



# **SICKNESS ABSENCE POLICY**

# **SICKNESS ABSENCE POLICY**

1. Introduction
2. Notification of Sickness Absence
3. Certification for Sickness Absence
4. Fit Notes
5. Returning to Work
6. Sickness During Holidays
7. Cosmetic Surgery
8. Keeping in Touch
9. Managing Absence
10. Absence Triggers
11. Return to Work Discussions
12. Sickness Review Meetings
13. Sickness Capability Hearings
14. Right of Appeal
15. Sample letters

# SICKNESS ABSENCE POLICY

## 1. Introduction

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that operational and service levels are maintained. This policy applies to all staff with a contract of employment.

JRH Support values good attendance at work and is committed to improving the general wellbeing of its employees to achieve this. Although we aim to secure regular attendance, we do not expect employees to attend when they are unwell.

## 2. Notification of Sickness Absence

If you are unable to attend work due to sickness, you should notify us as early as possible.

### ***Community Support Staff – Outreach and Care at Home***

Between 8:30am – 4:30pm (Monday – Thursday) or 8:30am – 4pm (Friday)

**CALL** the office between these hours.

Outside office hours

**CALL** the emergency on-call number – **079507720\*\*** this number is for staff only and must **NOT** be given to service users or others. **Please do not call this number after 10pm or before 6am unless an ABSOLUTE EMERGENCY!**

### ***Supported Living***

Call the property you work at.

**You must make contact before 1pm informing them whether you think you will be back to work on the following day.**

Notification should be made by you personally unless impossible due to the nature of the illness where you should arrange for someone else to call on your behalf. During prolonged periods of absence, your manager should be kept informed of progress and an expected date of return.

## 3. Certification for Sickness Absence

### Days 1 – 7 of sickness

For the first 7 calendar days of continuous sickness absence (i.e. including non-working days), you do not need to obtain a note from your G.P. to cover your absence. When you contact us to inform us about your absence and the reasons for this, your manager or other designated person will record this information.

You must notify your Team Manager (supported living) or the Support Coordinators (Outreach) or Care at Home Manager (Care at Home) when you are returning to work as you cannot work until a 'Return to work' meeting has taken place, either in person with your manager or over the phone.

### Sickness absence that exceeds 7 days

For absences that exceed 7 continuous calendar days (including non-working days) you must provide a Med 3 form which is a 'Statement of fitness for work' (Statement). Known as the 'fit note', this was introduced in 2010.

Follow the link to view a sample of the 'Statement of fitness for work' form:  
<http://www.dwp.gov.uk/docs/med3-fitnote-sample.pdf>

You are responsible for ensuring your medical Statements reach your manager promptly. Periods of absence that are not covered by a Statement will not qualify for statutory sick pay.

If your G.P. provides advice that you may be fit for work, you should notify your manager as soon as practicable.

You should send your Statements to your manager who will arrange for this to be logged electronically and passed to the payroll team for processing.

Once again, you must notify your manager when you are returning to work as you cannot work until a 'Return to work' meeting has taken place, either in person with your manager or over the phone.

#### **4. Fit Notes**

Your G.P. will either give you a Statement confirming that you are unfit for work for a specific period / until a specific date or your G.P. may advise that you are able to return to work and, in these circumstances, your G.P. will suggest options that may help you to return to work.

The purpose of the Statement or 'fit note' is to facilitate a return to work and may be more likely to be used in longer term sickness cases or those with an ongoing medical condition. The suggestions your G.P. may advise include:

- **Amended duties** – this involves changes to your job and duties, if you are unable to complete all your normal duties, and these may be amended in discussion with your manager. If we cannot make these adjustments, you will remain on sick leave for the period of the Fit Note.
- **Workplace adaptations** – this involves changes to your work environment that may relate to, for example, use of equipment, accommodating mobility issues or other changes that may facilitate a return to work. A health and safety risk assessment and occupational health advice may be sought depending upon the nature of the changes suggested.
- **A phased return** – this allows you, initially, to work a reduced number of hours upon your return to work and increase the hours you work gradually until you return to your normal full time hours. This arrangement is normally agreed for a short period, normally of up to 4 weeks.
- **Altered hours** – this may be recommending a different work pattern and using forms of flexible working; for example, allowing a later start time or changing work patterns to accommodate treatment sessions.

## **5. Returning to Work**

When completing the Fit Note, your G.P. will say whether you need to be reassessed before you return to work. If your absence continues you will need to ensure that all absence is covered by a Statement.

