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SICKNESS ABSENCE MANAGEMENT		

Introduction

This policy sets out how managers should handle issues concerning sickness absence. It provides guidance on how to encourage good attendance at work and how to manage individuals whose attendance is unsatisfactory due to ill health or injury.

SJD Homes is committed to encouraging and supporting staff in sustaining good health and attendance at work. Therefore, in managing unsatisfactory attendance, the emphasis must be on supporting the individual. However, consideration must be given at all times to ensuring high standards of service are maintained.

It is important to remember that good attendance should be managed as well as unsatisfactory attendance, and individuals with good attendance records should be given positive feedback.

It should be noted that there is no "entitlement" to sick leave and therefore individuals do not have a right to take any number of day's sickness absence in a year. Rather, it is inevitable that employees will be absent from work from time to time due to sickness and this policy sets out standards detailing how managers should manage sickness absence and how individuals may expect to be treated following sickness absence.

This policy is not designed to be used to manage poor performance unless the underlying cause of the poor performance is related to an individual's health condition.

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1. **Scope**

This policy applies to ALL staff, except for those employees who are currently within their probationary period. The policy does not apply to individuals employed by agencies or other contractors. Issues relating to sickness absence for these employers should be referred to the appropriate employer.

In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of SJD Homes' Equality and Diversity Policy.

2. General Principles

Managers will handle sickness absence issues in their area in a positive, supportive, fair, and consistent way, taking account of relevant circumstances in each individual case. The need for confidentiality must be respected in all cases. Information regarding the health of an individual will be made available only on a need-to-know basis.

Where guidance is given in this policy for progressing the management of sickness absence after a number of days, only days/shifts designated as workdays/shifts should be counted for monitoring purposes (although calendar days are used for certification purposes).

Staff are expected to observe this policy and comply with all reasonable management requests to attend meetings and to ensure relevant information can be obtained. Failure to do so, without justifiable reasons, may result in action being taken in accordance with SJD Homes' Disciplinary Policy.

Any individual required to attend a formal management meeting to discuss their health and attendance will be entitled to be accompanied by an accredited representative of a Trade Union or by a colleague employed by SJD Homes.

Sickness absence is not a disciplinary matter, although in managing sickness absence, employees may be issued with a series of formal warnings. These warnings are to inform the individual of the potential consequences of further periods of sickness absence.

Where management has reason to believe that an individual is not sick as reported or has lied in any aspect of the management of their absence, action will be taken in accordance with SJD Homes' Disciplinary Procedure.

Any absences that are not related to sickness and that have not been authorised by a Line Manager must firstly be taken from the individual's holiday entitlement.

3. Reporting Sickness

Managers must ensure that a procedure is in place to ensure that absence is properly reported, recorded, and monitored and that these procedures are consistent with this policy.

Managers must report sickness absence to the Head Office and ensure that for payroll purposes it is recorded on the timesheets which are passed to the Accounts department on the specified dates.

Where sickness absence, as a result of an accident or injury at work has lasted for three days or more, this must be reported as soon as possible.

Any individual that cannot attend work must notify their Line Manager (in the first instance) by telephone, text, or email as soon as they fall sick to inform him/her in reasonable time that you will be unable to work. Line Managers must then ensure that this is communicated to Head Office as soon as possible so that the absence can be recorded.

The individual must provide the nature of the illness and if possible, give some indication of the likely period of absence to assist their Manager in planning for any cover that may be required.

Failure to observe and comply with these procedures may result in an absence being considered to be unauthorised and appropriate disciplinary action taken.

If an individual finds they are able to return to work sooner than indicated, they should inform their Line Manager by telephone at the latest by midday on the working day before the day on which they intend to return to work; this is so that any cover that may have been arranged can be cancelled. Where absence has been covered by a medical certificate, the individual must obtain written confirmation of their fitness to return to work earlier than expected from their GP.

