

Absence Management Policy

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Contents

- 1.0 Introduction**
- 2.0 Sickness Scheme**
- 3.0 Extending sick pay**
- 4.0 Short term absence – Guidance for Managers**
- 5.0 Short term absence – Guidance for Employees**
- 6.0 Long term absence – Guidance for Managers**
- 7.0 Long term absence – Guidance for Employees**
- 8.0 Holiday entitlement on long term sickness absence**
- 9.0 Employees falling sick on holiday**
- 10.0 Obtaining a medical report**
- 11.0 Unauthorised absence**

1.0 Introduction

- 1.1 The Council aims to encourage all employees to maximise their attendance at work while recognising that a certain level of sickness absence may be inevitable. It is the Council's policy to support its employees who are genuinely sick and unable to come to work.

2.0 Sickness Scheme

- 2.1 The sickness scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit so as to maintain normal pay for employees during defined periods of absence on account of sickness, disease, accident or assault.
- 2.2 Absence due to routine sickness is different from and treated entirely separately from absence through industrial disease, accident or assault arising out of or in the course of employment with the Council. Periods of absence in respect of one are not set off against the other for the purpose of calculating entitlements under the scheme.
- 2.3 Employees are entitled to receive sick pay for the following periods:

During first year of service	1 month's full pay and (after completing four months service) 2 month's half pay
During second year of service	2 month's full pay and 2 month's half pay
During third year of service	4 month's full pay and 4 month's half pay
During fourth and fifth year of service	5 month's full pay and 5 month's half pay
After five years service	6 month's full pay and 6 month's half pay

- 2.4 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 2.5 In the case of full pay periods identified above, sick pay will be an amount which, when added to Statutory Sick Pay and Incapacity Benefit receivable by the employee will secure the equivalent of an employee's normal pay.
- 2.6 In the case of the half pay periods identified above, sick pay will be an amount equal to half an employee's normal earnings plus an amount equivalent to Statutory Sick Pay and Incapacity benefit receivable, so long as the total sum does not exceed normal pay.
- 2.7 'Normal pay' includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

- 2.8 The social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:
- 2.8.1 the conditions for the reporting of sickness as required by the Council;
 - 2.8.2 the claiming of benefits;
 - 2.8.3 the obligation to declare any entitlements to benefits and any subsequent changes in circumstances affecting such entitlement.
- 2.9 An employee who is prevented from attending work because of contact with infectious disease in the course of their normal duties shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.
- 2.10 If an employee abuses the sickness scheme, or is absent on account of sickness due to, or attributable to any of the following reasons, sick pay may be suspended:
- 2.10.1 conduct prejudicial to their recovery;
 - 2.10.2 the employee's own alleged misconduct or neglect;
 - 2.10.3 active participation in sport or other activities which are deemed to be incompatible with enabling sustained attendance at work. Suspension of sick pay will not normally be enforced without prior warning of the consequences of such participation, following the first activity-related absence;
 - 2.10.4 injury while working in the employee's own time on their own account for private gain or for another employer.
- 2.11 The organisation shall advise the employee of the grounds for suspension of sick pay and the employee shall have the right of appeal to a Head of Service or Corporate Director.
- 2.12 If the Council decides that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence.
- 2.13 Repeated abuse of the sickness scheme by an employee will be dealt with under the Council's Disciplinary Procedure.
- 2.14 Payment of sick pay is conditional upon an employee complying with the Council's procedure for notifying Absence Line of their absence, attending an interview with their manager on request to discuss the absence, and agreeing to an Occupational Health referral, where it is deemed necessary and appropriate by Human Resources.

