

FERRYHILL TOWN COUNCIL



POLICY & PROCEDURE

SICKNESS ABSENCE

1.0 INTRODUCTION

- 1.1 The Council aims to be a good employer, its approach to sickness management will reflect this. The Town Council is fully committed to a healthy and safe environment that leads to the achievement and maintenance of high attendance levels.
- 1.2 There can be a number of reasons for sickness absence and the Council's approach to dealing with sickness absence will recognise this.
- 1.3 Employees are essential to the provision of good quality services. Ferryhill Town Council has a responsibility not only to the public which receives its services, but also to the employees who provide those services. It is important to achieve a balance between meeting the needs of employees, in a fair and consistent way, and maintaining service delivery.
- 1.4 The Town Clerk and Senior Managers have roles to play in promoting the health of employees. This can be done through the elimination of unsafe practices, the provision of safety equipment, health education, direct staff support and mentoring. The Town Council will work in a positive manner to achieve the conditions necessary for high attendance levels and ensure procedures are effective and fair.
- 1.5 When an illness or injury prevents you from doing your job, it is reasonable for you to stay away until you are better. However, absence can become a serious problem:
 - ❖ When it is intentional
 - ❖ when it is frequent or prolonged
 - ❖ when it is without good reason.
- 1.6 Absences from work are costly to the Council. In some cases, absence has to be covered by overtime or by employing temporary staff which effectively means paying more than twice for the same amount of work. The load on your colleagues and workmates increases.
- 1.7 The Council prides itself on being a reasonable employer but it is sometimes necessary to take action against regular absenteeism. In appropriate cases, medical opinion is sought where there are doubts about someone's ability to continue in their job. You may be warned about the consequences of not attending regularly and in some cases it may be necessary to terminate the employment of someone whose record does not improve after warnings.

2.0 AIMS OF THE POLICY

- 2.1 The main aim of this policy is therefore to achieve high levels of attendance from employees at all levels and to reduce sickness absence.

2.2 In reducing sickness absence the Town Council recognises that employees are entitled to expect fair treatment. Managers are equally entitled and required to manage sickness absence properly, to be firm in dealing with abuse of the system and to take into account the operational realities of providing efficient, effective and competitive services.

2.3 The policy aims to ensure employees are:

- ❖ treated fairly, properly and consistently
- ❖ informed when their attendance record is causing concern
- ❖ given adequate opportunity and assistance to improve their attendance record with a view to ensuring their full return to normal working, modified working or their possible redeployment to alternative work
- ❖ fully informed of the services available from the Town Council, such as Occupational Health Advice
- ❖ given the opportunity for a home visit to take place to discuss their general welfare and ease any anxiety about returning to work
- ❖ aware that a 'return to work' meeting may be carried out after periods of absence and informed of when self-certification and medical certificates are appropriate in accordance with the procedure for reporting sickness.

2.4 The policy is separate from the Town Council's policy on discipline. Action taken under the Sickness Absence Policy will not therefore be classed as disciplinary action under the Disciplinary Procedure.

2.5 If absences continue at an unacceptable level and dismissal is the next stage, the matter will be referred to the Town Clerk.

3.0 **GUIDELINES**

3.1 The guidelines are designed to help managers/supervisors who have responsibility for ensuring the regular attendance of employees under their control. It is also guidance for all employees.

3.2 The Council considers that effective absence management involves accurate recording procedures, supported by appropriate management action, in order to achieve high levels of attendance, as well as a thorough understanding by employees, of their rights and obligations in this area.

3.3 Whatever the circumstances surrounding absence from work, all information relating to an individual must be treated confidentially by all those involved. The Town Council will adhere to the requirements of the Data Protection Act 2018 and General Data Protection Regulations (GDPR).

- 3.4 Whilst employees are entitled to expect fair treatment, the Council is entitled to be firm in dealing with abuse of the sick pay scheme.
- 3.5 All employees will receive a copy of the Sickness Absence Policy and procedures as part of the Induction process.
- 3.6 This document sets out the procedure to be followed by all staff when dealing with sickness absence.
- 3.7 Sickness absence needs to be managed effectively and consistently and falls into two main types:
- ❖ Frequent and non-frequent intermittent short/medium term absence which may or may not follow a pattern or
 - ❖ Long term absence being absence longer than 15 working days.
- 3.8 Frequent intermittent absence - To ensure fairness and consistency of treatment, the Council has set 'trigger points' to determine the level of absence at which further action may be considered.

