



Sickness Management Policy

Human Resources
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Issue 2

1 Introduction

1.1 Stafford Borough Council values the contribution of its staff in the delivery and maintenance of quality services to the community. Whilst recognising that employees may be prevented from attending work through ill health, the Council has a duty to maintain service delivery and minimise disruption. The Council is therefore committed to managing attendance and sickness absence. It is the responsibility of managers, trade union representatives and employees to work together to promote a positive work environment where effective procedures for handling sickness absence and ill health underpins its culture of effective performance management.

1.2 The Council will achieve this through:

- Promoting the health, safety and well being of all employees, including use of risk assessments to identify and manage hazards impacting on health in the workplace
- Monitoring levels of sickness absence for individuals, teams and the Council as a whole
- Implementing procedures to support and manage staff absences, whilst dealing with unjustified and/or high levels of sickness absence

2 General Principles

2.1 The following principles apply to the Council's procedures for dealing with sickness absence:

- Good attendance is valued and all opportunities should be taken to acknowledge and recognise such attendance
- Matters raised relating to an employee's attendance do not automatically imply any distrust of staff or concerns regarding their conduct
- Sickness absence will be dealt with in a way that is non-discriminatory and in accordance with the Council's Equalities Policy
- Employees will be dealt with consistently and the sickness absence procedures will be fairly applied across the Council
- The Council will aim to promote a positive and preventative rather than a punitive approach
- The Council will be sensitive and supportive to those suffering the effects of genuine ill health

- Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection and Access to Medical Reports Acts
- Open communication between managers and employees will be encouraged and promoted
- The Council will aim to distinguish between absence due to genuine sickness and the abuse of the sickness absence system
- The sickness absence policy and procedure will be monitored and reviewed to ensure that it continues to meet the Council's aims and complies with these principles. Staff and trade union representatives will be encouraged to be involved in this process.

3 Roles & Responsibilities

3.1 Managers – Induction of New Employees

3.1.1 Line managers/supervisors should ensure that all staff are familiar with the absence reporting procedure and policy rules, HR provides a copy of this information to all new staff as part of their induction. New employees also need to be made aware that attendance levels are reviewed as part of the probationary assessment.

3.1.2 In addition, line managers/supervisors also have broader responsibilities for encouraging good attendance by ensuring that:

- adequate physical working conditions are provided
- health and safety standards are maintained (appropriate risk assessments are undertaken).
- job design, training and development are given adequate consideration
- colleagues in line management/supervisory positions take an active interest in the health and welfare of their employees.
- the absence management policy and procedures are communicated to all staff, so that employees are clear about the correct steps to take when ill and about any follow-up action when they return to work.

3.1.3 In terms of managing sickness absence, the role and responsibilities of a line manager/supervisor includes:

- being the first point of contact when employees phone in sick or are seeking leave of absence for other reasons (e.g. domestic or personal reasons)

- maintaining contact with employees who are sick (particularly those on long-term sick leave)
- ensuring that work is appropriately covered during the employee's absence
- recording details about each period of absence and, when due to sickness, recording the nature of the illness and dates of absence and passing on details to Human Resources
- identifying patterns of absence, which cause concern, and taking appropriate action
- holding return-to-work discussions/review meetings to ensure that employees have relevant support

3.1.4 It must be recognised that frequent or long-term absences of a member of staff can impact adversely on other staff and on the overall work of the section/team, particularly as a result of the need to cover the work. In circumstances such as these, the line manager/supervisor should discuss the issue with a member of the HR team.

3.2 Keeping in touch with an absent employee

3.2.1 It is important that each line manager/supervisor, keeps in touch with the employee during his/her absence, particularly if she/he is absent on long-term sickness (i.e. 15 days or more). Each situation will need to be considered sensitively in the light of its special circumstances. The best way to achieve this is through management/HR regular visits (see Guidelines for Managers on Sickness Absence Visiting).

3.2.2 In cases of long-term absence it may be appropriate to agree the method and frequency of contact between employee and line manager/supervisor. Such contacts should be arranged at an early stage and will:

- Provide support for the employee by making them feel valued
- Enable you to keep the employee informed of what action is being taken in relation to their absence or to assist their return to work
- Allow for the possibility of alternatives to be explored by both sides at an early stage

3.2.3 Personal visits are unlikely to be appropriate in the case of a short-term absence, but telephone contact may be appropriate in certain cases (for example if an urgent work-related issue arises and it is necessary to establish action already taken).

3.2.4 Line managers/supervisors should also be sensitive to the fact that some employees may not welcome a visit, in which instance a member of the HR team should be contacted for advice.

- 3.2.5 When making contact with a member of staff, you have a right to know the broad reason for their absence and the likely duration of the absence. It is also reasonable to discuss with the employee any outstanding work issues that need to be picked up. Should, however, it become difficult for the employee to discuss the reasons for their absence, it may be appropriate for a member of the HR team to talk with the employee.
- 3.2.6 Finally, it is the responsibility of line managers/supervisors to ensure that self-certification statements and medical certificates are submitted covering appropriate periods of absence. If the employee does not provide these, it is the responsibility of the line manager/supervisor to remind the employee of their obligations in this regard. In appropriate cases sick pay will be terminated or suspended where certification requirements are not met.