3.0 Extending sick pay

- 3.1 Heads of Service are responsible for making a decision to extend any period of sick pay. This will be at half-pay rather than full-pay.
- 3.2 No extension of sick pay should be approved unless there are overwhelming reasons for doing so, and the employee is likely to return to work.
- 3.3 All proposed extensions of sick pay must be discussed with Human Resources before being approved. An extension can only be granted if appropriate budget has been identified. If the service has insufficient budget to pay the extended period of sick pay, a suitable budget needs to be identified by the Service Manager, in consultation with Financial Services and approved by a Corporate Director.
- 3.4 It should be stated that the Council's conditions of service relating to sick pay are already relatively generous and, therefore, extensions to periods of sick pay will be the exception rather than the norm.

4.0 Short term absence – Guidance for Managers

- 4.1 This section relates to short-term sickness absence from work, which is defined as those absences lasting for up to four working weeks.
- 4.2 While the Council understands that there will inevitably be some short-term sickness absence among employees, it must also pay due regard to its business needs. If an employee is frequently and persistently absent from work, this can damage the Council's efficiency and productivity, and place an additional burden of work on the employee's colleagues.
- 4.3 By implementing this policy, the Council aims to strike a reasonable balance between the pursuit of its business needs and the genuine needs of employees to be absent from work for short periods of time.
- 4.4 Managers responsible for staff are expected to manage and control their employees' attendance and absence. They should, as a matter of routine, take the following actions each time an employee has been absent from work for a short period (i.e. a period of up to one working week):
 - 4.4.1 Conduct routine "return-to-work interviews". Each time an employee returns to work following a short-term absence, their manager should speak to the employee about the absence and the reason for it in a fair and factual way. This approach will alert the employee to the fact that the situation is being monitored and will potentially deter casual absences. The manager should be supportive towards the employee and, where appropriate seek to identify ways in which to assist the employee to improve their attendance in the future.
 - 4.4.2 Return-to-work interviews should take place within 3 working days of the employee's return date, unless there are over-riding reasons for a delay. Employees will not normally be accompanied at these meetings,

unless consideration is being given to issuing a letter of concern or other formal action.

- 4.4.3 Be alert to patterns (for example the persistent Monday or Friday absentee). If a pattern is identified, the manager should put their observations to the employee directly so that the employee has the opportunity to provide an explanation. The manager should, however, remain open minded and not jump to any hasty conclusions about the employee's absences.
- 4.4.4 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.
- 4.4.5 Check whether or not absences are, in part, because of personal or family problems. If this is the case, a reasonable degree of tolerance and sympathy should be shown towards the employee, as the problems may be unavoidable. The manager should be supportive, while at the same time explaining clearly to the employee that continuing frequent absences from work are unacceptable.
- 4.4.6 Check whether the employee's absences are in any way work related. If the problem is work related, the manager should take prompt steps, where appropriate, to remove or reduce the factor that is causing the employee's problem.
- 4.4.7 Contact Human Resources in order to seek medical advice, if appropriate, to determine whether there is any underlying medical cause for the employee's frequent absences.
- 4.4.8 Contact Human Resources for advice on reasonable targets and time-limits for improvement in attendance and steps to ensure that the employee is committed to achieving them.
- 4.4.9 Warn the employee of the consequences of continuing unsatisfactory attendance (i.e. that they may eventually be dismissed).
- 4.4.10 Send all confidential records of all absences, discussions and medical certificates to Human Resources, making sure that the records clearly identify the reasons for an employee's various absences.
- 4.4.11 Schedule a follow-up meeting at an agreed time to monitor the ongoing situation.

4.5 Before taking any formal action in respect of an employee who has had frequent absences from work, the manager should take the following action:

- 4.5.1 Contact Human Resources to check the employee's absence record.

- 4.5.2 Gain an accurate assessment of the number of days absence that the employee has had, the number of separate occasions that they have been absent and whether or not their record is worse than that of other employees in the organisation.
 - 4.5.3 Seek advice from the Human Resources service, on the appropriate action to take in line with the Council's procedures.
- 4.6 Absences from work will be regarded as frequent if, during any period of 12 consecutive months, an employee is absent from work for 6 or more working days, or on 3 separate occasions.