Triggers;

- ❖ 3 occasions of absence in a rolling 3 month period.
- ❖ 10 working days or more absence in a rolling 6 months period.
- ❖ Where there is a pattern to their absence.
- ❖ Where there is concern due to the frequency and level of absence.

4.0 **RESPONSIBILITY**

- 4.1 Senior Officers and Line Managers are expected to monitor and manage the attendance at work of those employees under their control.
- 4.2 Line Managers are responsible for the day to day welfare of staff.

5.0 **MONITORING PROCEDURES**

- 5.1 The Sickness Absence Policy and associated procedures will be regularly monitored and reviewed, to ensure they are clear, objective and consistently applied.

6.0 **SICKNESS DURING HOLIDAYS**

- 6.1 If you fall sick whilst you are absent on annual leave, you must obtain a Statement of Fitness to Work (fit note) from your GP/Hospital for the days in question and forward it to your Manager.

- 6.2 You will be regarded as being on sick leave for the dates/duration shown on the medical certificate. This means that your absence will not then be deducted from your annual leave entitlement.
- 6.3 Regular periods of sickness absence before, during and following annual leave will be monitored by your Manager.
- 6.4 If you wish to have a holiday during a period of sickness absence, your Manager must be informed prior to taking the holiday. You should be aware that if you do something inconsistent with the stated reasons for sickness absence, or something that worsens your illness or prolongs your absence, the Town Council reserves the right to stop sick pay and in some cases this may result in disciplinary action.

7.0 GENERAL INFORMATION

- 7.1 When you return to work from sickness absence which has lasted up to seven calendar days (you must count all days including Saturdays, Sundays, rest days and public holidays) you will be required to complete a Self-Certification Form available from the Finance and administration Manager. This form must be completed for all absences of 7 days or less.

Failure to do so may result in a loss of pay/disciplinary action. You may be required to attend a return to work meeting on your return. You will be asked to confirm the duration and reason for your absence.

- 7.2 If an employee has had several recent absences, especially if they were uncertified or self-certified, then the employee's appropriate Line Manager will want to know more about the circumstances and the employees should be prepared to discuss the situation openly.
- 7.3 If the number or frequency of an employee's absences reaches an unacceptable level then the employee may be required to obtain a medical certificate signed by a doctor from the first day of subsequent sickness absences.

8.0 MORE THAN SEVEN DAYS ABSENCE

- 8.1 If you are absent for more than seven calendar days you must consult your doctor about your illness. You must obtain a Statement of Fitness for Work (fit note) signed by your doctor and submit this to the Manager immediately.

If a fit note is not received promptly, this may result in a loss of pay for these or any subsequent days of sickness absence. Your GP may advise one of two options:

- i) **Not fit for work** – this means that you have a health condition that prevents you from attending work for a stated period.

- ii) **May be fit for work taking account of the following advice** - this means that your health condition does not necessarily stop you from attending work. The doctor may suggest that you could continue to work, but may not be able to complete all of your normal duties and may suggest ways in which you could attend, such as:

- ❖ A phased return
- ❖ Altered hours
- ❖ Amended duties
- ❖ Workplace adaptations

- 8.2 Should you receive a fit note making suggestions from your GP regarding attending work with some changes, your Manager will consider any suggestions made and discuss them with you to determine whether the suggestions made can be supported in the workplace and how they can be implemented. If this is not possible, however, then your Statement of Fitness for Work will be used as if the doctor had advised 'not fit for work'.

9.0 **CONTACT WITH SICK EMPLOYEES**

- 9.1 It is important that both Managers and the absent employee maintain regular contact. This might involve telephone contact, arranging to meet the employee at the workplace, or when appropriate meeting at some other neutral and acceptable venue.
- 9.2 The purpose of the meetings is to obtain information regarding an employee's medical condition prognosis, any support the Town Council can offer, the expected return to work date, etc.
- 9.3 Following a meeting, it may be necessary to refer the employee to an Occupational Health Advisor, as appropriate.
- 9.4 Notes will be kept of discussions from the sickness absence meeting.

10.0 **SICK PAY ENTITLEMENT**

- 10.1 If an employee is sick and has notified their sickness as required, then s/he will receive sick pay in accordance with the Sickness Absence Scheme agreed from time to time by the National Joint Council for Local Government Services and set out in the National Agreement on Pay and Conditions of Service (the "Green Book").
- 10.2 It is important to remember that entitlement to sick pay depends upon your following sickness reporting procedure and providing proper justification of your illness at all times.