3.3 Employees

3.3.1 Employees are expected to:

- attend work unless unfit to do so
- understand the rules and procedures as outlined in this guide and in their conditions of service
- raise concerns with their line manager, or a member of the HR team, if they believe that their job is making them ill or contributing to illness
- report sickness absences promptly in accordance with the sickness absence procedure
- ensure that appropriate certifications are completed and provided in accordance with the procedure
- attend return to work discussions and absence review meetings as necessary
- maintain contact with their line manager at regular intervals in order to update on progress and changes in prognosis
- ensure that medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work
- not engage in any activity which may delay recovery
- attend referral meetings with the Occupational Health Service, as required
- submit to an examination by a medical practitioner nominated by the authority if asked to do so
- not abuse the sickness absence procedures or sick pay scheme

(NB. Under the Access to Medical Reports Act 1988, an employee has the right not to consent to medical information being obtained from his/her GP. However, she/he should be aware that not granting consent may delay and detract from a well-informed decision being reached. It may still be necessary for a decision to be taken based on information available through Occupational Health or other nominated medical practitioner.)

3.4 Human Resources

3.4.1 HR are responsible for developing the absence policy and procedures and ensuring that line managers are confident to meet the requirements of the policy in a consistent manner. HR will also advise on the use of associated policies, for example, the distinction between issues of absence and of conduct and or capability, which should be dealt with under the disciplinary procedures and capability policy respectively.

3.4.2 In addition Human Resources will:

- produce absence reports by section to Heads of Service
- provide absence information to other bodies (e.g. WMLGA, Employers Organisation)
- provide advice/support as appropriate in individual cases
- provide a link to other specialists such as Occupational Health, Health and Safety, internal employee support networks and other external support agencies, where appropriate
- link with Occupational Health over the provision of “healthy workforce” initiatives

3.5 Monitoring sickness absence

3.5.1 The HR team will monitor sickness absence records. This will allow for identification of cases, which require further action (beyond the first stage return to work meeting). However, the prime responsibility for managing absence remains with the line manager/supervisor and any reports from the HR team should only serve to re-enforce information the line manager/supervisor already has regarding their staff.

3.6 Heads of Service

3.6.1 Heads of Service are responsible for nominating representative(s) from their teams to co-ordinate the weekly Service Sickness Notification Return and ensuring that **completed forms are with the Payroll team by 10am each Wednesday for the previous weeks return.**

4 Procedure

The following procedure applies to all employees of Stafford Borough Council.

4.1 Notifying absence

- 4.1.1 In order for service delivery to be maintained, it is essential for line managers to know when a member of staff is unable to attend work due to illness. Failure to inform the line manager of absence without good reason may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.
- 4.1.2 The employee **MUST** telephone their line manager (or the manager's manager) on the first day off, before 10.00am, (or within ½ hour of their scheduled contracted start time).
- 4.1.3 The employee must provide the line manager with details of their illness or injury, their anticipated length of absence and any work commitments that may need rearranging.
- 4.1.4 On the fourth day of absence (or the next working day should this fall on a weekend, bank holiday or programmed rest day) the employee must contact their line manager again and confirm or amend the information given on the first day.
- 4.1.5 If the employee believes that their absence may have been caused by something that happened at work they should inform their line manager of this and arrange for an Accident Report Form to be completed
- 4.1.6 Exceptionally, if the employee is unable to telephone in person, they must arrange for someone else to telephone on their behalf, in accordance with 4.1.1. and 4.1.2 above. The employee must make direct contact with the line manager as soon as possible thereafter.
- 4.1.7 The line manager **MUST** immediately advise the nominated administrative representative of the absence, to enable the absence to be entered on to the weekly service sickness notification return

4.2 Certification

- 4.2.1 Every absence has to be certified to ensure prompt and correct payment of contractual and statutory sick pay and to ensure that accurate records are maintained. Failure to comply with the certification procedures may result in loss of sick pay. Misleading or false statements may be dealt with under the Council's disciplinary procedure.
- 4.2.2 When the employee returns from any period of sickness absence the employee must complete Part 1 of the Sickness Declaration and Return to Work Discussion Form (Appendix A) as part of the return to work procedure.

