
Scope

This policy applies to all employees at the Care Group and forms part of the contract of employment for directly employed staff.

Policy Statement

We are committed to improving the health, wellbeing and attendance of all employees. We value the contribution our employees make to our success and when any employee is unable to be at work for any reason, we miss that contribution.

This absence policy explains what we expect from managers and employees when handling absence.

Principles

Regular and punctual attendance is an implied term of every employee's contract of employment and we ask each employee to take responsibility for achieving and maintaining good attendance.

We will support employees who are absent due to sickness and this may include rehabilitation programmes in cases of long-term sickness absence.

Managers may refer employees to the Care Group Occupational Health Service for advice and/or examination at any time during their employment.

Employees should take all reasonable steps to attend Occupational Health Service appointments and make every effort to co-operate with the Occupational Health process. Any decisions about the management of individual's sickness absence will be made on the information available at the time.

If an employee considers they are affected by a disability or any medical condition that affects their ability to undertake their work they should inform their manager.

The Care Group reserves the right to require individual employees not to report for work if they have been in contact with infectious or contagious diseases, or if the Care Group considers that the employee is otherwise unfit to attend work due to sickness or injury.

Statutory sick pay will be paid and the Care Group will pay occupational sick pay, though this is a discretionary payment and not an entitlement. This will be at the rate of 1 months full pay and 2 months half pay.

If an employee comes to work but subsequently goes home because they are unwell this may be recorded as a day of sickness absence, depending on the circumstances and the amount of time worked.

We respect the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.

Breach of any part of this policy may result in disciplinary action up to and including dismissal.

Every effort will be made to ensure that disabled workers [including contract workers, trainees and apprentices] are not disadvantaged when doing their jobs and reasonable adjustments will be made wherever possible.

Absence reporting and certification

If an employee is unable to attend work, for whatever reason, they must contact their manager by telephone as soon as possible, and within no more than 30 minutes of their usual start time.

It is the individual's responsibility to ring in and report that the sickness absence. Only in very exceptional circumstances is it acceptable for someone else to do this on behalf of the employee.

When reporting sickness absence the employee should provide the following information:

- Reason for absence
- Estimated length of absence
- Immediate work issues needing to be addressed

For absences of more than a day or so the manager will need to keep in touch and it is usually appropriate to discuss this when the employee calls to report the absence. This will usually involve contact by telephone at least once each working week.

For the first 1-7 days of any sickness absence a self-certification form will be required. Where the absence continues for eight days or more a Fit Note issued by a recognised medical practitioner will be necessary. It is the employee's responsibility to provide the necessary certification. Failure to do so will lead to loss of sick pay and may lead to disciplinary action.

When we receive a Fit Note that states an employee may be fit for work we will discuss the fit note with the employee and see if we can agree any changes to help them come back to work.

Failure to notify absence properly may lead to the absence being classed as unauthorised and be unpaid. Failure to comply with the notification or certification procedures or any

other abuse of the sickness absence rules may be dealt with under the disciplinary procedure.

For any absence the Care Group may require proof, where possible, of the reason for the absence.

Returning to work

The employee is responsible for informing their manager when they become well again and when they will be returning to work.

When an employee returns to work after any period of sickness absence, including a single day, the line manager will meet with the individual and carry out a return to work interview. This will be for all sickness absences. The employee will complete the self-certification form with their manager at the return to work meeting to authorise any sick pay.

At the return to work discussion the manager will have the opportunity to:

- Offer support to the employee
- Identify any issue that may be impacting on the employee's ability to attend work
- Discuss their expectations regarding attendance, and the management of absence
- Establish whether a risk assessment should be undertaken regarding stress at work

Support that may be offered, depending on the particular circumstances, could include:

- Referral to Occupational Health
- Short or longer term adjustments to the job role
- Addressing any other work related issue that may be contributing to absence
- Considering permanent reasonable adjustments where this is required

Where the absence is diagnosed by a medical practitioner as work-related pressure or stress a return-to-work risk assessment for stress should be carried out. It may be appropriate for this to be undertaken prior to the employee's return to work. A referral to the Occupational Health would usually be carried out for all cases of work related stress.

The Bradford Score

This measures an employee's attendance over the past rolling 12 months and is weighted so that intermittent sickness, which is more disruptive to services, results in a higher score.

The Bradford Score is calculated as follows:

$A \times A \times B = \text{Bradford Score}$

A = number of occasions of absence in the last rolling 12 month period

B = total number of days of absence in the last rolling 12 month period

Examples: 6 one-day absences = $6 \times 6 \times 6 = 216$

 3 two-day absences = $3 \times 3 \times 6 = 54$

Rehabilitation to enable return to work

In most cases employees are expected to return to their usual hours and work duties when they return from sickness absence.