Please remember the importance of being at work;

- ❖ Consider the serious consequence of absenteeism
- ❖ Accept responsibility for your job and your colleagues
- ❖ Be honest about your reasons for missing work
- ❖ Do not be afraid to seek help for personal problems which may occur.

11.0 CONTINUING SICKNESS ABSENCE

- 11.1 You must continue to submit Statements of Fitness for Work (fit notes) to your Manager for any further days absence.
- 11.2 During any period of absence you must keep in regular contact with your Manager with telephone calls and/or meetings. Your Manager will also keep in touch with you to keep updated on your absence and plan for your return to work.

12.0 RETURNING TO WORK

- 12.1 Where a Statement of Fitness for Work (fit note) covers the period of absence and your GP has stated that s/he 'will need to assess your fitness for work again at the end of this period', before returning to work you must obtain a final statement showing your fitness to return, from your doctor and submit it to your Manager immediately prior to your return to work.
- 12.2 Where a Statement for Fitness for Work (fit note) shows a period of time, but the GP has stated that s/he 'will not need to assess your fitness for work again at the end of this period', then you will be able to return to your normal duties at the end of the stated period, or before, should you feel able to do so.

13.0 RETURNING TO WORK INTERVIEWS

- 13.1 A return to work (RTW) interview will be held after every sickness absence, irrespective of the length of absence. Ideally, this will take place on the first day the employee returns to work, but if that is not possible it should be held no later than three days after the return. Date of return to work must be recorded to prevent salary implications.
- 13.2 If you have had several recent absences (and especially if they were uncertificated/self-certificated) your manager will want to know more about the circumstances and you should be prepared to discuss the situation openly.
- 13.3 It is widely recognised that the return to work discussion can have many positive effects. Such discussions will be carried out sympathetically and in private, by the Manager. Return to work meetings are an opportunity for employee's to discuss any health issues or other concerns which may affect their work.
- 13.4 A record of the discussion and the nature of the sickness will be made on the

Return to Work Meeting form. Where actions are required, a copy of this form may be given to the employee. It should be noted that 'sick' is not sufficient as a reason for absence.

- 13.5 If there is no improvement in an employee's sickness record and every effort as been made by the Manager to help an employee regarding their unsatisfactory sickness absence record then the employee will be informed that the matter will proceed to an Informal Interview.

14.0 MEASURES TO DEAL WITH PERSISTENT SICKNESS ABSENCE

- 14.1 If your record shows regular short term absences you can expect some discussion with your supervisor about the reasons for these. It is not unknown for a pattern to develop in which Mondays, Fridays and days following public holidays feature prominently. Where the explanation is unsatisfactory, you may receive a warning in writing about the need to improve your attendance record.

In extreme cases, contracts of employment may be terminated if you fail to attend work regularly.

This step will only be taken after you have been warned and given an opportunity to improve.

- 14.2 Where false reasons have been given for the absence or you have wrongly claimed sick pay, the matter will be regarded as **misconduct**. Where the reason for sickness is not in doubt but the amount of time lost is unacceptable, the matter will be regarded as one of **capability**. It is important for all employees to realise that **dismissal or other disciplinary action** can still take place even where the absences are genuine and covered by a medical certificate. At the end of the day, it is the amount of lost time and the effect this has on the Council's service which are the determining factors.
- 14.3 In addressing frequent short-term absences and persistent sickness absence, each case must be considered on its merits. However, an employee may be brought in for an informal interview when s/he has had at least
- ❖ 3 spells of absence in the last 3 months
 - ❖ 10 working days or more absence in a rolling 6 month period
 - ❖ Where there is a pattern to their absence
 - ❖ Where there is concern due to the frequency and level of absence.
- 14.4 Although you are not ordinarily required to submit a doctor's Fitness for Work (fit note) until you have been sick for more than seven days, where your record shows repeated short-term absences you may be required to visit your doctor on the **first day** of any subsequent absence.

