

1 Introduction

- 1.1 Cherwell District Council values 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 Council also has a duty to maintain service delivery and minimise disruption. The overriding objective of the Sickness Absence Policy and Procedures is to manage sickness absence levels whilst maintaining a positive, fair and consistent approach to staff.

2 Policy Statement

- 2.1 It is the policy of Cherwell District Council :-

- 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.

- 2.3 This Policy aligns with the Equal Opportunities Policy and Procedures; Occupational Health Policy; Alcohol and Drug Abuse Policy; Health and Safety legislation; and other relevant employment legislation, in particular the Disability Discrimination Act. (for further information on the Disability Discrimination Act refer to appendix A).

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 Confidentiality

- 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 Council recognises 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 may lead to disciplinary action.

5 Absence Reporting Procedures

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 and member of staff 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.

5.5 *Fourth working day of absence*

On the fourth working day of absence the employee must notify their line manager of their continuing absence as per 5.2 above, and provide an expected return date.

More than seven days' absence

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

Continuing absence

- 5.7 A doctor's medical certificate is required for all subsequent absence both to authorise that absence and to ensure payment of appropriate sickness pay.
- 5.8 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.
- 5.9 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.

Non-Compliance with this procedure

- 5.10 Sick pay may be withheld for any periods of sickness absence not covered by a self certificate or a medical certificate.
- 5.11 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. (Refer to Section 8)

6 Return to work meeting

- 6.1 Once the employee has a confirmed return to work date they should inform their line manager as soon as possible
- 6.2 All employees returning to work after any period of absence are required to attend a return to work meeting with their line manager and to complete a Self

Certification and Return to work Form (appendix B) to be forwarded to Human Resources.

6.3 The return to work meeting will normally take place on the first day back at work. Its purpose is to:-

- Welcome the employee back to work
- Confirm and establish the cause of absence
- Confirm that they are fit to return to work
- Determine whether there are any underlying causes of absence, including any work-related issues

6.4 Where the employee, for whatever reason, does not want to share personal information relating to his/her health with the line manager, they can ask to be seen by the Council's Occupational Health Advisor or a member of the HR team.

6.5 The Line Manager must seek advice from the HR Manager if he/she considers that an employee returning to work is not fit to undertake their normal duties. The HR Manager may arrange a medical examination by the Council's Occupational Health Advisor.

6.6 The employee will have to provide his/her signed consent in the event that the Occupational Health Advisor considers it necessary to obtain further medical information from their GP or medical specialist (See appendix C).

6.7 A return to work discussion is not a capability or disciplinary discussion. If it is felt that the absence is misconduct, the line manager will call a halt to the discussion and start the formal procedures detailed below.

7 Referral to the Council's Occupational Health Adviser

7.1 Referrals are made via the HR Manager. Managers should discuss the referral with the employee giving the reason(s) and encouraging open exchange of information. If a member of staff believes that his/her condition may be related to an activity at work they should inform their line manager.

7.2 Managers should consider referral to the Council's Occupational Health Advisor for advice regarding:

- Any concerns about the affects of work on an employee's health
- The possible affects of a health problem on attendance or performance
- An accident which is likely to cause significant absence.(If it is a work related accident the Corporate Health and Safety Manager must be notified)
- An employee who has been absent due to sickness for a continuous period of 4 calendar weeks.
- An employee who has frequent periods of sickness absence.
- Concern about an employee's health in relation to their ability to carry out an aspect of their job.
- An employee who is at work and is suspected of having an infectious or contagious disease

- The impact of a health problem on an employee's ability to work
- Timescales for expected improvement in health
- Temporary or permanent adjustments to the work place or tasks that would assist in maintaining health and reducing the effects of the health problem on attendance and performance
- An opinion on the implications of the Disability Discrimination Act

7.3 Confidential medical information will not be given to the line manager. However s/he will be advised of the effects of a health problem on an employee's work attendance or performance, or the effects of work on an employee's health.

8 Monitoring Sickness Absence and Procedure Compliance

8.1 Discussion of absence levels will be undertaken during the return to work interview. If there is no improvement and absence levels are unsustainable, the formal stages of this policy will be invoked.

Stage One - First Formal Discussion

8.2 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 11 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

8.3 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.

- 8.4 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.
- 8.5 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
- 8.6 During the discussion a Formal Discussion Form (appendix E) 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.
- 8.7 The employee must be advised of his/her right of appeal.
- 8.8 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.
- 8.9 Following the First Formal Discussion, attendance and/or compliance will be monitored monthly
- 8.10 A target of reduced absence during the formal monitoring period (normally 3 months) will be set, following which a formal review will be held.
- 8.11 If the target set for improvement has not been met and the agreed action from Stage 1 is not having results, the line manager may move to Stage 2 at which an HR representative will also be present.
- 8.12 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.

Stage Two - Second Formal Discussion

- 8.13 Failure to meet the targets set out in Stage 1 may result in progression to Stage 2.
- 8.14 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.
- 8.15 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 (appendix F)
- 8.16 A Formal Absence Discussion Form must be completed. (appendix E) This will provide a record of the meeting and the outcome. A copy will be given to the employee and to Human Resources.
- 8.17 The employee must be advised of his/her right of appeal

- 8.18 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.
- 8.19 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.
- 8.20 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.

Stage Three - Final Formal Discussion: Dismissal

- 8.21 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.
- 8.22 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.
- 8.23 The purpose of the meeting is to consider whether the employee should be dismissed on the grounds of capability. Dismissal on grounds of capability means that the employee's health is such that they cannot satisfactorily do the work they are employed to do. Ultimately, the Council does 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
- 8.24 Following the meeting a decision will be taken by the Head of Service in consultation with the Head of Human Resources whether to dismiss the employee on the grounds of capability. No decision to dismiss can be taken without the agreement of the Head of Human Resources.
- 8.25 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.

- 8.26 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.
- 8.27 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.

9. Appeals

- 9.1 An employee has rights of appeal against decisions taken. Appeals against action short of dismissal are heard by a member of CMT who has not previously been involved in the case. Appeals against dismissal are heard by the PRP and Appeals Panel.
- 9.2 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.
- 9.3 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.

10 Long Term Sickness Absence and Ill Health Dismissal

- 10.1 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.
- 10.2 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. The HR Manager will work in close partnership with the employee's line manager.
- 10.3 The HR Manager 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. (appendix C).
- 10.4 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.
- 10.5 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.

- 10.6 Medical referral (see also 7 above) 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.
- 10.7 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.
- 10.8 When the employee returns to work a Return to Work Meeting must be held and a Self-Certification and Return to Work form completed.
- 10.9 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.
- 10.10 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.
- 10.11 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. (summarised at appendix G).

11 Terminal Illness

- 11.1 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.

12 Sickness during annual leave

- 12.1 If sickness absence occurs during a period of annual leave the employee may submit a doctors note. The absence will then be redefined as sick leave for the period stated on the certificate.

13 Sickness Pay

- 13.1 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

- 13.2 The Council has the discretion to extend the application of the above scale in exceptional circumstances.
- 13.3 The Payroll Team will notify the employee at the earliest opportunity of any reduction in sick pay entitlement.
- 13.4 Sickness absence during the twelve months immediately preceding the first day of current absence will be included in the calculation for sick pay entitlement.
- 13.5 Further details of entitlement to sick pay is available from the Payroll Team.

14 When the Disciplinary Policy Applies

- 14.1 Most issues relating to absence and non compliance are managed within the formal stages of this policy.
- 14.2 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

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