- 4.2.3 If a period of absence includes a Friday, then if an employee is also sick on the Saturday and Sunday, these days will count for Statutory Sick Pay (SSP) purposes e.g., if the first day of sickness is Thursday and the return to work is the following Monday, then this will be counted as 4 days in relation to SSP.
- 4.2.4 If the employee continues to be absent for more than 7 consecutive days (regardless of whether or not these are working days) they must consult a doctor and obtain a medical certificate which must be forwarded immediately to their line manager. Any delay in receiving the medical certificate will require an explanation and may lead to the withholding of sick pay.
- 4.2.5 Where there is continuing sickness absence the employee must submit to the line manager concurrent medical certificates to cover the whole period of absence
- 4.2.6 Where the period of absence exceeds 14 days the employee must submit to the line manager upon their return to work a medical certificate confirming an acceptable return to work date, or statement of fitness to resume work from their doctor.
- 4.2.7 The line manager/supervisor must ensure that appropriate and timely certificates are received from the employee.
- 4.2.8 If an employee is sick during periods of annual leave, this leave may be reinstated if a medical certificate signed by a GP is provided.
- 4.2.9 The line manager/supervisor must ensure that certificates are forwarded immediately on the day of receipt to Payroll for recording and calculation of sick pay entitlement and SSP payments.
- 4.2.10 Exceptionally, if the line manager is concerned at the frequency of an employee's absence, or their account of their reasons for absence, the employee may be required to submit doctor's medical certificates, rather than self-certificates, from their first day of absence. In such cases the Council will meet the cost of any fee charged.

4.3 Hospitalisation

- 4.3.1 In the event of hospitalisation, the same notification procedure should be followed unless the sickness/hospitalisation prevents this. The line manager/supervisor should be notified of the hospitalisation either by the employee or by a person acting on their behalf.
- 4.3.2 The employee should notify their line manager as soon as it is possible to do so. Hospital admittance and discharge certificates should also be forwarded to the line manager as soon as possible. It is not expected that employees should send further medical certificates during a stay in hospital providing admittance certificates have been forwarded.
- 4.3.3 Following the period of hospitalisation, any additional sickness

absence should follow the procedure outlined in Section 4.2 above.

4.4 Maintaining Contact

- 4.4.1 Where an employee is absent from work due to sickness it is important that contact is maintained between the line manager and employee. The line manager needs to ensure that work is reallocated and service delivery is maintained. The employee needs to ensure that they do not feel isolated, vulnerable or out of touch. The timing of this contact must obviously be judged with sensitivity and it is important that it is not viewed as harassment from the Council. Instead, a sympathetic approach will be taken and a genuine interest shown in the employee's state of health. However, line managers should liaise with the HR Manager prior to undertaking a home visit and ensure when appropriate that they do not go unaccompanied.
- 4.4.2 The employee and line manager should maintain regular telephone contact during the early stages of sickness absence
- 4.4.3 If an employee is absent from work for more than three weeks, the line manager/supervisor should arrange with the employee to visit them at home
- 4.4.4 If absences become long-term, regular contact must always be maintained.

4.5 Monitoring sickness absence levels

- 4.5.1 All sickness absences must be recorded on the Service Sickness Notification Return and forwarded to the Payroll team on a weekly basis (Wednesday at 10am is the deadline each week).
- 4.5.2 The Council has to provide corporate sickness absence statistics not only as part of its Best Value Performance Indicators but also to monitor the success of the Sickness Absence policy and identify causes for concern. Each service area is also provided with sickness absence statistics.
- 4.5.3 Each line manager/supervisor is required to monitor sickness absence levels within their team, and, in liaison with the HR team, take further action as necessary when trigger points are reached and/or where there are concerns about an employee's absence levels.

4.6 Return to work

- 4.6.1 Upon return to work following sickness absence, and regardless of the period of absence, the line manager should arrange to meet with the employee, usually during the first day back or at least within three days of the return to work.

In some situations it may not be practical to carry out the return to work interview on a face-to-face basis (e.g. employees working at a different location). In these circumstances the line manager/supervisor should conduct

the discussion over the telephone and ensure that the return to work form is completed and returned to Human Resources.

- 4.6.2 The purpose of the meeting will be to welcome the employee back to work, ensure that there is an accurate record of the absence and appropriate certification and update the employee on work issues. The line manager should give assurances of their concern for the employee's welfare, balanced with the line manager's concerns about service delivery and the impact on other team members. The line manager should also provide the employee with information on the availability of support if required, or refer them to Human Resources.
- 4.6.3 A record of the meeting should be made on the Sickness Declaration and Return to Work Discussion Form and promptly be passed to Payroll for recording.

5 Dealing with Frequent short-term absence

- 5.1 Where an individual's absence level meets one of the following trigger points, the line manager will review the absence levels with the employee:
- Three or more instances of sickness absence in any 3 month period
 - Ten or more days sickness absence within any 3 month period
 - Any other recurring recognisable patterns which give rise to concern, such as frequent absenteeism on a Friday or Monday, absenteeism during school holidays, or absenteeism coinciding with deadline dates or peaks in workloads.
- 5.2 A review meeting will be held with the employee to discuss:
- their absence record
 - explore the reasons for absence
 - identify areas for support
 - review/update the risk assessment
 - set targets for improvement
 - clarify what further action may be taken if improvement targets are not met.

A trade union or other representative may accompany the employee.