However, a rehabilitation programme may be considered if this will enable an employee to return earlier than they might if they were required to work their normal hours and/or undertake their normal duties immediately after return from absence. This may be appropriate if an employee has been absent for some time, or if they have recovered sufficiently to be able to work but require some additional time to settle back into work.

The rehabilitation programme could involve gradually increasing the range of duties undertaken and/or the number of hours/days worked over an agreed time-scale. Temporary redeployment may also be an option. Occupational Health can provide advice to the manager and any rehabilitation arrangements will be subject to the needs of the service.

Short term adjustments to hours and/or duties would not usually be considered for more than two weeks and would be at full pay. The employee would be expected to return to full duties and hours after this period.

If the employee remains unable to fulfil their contractual hours temporary part-time working will be considered for an agreed period of time and paid at the appropriate part-time/pro-rata amount. Annual or unpaid leave may also be considered.

Managing sickness absence

Staff who are absent from work due to illness will be treated sympathetically and the Care Group will seek to support staff in their recovery.

Intermittent sickness absence

Intermittent sickness absences are periods of absence as a result of ill health that last less than 28 calendar days.

Review triggers include:

- Absence for three periods of absence in a rolling 12 month period
- Absence of eight working days or more in a rolling 12 month period
- Bradford factor score of 125
- An absence pattern of concern
- Absence that is adversely impacting the service

Part-day absences may count towards these triggers.

When a trigger is hit the line manager will review the individual's sickness taking account of:

- Any disability or underlying health condition
- The likelihood of a reoccurrence

- Any trend or pattern in the absence [such as before or after holidays, following weekends or non-working days]
- Any information given at the return-to-work discussion
- Any failure to follow the sickness notification procedure

This list is not exhaustive and any other relevant information could be used in the review.

A review will allow a manager to decide, based on the individual case, how best to proceed. Depending on the circumstances the manager may decide to:

- Take no further action
- Undertake an Informal Attendance Review meeting
- Undertake a Formal Attendance Review meeting

Informal Attendance Review meeting

The manager will meet with the individual on a one-to-one basis. The sickness absence record will be discussed and the employee given the opportunity to explain the reasons for their absence.

At the end of the meeting the manager will agree an attendance review period with the employee. This is typically for a period of three months [though a shorter or longer period may be appropriate depending on the individual circumstances]. The standard depends on the individual case but may be for no more absences during the review period. The standard may take account of the triggers that lead to the review.

The employee will be warned that if the standard is not met the formal process may commence.

Any adjustments will be made before the monitoring period starts and ongoing support agreed will be provided during the period.

The manager will write to the employee setting out the key points from the discussion and confirming the attendance standard agreed.

At the end of the period the attendance will be reviewed.

If the standard has been met the monitoring will cease. This will be confirmed in writing and the employee reminded that the improved attendance should be maintained.

If the standard has not been met there will be a *Formal Attendance Review meeting – first stage*. Occupational Health advice would usually be sought at this stage if it has not already.

Formal Attendance Review meeting – first stage

The manager will meet with the individual on a one-to-one basis to discuss the sickness absence record. This will follow the same steps as described in the *Informal Attendance Review meeting* section above.

At the end of the period the attendance will be reviewed.

If the standard has been met the monitoring will cease. This will be confirmed in writing and the employee reminded that the improved attendance should be maintained.

If the standard has not been met there will be a Formal Attendance Review meeting – final stage.

Formal Attendance Review meeting – final stage

The manager writes a management case describing the absence case, including key information such as Occupational Health advice, details of the attendance record and impact of the absence on the service.

The employee will be invited to a formal meeting to discuss the matter and will have the right to be accompanied at the meeting by an accredited trade union representative or work place colleague.

At least one week's notice of the meeting would usually be given to allow the employee sufficient time to contact and brief their companion if they have one.

If the companion will not be available at the meeting time arranged the employee can request that it is rearranged to an alternative time and date and this should not usually be more than one week after the original date.

Relevant documents and information to be discussed in the meeting will be forwarded to the employee at the same time.

The employee may submit evidence to support their case and should provide this ahead of the meeting, usually at least one week ahead.

The *Formal Attendance Review meeting – final stage* is chaired by a manager with appropriate level of seniority and experience for the concerns being considered and the possible outcomes. The chair must have dismissing authority. At least one other appropriate person will support the chair.

