points listed in continuous (long term absence) below.

9.6.3 Continuous absence

In cases of continuous (long-term) absence, the manager must consider:-

- the impact of the continuing absence on the service;
- the timescales within which the employee may be able to return to work;
- the employee's history and the level of confidence in their being able to attend work in the future;
- any alternatives to dismissal that may be appropriate under the circumstances
- moving straight to a second formal stage meeting where the employee is not co-operating or engaging with the process, ie employee is not communicating, refusing to attend OHS assessments and/or any welfare meetings arranged.

Managers **must** consider whether:-

- the employee could return to work on a phased return basis or if reasonable adjustments to the work or working environment were made - this is especially important if the employee has a disability
- the employee could return to work in another capacity (i.e. could they be temporarily transferred or redeployed)
- ill-health retirement is appropriate

Note:

- *The above questions must be considered taking account of **recent** medical opinion from the OHS.*

- *A reasonable period of review should be allowed for any support arrangements put in place or for any treatment and recuperation that might enable a return to work in the near future*

9.6.4 Performance issues

Where the employee is incapable of performing their duties to the required standard because of a health related issue, the same points as for continuous absence (above) should be considered.

10 Arrangements for All Formal Meetings

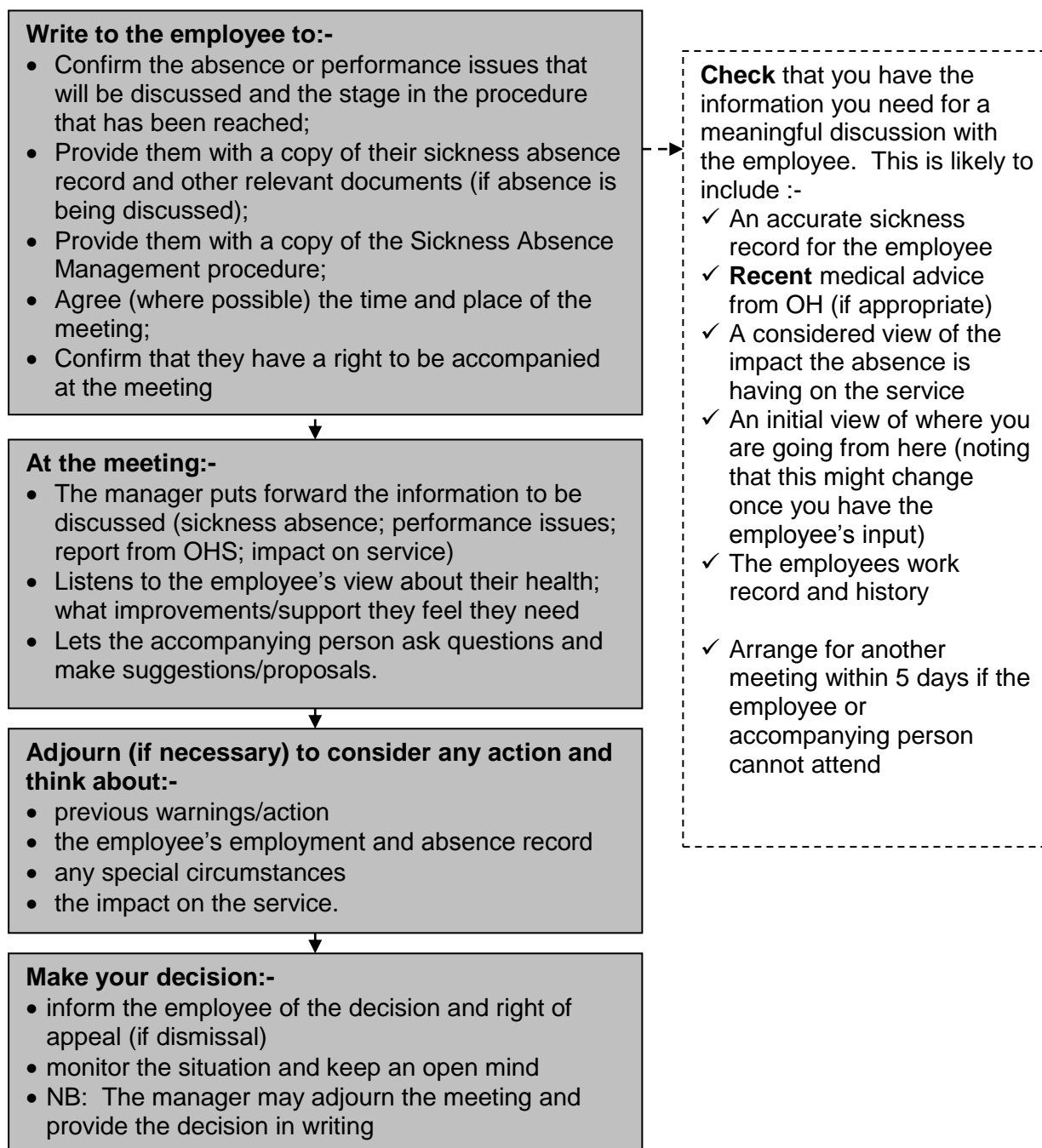
10.1 ***At least 5 working days before a 1st or 10 working days before a 2nd level*** sickness management meeting, the manager will:-