- 5.3 The following outcomes may be agreed:
- The employee may be required to submit a medical certificate from their doctor for every instance of absence (see section 4.2.9 above)
 - The employee may be required to attend an appointment with Occupational Health from whom advice may be sought
 - Other support mechanisms may be identified and implemented

- Reasonable adjustments such as changes to the workload, work practices or work pattern.
 - A further meeting may be arranged to review progress
- 5.4 The line manager will write to the employee within 5 working days of the meeting, confirming the details of the absence review meeting, the points discussed and actions agreed. A copy of this letter should be placed on the employee's file in HR.
- 5.5 If there is insufficient improvement in the employee's sickness absence record, a final review meeting will be held by the line manager's manager (senior manager). This review meeting will reaffirm the issues discussed at previous reviews, identify support provided to the employee and what further support may be appropriate, set revised targets for improvement and warn of the consequences of no improvement including the potential of dismissal. Again, a trade union or other representative may accompany the employee
- 5.6 Arrangements can be made at any time for an independent medical report to be sought from Occupational Health to establish whether or not there is an underlying health problem and whether the employee's absences are likely to remain at the same level. The employee's consent will be obtained prior to referral on the Access to Medical and Health Records and Data Protection Act Employee Consent Form. The medical report will seek to establish only the medical facts.
- 5.7 The senior manager will write to the employee within 5 working days of the final review meeting confirming the points discussed and actions agreed. A copy of this letter should be placed on the employees file in HR.
- 5.8 If there is insufficient improvement within 3 months following the final review meeting, the matter will be referred to the Head of Human Resources who will determine whether to hold a Case Review Meeting (see 7 below).

6 Dealing with long term absence

- 6.1 Absences over 15 working days' duration are considered long term
- 6.2 The line manager should arrange where possible to meet with the employee on a regular basis, usually at their home in order to keep up to date with progress, identify areas for support and determine whether any other actions should be taken. A trade union or other representative may accompany the employee.
- 6.3 Where it is evident that an absence is to continue for more than 15 working days, advice should be sought from Occupational Health in accordance with the process for referral. This is a guide only and depending on the circumstances a referral may be earlier or later than the 3-week period. The purpose of gaining Occupational Health advice will be to provide an indication of the likely duration of the employee's absence and whether any steps can be taken to help the employee to return to work.

6.4 Depending upon the advice received from Occupational Health, one or more of the following actions may be taken:

- Review periods may be set, with further advice obtained from Occupational Health
- Reasonable adjustments such as changes to the workload, work practices or work pattern may be identified and implemented, either as part of phasing the employee back to work or on a more permanent basis
- Referral to counselling services either in-house or external
- Other support mechanisms may be identified and implemented
- Investigations may take place into whether the employee may be eligible for ill health retirement.
- Ultimately, decisions may be made about the employee's continuing employment, leading to the decision to dismiss the employee due to their incapability to undertake their job due to ill health

6.5 Any actions being contemplated will be discussed with Human Resources prior to meeting with the employee and their representative, and if applicable, before any final decisions are made.

7 Case Review Hearing

7.1 Where there are continuing concerns regarding short-term absences and previous warnings have been given, or where a long-term period of absence is continuing and options to enable the employee to remain in employment have been unsuccessful, the employee may be asked by letter to attend a Case Review Hearing. This letter will provide detail of the reason for the meeting as well as detail of the time and venue. Ultimately, the Council does not have to retain the services of any employee who cannot for whatever reason attend work on a regular basis and by definition fulfil their contractual obligations to their employer. Each case will need to be dealt with on its individual merits and particular circumstances.

7.2 The purpose of the meeting will be to consider any medical evidence available, what the employee has to say and to examine whether there are any further actions that the authority can take to assist the employee in continuing their employment or whether employment should be terminated due to the employee's incapability to undertake their duties effectively because of ill health.

7.3 The Head of Service, who will be accompanied by the HR Manager or a member of the HR team, will hear the Case Review.

7.4 A trade union and/or work colleague may accompany the employee. If both attend, the work colleague's role will be to attend as a silent observer.

7.5 The employee will be given at least 10 working days written notice of the intention to hold a case review meeting

- 7.6 The employee and/or their representative will be given the opportunity to state their case
- 7.7 Others involved in the employee's case such as the line manager will also be asked to provide information on what actions have been taken.
- 7.8 When reaching a decision about whether or not to terminate employment, the Head of Service will consider issues such as:
- the need for the work to be undertaken
 - the impact of the employee's absence and ill health on other employees and service delivery
 - the employee's absence record
 - financial and cost implications
 - representations made by the employee and/or their representative
 - what actions have been taken to attempt to enable the employee to continue in employment
 - medical advice received

[This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the employee and of the Council.]