Summary notes will be taken at the meeting either by a member of the panel or a note taker as appropriate. A copy of the summary notes will be sent to the employee and their representative [if appropriate] for comment. Provided comments are received within a reasonable timeframe, as defined by the hearing manager, they will be held with the original notes from the meeting.

The employee has the right to state their case at the meeting before any decisions are reached.

Following the meeting, the hearing manager will review the case and decide the outcome.

Possible outcomes are:

- Employee needs more time to improve – the *Formal Attendance Review meeting – first stage* process is run again
- Alternative options for further consideration [such as redeployment or ill health retirement] – the meeting is adjourned for an agreed time period for these to be considered, after which the hearing will be reconvened to consider the position
- Dismissal for capability/some other substantial reason

Following the meeting the hearing manager will inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved. This will usually be sent to the employee within two weeks of the meeting.

Right of Appeal

The employee has the right to appeal against the outcome of a formal attendance meeting. All appeals will be conducted in accordance with the Care Group Appeals Policy.

Failure to maintain attendance standard

Where the employee meets an attendance standard but then only maintains their improved attendance for a short period the process will continue from the last stage that was undertaken.

Long term absence

Long-term sickness absence is a period of absence as a result of ill health that is [or is expected to be] 28 calendar days or longer.

Stage 1 - Formal Sickness Meeting

Where sickness absence has lasted for 28 calendar days a *Stage 1- Formal Sickness Meeting* will take place.

The manager will meet with the individual to discuss:

- The absence record, reasons and circumstances
- Referral to Occupational Health
- Whether there is an underlying condition causing or contributing to the absence
- A plan for return to work if appropriate [to include any reasonable adjustments, amended duties or redeployment that could facilitate this]
- The possibility of ill health retirement if appropriate
- Arrangements for keeping in touch during the absence

At the meeting the employee will be informed that continued sickness absence could result in progression to the next formal stage of the process and ultimately to dismissal.

After the meeting the manager will write to the employee setting out the key points from the discussion, including:

- Return to work arrangements, as appropriate

- Keeping in touch arrangements
- Any support offered
- Any actions the employee will take to support their return to work
- Progression to the next stage and the risk to employment if the absence continues

The employee will be supported back into the workplace if possible.

However, if the employee does not return to work during the 28 calendar days following the Stage 1 meeting a further meeting will be arranged.

Stage 2 - Formal Sickness Meeting

The employee will be invited to a formal meeting to discuss the matter and will have the right to be accompanied at the meeting by an accredited trade union representative or work place colleague.

At least one week's notice of the meeting would usually be given to allow the employee sufficient time to contact and brief their companion if they have one.

If the companion will not be available at the meeting time arranged the employee can request that it is rearranged to an alternative time and date and this should not usually be more than one week after the original date.

The process will follow the further steps outlined under *Stage 1 - Formal Sickness Meeting* above.

The employee will be supported back into the workplace if possible.

If the employee does not return to work during the 28 calendar days following the Stage 2 meeting a further meeting will be arranged.

Stage 3 – Final Formal Sickness Meeting

The manager writes a management case describing the absence case, including key information:

- Absence history
- Evidence of steps taken to support the employee to facilitate attendance at work
- Feasibility of providing further support to facilitate attendance at work
- Impact of absence on the service and colleagues
- Occupational Health advice
- Likely date of return
- Impact of holding the post open any longer

The employee will be invited to a formal meeting to discuss the matter and will have the right to be accompanied at the meeting by an accredited trade union representative or work place colleague. This will follow the steps set out under *Formal Attendance Review meeting – final stage* above.

Following the meeting, the hearing manager will review the case and decide the outcome.

Possible outcomes are:

- Employee needs more time – the meeting continues as if Stage 2 and the manager agrees a review period [typically no more than further 28 calendar days] taking account of OH advice
- Return to current role without adjustments if the employee is well
- Return to current role with permanent or temporary adjustments
- Permanent or temporary redeployment [with or without adjustments]
- Agreement to await Ill Health Retirement decisions
- Dismissal for capability – with contractual or statutory notice paid in lieu of notice, whichever is greater

Following the meeting the hearing manager will inform the employee of their decision in writing, outlining the basis of the decision reached and any action that is involved. This will usually be sent to the employee within two weeks of the meeting.

Right of Appeal

The employee has the right to appeal against the outcome of a formal attendance meeting. All appeals will be conducted in accordance with the Care Group Appeals Policy.

Repeated periods of long term absence

Where an employee has repeated periods of long term sickness with gaps of less than three months, the return to work will be considered unsuccessful and the management of the absence will continue from the last stage in the process that was undertaken.

Produced 19 April 2016