Should an individual fail to notify us of their intended return to work, following sickness/injury absence and simply turn up unannounced and we have made alternative arrangements to cover their duties, the employee may be sent home for the day without pay.

If an individual is unable to return to work as expected, they are required to inform their Line Manager as soon as possible in accordance with the instructions above.

Where an individual falls ill during a period of Maternity, Adoption, Paternity or Parental leave, the leave will continue as planned and will not be treated as sick leave.

If an individual is sick immediately following a period of Maternity/Paternity/Adoption Leave, this will be treated as sickness absence. The Manager must notify Accounts that the individual has returned to work from Maternity/Paternity/Adoption Leave and commenced sickness absence. Absence will then be managed in accordance with this Policy.

Alternative/Light Duties

If an individual is certified unfit to perform their normal duties, through sickness/ injury SJD Homes reserves the right to require an individual to attend work and undertake any reasonable alternative/light duties, or work shorter hours, for the period of your incapacity.

In all cases due regard will be given to the nature of an individual's sickness/injury and their circumstances.

Infectious/Contagious Illness

If an employee is suffering from such a condition that is infectious or contagious, they must not report for work without a doctor's clearance.

4. Certification

Return to Work Form

A Return-to-Work Form must be completed by the employee and countersigned by the Line Manager or Assigned member of staff following EVERY episode of sickness absence. Where required, this form serves as the self-certification of sickness absence.

Medical Certificate (Fit Note)

For absences longer than 7 calendar days, the employee is required to obtain a medical certificate to cover the absence from day 8 onwards. It is the responsibility of the individual to ensure that the medical certificate is received by the Manager within three days of it being issued. Any subsequent continuous absence must also be covered by a medical certificate which must be received within three days of the expiry of the previous certificate.

All certificates should be treated as confidential and retained on file at Head Office.

Repeated or continued absence although certificated, may lead to an overall review of the absence. While sympathising with genuine periods of sickness absence SJD Homes needs to focus on the needs of the business and inevitably, SJD Homes are unable to operate efficiently with an unacceptably high level of absenteeism.

If access to a written medical report is required Head Office will obtain an employee's written consent on each occasion subject to your rights under the *Access to Medical Records Act 1988* and *Access to Health Records Act 1990*.

SJD Homes are also entitled to ask any employee to undergo an independent medical examination.

5. Conduct during Absence due to Sickness or Injury

Individuals are expected to return to fitness and work as soon as possible.

Therefore, it would not be expected that anyone absent from work due to sickness or injury would:

- Participate in sports, hobbies, or social activities inconsistent with the alleged illness or injury or which could aggravate it and delay recovery
- Undertake any other work whether paid or unpaid
- Engage in any work around the house in terms of home improvements or building and similar activity that was inconsistent with the alleged illness or injury or which could aggravate it and delay recovery
- Engage in any other activity inconsistent with the alleged illness or injury These are just examples and are not exclusive.

6. Sick Pay

The pay that employees can receive when off sick can be made up of the following: -

- SSP paid directly to you by your Employer subject to you qualifying for payment of SSP or Incapacity Benefit, which you must claim direct from your local DSS office if you are not entitled to receive SSP

The total amount of your sick pay including SSP or incapacity benefit and sick pay that you receive will not exceed your normal pay. All sick pay except Incapacity Benefit is subject to PAYE Income Tax and National Insurance deduction as appropriate.

Exclusions

There is no entitlement to any sick pay (including, in some cases, SSP) where we are not satisfied that you are genuinely incapable for work or entitled to sick pay because:

- the notification of sickness absence procedures and certification requirements are not adhered to
- recommended treatment is not followed
- self-certificated/short term absence is persistent and is being dealt with under the procedure outlined in this policy
- sickness absence follows notification of a disciplinary or capability hearing or investigation
- sickness absence follows an individual's resignation from the company
- there is a failure to co-operate with, or abuse of, the absence policy and procedure.