- 7.9 The employee will be informed of the decision where appropriate following the meeting, or in writing afterwards. In any event confirmation of the outcome of the meeting will be provided to the employee in writing within 5 working days. In addition, where a decision to dismiss has been made, the letter will also inform the employee of notice of termination of employment.
- 7.10 Where decisions are made regarding termination of employment, the employee will have the right of appeal against the decision (see section 8 below)

8 Rights of Appeal

- 8.1 Where a decision is made to dismiss the employee on the grounds of incapability due to ill health, the employee will have a right of appeal to the Employee Appeals Committee.
- 8.2 In order to exercise this right, the employee must write to the Head of Human Resources within 5 working days of receipt of the letter giving formal notice of termination of employment. In their letter the employee must state their grounds of appeal.
- 8.3 The Head of Human Resources will arrange for the appeal to be heard as soon as it is possible after receipt of the employee's letter of appeal
- 8.4 The decision of The Employee Appeals Committee is final within the authority's internal procedures.

Local Government Pension Scheme – Internal Dispute Resolution Procedures

8.5 Employees continue to have a right of appeal against the decision of the Council to terminate their contract of employment on the grounds of incapacity. They may wish to appeal against their eligibility to retire on the grounds of ill-health. The Stage One Appeal is to be submitted in writing to the Head of Human Resources.

9 Work related ill health or injury

9.1 If an employee or line manager believes that ill health or injury has been caused at work, the employee should complete the Council's Accident Report Form as soon as possible

9.2 If an employee has not completed an Accident Report Form and subsequently believes that their ill health or injury is caused by work, they should report this in writing to their line manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury

9.3 Where an Accident Report Form has been completed, or where an employee subsequently claims that their ill health or injury is caused by work, the situation should be thoroughly investigated. The line manager should inform their Head of Service and discuss the situation with the Head of HR in order to determine who should undertake the investigation.

9.4 The investigation should be undertaken by two people and should be completed as quickly as possible with the Head of Service and Head of Human Resources kept fully informed of progress

9.5 The investigation should consider all relevant background information such as:

- the job description
- the previous sickness record
- previous Occupational Health recommendations/advice
- previous grievances/complaints
- details that have emerged in return to work interviews following previous absences or during the normal management process
- consequent management actions and any adjustments made as a result
- time sheets, work logs, rotas, annual leave and flexi time records
- training and development records
- appropriate witness statements
- external factors (for example, if an employee who is alleging they are suffering from Repetitive Strain Injury is also a self employed typist)
- any other information pertinent to the situation

9.6 Advice should also be sought from Occupational Health. Occupational Health may also suggest that specialist advice may be helpful. In such cases the Council will pay any resultant fees.

- 9.7 Upon completion of the investigation a report should be sent to the Head of Service, with a copy to the employee and the Head of Human Resources
- 9.8 The Head of Service will determine, based on the facts available and following consultation with the Head of Human Resources, whether or not the employee has sustained an injury or illness as a result of what they were required to do at work, or the treatment they received at work. The Head of Service will determine whether the root cause of the employee's ill health is due to the competent performance of the employee's duties and responsibilities.
- 9.9 Written confirmation of the decision will be sent to the employee within 5 working days of the decision. In the event of a decision that ill health or injury is attributed to work, Stafford Borough Council as an employer does not accept liability.
- 9.10 The line manager must ensure that Payroll is informed of the decision where it will affect the payment of sick pay or industrial injury payment
- 9.11 The employee will have the right to seek a review of the decision through the Council's Grievance Procedure
- 9.12 Any personal injury claims received for damages against the Council should be forwarded directly to the Legal Section.
- 9.13 Any person who meets the conditions for an injury allowance under the Local Government (Discretionary Payments) Regulations 1996 (SI1996/1680) or for a payment under the assault provisions of the National Conditions of Service should be issued with a claim form.

10 Ill health which does not lead to absence from work

- 10.1 There may be occasions where an employee is suffering from ill health but this does not lead to the employee being absent from work. If the employee believes that their ill health is having an impact on their ability to undertake their job they should raise this with their line manager/supervisor. The line manager/supervisor should discuss the matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance through the Occupational Health service.

11 Occupational Health Physician (OHP) Referral

- 11.1 The role of the Occupational Health team, based at Staffordshire General Hospital is to provide advice and guidance to the Council and its employees on the impact of an employee's ill health on their ability to undertake their duties and what measures can be put in place to support the employee, where appropriate. It is a condition of service that employees may be required to attend a medical examination should the Council consider this necessary. The Council's medical adviser will carry out any medical examination either during or following any periods of sickness/injury.

- 11.2 In relation to the Council's request for Occupational Health to seek a report from the employee's GP, the employee must be made aware of their rights under the Access to Medical Reports Act, and be provided with a copy of their signed form (Access to Medical and Health Records and Data Protection Act Employee Consent Form).
- 11.3 The line manager, employee and HR representative must ensure that as much relevant information as possible is provided to Occupational Health.
- 11.4 The line manager and employee, in discussion with the a member of the HR team, must be clear about the points on which they seek advice
- 11.5 The main Occupational Health unit is based at Stafford General Hospital. However, from time to time employees may be asked to attend an appointment at another site. By having the flexibility of more than one venue, the waiting time for an appointment is reduced. If at anytime, an employee is unable or uncomfortable with the venue, he/she should request another appointment at an alternative site.

