

Cherwell District Council

Personnel Committee

11 March 2015

Draft Sickness Absence Policy & Procedure

Report of Head of Transformation

This report is public

Purpose of report

To seek member approval to implement a shared and revised Sickness Absence Policy for Cherwell District Council and South Northamptonshire Council.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the draft Sickness Absence Policy and Procedure.

2.0 Introduction

- 2.1 Whilst recognising that employees may be prevented from attending work due to ill health, the Councils have a duty to maintain service delivery and minimise disruption. The purpose of the policy is to support all employees to achieve and maintain an optimum level of attendance at work and to ensure that attendance is managed effectively and consistently.
- 2.2 It is important to ensure that the sickness policy enables managers to manage sickness absence effectively and consistently, with early intervention through the use of Occupational Health as and when needed. The policy needs to support employees with genuine reasons for sickness absence both quickly and sympathetically, however where a policy is abused this will be dealt with through disciplinary routes.

3.0 Report Details

- 3.1 The revised policy aims to bring together areas of good practice from both Councils, but to ensure best practice and consistency in application with the main aim of ensuring sickness levels are kept to a minimum but managed effectively.

The revised policy is attached at Appendix 1. In summary the main changes are:-

- 3.1.1 Useful guidance has been incorporated in Section 14 to help managers investigate unacceptable absence levels.

3.1.2 One of the current triggers for further action has been reduced from 11 to 8 days absence per employee per annum. This is to bring the performance indicators at CDC and SNC in line with the trigger point. Note: at present neither Council has higher end of year figures than the 8 days per employee per year target, but the aim is to keep this figure as low as is practicably possible. (see 3.2 below)

3.1.3 Section 5.4 asks the employee to provide more detailed information to their manager when they report sickness absence.

3.1.4 Section 7 is new and this covers activities considered to be inconsistent with genuine sickness or injury which would contravene the policy.

3.1.5 Section 11 has been added regarding managing stress related illness.

3.2 Current sickness absence levels at both CDC and SNC are presently lower than the proposed trigger point of 8 days and it is predicted they will remain lower at the end of the financial year 14/15. Quarter three figures for 2014/2015 report 4.56 days lost per person for CDC and 5 days per person for SNC. The CIPD annual survey published in October 2014 states that the average level of absence in the public sector is 8.2 days per employee.

3.3 The main aim for the new policy will be maintaining the current low levels of sickness absence, but encouraging managers to deal with sickness much earlier by referrals to HR and Occupational Health. The policy will ensure that employees who are hitting triggers are dealt with using formal procedures, which will also mitigate against any potential complaint. The policy also reflects the new Occupational Health provider contract processes which is in place for both Councils (this started in July 2014) and will ensure early intervention can be fully utilised.

4.0 Conclusion and Reasons for Recommendations

4.1 Both Councils can ensure that there is a clear, consistent and robust sickness management process to enable line managers to feel confident in managing staff sickness absence and to challenge unacceptable levels of sickness absence.

5.0 Consultation

CDC/SNC Joint Management Team	Support the Proposals
South Northamptonshire Trade Union	Support the Proposals
Cherwell District Council Trade Union	Support the Proposals
Cherwell District Council Staff Consultation Group	Support the Proposals

Feedback from the consultees has been taken into consideration and is included in Appendix 2.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Retain the current individual policies of each Council which would not provide a clear, consistent process across the Councils.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no direct financial implications arising from this report; however increases in sickness absence create an indirect financial cost in covering employees who are on long terms sickness absence, plus the loss of productivity of employees being required to provide cover.

Comments checked by:

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Legal Implications

- 7.2 The Employment Rights Act requires employers to adopt fair procedures before dismissing employees on the grounds of sickness absence.

