

## EMPLOYMENT POLICY STATEMENT

**Policy Title:** Absence Management Policy  
**Date:** October 2018

### Contents:

1. Introduction and Purpose
2. Supporting Factors
3. Scope of the Policy
4. Stages of the Absence Management Policy
5. Responsibilities
  - 5.1 Role of Employees
  - 5.2 Role of Line Managers
  - 5.3 Role of HR
6. Procedure for Reporting Sickness absence
7. Return to Work Discussion (Informal) - documented
8. Trigger Points
9. Welfare Meeting (Informal)
10. Formal Absence Management Meeting Process
  - 10.1 Meeting Guidelines
  - 10.2 Meeting Process
11. Issuing a Caution
  - 11.1 Stage 1 – Formal Written Caution
  - 11.2 Stage 2 – Final Written Caution
  - 11.3 Stage 3 – Dismissal
  - 11.4 Appeal
12. General Guidance – sickness absence
  - 12.1 Monitoring
  - 12.2 Home Visits
  - 12.3 Occupational Health
  - 12.4 Disability/Reasonable Adjustments
  - 12.5 Maternity related sickness absence
  - 12.6 Planned absences
  - 12.7 Self-Certification
  - 12.8 Illness whilst at work
  - 12.9 Requests to work from home
  - 12.10 Sickness during annual leave
  - 12.11 Phased return to work
  - 12.12 Sick Pay
  - 12.13 Confidentiality
  - 12.14 Legislation and Codes of Practice
  - 12.15 Trade Union Representative
13. Other relevant guidance
  - 13.1 Medical appointments
  - 13.2 Absence from work

## 13.3 Capability

### **1.0 Introduction and Purpose**

This policy outlines the processes the Council will follow in cases where an employee's attendance is a cause for concern, managing attendance in a supportive and proactive way that minimises the impact on service delivery and makes the most of the effectiveness and the capability of the workforce.

The policy forms part of the Council's commitment to employee wellbeing and is one of the mechanisms through which the Council will seek to help employees maintain health and wellbeing in the workplace. However ultimately if an employee has long periods of sickness, this cannot be sustained indefinitely and action will be taken to address prolonged or persistent absence.

### **2.0 Supporting Factors**

The policy is underpinned by the following principles:

- All sickness absence is presumed to be genuine and matters raised relating to an employee's attendance does not imply any distrust of staff or concerns regarding their conduct.
- Consistency and fairness are important but each case will be different and a different level of action may be taken in each case. HR is available to give advice and support to everyone on all matters relating to the management of sickness absence.
- All cases of ill health will be handled sensitively and constructively with due regard to confidentiality. Medical information will be treated in confidence.
- Employee absence will be dealt with in a way that is non-discriminatory and in accordance with the Council's commitment to equality.
- Where a work problem or domestic problem is contributing to a poor health record or attendance the Council will aim to be supportive and where operationally possible management and HR will consider if appropriate changes to current working practices.
- Absences due to a life threatening condition or a terminal illness will not normally be included in the absence management process.

### **3.0 Scope of the Policy**

This policy applies in full to all employees following their probationary period.

If sickness absence issues arise during the staff member's probationary period the provisions of the Probationary Disciplinary & Contract Termination Procedure will apply, rather than this policy.

#### 4.0 Stages of the Absence Management Policy

<u>Stage</u>	<u>Type of Absence Management Meeting</u>	<u>Trigger Points</u>	<u>Possible Outcome</u>
Informal Stage	Documented <b>Return to Work</b> discussion between employee and line manager.	This meeting will take place after every sickness absence.	Welfare assessment. Record of conversation saved to Trent.
Informal Stage	Documented <b>Welfare Meeting</b> between employee and line manager – to be recorded on Trent.	7 days of sickness absence or 3 separate bouts of sickness absence. Absence giving cause for concern.	Welfare assessment. Possible adjustments to job role may be considered. Could proceed to formal stage.
Formal Stage	<b>Stage 1</b> (potential Formal Written Caution)	14 days of sickness absence or 5 separate bouts of absence.	Formal Written Caution issued (valid for 6, 9, 12 or 18 months) May require Risk Assessment or Occupational Health Referral.
Formal Stage	<b>Stage 2</b> (potential Final Written Caution)	No set trigger point. Further amount of absence since previous caution issued.	Final Written Caution issued (valid for 12, 18 or 24 months) May require Risk Assessment. Occupational Health Referral required.
Formal Stage	<b>Stage 3</b> (potential Dismissal)	If the amount of absence is considered unsustainable	Dismissal with notice.
Formal Stage	<b>Appeal</b>	Employee has the right to appeal against a caution or dismissal.	Confirm decision, reverse the action, impose a lower caution or reduce period that caution is valid.

