



Sickness Absence Policy

1. Introduction

This Policy of the Council is to maintain minimum levels of absence. Good attendance is key in providing high quality services.

The policy is intended to maintain consistency across the organisation when dealing with absence.

This document provides a statement of principles for managing sickness absence.

The provisions of this policy are applicable to all employees of Redditch Borough Council.

2. Equalities Statement

This policy is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate **unlawful** discrimination.
- **Promoting equal opportunities**
- Promoting community cohesion, **including good relations between people from different racial groups.**
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all, and working to engage all sections of the community.

This policy will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group.

Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

3. **Responsibilities**

It is the responsibility of the line manager to:

- Ensure that all employees understand the procedures to be followed.
- Ensure the fair and consistent application of the sickness absence policy.
- Ensure that each of the stages and the time limits defined within this policy are adhered to.
- To manage sickness absence within their team.
- To train and share information regarding managing absence to their staff.
- To deal promptly and fairly with persistent absence.
- To deal promptly and fairly with long term absence.
- To liaise with the Occupational Health Adviser.
- To liaise with Human Resources.
- To liaise with Senior Management.
- To maintain contact with staff whilst absent from work.
- To conduct return to work interviews.
- To monitor individual employees' sickness absence.
- To respect the confidentiality of absence information.

It is the responsibility of the individual employee to:

- Advise and update their line manager of sickness absence in accordance with this policy.
- Attend all meetings as detailed within this policy.
- To familiarise themselves with the Sickness Absence Policy and Procedure.
- To notify their Manager of their absence on the first day.
- To maintain contact with their Manager whilst absent from work.
- To participate in a return to work interview upon their return.

It is the responsibility of the Human Resources Department to:

- Advise and support line managers in a consistent and timely way, in cases where further action by the line manager may be required.
- Provide specialist advice and training to managers/supervisors to assist them to manage sickness absence.
- Produce timely and accurate statistics on sickness absence, identifying trends where possible.

- Advise line managers and employees on the policy & procedure and how it should be applied, which includes the provision of template letters.
- Provide line managers with advice on the application of the Disability Discrimination Act, any other relevant legislation and its relevance within this policy.
- To produce a Managing Sickness Policy.
- To produce regular reports updating Managers, staff and elected Members.
- To work with Managers in providing support and specialist advice.
- To provide clear and concise advice and support.
- To liaise with Managers and Occupational Health Adviser.

It is the responsibility of the Director to:

- Attend training on the principles and implementation of this policy as required.
- Ensure that each of the stages and the time limits defined within this policy are adhered to.
- Ensure the fair and consistent application of the Grievance Procedure.
- To ensure that absence is considered regularly at a Directorate and corporate Management Team level.
- To take action where pockets of high absence are identified, including reallocation of resources if needed.
- Consider termination of contracts in line with Managing Sickness Policy in appropriate circumstances.
- To monitor Managers' ability to manage sickness.

It is the responsibility of the Occupational Health Advisor to:

- Provide confidential advice and support service to Employees.
- Provide confidential advice and support service to Managers.
- Carry out sickness absence assessment at the request of Managers.
- Liaise with Medical Adviser and organise appropriate referrals.
- Provide assessments for redeployment purpose.
- Provide clear and concise advice in relation to health issues.
- Provide support for return to work if appropriate.

4. Main Policy Procedures

The management of sickness is a Management responsibility. The Human Resources team and the Occupational Health Adviser are available to provide specialist advice and support and to ensure all employees are treated fairly and consistently across the organisation.

The policy operates within the Council's agreed Equal Opportunities policy and managers will take account of the Disability Discrimination Act when applying the sickness procedure which accompanies this policy.

This procedure covers the following:

Definitions of absence

Reporting procedures for absence

Stage One – Return to Work

Managing persistent short term absence

Stage Two – Welfare / Attendance Review

Stage Three – Formal Review

Stage Four – Final Review

Stage Five – Dismissal Decision

Managing long term absence

When there is a foreseeable end date

When there is no foreseeable end date

Maintaining contact

A period of 1-7 calendar days is considered to be a “**short term**” period of absence. Such absences may be regarded as persistent (see below) when they occur on 3 occasions in a 12 month period or 7 working days during a 12 month period.

5. Reporting Procedures

First Day of Absence

The employee should inform their line manager if at all possible, or a colleague if the manager is not available, within one hour of normal start time that they are unable to attend work. (This may be earlier if required – the manager will inform staff if this is the case). Employees should state:

- the **reason** for absence and
- where possible their likely **return date**
- any **outstanding work** etc that needs to be dealt with urgently.