7. Recording, Monitoring and Review

Individual attendance records will be maintained, and these should be reviewed regularly by Managers. Information kept should include the nature of the illness, the total number of days/shifts absence and details of any occurrences where the individual has left work before the end of their working day/shift. This will enable the Manager to accurately monitor attendance and deal consistently with all staff.

In order to manage sickness absence effectively and fairly, Managers should review absence records regularly and deal with any issues as soon as they arise. Sections 9 and 10 below give guidance on the management of individuals whose attendance is unsatisfactory due to sickness absence. It should be

noted, however, that each case is different and must be handled appropriately, depending upon the particular circumstances of the individual, their health condition, and their attendance record.

In managing sickness absence, the attendance history of an individual should be considered in order to establish whether a period of unsatisfactory attendance is unrepresentative.



8. Management of Short-Term Frequent Sickness Absence

If more than 4 episodes of Sickness Absence have occurred within a 12-month period, the Line Manager should carry out an informal review with the employee.

According to circumstances, the nature of the discussion may include:

- To confirm that the individual is fit to return to work
- To confirm the nature of the ill health
- To establish whether the sickness absence is related to disability
- To establish whether the sickness absence is related to an on-going health matter
- To assess the likelihood of any re-occurrence
- To review the attendance record of the individual to establish whether formal management action is required and, if appropriate, to inform the individual of what action will be taken either immediately or if unsatisfactory attendance continues

In reaching a decision as to whether further action, if any, should be taken, account should be taken of factors potentially affecting the individual's work or ability to attend work. If they require remedial action and if so, what action can be taken.

Such factors may include:

- Working environment
- Managerial issues such as organisation change
- Extra work being undertaken by the individual, such as external employment or excessive overtime
- Whether any absence is as a result of a work-related injury
- Domestic circumstances
- Patterns of absence
- Absence levels of colleagues which may increase the workload of the individual
- Whether the individual has a disability (*Section 12*)
- What support has been provided in order to improve attendance

No absence should be discounted because of any of the above factors, but these factors should be taken into consideration in deciding how to manage the situation.

9. Short Term Frequent Sickness Absence Procedure Stage 1- Informal Review

Stage 1- Informal Review

An informal review should be convened:

- i) If it has been identified that an individual's absence in any 12-month period reaches 4 episodes
- ii) It appears that a pattern of absence is emerging

An employee will receive a written request to attend a meeting with their Line Manager to discuss the record of sickness absence. The employee should be clearly notified that the purpose of the meeting is to explore the reasons for their level of sickness absence and to identify any mitigating circumstances that might apply.

During the informal review, the Short-Term Frequent Sickness Absence Review Form should be completed and signed by both the Manager and the employee.

If appropriate, the individual should be advised that if there are 2 further episodes of sickness absence during the following 6 months then they will be invited to a formal review (Stage 2) meeting which could result in disciplinary action.

The meeting should be summarised in a letter and a copy be given to the employee and Head Office to be kept on record.

If after the 6 months the individual has achieved the required level of attendance, an agreed timetable for the individual to maintain the improvement will be implemented and any agreed support will be put in place. If good attendance is sustained during a further 6-month period and there are no more than 3 sickness absences over the collective 12-month period, the Manager should meet with the individual to confirm that attendance has reached an acceptable level and that normal working arrangements will be resumed.

If the plan of support does not result in the required improvement in attendance or if good attendance cannot be maintained during the following 6 months, Stage 2 of the procedure will be put into effect.

Stage 2 - Formal Review

If, during the following 6 months, 2 further episodes of sickness absence occur, or if a pattern of absence continues, the Manager will inform the individual in writing that a formal meeting will be arranged. The individual will be entitled to be accompanied at this meeting by a Trade Union Representative or work colleague; a representative from the Head Office may also be invited.

The purpose of the meeting is:

- To seek to establish the reasons for the frequent absence
- To offer any support that may be given to the individual to improve their health and attendance at work
- To establish whether the sickness absence is related to a disability (refer to section 12)
- To establish whether any factors affecting the individual's health and/or ability to attend work (e.g., environmental) require remedial action and if so, what action can be taken

During the review, the Short-Term Frequent Sickness Absence Review Form should be completed and signed by both the Manager and the employee.