The Equality Act 2010 requires employers to consider making reasonable adjustments at work for disabled employees to ensure that they are treated no less favourably than other employees,

Comments checked by:

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8.0 Decision Information

Wards Affected

N/A

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

N/A

Document Information

Appendix No	Title
Appendix 1	Draft Shared Sickness Absence Policy
Appendix 2	Consultation Feedback
Background Papers	
None	
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Appendix 1

DRAFT SICKNESS ABSENCE POLICY AND PROCEDURE (CDC AND SNC)

1 April 2015 onwards

1 INTRODUCTION

- 1.1 The Councils value the contribution of its employees in delivering quality services to its customers. Whilst recognising that employees may be prevented from attending work due to ill health the Councils also have a duty to maintain service delivery and minimise disruption. The overriding objective of the Sickness Absence Policy and Procedure is to manage sickness absence levels whilst maintaining a positive, fair and consistent approach to staff.
- 1.2 The Councils recognise and accept their responsibility to employees to ensure the working environment is safe and that the conditions of employment are conducive to good health and wellbeing. A satisfactory level of employee attendance at work is crucial and non-satisfactory levels reduce our available resources and can have a negative impact on how we deliver our services. It also places colleagues under undue pressure.
- 1.3 The purpose of this policy is to support all employees to achieve and maintain an optimum level of attendance at work, to ensure that attendance is managed effectively and that the sickness scheme is not abused, whilst ensuring that employees with a genuine illness are treated sensitively.
- 1.4 When an employee is absent due to sickness they must satisfy the requirements of the Councils absence procedure in order that their respective entitlements to statutory and occupational sickness pay are made.

2 POLICY STATEMENT

- 2.1 It is the policy of the Councils:
 - to objectively assess any periods of absence and decide on appropriate action;
 - to review reasons for sickness absence in order to help prevent the absence recurring, address any welfare problems, and ensure appropriate medical assistance is being provided;
 - to identify work-related ill health and address the cause;
 - to promote occupational health and welfare to ensure the workforce is effective and efficient;
 - to achieve an average corporate absence rate in line with the national upper quartile BVPI position.
- 2.2 The policy and procedures will be implemented in a non-discriminatory manner taking into account individual circumstances and respecting confidentiality.

3 DEFINITIONS

- **Absence** - not attending for work when contractually required to do so.

- **Authorised Absence** - absence authorised by line management prior to or after its occurrence and can be paid or unpaid.
- **Unauthorised Absence** - absence not authorised by line management prior to or after its occurrence and is **always unpaid**.
- **Self-certificated Sickness** – employees are required to complete a Self – Certification Form for the first seven days’ of any sickness absence. This form is sent to HR via the employee’s line manager. (Saturdays and Sundays are included if both the Friday and Monday are recorded as sickness absence).
- **Medically Certificated Sickness** - sickness absence of more than 7 consecutive days and must be supported by a doctor’s medical certificate.
- **Frequent Short-Term Absence** - absences that are normally sporadic and attributable to minor ailments. Often the employee will only be absent for a maximum of a week, but more often for single days.
- **Long Term Absence** - *where an employee has been, or is expected to be, continuously absent for four weeks or more.*

4 CONFIDENTIALTY

- 4.1 Medical information is confidential. This does not mean that employees have the right to withhold information about their medical condition. However it does mean that the Councils recognise that some employees may be reluctant to divulge sensitive or personal information and therefore the absence procedures allow employees some discretion over who, within management, they may speak to about ill health problems. Whoever receives such information must respect confidentiality.
- 4.2 Any breach of confidentiality will be regarded as serious and could lead to disciplinary action.

5. NOTIFICATION OF ABSENCE - *Day one*

- 5.1 Employees must contact their line manager on the first day of absence ideally by the time they would normally start work, and in any case within one hour of their normal start time, giving the nature of their illness or symptoms, its likely duration and what arrangements are being made, if any, to seek medical advice. This is to ensure that the work can be covered and there is a minimum of disruption to service delivery.
- 5.2 Personal contact should be made by the employee by telephone. If an employee is unable to reasonably access a telephone they should make arrangements for an appropriate person to notify their Manager personally on their behalf. Sending a text message via a mobile phone or an e-mail is not an acceptable method of notifying a period of absence. An exception to this rule is in circumstances when an employee is due to start an early shift and it would be unreasonable to contact the manager other than by text. However in this circumstance the employee must follow up any message with personal contact no later than 9.00am.
- 5.3 In the event of not being able to contact their line manager, employees must leave a message, including the information in 5.1, with another colleague in their team. The member of staff receiving this information will ensure that the line manager, or another appropriate manager, is informed of the absence verbally as soon as possible