12 Failure to follow the Council's procedure

- 12.1 If an employee has failed to follow the procedure for sickness notification and certification, it will be considered that they are absent without permission and as such pay will be withheld and disciplinary action may be taken in accordance with the Council's Disciplinary Procedures. If, however, the Head of Service considers that there is a good cause for late notification or certification, employees will be granted sickness leave or appropriate leave retrospectively, although the Council would regard this as an exception.

13 Recruitment of new employees

- 13.1 Line managers/supervisors should ensure that references for prospective employees are checked for information about previous attendance levels before confirming an offer of employment. If previous levels of attendance give cause for concern, a member of the HR team should be contacted for further advice.
- 13.2 New offers of appointment are subject to the satisfactory completion of a medical questionnaire and two references (one from a former employer). Careful use must be made of all reference/medical information provided to ensure that no discrimination takes place. Where disability is a related factor, a member of the HR team should be contacted for advice.

14 Employee Support Network

- 14.1 The Human Resources Team provides a support network for employees who for whatever reason cannot discuss issues affecting their work performance initially with their line manager. In addition referral to external counselling can

be made available where appropriate. Employees can be assured that anything shared with a member of the HR team will remain confidential.

15 Review

- 15.1 Stafford Borough Council reserves the right to periodically review this policy. Any amendment to the policy will be subject to consultation with the appropriate Unions.



SICKNESS DECLARATION AND RETURN TO WORK DISCUSSION FORM

This form must be used to record sickness absence of 1-7 days on return to work. Part 1 must be completed by the employee in the presence of the line manager. The line manager must then complete Part 2.

PART 1 – Sickness Declaration

Name:	Job Title:
Service:	Location:
First day of absence:	Last day of absence:
Reason for absence: <i>I certify that I was unable to attend work for the following reason(s): (Please state any illness or symptoms, or describe any injury or other incapacity)</i>	
Was your line manager contacted on day 1 of absence? YES/NO <i>(Please delete as appropriate)</i> If no give reason:.....	
Have you seen a doctor or visited a hospital because of your absence? YES/NO <i>(Please delete as appropriate)</i>	
I declare that during the period of sickness absence, which I have stated above, I have not worked or taken part in any activities not consistent with the reason(s) for absence, and that the information given by me is correct. I hereby agree to the Council recording the reasons for my sickness absence as set out, which will be treated confidentially and will not be disclosed to any third party without my specific permission. Signed:.....Date:.....	

REASON FOR ABSENCE (please ✓ appropriate reason)			
01	Back problems	08	Pregnancy related
02	Other musculo-skeletal problems	09	Stomach ailments
03	Stress	10	Heart problems
04	Infections	11	Chest problems
05	Headache, migraine etc	12	Colds, flu etc
06	Eye, ear, nose and mouth	13	Sickness, diarrhoea
07	Genito-urinary problems	14	Other?



PART 2 – Return to work (to be completed by the line manager)

I confirm that Part 1 of this form was signed in my presence and either:
(Please ✓ as appropriate)

I am satisfied that the information above is correct, OR

I am concerned about the circumstances in which this absence has occurred for the following reason(s):

- The frequency of sickness absences over the last 3-6 months
- The pattern of sickness absence
- Other, please specify below (or attach additional sheet)

.....

.....

.....

.....

.....

I have discussed my concerns with the employee and have agreed the standard of improvement required over the next 3-month period. **A copy of my file note is attached; a copy has been given to the employee.**

I consider that the following action should also be taken:

- i) The employee is required to provide medical certification from a GP, for each period of absence until (date to be agreed).
- ii) Referral of employee to occupational health
- iii) Request employee meet with the employee support officer or other counsellor as appropriate
- iv) Reasonable adjustment to workload/ work practices/work pattern. (please detail).....

.....

.....

.....

v) Other, please specify

.....

.....

.....

Signed:.....Date:.....

After completing both sections this form should be sent immediately to your sickness Administrator to collate the weekly sickness for Payroll as below:

*Private & Confidential, Human Resources Section, Stafford Borough Council, Civic Centre
Stafford, ST16 3AQ*

Any information may be retained on computer or in our records. It will be only be used by the Council for the specific purposes for which it was collected and any other relevant Council purposes. It will not be exchanged or passed onto any third party. Anonymised information may be used for statistical purposes.



Appendix B

Absence Matters Some FAQ's (Frequently Asked Questions)

What happens if staff become unwell at work?

An employee who is unfortunate enough to become unwell whilst at work must inform their line manager/supervisor, wherever possible in advance of leaving work, but otherwise as soon as possible. This will allow the line manager opportunity, if necessary, to cover the work for the rest of the day. *The line manager will need to be aware of the time the employee left their place of work for absence notification purposes.*

What happens if an employee falls ill while on annual leave?

