

SICKNESS ABSENCE POLICY

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N.B: the version of this policy posted on the intranet must be a PDF copy of the approved version.

DOCUMENT STATUS

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RELATED DOCUMENTS

These documents will provide additional information.

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1.0 POLICY OVERVIEW

1.1 Purpose

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment). This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

The main purpose of this Policy is to maintain acceptable levels of attendance across the CCG.

It is the organisations aim to ensure that the reasons for individual sickness absence are understood in each case and investigated where necessary. In addition, when required and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

1.2 Who this Policy Applies to

The policy applies to all staff that are employees of the organisation in either a permanent, fixed term or temporary post with the exception of agency staff.

1.3 Key Principles

Regular, punctual attendance is an implied term of every employee's contract of employment and we ask each employee to take responsibility for maintaining good attendance and reporting absence. Levels of sickness will be monitored for all employees.

Employees and employers should adhere to the sickness absence meeting procedures at every stage of a sickness process.

Clear absence triggers are defined to ensure that all employees are aware of how repeated absence will result in possible progression through the three stages of the sickness policy.

The timeframes and notice periods provided in this policy are to be applied consistently, and are not pro rata for part time employees.

The management of short and long term absence is dealt with in accordance with the Disability Discrimination Act 1995 and the Equality Act 2010 and other relevant legislation, in addition to the ACAS Code of Practice.

The management of absence should be done in a fair and consistent way throughout the CCG.

Exceptional and mitigating circumstances will be taken into account and managed accordingly on a case by case basis

The organisation will work with employees to identify any practical solutions in order to reduce absence levels and will identify any action which can be taken to improve working conditions and promote the health, safety and wellbeing of employees will be identified.

Employees are entitled to be accompanied at any formal meetings by a recognised Union representative or work colleague.

Employees have the right to appeal against decisions and outcomes made at formal meetings.

1.4 Legal Considerations

The ACAS Code of Practice on disciplinary and grievance procedures sets out principles for handling disciplinary and grievance situations in the workplace. Employment tribunals are legally required to take the Code into account when considering relevant cases.

Most of the provisions governing unfair dismissal are to be found in the Employment Rights Act 1996 as amended. Numerous other pieces of legislation cross refer to unfair dismissal issues.

The management of employees who become disabled as a result of sickness may mean employers have to make 'reasonable adjustments' as dictated by the disability discrimination provisions of the Equality Act 2010 before employees can return to their job.

2.0 THE POLICY

2.1 Sickness absence triggers

The following periods of sickness absence in any rolling 12 month period will trigger the formal sickness absence procedure as set out below:

- Any period of absence amounting to 8 calendar days or more; or
- 3 individual episodes of sickness.

Long Term Sickness is defined as any absence lasting, or likely to last more than 4 weeks

If, over the length of employment an employee has a consistently high level of sickness absence, which falls below the trigger points, management reserve the right to initiate the Stage 1 procedure, or progress to the next appropriate level of management as set out in this Policy. This right is further reserved if a pattern of absence becomes apparent over the course of employment (i.e. Seasonal absence).

2.2 If an employee is ill at work

If an employee is taken ill or injured while at work the manager should be notified immediately. Managers should where appropriate, make arrangements for anyone who is unwell to be accompanied home and/or to receive medical treatment where necessary.

If an employee works more than half of their normal day before becoming unwell the whole day will be considered as at work. When an individual works less than half of their normal working day, the whole day will be considered as sickness. Managers should ensure that they consider any trends of employees attending work and going home unwell part way through the day.

If an absence is due to a work related accident, incident, disease or dangerous occurrence, employees are required to advise their manager. The manager will ensure that accident/incident reports are completed as appropriate.

2.3 If an employee cannot attend work due to illness

If an employee cannot attend work because they are ill or injured they should telephone their line manager as early as possible and normally no later than 15 minutes before their normal working day commences. The following details should be provided by the employee:

- The nature of their illness or injury.
- The expected length of their absence from work.
- Contact details.
- Any outstanding or urgent work that requires attention.

It is not acceptable for the employee to text or email their manager except in exceptional circumstances. All absences should be reported by telephone by the employee themselves. Only in exceptional circumstances is it permissible for a nominated individual to phone on behalf of the employee (i.e. hospital admittance).

Only in the absence of the line manager, the employee should inform the next available senior colleague in the office of their illness. In the event that a senior manager or colleague

is not available to speak with, contact details should be left with colleague for contact to be made by a senior/line manager later in the day.

Employees are responsible for making every reasonable effort to contact their manager or next senior manager as soon as possible on the day that they are not well enough to attend work.

