

Sickness absence policy and procedure

Policy:

The Organisation understands that staff members may need to be absent from work from time to time due to sickness. This policy covers staff members and their line managers in handling time off from work where the reason for absence is sickness. The Organisation aims to have as many staff members as possible in attendance at all times during the working week and sickness absence needs to be managed so that an acceptable level of absence can be permitted and any problems resolved.

Procedure:

Notification

If staff members are unable to attend work due to sickness absence, they must notify their line manager by 9am (by telephone/email) on the first day of the absence. They will need to explain why they are unable to attend and indicate when they intend to return to work.

If they are unable to return to work when indicated, staff members will be required to contact their line manager each subsequent day to notify them of their continued absence.

Certification

Absences should be certified by a fit note from a GP, however if the staff member is absent for seven calendar days or less in each instance, they may instead self-certify their absence.

For absences of seven consecutive calendar days or less, upon their return to work, a self-certification form (SC2) should be completed and passed to the staff member's line manager. SC2 forms are available from the HMRC website.

For absences of eight days or more, a fit note is required. Fit notes are issued by the staff member's GP and should be passed to their line manager upon their return to work. The fit note should cover each day of absence and, if multiple fit notes are issued, they should be posted to the staff member's line manager with a brief explanation of their absence, the condition and, if known, their expected return to work date or next GP appointment.

Failure to follow the certification process outlined above may be considered misconduct and may be dealt with under the Organisation's disciplinary process. Organisation sick pay and SSP (statutory sick pay) may be withheld during this time.

For self-employed staff members, there is no entitlement to receive sick pay from the Organisation.

Private medical certificates

A private fit note may be considered necessary by the Organisation if there is a history of unusual absences or if the line manager believes the staff member may benefit from an intervention by a medical practitioner. The cost of obtaining a private fit note will be

reimbursed by the Organisation. A private fit note may be requested by the Organisation regardless of the duration of the actual period of sickness absence.

Return to work

A fit note may make a recommendation for temporary changes to be made to an staff member's working environment or conditions to facilitate a return to work.

Where the fit note contains recommendations for changes to be made to working conditions or practices, the Organisation will consider those recommendations and try as far as possible to accommodate those changes, where permissible in accordance with the needs of the business.

For extended periods of absence, the Organisation may require the staff member to meet with a medical practitioner, of the Organisation's choosing, to have the fitness to work arrangements of the staff member assessed and confirmed.

In all circumstances, a return to work interview will be arranged by the line manager.

The return to work interview will confirm the staff member's fitness to return to work, update the staff member on any changes that may have taken place in the workplace during their absence, and confirm whether any necessary support is required and make arrangements for this as appropriate.

Fit notes

Where a fit note is marked as "may be fit for work" by the General Practitioner, the GP usually sets out the possible alternations or amendments that could be made to the staff member's working practices to facilitate their fitness for work. Examples of the options available are:

- phased return to work
- amended duties
- altered hours
- workplace adaptations.

A meeting will be arranged via the HR department for the staff member to meet with HR and their line manager to discuss the arrangements recommended in their fit note and how best the Organisation can facilitate a return to work.

In the event that adjustments and amendments cannot be made, the staff member will not be able to return to work and will need to remain on sickness absence. However, where adjustments and amendments can be facilitated, regular reviews will be undertaken with the staff member to confirm that the changes made continue to be adequate. The changes should be temporary and should not be considered permanent changes to the terms and conditions.

Medical examination

If the Organisation believes that a medical opinion is necessary, the Organisation reserves the right to require a staff member to be referred to a medical practitioner for an assessment to be undertaken.

Access to medical reports

The Organisation may need to request a copy of a staff member's medical reports or medical records to assist in the assessment of their medical condition. The staff member's consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to the Organisation making contact with their GP and the staff member is entitled to see a copy of the documentation provided. In line with data protection legislation, staff members will also be given details on the reason for the examination, what the Organisation intends to do with the data obtained and the lawful basis for processing the data.

Frequent and short term absences

Absence triggers enable the Organisation and line managers to address all absences and ensure absences are managed fairly and consistently.

Examples of absence triggers are, but not limited to, regular absence events, absence events falling on the same day i.e. mainly Friday/Saturday, more than 7 days of continuous absence.