5.0 Short term absence – Guidance for Employees

- 5.1 An employee who needs to be absent from work due to sickness must comply with the following rules:
- 5.1.1 Notify Absence Line on the first day of absence, by telephone (01452396800), if they are unwell. Notification should be as early as possible, after 0800 and before 1000. The employee should be prepared to state who their line manager is, the reason why they cannot attend work, and how they think the absence will last.
 - 5.1.2 Keep Absence Line updated, if the period originally stated needs to be extended / shortened.
 - 5.1.3 Notify Absence Line of their return to work.
 - 5.1.4 Attend an interview with their line manager on their return to work to discuss the sickness absence and the reason for it. One of the purposes of this interview will be to establish whether or not the line manager can provide any support to the employee that could facilitate their attendance at work in the future (for example, if the employee's absence was in any way work related).
 - 5.1.5 Provide a doctor's certificate or "fit note" for a period of sickness absence not exceeding seven days if the Council specifically requests it. In these circumstances, the Council will reimburse the employee for the cost of obtaining a certificate, if it has to be obtained privately.
 - 5.1.6 Agree to be interviewed on request and / or examined by an occupational health doctor nominated by the Council and to authorise the release of any medical report from the doctor to the Council. The Council will meet all costs associated with any such examination and / or medical report.
 - 5.1.7 Cooperate with the Council with regard to the possible implementation of any adjustments to job duties, hours or working conditions, resulting from recommendations made by the employee's doctor, notwithstanding the fact that the advice on a "fit note" or from an occupational health doctor is not binding on the Council.

6.0 Long term absence – Guidance for Managers

- 6.1 Long term absence is defined as exceeding a period of four weeks.
- 6.2 As part of this policy, employees will continue to be paid full or part salary for defined periods of time while absent, provided that they comply with the Council's rules on notification and the provision of ongoing medical evidence.
- 6.3 The Council retains the services of an occupational health provider. Employees may be requested by their manager to consent to be examined by the occupational health provider (at the Council's expense) and to agree to allow the provision of a medical report to the Council. All employees must give such consent when reasonably asked to do so by the Council.
- 6.4 The Council will not consider terminating the employment of an employee who is absent from work due to genuine sickness or injury during the first two months of absence (in any twelve month period).
- 6.5 Thereafter, the position will be reviewed periodically and ultimately it may become necessary from a business perspective to consider termination of an employee's employment with the Council. In these circumstances, the Council will:
 - 6.5.1 review the employee's sickness absence record to assess whether or not it is sufficient to justify dismissal;
 - 6.5.2 consult the employee;
 - 6.5.3 obtain up-to-date medical advice;
 - 6.5.4 advise the employee in writing as soon as it is established that termination of employment has become a possibility;
 - 6.5.5 meet with the employee to discuss the options and consider the employee's views on continuing employment;
 - 6.5.6 review if there are any other jobs that the employee could do prior to taking any decision on whether or not to dismiss;
 - 6.5.7 allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health; and
 - 6.5.8 arrange a further meeting with the employee to determine any appeal;
 - 6.5.9 following this meeting, inform the employee of its final decision; and
 - 6.5.10 act reasonably towards the employee at all times.

7.0 Long term absence – Guidance for Employees

- 7.1 An employee who needs to be absent from work due to sickness must comply with the following rules:
- 7.1.1 Notify Absence Line on the first day of absence, by telephone (01452396800), if they are unwell. Notification should be as early as possible, after 0800 and before 1000. The employee should be prepared to state who their line manager is, the reason why they cannot attend work, and how long they think the absence will last.
 - 7.1.2 Keep Absence Line updated on their absence, if the period originally stated needs to be extended / shortened.
 - 7.1.3 Notify Absence Line of their return to work.
 - 7.1.4 Attend an interview with their line manager on return to work to discuss the absence and the reason for it. One of the purposes of this interview will be to establish whether or not the line manager can provide any support to the employee that could facilitate attendance at work in the future (for example, if the employee's absence was in any way work related).
 - 7.1.5 Provide a doctor's certificate or "fit note" for a period of sickness absence not exceeding seven days if the Council specifically requests it. In these circumstances, the Council will reimburse the employee for the cost of obtaining a certificate if it has to be obtained privately.
 - 7.1.6 Agree to be interviewed on request and / or examined by an occupational health doctor nominated by the Council and to authorise the release of any medical report from the doctor to the Council. The Council will meet all costs associated with any such examination and / or medical report.
 - 7.1.7 Cooperate with the Council with regard to arrangements to maintain contact including telephone calls, letters or home visits, by their line manager and / or Human Resources. Also, the possible implementation of any adjustments to job duties, hours or working conditions, resulting from recommendations made by his / her doctor, notwithstanding the fact that the advice on a "fit note" or from an occupational health doctor is not binding on the employer.