15 WELFARE AND OCCUPATIONAL HEALTH ISSUES.

- 15.1 An Occupational Health Advisor can provide advice and guidance to the Town Council on an employee's state of health, giving specific help on such matters as an employee's medical condition, duration of absence, advice on limitations on working activities on the return to work. If appropriate an Occupational Health Advisor may, with the employee's consent, advise the employee's General Practitioner (GP) on the nature of the employee's work and receive from the GP any relevant information on the employee's medical condition.
- 15.2 Information provided by an Occupational Health Advisor relating to an employee will be shared with the Town Clerk/Manager/HR Advisor in order that they can manage the sickness absence. It should be noted that specific medical release of information is covered by the Access to Medical Reports Act 1988 and should not be released to a third party (e.g. insurance companies etc) without the written consent of the employee concerned.
- 15.3 When a referral is made to an Occupational Health Advisor, in order to achieve a proper medical assessment, it is advisable to provide them with as much information as possible including background information on an employee's duties, working practices, sickness record and the nature of the absence(s).
- 15.4 In some cases the support and advice may be sought from the Town Council's Human Resources Advisor in relation to application of the Town Council's Policy and Procedures, attendance at meetings, advice to Elected Members, advice to Managers and/or advice to employees.

16.0 ABSENTEEISM AS MISCONDUCT

- 16.1 The main purpose of the Council's policy is to deal with genuine sickness absence. There may have been occasions when employees have used sickness as a reason for being absent. Where it is established that the sick pay scheme is being abused, the disciplinary procedure will be used and in serious cases employment may be terminated without prior warning. Examples of abuse might include:
 - ❖ Not ringing in to inform your department
 - ❖ Deliberately giving false reasons for your absence
 - ❖ Indulging in activities whilst you are absent which may impact on your recovery.
- 16.2 It is also worth noting that other reasons which may be dealt with under the disciplinary procedure can also include:
 - ❖ Arriving for work late
 - ❖ Leaving work early without permission

- ❖ Prolonged meal and refreshment breaks
- ❖ Taking annual leave without permission
- ❖ Being elsewhere than your proper place of work (for example doing shopping, visiting friends or relatives during works time).

17.0 TERMINATION ON THE GROUNDS OF CAPABILITY

- 17.1 Any decision to terminate employment on the grounds of capability must be reasonable and the Council's Capability & Disciplinary Procedure must be followed.

SICKNESS CONTROL PROCEDURE

The aim of this part of the policy is to explain to employees what may happen if their attendance record is unsatisfactory and to ensure that where formal action is necessary that this is done in a fair, consistent and proper manner.

1.0 FREQUENT, SHORT AND MEDIUM TERM ABSENCES FORMAL ACTION

1.1 First Stage - Informal Meeting – Absence Raising Concern (Manager)

- 1.2 If your attendance record is falling below an acceptable standard and return to work discussions have taken place, you will be interviewed by your Manager and asked for an explanation. This will be an informal meeting and you may bring a work colleague or an accredited trade union representative if you wish. You will be informed in writing of this informal meeting with 5 working days notice. It will be your responsibility to arrange for a work colleague or trade union representative to be present. The meeting will be arranged at a time convenient to all parties, on the basis that you have made contact with a work colleague or trade union at the start of the 5 working day period.
- 1.3 At the meeting the level of absences and reasons will be discussed. The meeting may result in the need for various actions i.e. the need for you to improve your attendance, referral to an Occupational Health Advisor to obtain an opinion regarding your health, any medical condition, your ability to attend work regularly and carry out your duties of employment etc., any support from the Town Council to help you improve your attendance at work.
- 1.4 At this stage you will normally be advised that your attendance record is causing concern and that every effort must be made to improve it. A letter confirming this advice will be sent to you by your Manager, which will include details of the above, the fact that your attendance record will be monitored and reviewed, and a date for the next meeting, (which will normally be no longer than 1 month).

2.0 Second Stage - Formal Action – Formal Warning (Manager)

- 2.1 You will be informed (or reminded) of the meeting in writing, with 5 working days notice, and will be informed of your right to be accompanied by a work colleague or accredited trade union representative. The meeting will be conducted by your Manager. (Appendix C)
- 2.2 The purpose of the formal interview will be to:
 - ❖ establish the reasons for your level of absence and express concern over your level of sickness absence and its effect on others
 - ❖ record what action could be taken by you and by management to improve your level of attendance
 - ❖ set a review period during which your sickness absence level will be monitored

- ❖ consider all the circumstances of the case and if appropriate you will be given a formal warning, which will remain on your file for one year.