If an employee falls ill during a period of annual leave she/he should notify the line manager/supervisor in the usual way. Subject to providing a doctor's medical certificate (which must cover from the first day of sickness absence), she/he will be regarded as being on sick leave from the date on the medical certificate and further annual leave shall be suspended from that date, regardless of the duration. If an employee fails to produce a doctor's medical certificate she/he shall be deemed to be on annual leave and not on sick leave.

What happens if an employee has a doctor/dentist/hospital appointment?

An employee, who has to attend to a non-emergency appointment during the normal working day, should do so to the least disruption of their work and make up time lost. Staff on flex-time who need to attend non-emergency doctor, dentist, etc will be expected to make arrangements out of core-time and use flex-time credit to cover the period taken.

Where an emergency appointment has to be made which falls within core time, time off can be credited counting from the start or end of the core time period. Where prior notification of an appointment has been given, which cannot be altered and which has to take place during core-time (e.g. hospital appointment), the employee should show the appointment card to the line manager/supervisor as soon as possible to enable credit to be granted. Such advance notification will allow the line manager/supervisor adequate prior notice to make alternative cover arrangements for service provision.

Time-off, with pay, granted to attend a hospital appointment would not count against sickness entitlement.

How can a phased return following a lengthy period of absence be arranged?

If, following Occupational Health's advice, a phased return is to be arranged, it is important to agree with the employee a plan and timescale for the phased return.

It is normal practice to enable the employee to return on full pay during an approved phased return to work. Where the employee considers a longer period of phased return is required consideration should be given and occupational health advice taken. If the duration of any return falls outside of Occupational Health advice, the non-working days should be covered by annual leave, flex leave or limited unpaid leave of absence.

What happens to annual leave that has not been taken by an employee because of sickness absence?

Sickness absence is not a valid reason for additional carry over of leave over and above the current policy of 3 days when the end of the holiday year is reached. Managers should treat sympathetically leave requests from employees returning from sickness absence.



Appendix C

Guidance for Line Managers

Return to Work Discussions

As part of the process of managing attendance, line managers/supervisors should conduct a return to work discussion when an employee returns from sickness absence. The discussion should be conducted regardless of the period of absence, whether it has been one day or several months. The aim of the discussion is to welcome the employee back, bring them up to date on work and enquire after their health; it serves both to show concern for the employee and to act as a deterrent to unnecessary absence.

The discussion should not be viewed as threatening and should be seen as a two way communication process. The line manager/supervisor should also receive any appropriate medical certificates and complete the Sickness Declaration and Return to Work Form. The line manager should discuss how the employee's work was covered, and by whom.

The discussion should be conducted in an appropriate environment the day the employee returns to work. In some circumstances, however, this may not be practicable or possible. In these cases, the discussion must be carried out within three days of the employee returning to work. There may be circumstances where the discussion is conducted in an informal manner; however, the line manager/supervisor must always complete Part 2 of the Sickness Declaration and Return to Work Discussion Form. An example of this form is attached as Appendix A).

In some situations it may not be practical to carry out the discussion on a face-to-face basis, i.e. for outreach employees, in which case line managers/supervisors should conduct the discussion over the telephone and again ensure a Sickness Declaration and Return to Work Form is completed.

Preparation

By preparing for the interview in advance you can make sure you have all the necessary information to manage the meeting effectively and avoid irrelevant discussions. You may also find it useful to use this Appendix as a checklist of issues, which you will need to cover both before and during the meeting.

- Prepare for the meeting by collecting together the information that you will need, such as the employees absence records, copies of return to work forms or absence statistics for the section.
- From this information you will be able to determine if there is any other information or assistance, which will be needed for the meeting.
- Arrange a suitable time and place for the meeting to take place.
- Prepare an introduction and plan a structured meeting

As this is not a disciplinary stage there is no right for an employee to be represented.

Persistent Short-term absence

Short-term sickness is considered to be a period of absence from 1 to 7 days. Such absences may be regarded as persistent when, one of the following trigger points is met:

- Three or more instances of sickness absence in any 3 month Period
- Ten or more days sickness absence within any 3 month Period
- Any other recurring recognisable patterns which give rise to concern, such as frequent absenteeism on a Friday or Monday, absenteeism during school holidays, or absenteeism coinciding with deadline dates or peaks in workloads.

Any of the above triggers would raise the need to consider whether an absence review meeting is necessary. If it is not, for example, in the case of a pre-planned operation, the reason should be recorded. Further guidance relating to absence review meetings is provided below.

Absence Review Meetings

When either a short or long-term absence “trigger point” is reached, the line manager should conduct an absence review meeting.

The meeting should take place in private, with the absence record available for discussion. It should not be confrontational, but rather an investigation into underlying problems, i.e. medical, work based or domestic, which may be preventing the employee from attending work regularly. In other words a constructive two-way discussion.

The line manager/supervisor may need to emphasise the impact that the absence has on the team.

It is important to remember that the reasons for the non-attendance may be sensitive, and that confidentiality is very important. Where the employee may not want to disclose the reasons, they should be given the option of speaking to a member of Human Resources.