Managers are responsible to ensure that:

- Any sickness absence that is notified to them is recorded and updated on ESR.
- Arrangements are made, where necessary, to cover work and to inform colleagues and partners (while maintaining confidentiality).
- A return to work meeting is conducted with the employee when they are back at work.

Employees will be asked for their expected return date if known and the line manager will make reasonable regular contact with the employee if their absence is for a period of more than 1 working day, as appropriate.

If the employee is ill or injured during a period of pre-arranged annual leave it is permissible to treat the days of incapacity as sickness absence instead of annual leave, subject to the employee providing a medical certificate which covers the full period of sickness at their own expense. It is only on receipt of a valid medical certificate for the full period of incapacity that they will receive payment of occupational sick pay.

2.4 If an employee cannot attend work due to illness but still able to undertake their normal duties

The CCG does not encourage staff to work when they are ill or unable to attend work and managers should ensure that employees are not using other flexible working arrangements when they should be considered as absence due to sickness. It is important that the CCG supports staff during any absence and therefore if an individual reports that they are not well to attend work managers should ensure that they receive an update on any work that can be redistributed during the absence and instruct the individual not to work from home during their absence.

However, the CCG recognises that in some circumstances staff will be unable to attend the work place but able to undertake their normal duties and therefore not required to be signed as absence from work. This may include situations where a person has broken a bone so able to undertake work remotely but can't drive into the office. This should be considered as exceptional circumstances and not the default position to managing short term absence.

2.5 Providing evidence of incapacity

For absence of more than seven calendar days, employees must obtain a certificate from their doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. This should be forwarded to the line manager as soon as possible, and before 10 calendar days of continued absence. These timeframes are not pro-rata for part time staff.

If absence continues beyond the sign-off period, further medical certificates must be provided to cover the whole period of absence.

If a doctor's certificate is provided stating that an employee "may be fit for work", the employee should inform their line manager on the same date as the certificate is issued, so that any additional supportive measures recommended by the GP can be put in place. In the unlikely event that recommended measures cannot be facilitated, the employee should remain on sick leave and a date will be set by management to review the situation. Where reasonable adjustments are likely to be necessary to support a return to work, these should be put in place by the manager in good time, and in advance of the employee's return where possible. Maintained communication between the employee and the manager during absence will be essential to be able to achieve this.

Where there is concern for the provided reason for absence, or where an employee has frequent or persistent short-term absence, the line manager may request a medical certificate for each absence, regardless of the duration.

2.6 Keeping in contact during sickness absence

If an employee is absent due to sickness, it should be expected that contact with the line manager will be maintained regularly. The purpose of regular contact will be to discuss the employee's wellbeing, expected length of continued absence from work and any of their work that requires attention. This shall apply for both short and long term absences. Such contact follows best practice guidance and is intended to provide reassurance and will be kept to a reasonable minimum.

If employees have any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they should feel free to contact their line manager at any time.

2.7 Return to Work Meeting

A 'Return to Work' meeting should be conducted by the line manager after every period of absence, for both short and long term absence. A return-to-work meeting enables the line manager to confirm the details of the employee's absence, and provides the employee the opportunity to raise any concerns or questions they may have, and to bring to attention any relevant matters or discuss any reasonable adjustments which will support their attendance at work.

Where a doctor has provided a certificate stating that the employee "may be fit for work" their line manager will usually hold a return-to-work meeting to discuss any additional measures that may be needed to facilitate their return to work, taking into account their doctor's advice.

At the return to work meeting the line manager will advise the employee if they are at risk of triggering the formal stages of the policy. Once the sickness absence triggers are met, the formal sickness absence process will be followed. The line manager will document this conversation either on the return to work document, or on a file note ensuring a copy is provided to the employee and a copy is saved on the personal file. All return to work forms should be retained on the personal file.

The return to work meeting should not be used as the mechanism to hold a formal sickness absence meeting, and managers should familiarise themselves with the correct procedures and timeframes as outlined in this policy.

2.8 Returning to work from long-term sickness absence

The organisation is committed to helping members of staff return to work from long-term sickness absence. As part of our sickness absence meetings procedure we will, where appropriate and possible, support returns to work by:

- Obtaining medical advice.
- Making reasonable adjustments to the workplace, working practices and working hours.
- Considering redeployment; and/or
- Agreeing a return to work programme

If an employee is unable to return to work from long-term sickness absence and where they are a member of the NHS Pension Scheme, the organisation may discuss whether or not an application for ill-health early retirement or any temporary/permanent injury allowance would be appropriate. The decision as to whether an employee is eligible for these benefits is made by the NHS Pensions Agency, and is out of the control of the CCG. Where the eligibility criteria is met, Human Resources will work closely with the line manager and the employee to coordinate this process.