- 5.4 The line manager should obtain and record the following information from the employee when they notify them of their absence:
- Date and time of call
 - Reason for absence/nature of illness
 - Likely duration of absence
 - If the employee does not call in themselves the name and relationship of the individual reporting the absence.
- 5.5 The line manager and employee may agree arrangements to contact each other during the period of absence in addition to those required in this policy, in the interests of both the welfare of the member of staff and the maintenance of service delivery levels.
- 5.6 Except where a doctor's certificate (Fit Note) covering the period has already been supplied to the Council, through the employee's line manager, employees should contact their Line Manager on each subsequent working day of absence unless otherwise instructed by their Line Manager, until their return to work.

More than seven days' absence

- 5.7 After seven calendar days' continuous absence the employee must inform their line manager of progress and obtain a doctor's medical certificate (Fit Note). This form must be sent by the employee to HR via the line manager as soon as possible.

Continuing absence

- 5.8 A doctor's medical certificate is required for all subsequent absence both to authorise that absence and to ensure payment of appropriate sickness pay.
- 5.9 An employee can provide a medical certificate that has been issued by a hospital instead of a doctor's certificate if there has been a period of hospitalisation.
- 5.10 For absences of fourteen days or more the employee may be required to see the Council's Occupational Health Advisor to confirm that they are fit to return to work.

6. NON-COMPLIANCE WITH THIS PROCEDURE

- 6.1 Sick pay may be withheld for any periods of sickness absence not covered by a self-certificate or a medical certificate. Continuation of medically certificated absence must be provided no later than 7 days after the expiry of the previous medical certificate. If this is not provided without good reason pay may be suspended until a certificate is produced to cover the period of absence.
- 6.2 Where periods of absence are not correctly reported in line with this procedure, this may be treated as unauthorised absence and the appropriate pay deducted. Formal procedures will be invoked where repeated non-compliance with this procedure occurs.

7. CONDUCT DURING ABSENCE

7.1 The purpose of paid and unpaid sickness absence is to facilitate an employee's recovery from an illness or injury. Therefore activities which would normally be considered inconsistent with genuine sickness or injury, or contravene this policy include:-

- Participation in any sport, hobby, social or other activity which could aggravate the illness or injury, or which could delay recovery.
- Undertaking any other employment during sickness absence whether paid or unpaid, which is in any way inconsistent with the nature of the illness or injury.
- Taking sickness where annual leave has not been granted (in the event of this happening, a doctors' note will be requested as part of the investigation).
- Altering or causing to have altered any of the details on the statement of fitness to work.
- Providing inaccurate or misleading information about the absence.

Formal disciplinary measures may be taken against any individual who is believed to have contravened the policy and if employees are found to be using the scheme for purposes other than recovery from illness or injury.

During any period of sickness absence an employee should be willing to participate in regular contact with their Line Manager. This could also include HR and Occupational Health as and when this is deemed appropriate.

8. CONTACT DURING LONG TERM ABSENCE

The line manager or other designated officer should take positive steps to keep in touch so that the employee knows that the employer is interested in their health in instances of long-term absence. Line managers should write to the employee indicating a desire to maintain contact and asking the employee whether they would prefer telephone contact, occasional visits at home (perhaps by a colleague), email communication or a combination of these. The letter will make it clear that the line manager's interest and concern is about the employee's welfare and progress and offer any support that is reasonable and practicable. The line manager will not put pressure on the employee, and the employee's wishes as regards contact arrangements. HR should be kept informed of progress, and can offer advice and support as and when required.

9. OCCUPATIONAL HEALTH

During the course of your employment, the Council may request that you undergo medical examinations or health interviews by our Occupational Health Advisors. They are able to provide an invaluable service for instance, in assisting employees to return to work after prolonged periods of absence and can advise us on how best to manage and support you. In such circumstances, to ensure that our occupational services can provide us with the advice we need you will be asked to agree to the medical advisor disclosing the results of the examination to the organisation in accordance with the Access to Medical Reports Act 1988 and shall provide the organisation with such formal consents as may be necessary for this purpose. The Council reserves the right to test for alcohol and drug intoxication as detailed in the Alcohol and Drugs policy.