8.0 Holiday entitlement on long term sickness absence

- 8.1 An employee who is absent on sick leave will continue to accrue their full statutory holiday entitlement.
- 8.2 If the employment is terminated before an employee returns from sick leave, they will receive a payment in lieu of any accrued but untaken statutory holiday entitlement.

9.0 Employees falling sick on holiday

- 9.1 Where an employee falls sick or is injured while on annual leave, the Council will allow the employee to transfer the reason for their absence to a sickness absence and take replacement annual leave at a later time. This policy is subject to the following strict conditions:
- 9.1.1 The total period of incapacity must be fully certificated by a qualified medical practitioner.
 - 9.1.2 The employee must contact Absence Line by telephone as soon as they know that there will be a period of incapacity during a planned and authorised annual leave.
 - 9.1.3 The employee must submit a written request no later than 5 days after returning to work setting out how much of the annual leave period was affected by sickness and the amount of annual leave that the employee wishes to take at another time.
- 9.2 Where the employee is overseas when they fall ill or are 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.
- 9.3 Where the employee fulfils all of the above conditions, the Council will grant the employee the same number of days' replacement holiday leave as the number of holidays lost due to sickness or injury.
- 9.4 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 annual leave year in which it was accrued. However, where an employee has good reason for not being able to do so, the Council will allow the employee to carry that leave forward into the next annual leave year. The Council may require an employee to take all or part of their replacement holiday on particular days and it is not required to provide the employee with any minimum period of notice to do this, although it will aim to provide reasonable notice.

10.0 Obtaining a medical report

- 10.1 There may be occasions when the Council considers it necessary to request details from a medical practitioner on the health of an employee. Where medical reports from an employee's medical practitioner are necessary, the employee will be fully informed of their rights under the Access to Medical Reports Act 1988 and / or Data Protection Act 1998 and their permission will be sought for the report to be obtained.
- 10.2 The circumstances in which the Council may seek a medical report on an employee include:

- 10.2.1 frequent short-term absences, where an employee is absent for 6 or more working days or on 3 separate occasions in any period of 12 months;
- 10.2.2 long-term absence, where an employee has been absent for a period of 1 month or is likely to be absent for a period of 1 month or more.
- 10.3 The Council will ask the employee's permission to contact a medical practitioner on the relevant form, available from Human Resources.
- 10.4 Employees have the right to access to any such medical report before the Council's Human Resources service sees it. If the employee wishes to see the report, they should inform the Council of this wish, so that it can inform the medical practitioner. The employee will then have 21 days to contact the medical practitioner to arrange to see the report. If the employee does not contact the medical practitioner within this period, the medical practitioner can pass the report on to the Council.
- 10.5 Where the employee has any queries on their rights under the Access to Medical Reports Act 1988 and / or Data Protection Act 1998 or the procedure to be followed, they should contact Human Resources.
- 10.6 Where the employee refuses permission for the Council to contact their medical practitioner, the employer will explain to the employee the reasons behind the request. Where permission continues to be refused, the employee will be informed that a decision relating to their employment may be made without the benefit of access to medical records. The same procedure will be followed where an employee delays in giving their consent.
- 10.7 Where an employee feels that a medical report is misleading or incorrect, they may ask the medical practitioner to amend it. If the medical practitioner does not agree with the employee and does not alter the report, the employee may attach a statement to the report to reflect their views. Alternatively, having seen the report, an employee may request that the report is withheld from the Council. The employee will be informed that a decision relating to employment may be made without the benefit of access to medical records.
- 10.8 If the Council wishes to take action following receipt of the medical report, this will be taken only after consultation with the employee and full and careful consideration of all the facts provided. The Council will request a meeting with the employee to discuss the report and identify what action is to be taken.