- 2.3 Where a formal warning is given this will be confirmed to you in a letter which will explain that if your absence record does not improve to the required standard and if the improvement is not sustained, at the next review meeting, if appropriate a final written warning could be issued to you. At this meeting a review date will be arranged to review the absence.
- 2.4 In deciding appropriate action, management will take into account all circumstances including medical information from the Occupational Health Advisor, possible modification to your job and the availability of suitable alternative work. Management will consider reasonable adjustments for employees who become disabled or whose disability worsens under the Equality Act 2010.
- 2.5 Where a formal warning is given, your attendance record will be monitored and a review of your attendance record will take place at intervals of not more than 3 months. One of the aims of the procedure is to achieve and maintain a satisfactory attendance level and therefore, a satisfactory attendance level must be achieved during the review period, this must then be maintained over a longer period. In the case of a formal warning, the improvement must be maintained over a twelve month period from the date of the letter confirming /giving the warning. If an improvement is maintained over a twelve month period, the warning will cease to be valid. However, your attendance will still be monitored and if it deteriorates again, you will revert back to the first stage of the procedure, the Informal Interview.
- 2.6 If during the review period there is improvement to a satisfactory level, you will be advised of this in person and this will be confirmed in writing to you by management. If however, following the review, there is no improvement or insufficient improvement a further formal meeting will be held.
- 2.7 Where a warning has been issued, you will have the right of an appeal to the Finance and Administration Manager.

3.0 **Third Stage - Final Written Warning (Manager)**

- 3.1 You will be reminded or informed of the meeting (5 working days prior) in writing and be given the right to be accompanied by a work colleague or accredited trade union representative. The interview will be conducted by your Manager. If appropriate, a final written warning will be given which states that your sickness absence record must improve or the case could be referred to the Town Clerk for his consideration of a dismissal on the grounds of capability and a further review period of not more than 3 months will be set. The final warning will be confirmed in writing by letter. At this meeting the final formal meeting date will be arranged.
- 3.2 Where a final written warning has been issued, you will have the right of an appeal to the Finance and Administration Manager.

4.0 Fourth Stage - Referral to the Town Clerk

- 4.1 If during the review period there is insufficient improvement, a final formal meeting will be held with the Town Clerk, who will consider your dismissal. This review date will have been arranged at the meeting where you were issued with a final written warning, or in the case of long term absence where you had been informed that your employment was at risk. You will be given 5 working days notice to prepare for the hearing, at which stage you will be given copies of all relevant documentation which will be presented by management.
- 4.2 You will also be required to submit any paperwork which you require the Town Clerk to consider as part of your case, no less than 3 working days before the date of the meeting. This information will also be shared with management. You will also be given the right to be accompanied by a work colleague or accredited trade union representative. At the hearing the Town Clerk could decide to terminate your contract on the grounds of capability or your final written warning could be reinforced and a further review period could be set. At the hearing management will present the case and you will be given the opportunity to state your case either in person or through your work colleague or accredited trade union representative. However, the representative cannot answer questions on behalf of the employee.
- 4.3 The Town Clerk will decide what action is appropriate. If the decision is to dismiss you, this will be actioned with immediate effect and appropriate notice will be served, in accordance with your contract of employment, regardless of whether or not you are off sick at the time or whether or not your sick pay has been exhausted. A letter confirming this decision will be sent to you and will also state that you have a right of appeal to the Council's Appeals Sub-Committee.

Any appeal must be given in writing to the Town Clerk within 5 working days of the date of the dismissal letter. If possible, the appeal will be arranged during your notice period.

- 4.4 Following the decision of the Appeals Sub-committee, if the dismissal is upheld, consideration of making you a payment in lieu of any remaining notice will be given, in accordance with your contract of employment. A letter confirming this decision will be sent to you. In the event of the Appeals Sub-Committee overturning the decision you will be reinstated.

5.0 Improvement

- 5.1 If during any of the review periods, your sickness absence record improves to a satisfactory level, you will be advised of this by letter. One of the aims of this procedure is to achieve and maintain a satisfactory attendance level and therefore, although a satisfactory attendance level may be achieved during the review period, this must then be maintained and sustained over a longer period.

- 5.2 Where a warning has been issued, the improvement must be maintained over a twelve month period from the date of the letter confirming/giving the warning, after which time the warning will cease to be valid. However, your attendance will still be monitored and if it deteriorates again you will revert back to the first stage of the procedure, the Informal Meeting.