Only one trigger needs to be reached for the line manager to be required to review the staff member's sickness records.

The line manager should meet informally with the staff member to discuss the fact that an absence trigger has been reached and to discuss necessary actions, such as considering a referral to Occupational Health, implementing any possible reasonable adjustments that may be necessary in relation to disability, or any possible formal disciplinary action. The line manager may establish that there is an underlying medical condition and it may be that advice is required from HR as to the best course of action to take. Disciplinary procedures may not be necessary or appropriate in those circumstances.

A summary of the meeting should be kept for the staff member's personnel file and a copy given to them.

Long term sickness

Staff members should be aware that although the Organisation is sympathetic towards genuine illnesses, it is not realistic for sickness-related absence to continue forever. The Organisation will be eager to get any staff members on long-term sickness absence back into the workplace as appropriately and effectively as possible, but the employment may need to be reviewed if this cannot be achieved. There will be a full consultation with the

staff member, together with a medical investigation and consideration of redeployment or alternative employment.

If there is regular or persistent absence due to long term sickness, injuries etc, the situation is unlikely to be able to continue forever. Ultimately, employment may be terminated after full compliance with the Organisation's termination procedures in these circumstances. See the section below in relation to dismissal for more information on this aspect.

The Organisation will usually require staff members who have been absent for one month or more or are expected to be absent for one month or more, to return some or all of their Organisation equipment. This may be requested so that the equipment can be redeployed to another member.

Should a return to work be possible, the Organisation may require the staff member's current fitness to be determined and confirmed by a medical practitioner, of the Organisation's choosing.

Updates during sickness

Staff members are expected to keep their line manager updated with details of their health and expected date of returning to work.

Line managers will arrange periodic meetings to discuss the current situation so that each side is kept up to date with developments.

The location of these meetings will usually be at the staff member's usual place of work but, if a home visit is necessary due to serious ill health or being physically unable to attend work, this can be accommodated.

Disability

The Organisation has a duty to make reasonable adjustments where a staff member has a disability covered by the Equality Act 2010.

The duty to make reasonable adjustments covers elements, such as making changes and adjustments to working hours, adjusting existing equipment, provision of different equipment and amending workplace practices, if the staff member is placed at a substantial disadvantage. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture etc.

The staff member will be consulted fully on these.

The duty to make the adjustments is 'reasonable' so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible to facilitate a return. There may be no alternative roles or employment available and if there is no prospect of the staff member being able to return to work in the near future, it may be inevitable that a decision to dismiss is the last and only option.

Dismissal and the right to appeal

If long term sickness absence leads to dismissal, the staff member will be provided with the reasons for the dismissal in writing.

The reasons for dismissal should set out the circumstances that led to the decision to dismiss. Staff members have the right to appeal the decision and they should do so within five working days, to Rachel Dancy setting out the reasons for their appeal.

The appeal itself will be dealt with in accordance with the rules on appeals set out in the Organisation's disciplinary process.

Payment arrangements and insurance

Statutory sick pay (SSP)

Only 'employees' of the Organisation qualify for SSP on their normal working days. SSP payments are made subject to tax and national insurance deductions.

Unpaid sickness

Staff members who are not eligible for SSP will take that period of sickness as unpaid. No variable payments such as commission or bonuses may be paid and no basic pay shall be made.

Annual leave entitlement will only accrue at their statutory entitlement under the Working Time Regulations 1998, i.e. pro rata up to a total of 28 days per annum. This includes public holidays.

Absences for reasons other than sickness

Long term absences for reasons other than sickness, such as career breaks or time off for long distance travel, will be considered by line managers at the request of a staff member. The request will be considered in line with business needs and operational requirements prior to being authorised.

Unauthorised absences will be dealt with via the Organisation disciplinary procedure.

Protecting your data

All personal data obtained during sickness absence procedures will be handled with the utmost integrity and confidentiality and in line with our data protection policy. Staff members may be reminded of the types of data the Organisation holds, including data on health, and our practices in relation to that data by reviewing the Organisation's privacy notice which is available on our website.

Policy last updated: July 2019

Scheduled for review on: July 2020