10. ANNUAL LEAVE AND SICKNESS ABSENCE

10.1 Where an employee falls sick or is injured while on holiday, the Council will allow the employee to transfer to sick leave and take replacement annual leave at a later time. This is subject to the following strict conditions:

- The employee must contact their Line Manager (by telephone) as soon as they know that there will be a period of incapacity during a holiday.
- The total period of incapacity must be fully certificated by a qualified medical practitioner.
- Where the employee is overseas when he/she falls ill or is injured, evidence must still be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location.

10.2 Where the employee fulfils all of the above conditions, the Council will grant the employee the same number of days' replacement annual leave as the number of annual leave days lost due to sickness or injury. An employee must request to take any replacement annual leave in accordance with the Council's normal annual leave policy, and should endeavour to take the replacement annual leave in the same leave year in which it was accrued. During sickness absence an employee will continue to accrue annual leave entitlement.

If the employment is terminated before an employee returns from sick leave, they will receive a payment in lieu of any accrued but untaken annual leave.

11 MANAGING STRESS RELATED ILLNESS

11.1 Any employee who is suffering from a stress related absence e.g. depression, anxiety etc. must be referred immediately to our Occupational Health providers who will make an assessment and give the manager appropriate advice.

11.2 In these circumstances managers are advised to contact HR at the earliest opportunity for help and advice.

12 LONG TERM SICKNESS ABSENCE AND ILL HEALTH DISMISSAL

12.1 Consecutive medical certificates are needed to cover the full period of long term absence and the employee must contact their line manager each time a new medical certificate is obtained.

12.2 The underlying principle in the management of long term absence is to balance the service needs against the circumstances of the employee concerned. Each case will be assessed individually. HR will work in close partnership with the employee's line manager.

12.3 HR may, as appropriate, arrange a mutually convenient time to visit the employee at home to discuss their well-being and the circumstances relating to their sickness

absence. The visit may include gaining written consent to obtain medical information.

- 12.4 The line manager or nominee will also maintain regular contact with the employee, ideally at least every two weeks to prevent the employee feeling isolated, ensure their welfare needs are being met and to keep them updated with any developments at work which may affect them. Contact may be by telephone, letter or home visits.
- 12.5 A meeting either at home or at work, must be arranged with the employee at a time to suit them. They can have friends, family, colleagues or their Trade Union representative present and will be advised of this when making any arrangements.
- 12.6 An Occupational Health referral is needed in the majority of cases of long-term absence. This should occur at the earliest practical opportunity in order to gain a speedy and useful response.
- 12.7 The Occupational Health Advisor may seek further medical advice on the nature of the employee's illness, whether and when the employee is likely to be able to return, whether they are likely to be able to return full-time or part-time for a while, or whether they will need alternative work.
- 12.8 When the employee returns to work a Return to Work Meeting must be held and a Self-Certification/Return to Work form completed.
- 12.9 An employee recovering from long-term sick leave must be properly monitored and managed by the line manager. Where a temporary reduction in working hours is arranged the difference in hours between the actual hours to be worked and the contractual hours will be recorded as sick leave. Other arrangements may include temporary revision of workloads and/or refresher training.
- 12.10 If, following review, permanent adjustments need to be made, all reasonable steps will be taken to accommodate the changes. The aim is, as far as is practical, to facilitate continued employment.
- 12.11 When medical advice indicates that the employee may have become incapable of undertaking their duties, the Council's Ill Health Dismissal Procedure will be discussed with the employee. If the employee is a member of the local government pension scheme, the Ill health retirement process will be discussed.

13 TERMINAL ILLNESS

- 13.1 When the Council becomes aware that an employee has a terminal illness the following needs to be taken into account:
- The employee may not be aware that the illness is terminal if the medical practitioner has decided that it is not in the person's best interest to be informed of their condition.
 - The financial entitlement available to relatives on the death of the employee may be substantially more if the employee remains employed by the Council until the time of death.