2.9 Employees with disabilities

The CCG recognises that on occasions, sickness absence may be as a result from, or related to an individual's disability. At each stage of the sickness absence meetings procedure set out in this policy, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

Where this applies, individual cases will be managed sensitively and fairly in line with the Policy. Line manager discretion should be applied in this scenario, and consult Human Resources for guidance.

If an employee considers that they are, or might be affected by a disability or any medical condition which may affect their ability to undertake the duties associated to their employment, they should inform their line manager at the earliest opportunity. There is an expectation that medical conditions and/or disabilities will be disclosed by the employee at the recruitment stages of employment, so that suitable advice and guidance can be obtained from Occupational Health on any reasonable adjustments that need to be made. Where an employee has purposefully withheld information relating to a disability or medical condition, this will be considered as a failure to inform and may invoke disciplinary proceedings.

2.10 Using Occupational Health services

The CCG may, at any time in operating this policy, ask an employee to consent to a medical examination by the CCG's Occupational Health Department and/or a doctor nominated by the CCG. The employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the CCG and that it may discuss the contents of the report with its advisers and the relevant doctor.

The role of the Occupational Health Service/doctor is to assist with:

- Establishing the reason for absence, whether any illness is genuine and whether there is an underlying medical condition.
- Indicate the likely length of continued absence.

- Assess the effect of an illness on an individual's ability to do their job, what they are capable of and what, if any, adjustment can be made to help them return to work.
- Assist in arranging a phased return to work from long term sickness absence.
- Engage in case conferences between employee's and their manager, where necessary.

Occupational Health assessments can take place either in person, where the individual visits the hospital, or via telephone. Preference on the assessment type can be requested by either management or employee.

Prior to a sickness absence meeting with an employee and their line manager the employee may be required to attend the Occupational Health department for a medical assessment. However an Occupational Health referral may not be appropriate in every case or before moving to the formal stage in the process.

In some cases, it may be necessary for the CCG to request an Occupational Health referral for staff when individual consent has not been provided. Where this is the case, staff will be informed in advance with the rationale provided.

Where the employee can no longer attend the Occupational Health appointment, reasonable steps should be taken by the employee to reschedule the appointment. The rescheduled meeting should take place within a reasonable timeframe from the original appointment. Failure to attend an Occupational Health appointment without a legitimate reason, or where multiple appointments are missed may invoke the disciplinary procedure.

2.11 Sick pay entitlements

Employees should refer to their contract of employment for details of the sick pay to which they are entitled.

If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, employees must immediately notify their line manager of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require.

The CCG reserve the right to recoup the costs of any sick pay to which the employee is not entitled. This includes but is not limited to, sickness fraud, unauthorised absence or the award of litigation damages for 'loss of earnings'.

2.12 If an employee's absence is unauthorised

Absence that has not been notified according to the sickness absence reporting procedures will be treated as unauthorised absence.

If an employee does not report for work and has not telephoned their line manager to explain the reason for their absence, their line manager will try to contact them by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

Where no contact has been made, the line manager should notify payroll in order to suspend pay for reasons of unauthorised absence.

If absence has continued over seven calendar days, and a doctors certificate has not been received within 10 calendar days of continued absence, the line manager should notify payroll in order to suspend pay for reasons of unauthorised absence.

In all cases of unauthorised absence, the line manager should contact Human Resources before requests to suspend pay are made. Unauthorised absence may invoke disciplinary proceedings.

2.13 Formal Procedure

The formal procedure will apply when:

- the sickness absence triggers have been reached; and/or
- employees have discussed matters at a return to work interview that require investigation.

Unless it is impractical to do so, employees will be given 5 working days written notice of the date, time and place of a sickness absence meeting. Any concerns about sickness absence and the basis for those concerns will be put in writing or otherwise advise why the meeting is being called. A reasonable opportunity for this information to be considered before a meeting will be provided.

If, at any time, the line manager considers that an employee has taken or is taking sickness absence when they are not unwell, they may refer matters to be dealt with under the Disciplinary Procedure or to the Local Counter Fraud Specialist.

2.13.1 Allowing the employee to be accompanied at a meeting

This policy gives employees the right to be accompanied by a companion at each formal stage of the process. The chosen companion may be a CCG employee or a recognised trade union representative not acting in a legal capacity.

Employees must make a reasonable request to be accompanied and what is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing. Nor would it be reasonable for the worker to delay proceedings because their chosen companion was not available within a reasonable time scale (usually within 5 days of the original meeting).