- invite the employee to the meeting in writing, stating the venue, date and time of the meeting;
- provide them with a copy of their relevant sickness absence record and other relevant documents that the manager intends to refer to and tell them what will be discussed at the meeting (e.g. that they have hit a sickness trigger);
- specify any concerns about the employee's attendance or performance due to sickness;
- state that the employee must take all reasonable steps to attend the meeting;
- confirm the employee's right to have a trade union representative or work colleague present at the meeting

10.2 Employees may request a postponement of the meeting at least 3 working days before the meeting and must provide a reason. The meeting will normally be reconvened within 5 working days of the original date. Subsequent requests for postponement will not normally be accepted.

10.3 Where employees unreasonably fail to attend any meeting arranged, the meeting will be held in their absence and the outcome will be confirmed to them in writing.

10.3 A summary of the process for formal meetings is outlined below:-



11 Appeal

11.1 Employees have the right of appeal (normally within 10 working days of receiving the letter confirming the decision) against a decision to dismiss on the grounds of sickness incapability on one or more of the following grounds: -

- the sickness procedure was not followed (in which case the appeal panel will consider whether this materially affected the decision); *or*
- the decision reached was unreasonable considering the circumstances of the case (e.g. that insufficient time was given for recovery; or that redeployment was a viable option; or that reasonable adaptations were identified and not made); *or*

- new evidence has become available which the employee was unable to produce at the earlier meeting and which affects the final decision

11.2 Appeals must be submitted in writing and provide full details of the grounds.

11.3 Appeals will normally be heard by a 3rd tier manager or above.

11.4 The process for appealing against decisions to award levels of ill health retirement is described in the Council's ill health retirement procedure.

11.5 Normal timescales for appeals are:-

Task/Activity	Timescale
Employee appeals	Normally within 10 working days of receiving the letter confirming the decision
Hear the appeal	Normally 20 working days (from receipt of the letter stating grounds)
Appeal Chair invites the employee to the appeal	At least 10 working days before the appeal
Employee submits new evidence to the Appeal Chair (normally new evidence will have been submitted with the Appeal grounds)	At least 5 working days before the meeting date
Employee requests postponement of meeting with good reason. (If there is not a good reason the appeal will go ahead in their absence)	Extensions agreed for a reasonable period
Dispatch of the decision/outcome letter	Within 10 days of completion of the meeting

11.6 The options available to the Appeal Chair are to either confirm the original decision or substitute a different decision.

12 Notes

12.1 Ill health retirement

If the employee has been a member of the LGPS (Local Government Pension Scheme) for a period of 2 years or more, then Managers may wish to consider the employee for retirement on the grounds of ill health. If this is the case then:-

12.1.1 Managers must request the OHS to formally consider ill health retirement where:-

- medical information indicates that the member is likely to be permanently incapable of returning to work due to ill health; *or*
- an employee discloses that they have a terminal illness.

12.1.2 Managers must request the OHS to certify that, in their opinion:-

- the member meets the criteria for ill health retirement; *and*
- any reduced likelihood that the member has of undertaking gainful employment before their normal pension age

12.1.3 Once the OHS has provided a report and completed the necessary HK09 form, the Manager/HR will refer the case to the Ill Health Retirement Panel (IHRP) for a decision.

- ***If the IHRP agree to retire the member*** on ill health grounds, the manager will be notified and a 2nd stage meeting will be held with the employee to discuss a final day of service.
- ***If the IHRP do not agree to retire the member*** on ill health grounds, the manager will be notified and will:-
 - continue to manage the member using the sickness procedure; *or*
 - dismiss the member on the grounds of sickness capability

Full procedures for dealing with ill health retirements for employees in the LGPS, together with a referral letter template and an HK09 Form can be found on the intranet.

12.2. Dealing with employees 'at risk' due to health

12.2.1 Managers may remove an employee from safety critical work where they:-

- have serious concerns about an employee's health; *or*
- believe that employee's continued presence in the workplace would constitute a serious health and safety risk because of their health

12.2.2 Employees removed from work must make every effort to see a medical practitioner as soon as possible. Employees must telephone their manager at least the following day before 10:00 or at least one hour before their normal start time.