- People are affected differently by the knowledge that they are terminally ill. Some may wish to continue working for as long as they are able while others may find it impossible to remain at work.
- The Council is sympathetic to the employee's situation and will manage the employee's situation on an individual basis, giving careful consideration to the employee's interests.
- The Council will be mindful of the pension benefits that can accrue and the length of service qualifications that apply to those benefits. Where possible, decisions about retirement will aim to provide the employee with the most financially beneficial result.

14 RETURNING TO WORK

- 14.1 Return to Work Interviews will be conducted for all sickness absence regardless of length of time off.
- 14.2 A Return to Work Interview should be done on the day of return, preferably within the first four hours of starting either their rota or normal working day. It is at this point that any failure to comply with this policy will also be recorded. In some circumstances there may be an acceptable explanation, and this can be acknowledged. If there is no acceptable explanation, the disciplinary process may apply. HR should be contacted for advice if this is being considered.
- 14.3 Return to Work Interviews should be conducted in a sympathetic manner and appropriate arrangements for privacy should be made. The Return to Work Interview should facilitate a resumption of work and progression to full responsibilities within an agreed timescale.
- 14.4 It is the Line Managers responsibility to ensure that the correct documentation is received to cover the period of absence, whether it is a Self-Certification Form/RTW Form or a medical certificate (Fit Note), these must be passed to HR to be kept on the employee's record and to ensure payroll are able to pay the correct entitlement.
- 14.5 The line manager should also be alert to any patterns of absence, for example the persistent Monday or Friday absentee. If a pattern is identified, the line manager should put their observations to the employee directly so that the employee has the opportunity to provide an explanation. The line manager should, however, remain open minded and not jump to any hasty conclusions about the employee's absences.
- 14.6 The line manager will approve the Self Certification Form/Return to Work Form, provided that they are satisfied that the claim is genuine and the reason for the absence is suitable. If the reasons are not deemed acceptable this then may constitute unauthorised absence, and may also instigate disciplinary action.
- 14.7 The purpose of this return to work interview is to:
- Establish the reason for absence.
 - Confirm the line manager's responsibility in monitoring and reviewing of absence.
 - Consideration of any support required to the employee.
 - Discuss any related concerns regarding the absence.
 - Establish if there are any underlying problems that account for the level of absence.

- Agree next steps if applicable.

14.8 Where an employee returns to work after a long period of sickness absence, the return to work interview will take account of any particular difficulties in relation to any agreed return to work programme. The Council will discuss reasonable adjustments, on an individual basis, with all employees who have been on long-term sick leave. Long term changes to roles will be considered but not guaranteed.

15 MONITORING SICKNESS ABSENCE

15.1 Informal Actions

The line manager should try to establish, through investigation and discussion with the employee, the underlying reasons for frequent absences. Until the underlying cause is identified, an appropriate and effective remedy will be impossible to identify. Check whether or not absences are in part because of personal or family problems. Check whether the employee's absences are in any way work related, for example as a result of workplace stress. If the problem is work related, the line manager should take prompt steps to remove or reduce the factor that is causing the employee's problem. Seek medical advice through Occupational Health, if appropriate, to determine whether there is any underlying medical cause for the employee's frequent absences, speak to the HR department to refer to Occupational Health.

15.2 Set reasonable targets and time-limits for improvement in attendance and ensure that the employee is committed to achieving them. Warn the employee of the consequences of continuing unsatisfactory attendance, i.e. that further action will be taken which may eventually lead to dismissal. Schedule a follow-up meeting at an agreed time to monitor the on-going situation.

15.3 Before taking any formal action in respect of an employee who has had frequent absences from work, the line manager should check the employee's absence record to gain an accurate assessment of the number of days' absence that they have had and the number of separate occasions that they have been absent.