## **5.0 Responsibilities**

### 5.1 Role of Employees

- All employees have a contractual duty to attend work and carry out their duties unless not fit to do so.
- All employees must follow the correct procedure for reporting absence, provide the necessary documentation and maintain regular contact with their manager.
- All employees are required to co-operate with attendance management procedures such as requests to attend meetings, provide information and attend planned appointments at the occupational health service.

### 5.2 Role of Line Managers

Managers are required to manage sickness absence in a supportive, compassionate, consistent, proactive and fair way.

Monitoring and managing absence levels lies with the Divisional Managers, line managers and supervisors with support from HR. Managers are expected to intervene early to attempt to secure an improvement in employee attendance to maintain consistent levels of service.

Line Managers and Supervisors are accountable for the management of day to day sickness absence through:

- Ensuring employees are aware of their obligations including absence reporting procedures.
- Ensuring employee absence is accurately recorded on the Trent system and kept up to date.
- Undertaking Return to Work discussions with staff after each occasion of sickness absence, maintaining a record of the discussion on the Trent system and monitoring any agreed actions.
- Managers will ensure that if there are reasonable adjustments that could be implemented to support an employee that these are investigated, implemented and monitored as appropriate.
- Managers will undertake informal and formal meetings with employees in line with the agreed stages of the policy and evaluate each case on its individual circumstances.
- Maintain regular contact with staff on long term absence and undertake welfare visits where appropriate.

### 5.3 Role of Human Resources

HR will work collaboratively with managers to apply this policy, providing ongoing guidance, support and advice on individual cases to help ensure that the policy is applied fairly across the Council. It is important that HR support Line Managers in dealing with potential absence cases at the earliest stage possible.

- HR will provide monthly divisional sickness absence reports and bespoke individual reports as required. The reports will only be available to the relevant manager to take into account the sensitive nature of the information relating to individual employees. All information should be kept confidential.
- HR will arrange Occupational Health referrals and reports where appropriate.

- An HR Officer or the HR Manager will participate in stages one, two and three of the formal process and the appeal process.
- HR will work with the managers to investigate fully any appropriate reasonable adjustments for staff with a disability or other changes that could be implemented on a short term or long term basis to support the employee.

## **6.0 Procedure for Reporting Sickness Absence**

If an employee is unable to attend work through sickness or any other reason they are required to:

- Telephone their line manager on the first day of absence by no later than the time when they would normally commence work or by 09.30 a.m. at the latest.
- Notification via voicemail, email, text messaging or social media is not acceptable and neither is it acceptable to leave a message outside of the line manager's normal working hours.
- Employees must endeavour to speak to their line manager rather than leave a message with a colleague. If they can only speak to a colleague they must ensure they leave a contact number so the manager can contact them.
- Only in exceptional circumstances should someone other than the employee make the call.
- When telephoning to notify their absence, the employee should provide the following information:
  - the reason for absence e.g. the nature of the illness,
  - likely duration of the absence
  - whether or not a GP appointment is being sought
  - any work commitments that need to be re-arranged in the employee's absence
- The employee must update their manager on the second day of absence, unless otherwise agreed and afterwards continue to keep the manager informed as requested.
- If the employee is away for more than seven calendar days they must submit a medical certificate (fit note) to the manager on the eighth day or as soon as possible afterwards and must continue to provide certificates to cover the entire period of continuing absence. A delay in submitting a certificate may result in loss of pay.

## **7.0 Return to Work Discussion (Informal) - documented**

Following any period of sickness absence the manager must meet with the employee to discuss his/her sickness absence on the employee's first day back or as soon as possible thereafter.

The aim of the return to work discussion is to assist the manager to identify if they can help the employee on their return to work and/or how to prevent a similar absence reoccurring. This would also be an opportunity to update the employee with any developments in their absence or any work issues that have arisen.

- This will be a private discussion, welcoming the employee back to work, checking on their welfare, confirming the reasons for absence and whether any additional

support/reasonable adjustments are required in the short/long term. If a risk assessment is necessary then the manager must ensure that this is completed.

