

Annex 1

SICKNESS ABSENCE POLICY AND PROCEDURES

INTRODUCTION

Reliable employee attendance at work is a vital factor in the effective and efficient operation of Local Authority services.

High levels of attendance at work will contribute to the provision of:

- ✓ *excellent services to our customers*
- ✓ *high morale amongst staff*
- ✓ *high levels of efficiency and productivity*

Unduly high levels of sickness absence, on the other hand, are costly - affecting efficiency, productivity, profitability and morale.

PURPOSE

This policy is designed to help and encourage all employees to achieve minimal sickness absence from work. The Authority will manage this by ensuring that fair and consistent treatment of individuals is maintained and account is taken of the operational realities of the service in which individuals are employed.

This policy applies to all employees of this Authority. Should it be necessary to apply its terms to any Chief Officer the necessary action will be taken by the Chief Executive in consultation with the Central Services Director.

Sickness absence for the purpose of this policy means short term medically certified or self certified sick leave and long term sick leave through ill health or injury.

PRINCIPLES

- a) Employees are entitled to expect and receive fair treatment.
- b) Managers are responsible for monitoring and where necessary managing sickness absence within their section and are also entitled to deal rigorously with abuse of the system.
- c) Each person's circumstances must be considered individually and each case dealt with on its own merits.
- d) Employees will be fully consulted if their absence is causing concern.

- e) In the case of long term sickness absence, no decision will be taken with regard to the employee's future employment without the service management having consulted Personnel Services and the Council's independent Occupational Health Adviser, who shall be a qualified medical practitioner.
- f) No formal action will be taken against an employee with a record of persistent short term sickness absence without the service management having consulted Personnel Services.
- g) In any formal interview, or meeting (to which they will have been invited by letter) with an employee about his/her sickness absence, he/ she will be given the right to be accompanied by a Trade Union representative or work colleague and will have a right of appeal against any decision taken.
- h) The appropriateness of action taken under this policy and procedure will be according to the merits of the case and will not necessarily be linked to the employee's position in the sick pay scheme.
- i) The Authority acknowledges its responsibility to provide a safe and healthy working environment for its employees. Should any aspect of an employee's working environment be found to be affecting their health, the Authority will endeavour to take corrective action.
- j) *The Authority will be mindful of its responsibilities under the terms of the Disability legislation and will endeavour to make reasonable adjustments to address any working provisions, criteria or practices that may impact adversely on employees who suffer physical or mental impairment. This may include an adjustment in working hours, re-allocation of office accommodation, and provision of suitably modified equipment.*

PROCEDURES FOR DEALING WITH SICKNESS ABSENCE

It is accepted that occasional sickness absence is an inevitable part of working life, and also that some employees are unfortunate enough to suffer long term illnesses preventing their attendance at work for prolonged periods. In neither case would the Authority wish to take hasty action in respect of the employee, but, if either the absences are not for genuine reasons or are so frequent or prolonged that they prevent the employee from effectively meeting his/her contractual obligations, then action will be taken.

Managers should, therefore, show understanding for those absent for genuine reasons and take immediate appropriate action against those who abuse the system at the possible expense of their colleagues and the service.

PROCEDURE FOR DEALING WITH LONG TERM ABSENCE THROUGH ILL HEALTH

- i) The Line Manager should keep in contact with the employee so that assistance can be offered and the likelihood and timing of a return to work can be assessed. In appropriate circumstances this could include a home visit by a representative of the service. Personnel Services

should be consulted if it is anticipated that any employment related issues are likely to be raised.