At this meeting, the Manager will inform the individual that, should they have 2 further episodes of sickness absence during the next 6 months, or should a pattern of absence continue, Stage 3 of the procedure will be put into effect. A written warning will be issued if deemed appropriate.

If after the 6 months the individual has achieved the required level of attendance, an agreed timetable for the individual to maintain the improvement will be implemented and any agreed support will be put in place. If good attendance is sustained during a further 6-month period and there are no more than 3 sickness absences over the collective 12-month period, the Manager should meet with the individual to confirm that attendance has reached an acceptable level and that normal working arrangements will be resumed.

If the plan of support does not result in the required improvement in attendance or if good attendance cannot be maintained during the following 6 months, Stage 3 of the procedure will be put into effect.

The outcome of these discussions must be confirmed in writing to the individual with a copy of the letter retained on the personnel file.

Stage 3 - Final Review

If, during the following 6 months, 2 further episodes of sickness absence occur, or if a pattern of absence continues, the Manager will inform the individual in writing that a Stage 3 - Final Review meeting will be arranged. The individual will be entitled to be accompanied at this meeting by a Trade Union Representative or work colleague; a representative from the Head Office will be invited.

The purpose of the meeting is:

- To seek to establish the reasons for the frequent absence
- To offer any support that may be given to the individual to improve their health and attendance at work
- To establish whether the sickness absence is related to a disability (refer to section 12)
- To establish whether any factors affecting the individual's health and/or ability to attend work (e.g., environmental) require remedial action and if so, what action can be taken

During the review, the Short-Term Frequent Sickness Absence Review Form should be completed and signed by both the Manager and the employee.

If appropriate, the Manager will inform the individual that, should they have 2 further episodes of sickness absence during the next 6 months, or should a pattern of absence continue, Stage 4 of the procedure will be put into effect and this may result in them being dismissed from SJD Homes. A final written warning will be issued if deemed appropriate.

If after the 6 months the individual has achieved the required level of attendance an agreed timetable for the individual to maintain the improvement will be implemented and any agreed support will be put in place. If good attendance is sustained during a further 6 month period and there are no more than 3 sickness absences over the collective 12 month period, the Manager should meet with the individual to confirm that attendance has reached an acceptable level and that normal working arrangements will be resumed.

If the plan of support does not result in the required improvement in attendance or if good attendance cannot be maintained during the following 6 months, Stage 4 of the procedure will be put into effect.

The outcome of these discussions must be confirmed in writing to the individual with a copy of the letter retained on the personnel file.

Stage 4 - Formal Hearing

If, during the period of monitoring, the required improvement in attendance is not sustained, the Manager will inform the individual that a Formal Hearing meeting will be arranged at Stage 4 of the policy. This meeting will be chaired by the appropriate Manager, although responsibility may be delegated to the next level of management.

A representative of Head Office will also be present at the meeting. The individual will be entitled to be accompanied at this meeting by a Trade Union Representative or work colleague. The purpose of the meeting is to review the absence as above and to decide what further action, if any, is to be taken.

Once all the relevant information has been gathered, the Manager will take the decision:

- a) To terminate the employment of the individual. Reference must be made to section 14 of this policy before any such decision is taken

Or

- b) As an alternative to dismissal, to make permanent changes to the individuals' conditions of employment. This may include implementing any measures put in place during a plan of support on a permanent basis such as reduced working hours, re-deployment, or relocation

Where an individual is retained in employment under arrangements specified in B) above, he/she should be advised that it is expected that these arrangements will result in good attendance being maintained and monitoring will continue at Stage 4 of this procedure for the first six months in the new post. They must also be advised that, if good attendance is not maintained, the individual's employment may be terminated with due notice.