6.0 LONG TERM SICKNESS ABSENCES

- 6.1 If you are absent for a prolonged period and/or have a long term illness the following action will be taken, having full regard to the Equality Act 2010, especially that relating to the need to make reasonable adjustments for employees who become disabled or whose disability worsens.
- 6.2 Long Term absence will be managed through regular long term attendance management interviews. In cases for continuous absence the Manager will hold an Attendance Management Interview (AMI) with the employee at 4–6-week intervals where the employee can provide updates to their health and discussion can be held on what support maybe provided to identify a potential return to work date, this may include making Occupational health referrals where appropriate.
- 6.3 You may be referred to an Occupational Health Advisor (OHA) after approximately 3 to 4 weeks absence, who will undertake reviews as necessary.
- 6.4 It is in your own interest to attend these reviews as the Occupational Health Advisor (OHA) may be able to offer you further advice, help or support. It is essential that you take the opportunity to make sure that the OHA has all the available information about your absence/illness. This will ensure that the OHA gives management the full facts to enable an informed decision to be made regarding your employment.
- 6.5 The OHA in consultation with your GP, where possible, will advise management on the likelihood of you recovering and being able to return to work in your own job. The OHA will also advise when your return to work is expected. For employees who have a disability or become disabled, advice will be sought regarding whether any reasonable adjustments in the workplace would assist your return to work (either on a short term or permanent basis).
- 6.6 Often when an employee has been absent for a substantial length of time, an initial period of rehabilitation is beneficial when they return to work. There may be occasions where a phased return to work, or a return to partial duties in the short term, can be accommodated.
- 6.7 At a welfare meeting prior to their return, the question of whether a rehabilitation period would be of benefit, and if so, what assistance and support will be afforded to the employee should be discussed.

- 6.8 The return to work under the rehabilitation programme should be approved by the GP (i.e. a sentence on the employee's signing off note) and/or from advice from the Occupational Health Advisor.
- 6.9 When a rehabilitation programme has been agreed, the details of the programme, its length and review date should be confirmed in writing to the employee.
- 6.10 A rehabilitation period of three to four weeks is usually sufficient to ease the employee gradually back into the full duties/hours of their post. This often involves working reduced hours or days per week.

During this period, the employee will be paid their normal pay. Monitoring and regular discussion will identify an employee's progress and the areas which require further improvement/support/training. At the end of the phased return period, or sooner, as appropriate, a review should take place to assess their progress and to identify if they are able to work the full duties/hours of their job.

- 6.11 Some employees may require a longer period to build up to a full work routine, if this is the case, an employee will then be paid for the actual hours they work and a review period will be arranged to assess their progress and to consider working arrangements for the future. The use of annual leave may also extend the period of reduced days/hours. This is usually appropriate when an employee returns to work in the autumn after a long absence and a substantial amount of annual leave entitlement is outstanding. Annual leave can be used to allow for fewer days of work per week or fewer hours. This is a beneficial way of maintaining an employee's pay while reducing their working week.
- 6.12 If an employee has a medical condition which will affect them at work on a longer term, or even permanent basis, greater consideration will need to be given to work organisation and adjustments to the workplace. If it is not possible to accommodate the adjustments required, or if the illness/absence is such that the employee cannot return to their own job, then consideration will be given to any suitable alternative employment available at the Council.

7.0 ABSENCE DUE TO MATERNITY OR DISABILITY

- 7.1 Absences directly related to a disability should be identified separately to other absences for recording purposes, however the AMI process still needs to be conducted, and AMIs held. Disability related absences should not be included for the purposes of target setting and will be managed through the long-term attendance management process.
- 7.2 Absences directly related to a women's pregnancy should be identified separately to other absences for recording purposes. However, AMIs should still be held, and the absence should continue to be monitored by your Manager. Pregnancy related absences should not be included for the purposes of target setting.

8.0 TERMINAL ILLNESS

The council are committed to supporting employees who are diagnosed with a terminal illness. Options will continue to be looked at and consideration given as to what options may be best for the employee in their individual circumstances.

9.0 EMPLOYMENT AT RISK

9.1 If you cannot return to your own job and no suitable alternative employment is available, the following action will normally be taken:

- ❖ You will be advised that your employment is at risk and this will be confirmed in writing to you
- ❖ Where your job can no longer be kept open and no suitable alternative work is available or acceptable to you, you will be interviewed and informed of the likelihood of your dismissal
- ❖ Where dismissal action is to be taken, then it will be on the grounds of incapability due to ill health and the same process will be applied as detailed above.

10. APEALS PROCESS

10.1 At each stage of the Formal Procedure an employee will have the right of appeal. Such an appeal must be made in writing within 5 working days of the date of the warning or the letter confirming a dismissal. In the event of an appeal being lodged against a warning the procedure will still continue.

11 THE EQUALITY ACT 2010

- 11.1 Reasonable adjustments in the form of provision of aids or equipment, adjustment to duties or even redeployment may allow an employee with a disability to remain in employment.
- 11.2 An employee's sickness records should differentiate between disability related and non-disability related absences. Management will need to look at disability related absences separately when making decisions on what action is or isn't appropriate.