- As this meeting is informal there is no right to be accompanied.
- The manager can identify any issues which may be impacting on an employee's ability to attend work such as an underlying health reason or work related reason.
- The manager will record details of the discussion on Trent (Return to Work form).
- The manager will ensure the Trent record for the employee's absence has been closed and contains the correct dates for the period of absence.
- If the manager identifies that a stress risk assessment is required this must be completed and a copy sent to HR.

## **8.0 Trigger Points**

Trigger points will be used within the absence management policy to monitor absence effectively and create a consistent approach.

Most cases will follow the standard trigger point process and both informal and formal stages should be initiated on this basis. Any exception to this will require agreement from the Director of Corporate Services. However as above any absence that is due to a life threatening condition or a terminal illness will not normally be included in the absence management process.

The following trigger points are applicable:

- **Welfare Meeting** (Informal) - 3 separate bouts of absence or 7 days of absence in any twelve month period.
- **Stage 1 Absence Management Meeting** (potential Formal Written Caution) – 5 separate bouts of absence or 14 days in any twelve month period.  
At this meeting the manager may give an indication of the number of days of sickness absence that could occur during the period when this caution is live, which may result in the requirement for a Stage 2 meeting. This will be decided in consultation with HR.
- **Stage 2 Absence Management Meeting** (potential Final Written Caution)
- **Stage 3 Absence Management Meeting** (potential Dismissal)
- **Long term absence** is generally classified as four consecutive calendar weeks. Where this trigger has been reached or exceeded the formal absence management process will be instigated and a Stage 1 Absence Management Meeting will automatically take place. Full consideration of the welfare and health needs of the employee, with a referral to occupational health if appropriate, would form a part of this. If the employee is absent due to stress then the line manager will be required to complete a Stress Risk Assessment and ensure a copy is sent to HR. Where a staff member is returning to work after a longer term period of absence, a return to work programme should be discussed and implemented as necessary.

Once the initial trigger (3 separate bouts of absence or 7 days of absence as above) has been reached, the employee's previous sickness absence prior to the assessment period of 12 months may also be taken into account. This includes both where the staff member's previous sickness record has been good and where it has been poor. The previous record will be considered when deciding on the appropriate steps to take.

## **9.0 Welfare Meeting (Informal)**

A meeting between the manager and employee will be arranged if an employee's sickness absence has been either:

- **7 days or more in the preceding twelve months. or**
  - **3 or more bouts of absence in the preceding twelve months.**
- As this meeting is not a formal part of the policy the meeting will normally be attended by just the employee and their line manager – the employee does not have the right to be accompanied.
  - The meeting is intended to be supportive offering the services of both the manager and HR to help in resolving any recurring health problems and improve the attendance record. The manager will discuss what support may help in improving attendance such as the Employee Assistance Programme (EAP), support from the Wellbeing Team or Occupational Health.
  - The manager will ensure the employee is aware of the impact that high levels of absence can have on the Council's operational effectiveness and impact on other team members.
  - The manager will allow the individual an opportunity to give an explanation for the absence(s).
  - The manager will record the meeting in writing and save a copy to the employee's Trent record.
  - The manager will explain that the individual's absence will continue to be monitored and the decision may be taken to implement a programme of support meetings to review attendance levels and discuss options for assisting the employee.

## **10.0 Formal Absence Management Meeting Process – Applicable to Stages 1, 2, 3 and the Appeal Process**

An employee will be required to attend a formal absence management meeting when the frequency and/or duration of their absences have reached a trigger point. Any prior formal cautions that remain in force and the current medical prognosis will be taken into account. For stages 2 and 3, where there has been no pre-existing trigger point set, the manager will decide on the appropriate point to commence the next stage in the formal process on a case by case basis in consultation with HR.

The formal process for all sickness absences consists of three stages. An employee has the right to appeal after each formal stage. Stage 3 could lead to the dismissal of the employee and the notice arrangements must be in accordance with this policy.

### **10.1 Meeting Guidelines**

- The meetings will be organised by HR. The meeting will be conducted by a nominated manager, usually the employee's line manager or more senior manager within the service. A member of the HR team at HR Officer level or above will normally be present and play an active role at the meeting.
- The employee will be given **not less than two working days' notice in writing of the meeting arrangements.** The letter, sent by HR will outline the level of absence

and shall be accompanied by a copy of this document along with other relevant documentation that may be discussed e.g. the employee's absence record, copies of file notes; Absence Management Interviews and medical reports.

- The letter shall remind the employee of his/her right to be accompanied by a work colleague or a Trade Union representative.