2.14 The Process

2.14.1 Stage 1 Sickness Absence Meeting

Stage 1 absence meeting is a supportive mechanism and should not be considered as a punishment for absence.

All meetings will be conducted by the employee's line manager and the employee may bring a companion with them to the meeting. It is standard practice for HR to attend sickness absence meetings from the second formal stage. However, in some cases it may be appropriate for HR to be present from the first formal meeting.

A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous

meeting. Employees will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Stage 1 will be invoked where the sickness absence triggers as set out above have been met and will follow the procedures set out in this policy.

The purposes of a first sickness absence meeting may include:

- Discussing the reasons for absence.
- Where an employee is on long-term sickness absence, determining how long the absence is likely to last.
- Where an employee has been absent on a number of occasions, determining the likelihood of further absences.
- Considering whether medical advice is required and whether there is an underlying medical condition. Also if any measures might improve an employee's health and/or attendance.
- Agreeing a way forward, which can include alternative duties; action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.
- Agreeing an attendance target

Details of the meeting and any agreed outcomes will be confirmed in writing within a reasonable timeframe, with a copy being held on the employee's personal file.

Managers must continually monitor absence and, if there is a further period of sickness absence which triggers the sickness absence policy, or exceeds the agreed attendance target, the employee will move to Stage 2 of the formal process.

2.14.2 Stage 2 sickness absence meeting

If further periods of absence trigger the policy or exceeds the agreed attendance target, a Stage 2 meeting will be conducted.

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of the employee's on-going absence(s).
- Where an employee is on long-term sickness absence, discussing how long their absence is likely to last.
- Where an employee has been absent on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering an employee's ability to remain in their job in view both of their capabilities and our business needs and any adjustments that can reasonably be made to their job to enable them to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying employees.
- Where an employee is able to return from long-term sick leave, whether to their job or a redeployed job, agreeing a return to work programme.
- Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning the employee that they are at risk of dismissal.

Details of the meeting and any agreed outcomes will be confirmed in writing within a reasonable timeframe to the employee, a copy will be held on their personal file.

It is important for staff to be advised that a failure to improve their attendance may result in their dismissal.

Managers will continue to monitor their absence and if they trigger the policy again, or exceed the agreed attendance target, a Stage 3 meeting will be convened. Management discretion can be applied prior to convening the next stage of the policy, where it may be appropriate to conduct a Stage 2 Review, which will set out an extension of the process.

2.14.3 Stage 3 Hearing

Where employee attendance has not been maintained, or where sickness absence continues beyond such a time that the CCG can no longer legitimately support sickness absence and there is no foreseeable return to work, it is necessary to convene a Stage 3 meeting. This is also known as a formal hearing.

Prior to convening a hearing, the manager should meet with the employee to inform them that their absence can no longer be sustained and the need to progress to the final formal stage. Human Resources should be in attendance at this meeting, and the employee should be provided written notice of the meeting and the right to attend with a companion. This meeting will recap on the support provided to date, and any mitigating circumstances pertaining to the absences (notwithstanding that these should have been considered previously in the process). A further Occupational Health referral should be requested where appropriate. Within this meeting, the employee shall be informed that a potential outcome of the hearing could be the termination of their employment.

A panel will be convened to hear the case and where there is a potential for a dismissal the panel will consist of a Director, Senior Manager and a HR professional.

The purposes of the hearing will be:

- To review the meetings that have taken place and matters discussed with the employee.
- To consider any further matters that the employee wishes to raise.
- To consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time.
- To consider the possible termination of their employment.

If notice of termination is issued, it will be subject to notice or payment in lieu of notice. The outcome of the hearing shall be provided verbally to the employee on the day, and confirmed in writing within 10 working days of the hearing.

2.14.4 The right to appeal

Where an employee feels that the action taken against them is wrong or unjust they should appeal against the decision within 10 working days of a formal meeting. Where the appeal is made against the decision of a formal hearing (stage 3), the appeal should be submitted within 10 days of receipt of the outcome letter. Appeals cannot be heard outside of these timeframes except in exceptional circumstances.

The employee's appeal should be submitted in writing to the appropriate individual, which should be provided within the outcome letter. The employee should clearly outline the grounds of their appeal.

Appeals should be heard without unreasonable delay, ideally at an agreed time and place by all parties.

The appeal should be dealt with impartially and wherever possible, by a manager who has not previously been involved in the case.

Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 10 working days of the appeal meeting. There will be no further right of appeal.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

2.15 Equality Statement

In applying this policy, the organisation will have a due regard for the need to eliminate unlawful discrimination, promote equality of opportunity and provide for good relations between people of diverse groups. In particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation, in addition to offending background, trade union membership or any other personal characteristic.