12. EMPLOYEE ASSISTANCE PROGRAMME

12.1 Employees can access a range of psychological support services, including the Employee Assistance Programme which is available 24 hours a day, 7 days a week, 365 days a year and is delivered by health Assured. The service helps employees deal with any personal or professional problems which could be impacting on their general health and wellbeing.

12.2 WHO CAN ACCESS THE EAP?

12.3 The service is available to all staff and their immediate family. You can access the service by telephoning 0800 716 017. Retired employees can access the service for up to 3 months after they retire.

- *Immediate family is classed as a legal partner or children aged 18-24 in full time education and who are residing in the same household.*

13. EXCLUSIONS TO THE ATTENDANCE MANAGEMENT POLICY

13.1 The following appointments are not classed as sickness for the purpose of the attendance management policy:

- GP appointments;
- Dental appointments;
- Hospital appointments;
- Any form of absence that is not related to the sickness of the employee.

13.2 If time away from work is needed to attend such appointments, evidence of the appointment must be provided by the employee for approval by managers. It is expected that the employee will take reasonable steps to make these appointments either entirely outside of the working day, or if that is not possible at a time that causes least disruption to the workplace, e.g. at the start or end of their working day/shift.

Paid time to attend these appointments will only usually be given where the appointment is directly linked to an employee's condition that is covered by the Equality Act 2010.

SICKNESS AND ABSENCE NOTIFICATION PROCEDURE

1. First Day of Absence

- 1.1 On the first day of sickness absence a member of staff who is employed at the Town Hall should inform their line manager or, if unavailable, another nominated officer, by telephone by no later than 10am. Notification by any other means, including text, email or another person, is unacceptable except in exceptional circumstances. Details of the absence will be provided to the Finance and Administration Manager, who shall maintain appropriate records.
- 1.2 On the first day of absence a member of staff who works outside of the Town Hall should, if possible, contact the Works Manager or in his absence the supervisor, the evening prior to a shift commencing. If you are unable to do this you should contact the Works Manager no later than 8.00am on the day of sickness. The Works Manager or in his absence the supervisor, will inform the Finance and Administration Manager at the earliest opportunity for recording purposes.
- 1.3 The employee must give the reasons for their absence, and the likely duration of that absence.
- 1.4 If an employee fails to follow these reporting requirements then s/he may be classed as absent from work, rather than sick, and may not be paid. The first contact is important since you may be disqualified from receiving sick pay if you do not ring in.
- 1.5 For continuing absence it is not necessary to contact the office every day but contact should be maintained. Your manager or supervisor may make courtesy calls to the member of staff to find out how things are going, to offer support etc.

2 Eighth Day

- 2.1 If an employee has been absent for seven calendar days, and does not return to work on the eighth day, then s/he must obtain as soon as possible after the eighth day a Fitness for Work (fit note) signed by a doctor which covers sickness absence from the eighth day of sickness onwards and these must be forwarded to the appropriate person.

FERRYHILL TOWN COUNCIL**RETURN TO WORK DISCUSSION FORM****SECTION ONE: Absence Details**

Name: _____

Job title: _____

Dates of absence: From: _____ To: _____

Reason for absence

Has a self certification form been completed and if applicable have fit notes been provided?

Yes ☐ No ☐**SECTION 2 - RETURN TO WORK DISCUSSION**

Date of meeting: _____

TOTAL ABSENCE OVER LAST 12 MONTHS: (*including this period of absence*)

No. of occasions:..... Total days (or hours for part time staff) lost:.....

Currently under absence monitoring (as per the Council's policy)? Yes / No

Explore absence

- How are you now and are you able to carry out normal hours and duties?
- Did you consult a Doctor or other medical practitioner?
- Have you suffered from this complaint before?
- Has the GP made any recommendations on your Fit Note in relation to your return to work?

Are you on any medication which may affect your performance or impact on your ability to carry out your role?

- Do you consider your illness to be work-related? If the answer is yes in what way is it work related?
- If you feel it is work related and it was a result of an accident at work did you complete an accident, incident or hazardous report form?

Review of absence and support

- What was the possible cause of your sickness absence and what action have you taken to avoid any future occurrence (work/accident or personal)?
- Discussion with any links of previous absence and set out expectations

Date of meeting:

- Do you feel that there is anything we can do to support you? Explore possible referral to Occupational Health and advise of support services available.