In line with the provisions of the Employment Relations Act 2004 the employee's work colleague or a Trade Union representative may address the meeting in order to put the employee's case; sum up the employee's case; respond on the employee's behalf to any view expressed at the meeting and confer with the employee during the meeting. The representative does not however have the right to answer questions on the employee's behalf. Before the formal meeting takes place the employee should inform HR who they have chosen to accompany them.

Employees who are asked to accompany a colleague will be given reasonable time off to prepare for and attend meetings in agreement with their manager.

External representation will not normally be allowed at any of the formal stages.

- The meeting can be arranged to take place whilst the employee is on sick leave.
- It may be appropriate to conduct the meeting at the employee's home, with their agreement, as whilst the employee may not be well enough to attend work, they may be sufficiently well for a meeting to proceed at their home.
- If the employee is ill and unable to attend the meeting, requests more time to prepare for the meeting or if their representative is not able to attend the meeting it will be re-arranged. In these circumstances it is likely that it will only be re-arranged once. The employee will be notified that further requests for a deferment may be refused and that, in the absence of the employee at future re-arranged meetings, the meeting may be held in his/her absence.
- There is a requirement for notes to be taken at any stage of the formal process. Both parties should be aware that the notes taken will not be verbatim. The employee can receive a copy of the notes on request.

No recording equipment will normally be permitted at any stage of the process. This includes mobile phone devices.

- The absence management meeting will consider the employee's attendance record and all relevant factors and will determine what action, if any is required. Appropriate action can include the issue of a formal caution.

## 10.2 **Meeting Process**

- The manager will explain the purpose of the meeting and ensure that the available information about the situation is properly discussed. The manager must ensure that all factors which might be taken into account in the decision are disclosed during the meeting. The manager may call whomever he/she chooses to contribute to the meeting irrespective of whether or not they have previously been involved in the process.

- The manager will allow the individual an opportunity to give an explanation for their absence(s) and ensure they have an opportunity to ask relevant questions and present their own views to the panel. The manager must allow reasonable opportunities for the staff member to consult his/her accompanying union representative.
- The manager will discuss what support is available and may be appropriate for the employee such as temporary work arrangements, changes to working hours or days, temporary changes to duties and any reasonable adjustments that can be made in respect of an employee with a disability. Obtaining advice from occupational health and support from the Wellbeing team or Employee Assistance Programme (EAP) should also be discussed where relevant.
- The manager will inform the employee of what improvements in attendance are required and the consequences if this does not happen.
- At the conclusion of the meeting, the manager will adjourn the meeting to consider whether it is appropriate to issue a caution. He/she will then reconvene the meeting to announce the decision. Every effort will be made to reach a decision on the day of the meeting but if this is not possible the meeting will be adjourned. The adjournment will be as brief as possible and the meeting re-convened at the earliest opportunity.

As a result of the meeting, it may be considered appropriate to issue a Caution as detailed below.

## **11.0 Issuing a Caution**

A formal caution will normally be issued unless there is a compelling reason why this would be inappropriate. However the decision about whether or not a caution should be issued must be made by the manager in consultation with HR.

The purpose of the caution is to notify the employee that their absence is a cause for concern and that a failure to improve their attendance may lead to a further caution or it may lead to dismissal in cases where an employee triggers the policy while a Stage 2 final written warning is live.

The levels of action that can be taken under this policy are as follows:

### **11.1 STAGE 1 – FORMAL WRITTEN CAUTION**

Trigger point: 5 separate bouts of absence or 14 days in any twelve month period.

- The Caution where issued will be confirmed in writing to the employee within 7 working days of the conclusion of the formal meeting and will state the reason for its issue, details of any improvement required and confirmation of the consequences of a re-occurrence or failure to improve.
- A Stage 1 Formal Written Caution will normally be issued and remain valid for a period of 6, 9 or 12 months but not to exceed 18 months. If further absence occurs and the employee's absence remains at or above the trigger point whilst a Stage 1 warning remains live, the employee will be required to attend a further absence management meeting which may lead to a formal stage 2 caution.

- The Caution will remain valid until its expiry date, at which time, provided the employee's attendance has improved to a satisfactory level or is not causing concern it will not be taken into account in any future absence management proceedings.
- The letter will contain details of the employee's right of appeal.
- At this meeting the manager may give an indication of the number of days of sickness absence that could occur during the period when this Caution is live, which may result in the requirement for a Stage 2 meeting. This will be decided in consultation with HR.