The member of staff taking the call from the absent employee should ensure that the Payroll Team are notified of the absence by completing Absence Statement section A and forwarding the top section of the form to Payroll Team, Town Hall. (Copies available from Human Resources).

5.2 Fourth Working Day of Absence

If still absent after four working days, the employee must contact their line manager to inform them of their continuing absence and likely return date.

5.3 8th Day of Absence Onwards

Employees do not need a Doctor's note for any absence of less than 8 days, therefore it maybe that they will not have visited their doctor before the 8th day.

Any absence of 8 days or more must be covered by a Doctor's certificate. The 8 days includes weekends, bank holidays and non rostered work days. All absence should be covered by a valid note (including non working days) which should be submitted from the date of expiry of the previous certificate.

When returning to work a Doctor's certificate is required indicating an employee is fit for work from the date stated. If an employee returns to work when a Doctor's note states they are unfit they may not be covered for insurance purposes.

6. Returning to Work - (Stage one)

On return from sickness absence the line manager should complete section B of the Absence Statement. This form is used for recording purposes, and the Service Manager should keep a copy in a secure file. The copy should be sent to the Payroll Team, Town Hall.

Return to Work Interviews

When the employee returns from a period of sick leave the line manager is to conduct a return to work interview within 2 days whenever possible.

Interview Checklist

- The Manager to invite the employee to attend, and arrange for a private venue
- Discuss the cause of absence
- The Manager to indicate the Council's interest in the welfare of the individual
- Both to discuss the individual's attendance record
- Manager to explain the sickness absence policy and procedures

- Manager to explain the role in managing sickness absence
- To offer and additional support that may be helpful
- To catch up on any work or issues during the absence

This is all contained in the “Return to Work” form, which the Service Manager keeps in their Absence Record files.

7. Welfare and Attendance Review - (Stage two)

Return to work interviews will form the first stage in addressing persistent absence (see above). However, after the “trigger point” of 3 absence separate periods of in 12 months or a total of 7 working days (or equivalent for part timers) in a 12 month period, the line manager should invite the employee to attend a Welfare and Attendance Review (including the Service Manager if appropriate) (see "questions" below for discussion of disability related absence).

This will give the employee the opportunity to be fully consulted about his or her absence and attendance record. (Full details of the employee’s sickness absence record should be given to them seven days in advance of the interview - print outs can be obtained from Human Resources.)

Interview Checklist

- ✓ Manager to invite the employee to attend, and arrange for a private venue
- ✓ Manager to provide full details of the employee’s absence record to them in advance
- ✓ The Manager should explain that they are making a written record of the interview (using the standard format), a copy of which will be provided to them
- ✓ The employee must be made aware that the interview is not part of the disciplinary process, although the seriousness should be stressed
- ✓ The interview should allow the employee the opportunity to explain the reasons for absence and explore any underlying reasons
- ✓ The manager should check that the employee receives all support necessary to ensure attendance at work
- ✓ The manager and the employee should establish if medical assistance is required via referral to Occupational Health
- ✓ If the manager has concerns about the legitimacy or extent of the sickness the employee may be requested to submit a Doctor's Certificate for any future sickness absence on the first day of absence (the Council will have to pay for this).
- ✓ The manager should set a reasonable time for the employee’s attendance to be assessed.
- ✓ The manager should explain the next stages should the employee fail to reach an acceptable standard of attendance

8. Formal Absence Review - (Stage three)

If there are 2 more absences in the following 3 months after the Welfare and Attendance review, or more than 3 working days lost then the issue should now be referred to the Service Manager for a Formal Review (if they are not already dealing with it).

Interview Checklist

- ✓ Manager to invite the employee to attend, and arrange for a private venue
- ✓ Manager to provide full details of the employee's absence record to them in advance
- ✓ **If the employee has not yet been referred to the Occupational Health Advisor, the Manager should do so using the Occupational Health Referral Form prior to the meeting**
- ✓ Manager to make sure an Human Resources Adviser is attending
- ✓ The Manager should explain that they are making a written record of the interview (using the standard format), a copy of which will be provided to them
- ✓ The interview should allow the employee the opportunity to explain the reasons for absence and explore any underlying reasons
- ✓ Manager to check if the absence is caused by training needs or other work based issues
- ✓ Discuss referral to Occupational Health Advisor and possibility of redeployment
- ✓ If the manager has concerns about the legitimacy or extent of the sickness the employee may be requested to submit a Doctors Certificate for any future sickness absence on the first day of absence (the Council will have to pay for this).
- ✓ The manager should set a reasonable time for the employee's attendance to be assessed and set date for meeting to review progress – no more than 3 months from that interview.
- ✓ Employee will be issued with a formal instruction stating the attendance improvement needed and the timescale and warned that failure to meet the targets could lead to dismissal (to be followed up in writing)

IF target attendance levels are met then the manager should carry out the review meeting following the same checklist, and setting another target/timescale for continued improvement. This cycle will continue until absence reaches acceptable levels.