Update on work during period of absence, e.g. announcements, etc:

SECTION THREE: NEXT STEPS

Summary of action points (if applicable) agreed and any other comments

Review date for agreed actions:

Manager's name: _____

Position: _____

Manager's Signature: _____

Date: _____

Guidance for Return to Work meetings

Effective Return-to-work discussion

When conducting a return-to-work meeting with an employee who has been absent from work due to sickness (short-term or long-term), you need to create a relaxed atmosphere where both participants view it as an informal discussion with positive aims. This guide can be used as a practical framework to help the conversation flow and maintain a sense of direction and progress.

The form is provided as a guidance template to ensure all the key points are covered and as a record for you and the employee and if used would be completed after each period of absence. However, a copy of the discussion should be provided to the employee and you should retain a copy as the line manager.

Preparation

Managing an effective return-to-work meeting requires understanding, structure and preparation if it is to produce a positive result.

The following tasks should be completed in preparation:

- Arrange an appropriate venue for the meeting that will put the employee at ease. Remember, the return-to-work meeting is not part of the disciplinary process. The prime purpose is not to punish the employee, but rather to see what if any measures can be taken to prevent recurrences of the absenteeism.
- Ensure that the meeting will be uninterrupted as some information communicated during the interview may be private.
- You should consult attendance records as this will give you a clearer idea of the regularity of the employee's absence and will allow you to provide details of this to the employee during the discussion. More detailed information can be provided by your HR contact to support this.
- Any previous return-to-work records should be re-visited and reasons for previous absences noted.

The meeting

In order to ensure your discussion is planned thoroughly, a discussion schedule should be prepared. A popular approach to this is Murray's '**WARM**' approach (welcome stage, absence stage, responsibility stage and move on stage).¹

- **The 'welcome' stage**

The purpose of this stage is to make the employee feel valued when they return. You should tell the employee that their work contribution has been missed. This should be a positive introduction to the process and help to put the employee at ease.

¹ Hugh Murray, *Improving Attendance: What Managers Can Do* (Fenman, 2001).

- **The 'absence' stage**

This stage is concerned with discovering the reasons that led to the employee's absence and it is important that the employee is allowed to state these reasons uninterrupted. This stage of the return-to-work meeting should also serve as a tool for establishing whether the employee is fit to resume their duties.

You may wish to explain the impact of the employee's absence on their work and on their colleagues.

- **The 'responsibility' stage**

At this stage of the discussion you will be aware of your employee's reasons for their absence. It is important now to make the employee understand that they are responsible for doing whatever they can to reduce the likelihood of a similar situation arising in the future.

This is also an opportunity to start a discussion with the employee over underlying issues, which might be causing the absence. Questions about how the employee is coping with their workload and their domestic situation may be considered here. However, be aware that the employee may not wish to discuss the issue with you.

At this stage you should refer to the support services, such as EAP, counselling service and including whether the employee wishes to be referred to the Occupational Health Adviser.

- **The 'move on' stage**

This final stage focuses on getting back to work, catching up on any work missed and agreeing post-absence priorities. This stage should be viewed as an opportunity for both parties to agree some positive action.

Final points to remember

The reality is that in many cases the return-to-work meeting can be carried out in just a few minutes in a very informal conversation with the employee, particularly if they have only been absent for a day or two and this is not a regular occurrence. This can be as simple as welcoming them back, asking whether they are fully recovered and updating them on anything that has happened whilst they were away. In this case you may find some of the questions on the return to work form as being unnecessary. However, it is essential that a return to work discussion is undertaken and recorded for each period of absence and for everyone who is absent, this ensures the process is fair and consistent and can be relied upon for any future discussions.

In cases where short term absence is becoming a problem or if someone is returning from long term absence the return-to-work meeting needs to be more formal. For example although the conversation can be kept informal, you should keep a record of the meeting for future reference.

The record of the meeting should be brief and factual and you should agree that its contents are accurate with the employee concerned. The contents will be particularly valuable if you are following an absence management programme.

Remember that the return-to-work form and process is designed to enable you to offer support and guidance to your employee, signalling that their absence was noticed and enabling a discussion.

Although the forms do not need to be returned to HR it is important that you retain copies of these to ensure employees are supported and managed in a fair way.

Finally, you should avoid conflict in the return-to-work meeting at all times as the discussion is designed to develop a constructive way forward after a period of absence. This can be achieved by reinforcing the idea that the interview is not part of a disciplinary process.