Where an individual is retained in employment under arrangements specified in b) above, he/she will be employed on the terms and conditions applicable to the new role.

The outcome of this meeting must be confirmed in writing to the individual with a copy of the letter retained on file at Head Office.

The individual has the right to appeal against any decision to terminate their employment.

10. Management of Long-Term Sickness Absence

Long term sickness absence is defined as a continuous period of 4 weeks or more. The aim in managing long term absence is:

- to provide support to an individual through a period of ill health or injury
- to affect a return to work as soon as is reasonably possible

In certain circumstances it may be appropriate to manage instances of short-term absence which occur within a three-month period before or following a period of long-term absence and which are linked to an underlying health problem under this procedure rather than that for short-term absence.

During a period of long-term sickness absence, it is the responsibility of the individual to personally maintain contact with their Manager or Head Office to advise of progress with regard to any treatment and anticipated return to work. However, managers also have an obligation to maintain regular contact with their employee, usually on a fortnightly basis, although this may be extended depending on the circumstances of the case.

The organisation will be sympathetic when an employee is ill, but the employee should appreciate that if they are persistently absent through ill-health or long-term injury or incapacity, it will not be possible for the situation to continue indefinitely, and their employment may be reviewed or terminated.

Further formal meetings within this stage may be required to continue to monitor progress and, where temporary arrangements have been put in place, to ensure that these are appropriate and effective. The individual must be informed in writing of the outcome of each meeting.

If it becomes apparent that the individual is not likely to return to their permanent post in the foreseeable future, Stage 3 of the procedure will be put into effect and this may result in them being dismissed from SJD Homes.

Stage 3 - Final Review/ Permanent Resolution

This stage is to be used when it is not anticipated that the individual will return to their post in the foreseeable future and a permanent solution is sought. This stage of the procedure will normally be reached no later than 9 months after the start of the sickness absence but may be much earlier where it is clear that the individual will be unable to return to work.

A member of Head Office must be involved throughout Stage 3 of the process.

In this situation, the Manager should write to the individual to arrange a formal meeting. The individual will be entitled to be accompanied at this meeting by a Trade Union Representative or a work colleague.

The purpose of this meeting is:

- to inform the employee of their current sick pay position
- to assess progress
- to consider all options to retain the individual in employment, including Restricted duties, Reduced hours, Alternative shift patterns, Adaptations to the workplace and Redeployment to an alternative post
- to discuss the possibility of termination of employment on the grounds of incapability
- to advise the individual that if they are unable to return to work, their employment may be terminated
- to confirm arrangements for a further formal meeting to confirm the course of action to be taken

The outcome of the meeting must be confirmed in writing to the employees.

In certain circumstance and normally with the consent of the individual, it may be appropriate to conduct this meeting in the absence of the employee. Such circumstance may include, for example, when the individual is not well enough to attend the meeting and is aware that the likely consequences are that their employment will be terminated, or where the individual has failed to attend, despite a previous request to do so.

Where a decision is made to terminate the employment of an individual, formal notice will be given in accordance with the individual's contract of employment.

Where an individual is retained in employment under alternative arrangements specified above, he/she will be employed on the terms and conditions applicable to the new role.

The individual will have the right of appeal against any decision to terminate their employment.

11. Fit for Work Referral

Employees who are absent for four weeks or more as a result of sickness may be referred to the government's Fit for Work service for an assessment. In order to be eligible, employees must have a reasonable likelihood of making at least a phased return to work. Employees who have previously been referred to the service and received a Return-to-Work plan within a 12-month period will not be eligible for referral.

A referral may be made by the organisation or by the employee's GP. The employee will be contacted by an occupational health professional (referred to as the case manager) to carry out a health assessment and he or she will provide a Return-to-Work plan containing advice and recommendations to help the employee return to work more quickly. The plan will be shared with the organisation, subject to the employee's consent, and it will be accepted as evidence of sickness absence in place of a GP fit note.