IF target attendance levels are not met then the case will progress to the next level, Final Review, Stage 4.

IF there are work-related issues then the Occupational Health Advisor will give advice on suitability for redeployment on medical grounds. This will be arranged by the HR Advisor for the Directorate.

9. Final Review - (Stage four)

If improvement targets are still not met and redeployment is not seen as a suitable solution, then the Director will meet with the employee and Human Resources.

Interview Checklist

- ✓ Director to summarise the advice received by the Council's Medical Adviser
- ✓ Discuss the effect of past and likely future absences on the job and on the employee's capability to do the job
- ✓ Discuss the availability of suitable alternative work.
- ✓ The employee will have the chance to state their views.
- ✓ The meeting will be adjourned and Director will make a decision. A decision to dismiss the employee will be confirmed in writing.

Appeal Against Dismissal

The employee will have the right to appeal against their dismissal in accordance with the Appeals procedure outlined in the Council's Disciplinary Procedure.

10. Managing Long Term Absence

If the employee is absent for a month and there is no likelihood of return the line manager must complete an Occupational Health referral form and notify the employee of this.

10.1 When there is a foreseeable end date

If the employee is likely to return in the foreseeable future the line manager should ensure that they maintain contact with the employee until they return to work. (see maintaining contact page below). Once the employee returns to work the line manager should follow the return to work process

10.2 When there is no foreseeable end date

The Occupational Health Advisor will contact the employee and the line manager and decide if a referral to the Medical Advisor is necessary.

IF there is no referral to the Medical Advisor then the Occupational Health Advisor will set a date to review the decision to refer.

IF Medical Advice is required the Occupational Health Adviser will arrange this and inform both the Line Manager and the Human Resources Adviser.

The Occupational Health Advisor will advise the Service Manager and the Human Resources Manager on the options available:

Wait and See

The reality is that certain conditions are likely to take a long time to be resolved, but there will be a resolution that can allow the employee to stay in work. If this seems possible within a reasonable time scale, or if the medical condition is developing towards this, then it may be best to continue to monitor rather than taking definitive action.

Ill Health Retirement

Where the employee may be permanently unfit to work, the Occupational Health Adviser seeks a view from an independent Medical Advisor who has not previously assessed the employee. Human Resources Adviser prepares documents. The employee has the right of appeal under the pension scheme rules to another Medical Advisor, if they are not classified as permanently unfit to work.

Redeployment

Where the employee may be suitable for alternative work the Service Manager will receive advice from Occupational Health Adviser on medical issues and Human Resources Adviser on employment issues.

Termination on Grounds if Incapacity

If there is no prospect of a return to acceptable levels of attendance but Ill Health retirement is not an option the Director (with an Human Resources Adviser) will meet with the employee and explain that their employment is being terminated, explaining why Ill Health retirement is not an option. If it is not possible to meet the employee (for medical reasons) the employee should be informed in writing. The right of appeal under the pensions scheme, the impact on frozen pensions benefits, and payment during notice, as well as the arrangements for collecting personal belongings and informing colleagues should also be discussed. Notice will be given which will be paid at normal rates (not sick pay).

The Service Manager, in conjunction with their Human Resources Adviser, will decide the appropriate course of action. This should be confirmed by the Director prior to informing the employee, as only the Director has authority to terminate employment. Employees have right of representation at any meetings.

11. Maintaining contact

It is important for Line Managers to maintain regular contact with employees either by telephone or prior agreements of the employee for a home visit. This demonstrates both a caring employer and a commitment to employee welfare. The Line Manager should work with the employee to agree a strategy for the employee to return to work.

Maintaining Contact Checklist

- ✓ Manager to contact the employee when the first and subsequent **sick notes are received**
- ✓ Manager to maintain contact at **regular intervals** (e.g. fortnightly) throughout including home visits if appropriate
- ✓ The Manager should check that the employee receives all support necessary to ensure attendance at work
- ✓ The Manager should establish reason for absence and likely duration and advise on the procedures which follow
- ✓ The Manager should address any needs or concerns of the employee
- ✓ The Manager should identify any assistance needed for the employee to return to work e.g. phased return to work on a part time basis

If employee is not available e.g. in hospital, contact should be maintained with relatives. If employee is rejecting contact, obtain advice from Human Resources.