15.4 If there is no improvement and absence levels are unsustainable, the formal stages of this policy will be invoked.

16. STAGE ONE - First Formal Discussion

16.1 This discussion will be conducted where:

- There have been three periods of absence in 5 or less consecutive calendar months or
- Average sickness absence levels are running at 8 working days or more in a rolling year (pro-rata for part time staff).
- There is an unacceptable pattern of absence, such as, regular Fridays or Mondays
- Absence regularly occurs on a particular day of the week
- Absence regularly occurs at peak workload periods
- Any period of absence gives concern
- There is continued failure to follow the notification process without good reason

- No satisfactory reason for being absent from work has been provided
 - There is a continuing pattern of unauthorised absences
 - There has been a failure to provide medical certificates when required
 - There is reason to believe that the employee has taken part in activities that are inconsistent with the cause of absence or prejudicial to recovery
- 16.2 The line manager should inform the employee of the date, time and place of the meeting, giving a minimum of 5 working days' notice, as well as a brief explanation of why the meeting is to be held, by using the Formal Discussion letter (appendix D). The employee is entitled to be represented by a trade union representative or colleague of their choice, which they are responsible for arranging.
- 16.3 If the employee's representative is unavailable to attend at the appointed time, the employee may request postponement and suggest an alternative time and date. If this is reasonable and within 5 working days of the original date, the meeting will be postponed.
- 16.4 The First Formal Discussion gives the line manager and the employee the opportunity to discuss the employee's absence record and the reasons for the absence, and any non-compliance with the Sickness Policy. A course of action will be set out over a specified period of time to provide the employee with an opportunity to improve. During the discussion the line manager will:
- Review the employee's attendance record during the relevant period
 - Review any non-compliance issues
 - Give the employee the opportunity to discuss any problems or raise any concerns
 - Decide whether any further action is required such as a referral to the Council's Occupational Health Advisor (see Section 7)
 - Agree a target for improvement in sickness levels over an agreed monitoring period, usually 3 months
 - Inform the employee that if attendance and/or compliance does not improve within the time period being monitored, a Second Formal Discussion will be held
- 16.5 During the discussion a Formal Discussion Form must be completed by the employee and line manager stating the improvement required. Following the meeting a copy will be sent to the employee and to Human Resources.
- 16.6 The employee must be advised of his/her right of appeal.
- 16.7 In setting targets for improvement, the manager will take into account the individual circumstances of the case; any advice received from the Occupational Health Advisor; the impact of any underlying medical condition or disability; and any reasonable work place adjustments that need to be put in place to enable the employee to improve their attendance.
- 16.8 Following the First Formal Discussion, attendance and/or compliance will be monitored monthly.
- 16.9 A target of reduced absence during the formal monitoring period (normally 3 months) will be set, following which a formal review will be held.

- 16.10 If the target set for improvement has not been met and the agreed action from Stage 1 is not having satisfactory results, the line manager may move to Stage 2 at which a HR representative will also be present.
- 16.11 If the target set for improvement has been met there will be no need for further formal review meetings, however, attendance will continue to be monitored for a further three months. Provided that attendance and/or compliance do not deteriorate during this period there will be no further need for formal monitoring and the employee will be removed from the formal stages of this policy. If attendance and/or compliance deteriorate during this period, however, the line manager may move to Stage 2.

17. STAGE TWO - Second Formal Discussion

- 17.1 Failure to meet the targets set out in Stage 1 may result in progression to Stage 2, or if an employee has two Stage 1 discussions within the previous 2 year period.
- 17.2 The employee will be notified of the date, time and place of the meeting at least 5 working days in advance using the Formal Discussion letter, and advised of the right to be represented. If the employee's representative is unavailable to attend at the appointed time, the employee may request postponement and suggest an alternative time and date. If this is reasonable and within 5 working days of the original date, the meeting will be postponed.
- 17.3 The purpose of this discussion is to ensure that the employee is given a further opportunity to discuss their absence formally and explain why their absence level is not improving. During the Second Formal Discussion the line manager will:-
- Review the employee's attendance record during the monitoring period
 - Review any areas of non-compliance with the policy and procedures
 - Review the steps that have been taken to support him/her in achieving the required level of attendance
 - Give the employee the opportunity to discuss any problems or raise any concerns
 - Discuss any Occupational Health advice that has been received
 - Review the impact of any support or work adjustments recommended by the Occupational Health Advisor, for example counselling
 - Decide whether any new information requires further referral to the Council's Occupational Health Advisor
 - Agree a target for improvement in sickness levels over a further monitoring period, usually three months
 - Agree any further help and support that can be provided to enable the employee to improve their attendance
 - Consider any changes in working arrangements which would allow the employee to continue working in their current job e.g. change of hours, period of unpaid leave, job design – whilst maintaining appropriate levels of service
 - Inform the employee that in the event of a medical report advising that they are permanently unfit to undertake their duties, their continued employment will be in question.
 - Consider the possibility of redeployment on medical grounds
 - Issue a **Formal Warning** to the member of staff that his/her employment may be terminated if their attendance levels do not improve within the specified time period.