11.0 Unauthorised absence

- 11.1 If an employee fails to comply with the Council's sickness absence reporting procedure (or fails to provide the required evidence within the required time period), fails to attend work, fails to return from annual leave or is absent from work for any other reason without permission, it will be considered an unauthorised absence.

- 11.2 If an employee is absent from work without good cause and / or fails properly and effectively to notify the Council of their absence, this may be treated as a serious disciplinary offence, potentially constituting gross misconduct.
- 11.3 On the first day of the employee's absence, their line manager will attempt to contact them, keeping a record of the time.
- 11.4 If the employee does not answer the telephone, the manager will attempt to leave a voicemail message asking them to return the call.
- 11.5 If the manager is unable to contact the employee, they may attempt to contact the employee's next of kin or listed emergency contact.
- 11.6 On the second day of the employee's absence, if nothing has been heard from the employee and the manager has again been unable to contact the employee and has not received a satisfactory explanation from the employee's next of kin or emergency contact, the manager will write to the employee detailing their absence and the attempts to make contact.
- 11.7 The letter will say that no satisfactory explanation for the absence has been received and require that the employee make contact with the manager as soon as possible, but no later than three days after the date of the letter.
- 11.8 The letter will warn the employee that, if they fail to make contact by the deadline, the Council may take serious disciplinary action.
- 11.9 If, following the deadline, the employee has still not contacted the manager, the manager will send the employee a letter inviting them to attend a disciplinary hearing to explain their absence.
- 11.10 The letter should warn the employee that the lack of an adequate explanation could result in the employee's summary dismissal for gross misconduct.
- 11.11 If the manager makes contact with the employee and / or the employee returns to work, the manager should conduct an immediate informal investigation into the reasons for their absence and their lack of contact with the Council.
- 11.12 If the employee can give adequate explanations for their absence and lack of contact, the manager can conduct a return-to-work interview.
- 11.13 If the employee is unable to provide an adequate explanation for their absence and lack of contact, the Council may treat the absence and the failure of the employee to follow the absence reporting procedure as a potential disciplinary matter.
- 11.14 If the employee claims to have been sick (to the extent that this also precluded contacting the Council), the manager can ask for reasonable evidence of this. If the employee is unable to provide sufficient evidence, the Council may consider whether or not the claimed sickness absence was genuine.

- 11.15 If the manager considers the employee’s failure to attend work to be potential gross misconduct, the manager should contact Human Resources for an Investigating Officer to be appointed.
- 11.16 The Council will conduct any disciplinary hearing in accordance with its disciplinary procedure.
- 11.17 If an employee has been refused a request for annual leave, but declares that they intend to take the time off anyway, the employee’s manager should write to the employee instructing them to attend work. The letter should confirm that:
- 11.17.1 the leave request (for the specific dates) was legitimately declined;
 - 11.17.2 they are expected to attend work as usual; and
 - 11.17.3 failure to do so will be unauthorised absence, be unpaid and may result in disciplinary action, which could result in summary dismissal for gross misconduct.
- 11.18 The letter should invite the employee to reconsider their expressed intention to be absent.
- 11.19 If, having sent this letter, the employee fails to attend work, the manager should treat the absence as unauthorised.
- 11.20 If an employee has been refused a request for annual leave, but fails to attend work (either saying that they are sick or by making no contact), the Council will investigate this as a potential unauthorised absence in accordance with its disciplinary procedure.

Revision History			
Version	Made By	Effective Date	Amendment
1.0			
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