SIGNPOSTS

All the forms and letters referred to in this procedure are available on the intranet or from Human Resources

Disciplinary Policy (“Setting the Standards”) and the guide for managers on Disciplinary Procedure (“Meeting the Standards”) are available on the staff intranet or from Human Resources

See the annual Training Programme (published every March) by Human Resources for courses open to all staff

List of open learning resources (videos, CD Roms etc.) on the intranet or from Human Resources, extension 3663

12. COMMON QUESTIONS

ARE EMPLOYEES ENTITLED TO UNION REPRESENTATION?

Although it is not a right of the employee to have union representation at every stage any reasonable requests will be granted as long as this does not significantly delay the process.

DOES HEALTH AND SAFETY IMPACT ON SICKNESS?

Yes the work environment can contribute to or cause ill health.

Employers are required by law to make "Suitable and Sufficient" assessment of the risks to health and safety, these are key in preventing illness which in turn help reduce sickness absence levels.

Special consideration should be made for young people, pregnant women, over 50s and staff with disabilities.

Failure to have up to date Risk Assessments could leave Redditch Borough Council and managers open to further action

DO WE HAVE TO DO ANYTHING UNDER THE DATA PROTECTION LEGISLATION?

Sickness data comes under the Data Protection Acts' definition of "sensitive personal data".

Absence records should be treated as confidential and kept in secure cabinets. Managers and staff should respect the confidentiality of this data.

Redditch Borough Council's procedure needs to be implemented in line with the Data Protection Legislation.

WHAT IF I AN EMPLOYEE FALLS SICK AT WORK?

The employee should notify their manager if they are feeling unwell. It is their responsibility to authorise the employee to go home. If the employee is absent the following day then the following day will count as their first day of absence.

Redditch Borough Council strives to be a caring employer therefore the manager should ensure the employee is able to return home safely and organise transport if necessary.

WHAT IF AN EMPLOYEE HAS A DISABILITY?

In managing poor attendance disability related illness will be discounted for the purpose of triggering further action (although the absence will be recorded in the normal manner). The Manager and Occupational Health Adviser are to work with the employee to enable them to work effectively and support their regular attendance at work. Managers can refer to the Occupational Health Advisor using a referral form.

WHAT IF AN EMPLOYEE IS PREGNANT?

All pregnancy related absence will be recorded in the normal manner and return to work interviews recorded. If there is any absence from work on or after the 6th week before the Expected week of childbirth, because of pregnancy related illness, maternity leave and pay will commence on the Sunday following the first day of illness.

WHAT IF AN EMPLOYEE HAS AN ACCIDENT OR INJURIES AT WORK?

If an employee has an accident at work they must report this immediately to their line manager. The line manager is required to complete an accident report with the employee. If an absence goes beyond 3 days the Safety Advisor needs to be informed immediately in order to notify the Health and Safety Executive. If the accident results in

an absence from work this will be managed as part of the normal sickness procedure

ARE THERE ANY EMPLOYEE SUPPORT INITIATIVES AVAILABLE?

There are a number of initiatives available which are designed to improve the health of employees at work and to support employees who are absent. These include:

- Healthy lifestyle
- Vision screening
- Blood pressure checks
- Screening for COSHH requirements
- Basic counselling
- Manual handling training
- Stress survival training

WHAT IF AN EMPLOYEE REFUSES TO SEE THE MEDICAL ADVISOR?

Employees are expected to undergo reasonable examinations if they are absent etc. If they refuse, then the Council is entitled to make decisions on capability with the evidence they already have about the employee's ability to work.

UNAUTHORISED ABSENCE

If an employee is absent from work without good cause or fails to produce a self-certificate or Doctor's Certificate for any sickness absence, he/she will be considered to be absent without authorization and will not be paid for that period. When the employee returns to work, the Line Manager will interview him/her to ascertain the reason for their absence. If the employee is able to establish a good cause for their absence, and with the agreement of the relevant Head of Service, the Manager may agree to consider the absence as flexi time or special leave.

FOR FURTHER INFORMATION ON THIS POLICY, PLEASE CONTACT YOUR HUMAN RESOURCES OFFICER.

NOTE: RBC reserve the right to vary the content of this document with consultation where appropriate.