- 17.4 A Formal Absence Discussion Form must be completed. This will provide a record of the meeting and the outcome. A copy will be given to the employee and to Human Resources.
- 17.5 The employee must be advised of his/her right of appeal.
- 17.6 A target of reduced absence during a formal monitoring period (normally 3 months) will be set, and attendance and compliance will be monitored monthly during that period, following which a Formal Review will be held.
- 17.7 If the target set for improvement has not been met and the agreed action from Stage 2 is not having results, the line manager may move to Stage 3.
- 17.8 If the target set for improvement has been met there will be no need for further formal review meetings, however, attendance will continue to be monitored for a further three months. Provided that attendance and/or compliance do not deteriorate during this period there will be no further need for formal monitoring, the employee will be removed from the formal stages of this policy and the Formal Warning will be removed from their record. If attendance and/or compliance deteriorate during this period, however, the line manager may move to Stage 3.

18. STAGE THREE - Final Formal Discussion: Dismissal

- 18.1 A Final Formal Discussion may be held if the improvement target(s) have not been met or sustained. This meeting will be with the line manager, Head of Service (or his/her nominated deputy) and a representative from the HR team.
- 18.2 The employee should be notified of the meeting at least 5 working days in advance and advised of the right to be represented. If the employee's representative is unavailable to attend at the appointed time, the employee may request postponement and suggest an alternative time and date. If this is reasonable and within 5 working days of the original date, the meeting will be postponed.
- 18.3 The purpose of the meeting is to consider whether the employee should be dismissed on the grounds of capability. Dismissal on grounds of ill health capability means that the employee's health is such that they cannot satisfactorily do the work they are employed to do. Ultimately, the Councils do not have to retain the services of any employee who cannot for whatever reason attend work on a regular basis and by definition fulfil their contractual obligations to their employer. Each case will be dealt with on its own individual merits and particular circumstances in the light of the following information:-
- The employee's attendance record
 - The steps that have been taken to support them in achieving the required level of attendance
 - Any mitigating circumstances the employee may wish to be taken into account
 - Any occupational health advice that has been received
 - Other information that may have been collected during previous Formal Absence Discussions.
- 18.4 Following the meeting a decision will be taken by the Head of Service whether to dismiss the employee on the grounds of capability.

- 18.5 The **Formal Warning** may be extended to allow time for improvement in sickness absence levels. The option of allowing further time for improvement will only be considered if there is evidence that this is likely to lead to the required improvement in attendance.
- 18.6 The Head of Service will confirm the decision in writing as soon as reasonably practicable and give details of the appeal process. In the case of dismissal the employee will be provided with the reasons for it and the date on which employment will terminate.
- 18.7 In the event that a **Formal Warning** is extended, the individual's sickness absence pattern will be monitored over an appropriate, specified period and regular reviews will be undertaken by the Manager during the monitoring period.

19. APPEALS

- 19.1 An employee has rights of appeal against decisions taken. Appeals against action short of dismissal are heard by a member of JMT who has not previously been involved in the case. Appeals against dismissal are heard by the Appeals Committee. (Sub Committee of Appointments and Personnel Committee at SNC and Sub Committee of Personnel Committee at CDC).
- 19.2 If an employee wishes to appeal s/he must do so in writing within ten working days of the receipt of written notification of the decision.
- 19.3 The outcome of the appeal will be notified either immediately after the hearing and confirmed in writing, or in any event by written notification within ten working days of the appeal hearing.