- ii) In cases where employees are returning to work after long term absence due to e.g. surgery, physical injury or mental health issues there is a probability that they may not be able to resume the full range of their duties immediately they return. It will therefore be necessary for the employee to obtain a medical certificate from their GP stating that they are medically fit to return to work including any short term qualifications concerning working hours or duties. In such circumstances Line Managers should seek advice from Personnel Services. In many such cases it is likely that a phased return or a temporary adaptation of duties will have been recommended to enable the employee to recover from their illness or surgery etc. Line managers should advise Personnel Services of all such recommendations, as it may be necessary to refer such employees to the Council's Occupational Health Adviser for more detailed, authoritative advice. In all cases line managers must pay particular attention to organising the employee's re-entry into his/her working life in order to mitigate the problems associated with return after a long absence. Short term part time return will normally be on full pay unless there are unusual circumstances, e.g. the employee having very short service prior to his/her sickness absence.*
- iii) If, after a reasonable period of time in the circumstances of the case, the employee's G.P. cannot indicate a return to work in the foreseeable future, the employee should be consulted and advised that it is proposed to seek an independent medical opinion on his/her condition from the Council's Occupational Health Adviser.
- iv) Subject to any sound reason for not doing so e.g. a pending visit to a specialist consultant, the employee should be referred to the Council's Occupational Health Adviser for an opinion on his/her condition, the prospect of his/her return to work and whether there should be any restriction *or adaptations* to the type of work he/she undertakes upon return. This will be arranged through Personnel Services, and any associated costs will be borne by the Authority.
- v) Consideration will then need to be given to the medical report. Should the report be satisfactory, in that it predicts a return to full effectiveness within a period of time *acceptable to the Authority*, this information should be conveyed to the employee.
- vi) Should the report indicate that a return to full effectiveness will not be possible within an acceptable period of time, if at all, then the line manager in consultation with Personnel Services should consider what options are available, depending on the circumstances.
- vii) The Authority is not expected to create a special job for the employee concerned, nor be a medical expert, but to take action on the basis of medical evidence. *If it is the opinion of the Council's Occupational Health Adviser that the individual's condition falls within the scope of the employment law definition of "disability", the Authority will consider all*

options suggested by him/her for making reasonable adjustments to the role or working conditions. The Council will also consider options for re-deployment.

- viii) *If, having considered the medical evidence and any associated recommendations from the Council's Occupational Health Adviser, it is considered that termination of contract may be appropriate, the employee must be invited, in writing, to attend a meeting so that he/she can be consulted in order that any suggestions made by him/her can be considered before a decision to dismiss is taken. He/she will have the right to be accompanied at this meeting by a representative. Decisions to dismiss can only be taken by the Service Chief Officer after consultation with the Personnel and Training Officer or the Senior Personnel Officer.*
- ix) *If the termination of the Contract of Employment is considered to be appropriate, it will be implemented as soon as possible after the final consultation with the employee, with the provisions of the pension scheme for ill-health retirement being applied as appropriate. Any decision to dismiss will be confirmed in writing and will include the right of appeal. Appeals will be dealt with under the provisions of the Capability Procedure .*
- x) *The employee will be entitled to receive the period of paid notice according to his/her contractual entitlement.*

PROCEDURE FOR DEALING WITH PERSISTENT SHORT TERM ABSENCES

Persistent short term absenteeism is usually unpredictable and disruptive to the service operation. If an employee's short term absence(s) is causing concern the procedure below should be followed.

- i) *During the standard return to work interview the Line Manager should discuss with the employee whether the illness is likely to cause further absences (see *the Sickness Monitoring Guidelines in the Personnel Reference Manual*).*
- ii) *If the Line Manager is dissatisfied with the reasons given for sickness absence, or has other grounds for concern or suspicion, he/she should consult Personnel Services to decide appropriate action. This could, for example, include further investigations and/or disciplinary or capability action.*
- iii) *If the Line Manager is satisfied that the individual has been genuinely unwell but nevertheless considers his/her absence levels to be unacceptable, he/she should obtain the employee's permission to engage the services of the Council's Occupational Health Adviser to get a medical opinion as to the employee's fitness for his/her position.*

- iv) Personnel Services will arrange for the employee to be examined by the Council's independent Occupational Health Adviser. On the basis of the medical opinion, a decision will be taken by the Service Chief Officer in consultation with the *Senior Personnel Officer or the Personnel and Training Officer* as to whether the employee is capable of carrying out the job he/she is employed to do, whether a transfer to a more suitable post is an available option, or whether termination of employment might be appropriate. *If it is the opinion of the Council's Occupational Health Adviser that the individual has a condition that falls within the scope of the employment law definition of "disability", the Authority will consider all options suggested by him/her for making reasonable adjustments to the role or working conditions. The Council will also consider options for re-deployment.*
- v) *The Line Manager and a representative from Personnel Services should then have a meeting with the employee in which he/she is informed of the opinion of the Occupational Health Adviser and, if necessary, advised that continuation of previous sickness absence levels could lead to further action or investigation which could eventually affect their employment.*
- vi) Where an employee refuses to co-operate in providing medical evidence or to undergo an independent medical examination, he/she should be told that any decision made regarding his/her future employment prospects will be based on the information available.
- vii) Should unacceptable absence levels persist, *or it not be possible to make any reasonable adjustment to the role or working conditions, or no alternative employment is available*, it will become necessary to terminate the employee's contract (as per the Dismissal or Capability Procedure). Should this occur the employee will be entitled to receive his/her contractual notice *and will have a right of appeal.*

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