

## Sickness absence policy

### 1. About this policy

- 1.1 This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.6 Any information you provide to us about your health will be processed in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it in a confidential manner.
- 1.7 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

### 2. Disabilities

- 2.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out in paragraph 12 of this policy), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- 2.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your line manager. Any information you provide will be handled in a confidential manner and proceed in accordance with our Data Protection Policy.

### 3. Sickness absence reporting procedure

- 3.1 If you do not have a sickness absence reporting procedure in your contract, you should follow the procedure set out below.

If you are taken ill or injured while at work you should report or be taken to the your line manager and be given permission to leave work. Managers should contact People and Culture to make arrangements for anyone who is unwell to receive medical treatment where necessary.

If you cannot attend work because you are ill or injured you should normally telephone your line manager or if between the hours of 17:00 – 09:00 then please contact Critical Control Help Desk (CCHD) as early as possible and no later than 3 hours before the time when you are normally expected to start work. The following details should be provided:

- (a) The nature of your illness or injury.
  - (b) The expected length of your absence from work.
  - (c) Contact details.
  - (d) Any outstanding or urgent work that requires attention.
- 3.2 Managers should ensure that:
- (a) Any sickness absence that is notified to them is recorded and reported to the individual's Line Manager.
  - (b) Arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).
- 3.3 You should expect to be contacted during your absence by People and Culture who will want to enquire after your health and be advised, if possible, as to your expected return date.

#### **4. Evidence of incapacity**

- 4.1 For sickness absence of up to seven calendar days you must complete a self-certification form which is available from People and Culture.
- 4.2 For absence of more than a week you must obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. This should be forwarded to People and Culture as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.
- 4.3 If your doctor provides a certificate stating that you "may be fit for work" you should inform People and Culture immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work interview (see paragraph 10). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.
- 4.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

## **5. Unauthorised absence**

- 5.1 Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.
- 5.2 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- 5.3 If you do not report for work and have not telephoned your line manager or CCHD if out of hours to explain the reason for your absence, we will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

## **6. Sick pay**

- 6.1 You may be entitled to Statutory Sick Pay (SSP) if you satisfy the relevant statutory requirements. Qualifying days for SSP are Monday to Friday, or as set out in your employment contract. The rate of SSP is set by the government in April each year. No SSP is payable for the first three consecutive days of absence. It starts on the fourth day of absence and may be payable for up to 28 weeks. If you are not eligible for SSP or if your SSP entitlement is coming to an end we will give you a form SSP1 telling you the reasons.
- 6.2 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages are or may be recoverable, you must immediately notify us of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must co-operate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

## **7. Sick leave and holidays**

- 7.1 If you become sick or injured while on annual leave such that you would be unfit for work you may ask us to treat the period of incapacity as sick leave and reclaim the annual leave.
- 7.2 If you are on sick leave you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your manager as soon as possible that you wish to do this.
- 7.3 If your period of sick leave extends into the next holiday year, or if there is not enough time left in the current holiday year to make it practicable to take your remaining holiday entitlement, you can carry any unused holiday entitlement over to the following leave year to be used within three months of your return to work. Any annual leave not taken within 18 months of the end of the holiday year in which it accrues (whether or not you have returned to work) will be lost.

## **8. Keeping in contact during sickness absence**

- 8.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager and/or People and Culture in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.
- 8.2 If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager and/or People and Culture at any time.

## **9. Medical examinations**

- 9.1 We may, at any time in operating this policy, require you to consent to a medical examination (at our expense).
- 9.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

## **10. Return-to-work interviews**

- 10.1 If you have been absent on sick leave we will arrange for you to have a return-to-work interview with People and Culture.
- 10.2 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention.
- 10.3 Where your doctor has provided a certificate stating that you "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.

## **11. Returning to work from long-term sickness absence**

- 11.1 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see paragraph 12), we will, where appropriate and possible, support returns to work by:
- (a) obtaining medical advice;
  - (b) making reasonable adjustments to the workplace, working practices and working hours;
  - (c) considering redeployment; and/or
  - (d) agreeing a return-to-work programme with everyone affected.
- 11.2 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract and/or any insurance schemes we operate.

## **12. Sickness absence meetings procedure**

- 12.1 We may apply this procedure whenever we consider it necessary, including, for example, if you:
- (a) have been absent due to illness on a number of occasions;
  - (b) have discussed matters at a return-to-work interview that require investigation; and/or
  - (c) have been absent for more than 21 days.
- 12.2 Unless it is impractical to do so, we will give you between two and seven days' written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.
- 12.3 The meeting will be conducted by your line manager and/or People and Culture and will normally be attended by a member of the Human Resources Department. You may bring a companion with you to the meeting (see paragraph 13).
- 12.4 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree an alternative time.
- 12.5 A meeting may be adjourned if your line manager and/or People and Culture is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- 12.6 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing within seven days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).
- 12.7 If, at any time, your line manager and/or People and Culture considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

## **13. Right to be accompanied at meetings**

- 13.1 You may bring a companion to any meeting or appeal meeting under this procedure.
- 13.2 Your companion may be either a trade union representative or a colleague. Their details must be given to the manager conducting the meeting, in good time before it takes place.
- 13.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

13.4 We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

13.5 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

#### **14. Stage 1: first sickness absence meeting**

14.1 This will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

14.2 The purposes of a first sickness absence meeting may include:

- (a) Discussing the reasons for absence.
- (b) Where you are on long-term sickness absence, determining how long the absence is likely to last.
- (c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
- (d) Considering whether medical advice is required.
- (e) Considering what, if any, measures might improve your health and/or attendance.
- (f) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.

#### **15. Stage 2: further sickness absence meeting(s)**

15.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

15.2 The purposes of further meeting(s) may include:

- (a) Discussing the reasons for and impact of your ongoing absence(s).
- (b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- (c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- (d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.

- (e) Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- (f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- (g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return-to-work programme.
- (h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- (i) Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

## **16. Stage 3: final sickness absence meeting**

16.1 Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

16.2 The purposes of the meeting will be:

- (a) To review the meetings that have taken place and matters discussed with you.
- (b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- (c) To consider any further matters that you wish to raise.
- (d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- (e) To consider the possible termination of your employment.

16.3 Termination will normally be with full notice or payment in lieu of notice.

## **17. Appeals**

17.1 You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting (see paragraph 13).

17.2 An appeal should be made in writing, stating the full grounds of appeal, to your line manager within seven days of the date on which the decision was sent to you.

17.3 Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

- 17.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 17.5 Where practicable, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting.
- 17.6 Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 17.7 The final decision will be confirmed in writing, if possible within one week of the appeal meeting. There will be no further right of appeal.
- 17.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.