12.2.3 Employees will be on special leave which will be lifted when:-

- The medical practitioner advises that the employee is not fit for work (with a medical certificate). In this case, the Council's sickness absence procedures apply; *or*
- The medical practitioner signs the employee as being fit to work. The manager will meet the employee to discuss their return to work; *or*
- The manager informs the employee to report at work

13 Monitoring of Implementation

13.1 The implementation of this policy will be subject to review and monitoring to ensure that there is no adverse impact on people due to their age, disability, ethnicity, gender, sexual orientation or religion/belief.

Appendix 1 – Employees’ Responsibility to Inform their Manager of Absence

<p>Day 1</p>	<p>Employees must:-</p> <ul style="list-style-type: none"> • Telephone their manager (or deputy) as soon as possible on their first day of sickness absence either before 10:00 or at least 1 hour before their regular start time. Text and/or emails are not acceptable form of communicating absence. • Tell their manager the reason for the absence, how long they think they’ll be absent; and any work commitments that may need to be covered/re-arranged • Tell their manager if they believe that their sickness is due to a work-related accident, injury or illness • Note: Only in exceptional circumstances may someone else phone on behalf of the employee; and the employee must phone themselves as soon as they are able
<p>Day 4 (On 4th calendar day)</p>	<p>Employees must:-</p> <ul style="list-style-type: none"> • Telephone their manager to update them on their condition and the likely length of their absence • Note: If the fourth day falls on a weekend or bank holiday, the employee should phone on the next working day • Note: Where it is clear from day 1 that absence is expected to exceed two weeks, the manager may agree with the employee to waive this requirement
<p>Day 8 (On 8th calendar day)</p>	<p>Employees must:-</p> <ul style="list-style-type: none"> • Obtain a statement of fitness for work (Fit Note) from their GP or doctor and forward it immediately to their line manager • Provide consecutive fit note to cover the whole period of absence (i.e. obtain a another fit note if the current one runs out and they have not returned to work) • Note: Where a doctor has provided fit note with some adjustments, managers should meet with the employee to discuss this. <i>For further guidance, please refer to “Guidance on use of Fit Notes”</i>

Note: Employees who fail to comply with the Council’s absence reporting procedure as outlined in this policy may be subject to disciplinary action and/or cessation of pay.

Appendix 2 – Sickness Triggers

The sickness triggers are:-

- 3 periods of absence in any consecutive 3 month period
- 6 working days' absence in any consecutive 6 month period
- 8 working days absence in any rolling 12 month period (i.e. the previous 12 months from the most recent sickness absence)
- Any pattern of absence (more than twice a year)

Examples of a pattern of absence might include:-

- Absence on a certain day of the week (e.g. Monday or Friday)
- Absence when seasonal events take place
- Absence either side of annual leave or a public holiday

Sickness absence for maternity reasons **will not count** towards sickness triggers.

Appendix 3 – Authority to Act at Each Stage

Stage	Managing Ill Health
1. Return to work Meeting	Line Manager following every absence
2. Trigger/cause	<ul style="list-style-type: none"> ▪ 3 periods of absence in any consecutive 3 month period ▪ 6 working days' absence in any consecutive 6 month period ▪ 8 working days absence in a rolling 12 month period ▪ Any pattern of absence (more than twice in a year) ▪ Performance issues related to a health issue.
3. Informal action	Line Manager
4. Gather information	<p>Line Manager. Likely to include:</p> <ul style="list-style-type: none"> ▪ Record of sickness absence/performance issues; ▪ Medical opinion ▪ Impact on the service ▪ Previous views; actions; warnings.
5. Consider relevant Information. (i) 1 st level meeting	<p>Line manager.</p> <ul style="list-style-type: none"> ▪ Standard/Target setting ▪ Phased return to work ▪ Reasonable adjustments to work conditions, duties, hours, etc; ▪ Written warning or final written warning; ▪ Satisfactory improvement (with monitoring to continue).
(ii) 2 nd level meeting	<p>The line manager will present to a 4th tier manager or above. All 1st level plus:</p> <ul style="list-style-type: none"> ▪ Redeployment on medical grounds ▪ Early retirement on medical grounds ▪ Dismissal due to sickness capability.
6. Appeal Against Dismissal	<p>3rd tier or above</p> <ul style="list-style-type: none"> ▪ Uphold appeal ▪ Confirm original decision ▪ Substitute new decision
7. Implement Outcome	Line Manager