If you do not need a further assessment, your return date will be your next normal working day after the end of the sickness period stated.

## **6. Sickness During Holidays**

If you are sick during holiday absence, your holiday may be reinstated subject to you providing a Statement from your G.P. to cover the period of sickness.

## **7. Cosmetic Surgery**

Employees who choose to have cosmetic surgery for rejuvenation/appearance enhancement as opposed to physical or mental health requirements will not be entitled to have the time off as sickness absence. Annual leave should be planned and arranged to accommodate this type of cosmetic surgery.

## **8. Keeping in Touch**

During longer term sickness absence and if your absence is likely to be 4 weeks or longer, it is important that you keep in touch with your manager at agreed regular intervals and let them know of any changes in your health or expected date of return.

Monthly review meetings will normally be held with you and may be arranged at work, at your home or another agreed location and you have the right to be accompanied to these meetings. In some cases, where there is a known medical reason for absence and there is a known date of return to work, meetings may be held at longer intervals by agreement, with contact mainly by telephone.

## **9. Managing Absence**

In order to manage sickness absence effectively and consistently we will seek to support staff during periods of illness and use the following interventions and procedures to facilitate a return to work, retain staff in employment and improve attendance:

- Sickness Absence Return to Work Meetings
- Health & Wellbeing Meetings
- Sickness Review Meetings
- Sickness Capability Hearings
- Monitoring and recording absence
- Keeping in touch during absence
- Seeking medical reports and advice
- Managing absence through capability and disciplinary procedures where appropriate

## **10. Absence Triggers**

We use the Bradford Factor as one way to monitor sickness absence. The Bradford Factor is built into the Company software – People Planner, and gives points based on the number of sick days you have taken. This system gives higher scores for frequent short term sickness absences rather than for longer continuous periods of sickness absence

Sickness absence is monitored over a 12 month rolling period. This means that current sickness absence will be calculated from the date of review for the previous 12 month period. If a period or pattern of absence continues beyond 12 months, such previous absence may be considered as part of the ongoing absence review.

#### **Example of the Bradford Factor scoring**

- 1 instance of sickness absence with a duration of 10 days ( $1 \times 1 \times 10$ ) = 10 points
- 3 instances of sickness absence; one of one day and two of two days ( $3 \times 3 \times 5$ ) = 45 points
- 3 instances of sickness absence; one of one day, one of three days and one of six days ( $3 \times 3 \times 10$ ) = 90 points
- 5 instances of sickness absence; each of two days ( $5 \times 5 \times 10$ ) = 250 points
- 10 instances of sickness absence; each of one day ( $10 \times 10 \times 10$ ) = 1000 points

The higher the score the more we will be worrying about your absence from work. Although the following scores will act as triggers for us, we will deal with each case individually as we recognise people are not all the same. Your score will be monitored every time you call in sick and also at supervision.

**51 points – Stage 1 Sickness Review Meeting (Consideration of a Verbal Warning)**

**201 points – Stage 2 Sickness Review Meeting (Consideration of a Written Warning)**

**401 points – Stage 3 Sickness Review Meeting (Consideration of a Final Warning)**

**601+ points – Sickness Capability Hearing (Consideration of a Dismissal)**

As well as the Bradford Factor, there are other instances of sickness absence that will trigger intervention:

- Any unacceptable patterns of absence
  - Regularly taking Mondays/Fridays off
  - Absent adjacent to holiday
  - Taking the same period of sickness absence each year
- Any continuous period of absence over 28 days
  - When employees are absent from the Company due to long-term sickness, they need sympathy and support. It is important that the Manager takes an interest in their welfare and keeps them informed about any developments in the Company so that they do not feel isolated and forgotten.

#### **11. Return to Work Discussions**

All staff will have a Sickness Absence Return to Work Meeting with their manager, normally on their first day back at work. If you work outside normal office hours it may not be practicable to have a face to face conversation, for example, if you only work during the evenings or weekends. In such cases the conversation may be by telephone.

The purpose of a return to work meeting is to ensure that your manager is aware of issues which affect your attendance at work and your state of health so that the appropriate support and action may be taken. For example, your manager should be made aware of whether:

- You have an underlying medical condition
- Any adjustments are needed if you have a disability
- You are suffering from stress which may relate to personal issues or to issues at work
- There are personal issues outside work which are affecting your attendance.

Return to work discussions may help to improve attendance and resolve absence issues, as health and other associated problems are discussed openly in a supportive way with a view to addressing issues at an early stage.