20. SICKNESS PAY

- 20.1 An employee absent from work due to illness is entitled to receive sick pay, depending on their continuous service in Local Government, as follows :-

Service	Full Pay	Half Pay
Less than 4 months	1 month	None
After 4 months but less than 1 year	1 month	+ 2 months
After 1 year but less than 2 years	2 months	+ 2 months
After 2 years but less than 3 years	4 months	+ 4 months
After 3 years but less than 5 years	5 months	+ 5 months
After 5 years	6 months	+ 6 months

- 20.2 The Council has the discretion to extend the application of the above scale in exceptional circumstances.
- 20.3 The Payroll Team will notify the employee at the earliest opportunity of any reduction in sick pay entitlement.
- 20.4 Sickness absence during the twelve months immediately preceding the first day of current absence will be included in the calculation for sick pay entitlement.

20.5 Further details of entitlement to sick pay is available from the Payroll Team.

21. WHEN THE DISCIPLINARY POLICY APPLIES

21.1 Most issues relating to absence and non-compliance are managed within the formal stages of this policy.

21.2 The Disciplinary Policy will be used for offences that may be regarded as gross misconduct such as:-

- Making a false claim of incapacity for work due to ill health
- Deliberate falsification of self or medical certificates
- Abuse of the sickness scheme, for example, by undertaking paid or unpaid work elsewhere whilst on sick leave without permission

Further detailed advice and guidance on the use of the Sickness Absence Policy and Procedures is available from Human Resources.

Appendix 2

Staff Consultation Feedback

Sickness Policy
1. Section 5.2. if an employee is incapacitated it might be very difficult to get to the phone e.g. bad back, sickness bug etc.
2. Section 5.6 seems a bit overkill. As long as you can say what's wrong with you and give an estimated date of return, why do you have to ring in every day? It's virtually impossible to get a certified medical certificate until you have been off for a week.
3. Check that section 16.11 correlates with section 17.1
4. Occupational Health can override a GPs fit note. Need to make this more explicit.
5. Unhappy with the proposal to reduce the rolling average sickness threshold down from 11 days to just 8! This is a reduction to an unreasonable level! Suggest 10!
6. Section 2, bullet point 5. Should a target be in a policy? It should sit alongside it.
7. Section 16.4: Would like more flexible wording rather than repetition of targets.
8. No mention of what would happen if the employee refuses to visit Occupational Health. Is it refusing a reasonable management instruction and therefore a disciplinary issue?
9. Same point as above but what if the employee feels forced to come back to work too early and as a consequence puts their progress back considerably?
10. Section 11. Annual leave and sickness. Where has this come from? Being on holiday and sick abroad can make things much more difficult. You can't necessarily just get a fit note. Need a more sympathetic approach and look at each case on its own merits.
11. Sections 12.3, 12.4 and 12.5: make accompaniment by a work colleague or union rep more explicit.
12. Section 12.9. Is this current practice? We don't think so. During a phased return to work is time not worked recorded as sick leave? Surely coming back on reduced hours should be seen as a commitment but inability to return full-time. This must really mess up sickness records and doesn't reflect true time off sick.
13. Section 16.1 seems rigid and needs some flexibility in the case of recognised medical conditions. Discretion needs to be used.
14. Why can't we reinstate the Bradford Factor as a trigger point? It feels much fairer than 8 days which could be down to one serious illness and doesn't reflect frequent sickness absence.
15. Add some wording that managers need to use their discretion and not automatically go straight to a stage one hearing if the 8 days absence is for a genuine reason e.g. a broken leg! Concerns that some managers will adhere rigidly to the policy to punish

people.

16. Section 2.1: Can we lose the last bullet point regarding the upper quartile BVPI position? Not plain English and BVPIs don't exist anymore!

17. Section 4.1: Re employees withholding medical information – it seems dubious that employees should not have the right to withhold medical information. Whatever the legality and ethics etc. 99% could be completely irrelevant to the employer.

18. Could add something in such as 'employees are at liberty to cooperate with a request to obtain a medical report although if they do, management will have no alternative but to make decisions based on the information available.'

19. Section 9: there is nothing about what would happen if a person refuses to be assessed by Occupational Health. Perhaps the assumption is that it would be seen as 'refusing a reasonable instruction' and therefore a disciplinary issue. This could be a dangerous assumption (for management) in the context of medical issues and equally employees need to be aware of the possible consequences of no cooperating.

20. Section 20: Sick pay. Why does this appear in the procedure? What has it to do with managing sickness absence?