Employees are encouraged to give consent for the referral to take place and for the Return-to-Work plan to be shared with the organisation in order to facilitate a return to work as soon as possible. The organisation will seek to act on the recommendations in the Return-to-Work plan where appropriate.

12. Disability

If the employee has a condition that means they might be considered disabled within the meaning of the Equality Act 2010 (EA), the organisation has a duty to attempt to make reasonable adjustments to their job to accommodate their requirements. The employee will be fully consulted at all times.

Reasonable adjustments to be considered may include an adjustment to working hours or working equipment being adapted (or special equipment to be provided) as appropriate to assist the employee in

continuing to complete their role. Physical adjustments may also be considered i.e., a ramp being required for entry to a building, moving furniture or widening doors.

If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work in the near future, a decision to dismiss may be the inevitable outcome.

13. Graduated Return to Work

Following a period of long-term sickness absence, it is important that an individual is properly supported in their return to work. In some circumstances, it may be possible to put in place arrangements for the individual to return to work on a graduated basis in order to help them to acclimatise back into the workplace. Such arrangements may be made at the discretion of the Line Manager and will be paid at the full rate for the number of hours worked.

In developing a graduated return to work programme, it is important that a realistic timetable is agreed (which would normally be 1 to 2 weeks and in exceptional circumstance may extend to 1 month) so that both the Manager and the individual are clear as to the expected date for return to full duties. Progress against this timetable should then be regularly reviewed and adapted if necessary.

If, at any stage, it becomes apparent that the individual will not be able to return to full duties within a reasonable period of time (for example if the time is anticipated to be more than double the time allowed in the agreed graduated return to work programme), then action will be taken in accordance with the Stage 3 - Permanent Resolution section of this policy.

14. Termination of Employment on the Grounds of Incapability due to Ill Health

The authority to terminate employment rests with a Director. Advice must be sought from a member of the HR Department prior to any decision being made.

Termination of employment will be regarded as a last resort in cases of short term and long-term absence and considered only after the following criteria have been satisfied:

- The employee has been fully consulted and advised of the consequences of their continued inability to attend work regularly
- A medical opinion has been considered
- All options to retain the individual in employment have been considered

Where an individual's employment is to be terminated, notice with full pay will be given in accordance with their Contract of Employment.

15. Sickness and Annual Leave / Bank Holidays

Annual leave continues to accrue during sick leave; however, it only applies to the statutory minimum entitlement (28 days) and does not apply to any additional contractual holiday to which an employee may be entitled to under his/her contract of employment

When an employee's contract is terminated, they will be paid in lieu of the annual leave which they have accrued but not taken due to illness; whether the employee has been on sick leave for all or part of the leave year in question. Pay in lieu will be calculated at the worker's normal rate of pay.

An employee will be able to carry statutory holiday entitlement over to the following year if the employee is too ill to take it in the year to which the holiday entitlement relates.

If an employee falls sick whilst on annual leave or on a day adjacent to annual leave, normal reporting and certification arrangements apply. Annual leave may be reclaimed for the days that s/he is sick provided that a fit note is supplied to cover these days.

Employees are not entitled to an additional day off if sick on a Bank Holiday.

16. Appeals against Termination of Employment

Employees have a right of appeal against termination of employment. Any appeal must be made in writing within two weeks of receipt of written notice of such action, stating the grounds for appeal.

The lodging of an appeal will not suspend the notice of dismissal

The Manager hearing the appeal will arrange a hearing at which the employee may be represented by a Trade Union representative or by a colleague employed by SJD Homes.

17. Work-Related Injury/ Absence

Where an employee is absent due to an accident or injury at work, an Accident Form must be formally completed, and a copy sent to Head Office.

Where an accident or injury at work results in absence lasting three days or more (where immediately or sometime after the event), the incident must be reported to Head Office under RIDDOR regulations.

Periods of absence resulting from work-related accident or injury should not be discounted in the management of the absence; however, such factors must be taken into account in deciding how to proceed.