The content of return to work discussions will vary depending upon the length, type of absence and concerns in relation to your sickness record. It is likely to be a brief conversation about your health and offer of support; however, it may be a more detailed discussion or meeting depending upon the issues. Your manager should:

- Acknowledge and welcome you back to work
- Find out the reason and cause of the absence if this is not known
- Make sure you are well and fully fit to return to work, taking into account any recommendations from your G.P. where relevant
- Identify whether there is any additional support we may provide

In some cases an employee may not feel able to discuss their medical condition with their manager. In these circumstances, the employee may request to speak to another manager about the reasons for their absence.

Sickness information will be held confidentially, and access restricted to authorised personnel within the company. Under GDPR, sickness information is considered sensitive data and JRH Support is committed to ensuring that such data is treated confidentially and not shared more widely than is necessary, in accordance with the Act.

## **12. Sickness Review Meetings**

Sickness Review Meetings are triggered by points on the Bradford factor or from unacceptable patterns of absence or continuous absence of more than 28 days. Sickness Review Meetings can be triggered up to 3 times in any 12 month period.

There are a range of possible outcomes of a Sickness Review meeting including:

- Support and signposting
- Target setting
- Issuing a warning

When preparing for a Sickness Review Meeting, it is important that the manager prepares and gathers as much background information as possible about the employee's sickness absence record. Managers should review the Sickness Absence Return to Work discussion forms for all applicable episodes, review Fit notes and any previous Sickness Review Meetings, and check personal absences. The manager should analyse the information, identify any patterns, look at common

reasons for absence or possible underlying reasons for absence and in cases where it is known the employee has a disability, managers should take advice from Peninsula HR.

During the meeting the manager should explore and offer appropriate support, provide an opportunity for the employee to offer their views and comments, identify any possible causes, establish if there are other non-medical reasons are causing the absence and offer support /signpost to support services where necessary, review working hours, decide if any formal warnings should be issued, establish targets for attendance if appropriate and set a review date.

In addition to the above, any sickness absence that gives specific cause for concern, for example a pattern of sickness absence involving at least three occasions of sickness i.e. Fridays or Mondays, part day absence, day preceding rest day, coinciding with partner/family member's time off, similar period annually, refused holiday etc. may result in a sickness review meeting being triggered.

A Sickness Review Meeting may also be triggered by other absences, such as the following:

- When an employee has been absent and not submitted a medical certificate
- When an employee has failed to report an absence from work
- When an employee has failed to follow sickness absence reporting procedures
- When an employee has taken a level of personal absence that triggers the Bradford Factor

When setting an employee a sickness improvement target, it is important to be fair and consistent and be mindful of the reasons for absence. As a general rule, any episodes of absence which have been recorded as **pregnancy related** or **work related** should be discounted for the purpose of target setting.

Managers should consider where an episode of planned surgery which would improve an employee's attendance at work in the long term, that this episode of absence should **not be** considered as a 'trigger' for target setting or the next stage Sickness Review Meeting.

If an employee has sickness absence **as a result of a bereavement**, this episode of absence should **not be** considered as a 'trigger' for target setting or the next stage Sickness Review Meeting.

If an **employee has a disability** and an episode of absence which relates to their disability 'triggers' a Stage 1 meeting, managers should always consider and discuss with the employee reasonable adjustments and Access to Work and consider whether it is reasonable to adjust the targets in the case of a disabled employee with disability related absence. If the episode of absence is not related to their disability, then managers should consider target setting as appropriate.

### **13. Sickness Capability Hearing**

In some cases of long term continuous or intermittent sickness absence, the Company will need to consider your capability / fitness for work where:

- There is no predicted date of return
- Medical evidence indicates that an individual is permanently unfit for work
- A return to work may be unlikely within a reasonable timescale

- There is a high level of intermittent absence
- The member of staff is not able to fulfil their job role effectively (after appropriate interventions to facilitate their return or improve their attendance).

A capability meeting will consider whether:

- Further investigation is required, for example, if recovery is taking longer than predicted or there has been a recent deterioration in relation to health or a disability. Further medical advice and relevant specialist reports may be requested to ensure any decision takes into account up to date medical information.
- Reasonable adjustments have been made where this is appropriate and whether there are any further reasonable adjustments such as changes to the job role/support.
- A phased return, alternative duties, or flexible working have been discussed and considered where appropriate.
- Redeployment may be appropriate if there are other suitable job opportunities on a permanent or temporary basis that the employee may fulfil.
- Early retirement (where this is cost neutral) or ill health retirement may be an option if the employee is a member of an occupational pension scheme and meets the relevant criteria for retirement under the scheme rules.