It is important that the line manager/supervisor explains what is considered to be a reasonable standard of attendance and that the meeting produces a decision, preferably jointly agreed, on action to be taken by both the line manager/supervisor and the employee, and a timescale to help to achieve this standard. At the end of the timescale there should be a further review.

Examples of the types of action that could be agreed are given below:

- Referral to Occupational Health Services
- Workplace adjustment – workload/working pattern
- A further review of the employee's attendance performance after a specified period
- Request to consider meeting with the Employee Support Officer (if not already involved) or to a specialised counsellor through HR.

Whatever is agreed it is important that it is documented and carried out.

If the standards set previously have been achieved no further action may need to be taken.

In either case a written, dated, record should be made of the decision, for example in the form of a letter confirming the outcome of the meeting, which should be placed on the employees personal file.

The return to work and absence review meetings are an important part of managing absence. It shows that you care about the service and your staff and you will not ignore absence.

Long-term sickness

Long-term sickness absence is considered to be a period of continuous absence of at least three weeks (15 days). Each individual case of long-term absence, through sickness or an employee's inability to attend work regularly and consistently because of chronic ill health, must be managed on its own merits. It is essential that the line manager/supervisor maintain contact either by regular telephone calls, or with prior agreement of the employee, occasional visits to their home. Options may need to be considered to support the return to work, e.g. phased light duties, reduced hours, and any other reasonable adjustments. A referral to Occupational Health (via Human Resources) can provide support in this process not only through the provision of a return to work plan but also by maintaining contact with employees when they have returned to work.

At the point where the absence reaches 15 continuous days the line manager/supervisor should hold an absence review meeting if appropriate, dependent upon the reason for absence. In certain cases, however, (e.g. a pre-planned operation or broken limb) it may not be appropriate or necessary to hold such a meeting. If it is not, the reason should be recorded.

Recruitment

Line managers/supervisors should ensure that references for prospective employees are checked for information about previous attendance levels before confirming an offer of employment. If previous levels of absence give cause for concern it is advisable to consult Human Resources for further advice or investigation. It is a condition of a new appointment that a medical questionnaire is completed. Careful use must be made of information provided to ensure that no discrimination takes place. Where disability is a related factor, line managers will need to show that your actions are justified. HR or Occupational Health can advise on the likely effect of a person's disability on the role to be appointed to and how any reasonable adaptations can be accommodated.

Capability action

Where an employee's absence level has prevented them from carrying out their job to an acceptable standard over a period of time, despite counselling, medical and other advice and assistance, action may be taken under the Council's Capability Policy. Advice should be sought from a member of the HR Team.

Disciplinary action

In cases where the absence procedures/scheme have been abused, disciplinary action may be taken. In such cases, action should be taken, following proper investigation by an independent person and in accordance with the Council's disciplinary procedures and in consultation with Human Resources. Instances of minor misconduct should be handled with the aim of encouraging improvement to an acceptable standard of behaviour.

Examples of employees' conduct where disciplinary action may be appropriate:

- continued failure to follow the notification procedures without good reason
- providing an unsatisfactory reason for being absent from work
- a continuing pattern of unauthorised absences
- failure to provide medical certificates when required
- abuse of the sickness scheme, for example, by undertaking paid or unpaid work elsewhere or engaging in other activities which are inconsistent with the

stated reason for being on sick leave; or engaging in any activities which aggravate the nature of the illness or which delay recovery

- deliberate falsification of self or medical certificates (this may constitute gross misconduct).

Absence and Disability

Whether dealing with persistent short-term absences or long-term sickness, line managers/supervisors must have regard to the employer's obligations and responsibilities under the Disability Discrimination Act. Under the employment provisions of this Act, it is unlawful for an employer to discriminate against a disabled person by treating them less favourably than another person for a reason relating to their disability. This obligation relates to all aspects of employment, including dismissal.

The Act also requires employers to make reasonable adjustments where any physical feature of the employer's premises or any of the employer's terms and conditions of employment or policies and procedures would place the disabled person at a substantial disadvantage.

Examples of the type of adjustments, which an employer may have to make, are:

- Adjustments to premises - providing ramps, moving furniture, re-locating light switches or door handles
- Acquiring or modifying equipment - e.g. adapted keyboards or telephones
- Providing training - to use specialist equipment or slightly different training to accommodate particular needs
- Changing location to a more accessible office
- Altering hours of work, i.e. to assist with travelling

Line managers should endeavour to establish at the earliest opportunity, whether the employee has a disability, which is contributing to his/her sickness levels or disadvantages them in any way. In these circumstances line managers/supervisors should discuss with the employee whether there are appropriate adjustments, which could be made to prevent or reduce the disadvantage and enable the employee to improve his/her attendance record. Advice about an individual or a referral to Occupational Health or other relevant support agency may be appropriate and should be discussed with Human Resources.

Line managers/supervisors are advised to document the outcome of these discussions and, in particular, to note down the reasons why further action, adjustments or adaptations could not be made.