Your manager will meet with you to discuss and review these options and to listen to your thoughts and feelings about the situation and the options. You have the right to be accompanied to this meeting by a union representative or work based colleague.

A possible outcome of this meeting is that you will be invited to a capability hearing which will consider your future employment situation with the Company.

### **Holding a Sickness Capability Hearings**

The purpose of the Sickness Capability Hearing is to consider your sickness absence and make a decision about your employment situation. Your manager will prepare an absence report detailing the history, including all relevant documentation and medical advice received.

You will be given at least 48 hours written notice of the meeting and copies of the information which will be considered at the hearing in making a decision about your continued employment with the Company.

Your level of sickness absence, which may be intermittent absence or a continuous period of long term sickness absence, will be considered; the impact this has had on the service and work colleagues, the support, actions or adjustments which have been taken so far; whether redeployment or early retirement has been discussed where appropriate; and a decision will then be made about your employment situation.

A potential outcome of this meeting is that your employment will be ended with notice.

At the capability hearing you will have the opportunity to state your case and have the right to be accompanied by a trade union representative or a work colleague from within the Company. Your companion may assist you in stating your case but may not answer on your behalf.

This hearing will be held either at head office or at a mutually agreed location. It is in your best interests to attend such a meeting; however, you may submit a written representation if you are unable to attend in person. If you do not attend the hearing, your case and any documentation you have submitted may be reviewed and a decision reached in your absence.

The meeting will be held by a senior manager within the Company. You will be notified of the decision as soon as possible and this will be confirmed in writing within 5 working days. If the decision is taken to end your employment, you have a right of appeal.

#### **14. Right of Appeal**

You should write to the General Manager stating the grounds for your appeal within 5 working days of receiving the decision of the capability hearing.

Your appeal will be heard by someone who has not been involved in the case management. If you do not wish to attend the appeal, you may submit the grounds for your appeal in writing.

The appeal decision is final, and you will be notified of this within 5 working days of the meeting.

## **SAMPLE LETTERS**

### **Stage 1 Sickness Review Meeting Invitation**

Dear

Your level of sickness absence has now reached a level where it is causing concern. I therefore invite you to attend a Stage 1 Sickness Review Meeting at (place) on (date) at (time).

Your sickness record in the past 12 months is (record the number of instances of sickness absence and the number of days for each absence, then provide the Bradford Factor score)

The outcome of the Sickness Review Meeting may lead to the issue of a formal warning as set out in the Sickness Absence Policy, which can be viewed in the staff section of the Company website. You are entitled to be represented by a work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

## **Stage 2 Sickness Review Meeting Invitation**

Dear

I refer to your Stage 1 Sickness Review Meeting held on (date). As there has not been an improvement in your attendance I now require you to attend a Stage 2 Sickness Review Meeting at (place) on (date) at (time).

Your sickness record in the past 12 months is (record the number of instances of sickness absence and the number of days for each absence, then provide the Bradford Factor score)

The outcome of the Sickness Review Meeting may lead to the issue of a formal warning as set out in the Sickness Absence Policy, which can be viewed in the staff section of the Company website. You are entitled to be represented by a work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

## **Stage 3 Sickness Review Meeting Invitation**

Dear

I refer to your Stage 2 Sickness Review Meeting held on (date). As there has not been an improvement in your attendance I now require you to attend a Stage 3 Sickness Review Meeting at (place) on (date) at (time).

Your sickness record in the past 12 months is (*record the number of instances of sickness absence and the number of days for each absence, then provide the Bradford Factor score*)

The outcome of the Sickness Review Meeting may lead to the issue of a formal warning as set out in the Sickness Absence Policy, which can be viewed in the staff section of the Company website. You are entitled to be represented by a work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely

## Sickness Capability Hearing Invitation

Dear

I refer to your previous Sickness Review Meetings regarding your level of sickness absence. As there has not been an improvement in your attendance I now require you to attend a Sickness Capability Hearing at (place) on (date) at (time).

Your sickness record in the past 12 months is (*record the number of instances of sickness absence and the number of days for each absence, then provide the Bradford Factor score*)

The outcome of this Sickness Capability Hearing may lead to your dismissal from the company's employment as set out in the Sickness Absence Policy, which can be viewed in the staff section of the Company website. You are entitled to be represented by a work colleague if you so choose.

It is important for you and your representative to prepare your response carefully so that I can consider all relevant information. If there is anything which you do not understand or if you have any questions regarding this matter, please contact me.

Yours sincerely