## **11.2 STAGE 2 – FINAL WRITTEN CAUTION**

Trigger point: If a Stage 1 Formal Caution is in place and an unacceptable pattern of further sickness absence occurs.

- The Caution where issued will be confirmed in writing to the employee within 7 working days of the conclusion of the formal meeting and will state the reason for its issue as well as details of any improvement required.
- The letter should make it clear that dismissal is a likely consequence if the employee's attendance does not improve and reach a satisfactory level and the improvement is sustained.
- A Stage 2 Formal Written Caution will normally be issued to remain live for a period of 12, 18 or 24 months.
- An Occupational Health referral may be made at this stage to get medical advice.
- The Caution will remain valid until its expiry date, at which time, provided the employee's attendance has improved to a satisfactory level or is not causing concern it will not be taken into account in any future absence management proceedings.
- The letter will contain details of the employee's right of appeal.

## **11.3 STAGE 3 – DISMISSAL**

If a Stage 2 Final Written Caution is in place and an unacceptable pattern of further sickness absence occurs an employee can be fairly dismissed. This may be as a result of persistent short-term absence or a long-term medical condition that is causing the staff member to be absent.

An Absence Management meeting that may result in dismissal will normally be carried out by a Divisional Manager or Director. Exceptionally this may be delegated to a manager one level below.

The manager and / or HR will:

- Ensure that the medical position has been fully investigated and considered and ensure that an occupational health report has been received during the process.
- Ensure that the employee has been provided during the process with the opportunity to receive support including if appropriate temporary work arrangements, or

reasonable adjustments as well as access to the Employee Assistance Programme (EAP).

- If the manager concludes that dismissal is appropriate, it will be on the grounds of failing to meet the contractual obligations due to reasons of sickness absence.
- Notice will always be given, but the employee may not be required to work during their notice period.
- The letter to confirm dismissal will normally be dispatched within 5 working days of the conclusion of the disciplinary hearing and will confirm whether or not the notice period is to be worked. The staff member's appeal rights must be described.
- Before the decision is taken to dismiss, a thorough review of the employee's sickness absence record, including the number of days sickness and the reasons for absence, must have taken place during the formal Absence Management meeting.
- Dismissal letters will be prepared in consultation with HR and will normally be signed by a Divisional Manager or Director. All other outcomes and Cautions will be confirmed in letters issued by HR.

#### **11.4 APPEAL**

- Should an employee wish to appeal against a Caution or Dismissal, he/she must write to the Director of Corporate Services within 10 working days of the date of receipt of written notification of Caution or Dismissal. The appeal must be made in writing and should clearly state the grounds for appeal.
- The Director of Corporate Services or other nominated officer will convene an Appeal Panel, normally within 28 working days after receipt of the letter of appeal, at which the member of staff will present his/her grounds of appeal and may be accompanied by a work colleague or Trade Union representative (Shop Steward or Full-time official)
- For action up to and including a Final Written Caution, the Appeal Panel will normally consist of a Divisional Manager and senior member of HR. Members of the original panel that issued the Caution being appealed against cannot be members of the Appeal Panel.
- For action resulting in Dismissal, the Appeal Panel shall consist of one member of the Strategic Leadership Team and a senior member of the HR team. Members of the original panel that dismissed the employee cannot be members of the Appeal Panel.
- Any Director or Divisional Manager or other officer nominated by the Director of Corporate Services may be selected to sit on an Appeals Panel.
- The employee and / or their representative should present their grounds for making the Appeal to the Appeal Panel. The Appeal Panel must ensure that both parties are provided with the opportunity to present their views to the panel about all the issues raised. Either side may raise any issue relevant to the case. It is the Panel's responsibility to ensure that it sufficiently tests the evidence presented to it prior to making its decision. New evidence can be presented and will be considered. New documentation or evidence to be introduced at the Appeal must normally be made

available by both sides to all parties at least two working days before the Appeal hearing.

- The Appeal Panel may confirm or reverse the action taken by management, impose a lower level Caution or reduce the period for which the Caution is valid.
- The Appeal Panel's decision will normally be notified to the employee within 10 working days (5 working days if an Appeal against Dismissal) of the conclusion of the appeal hearing. The Panel's decision will be final subject to the employee's statutory rights.
- If following an appeal against dismissal the employee is re-instated he/she will be re-instated without a break in service.

## **12.0 General guidance – sickness absence**

### 12.1 Monitoring

After any formal Caution has been issued, the manager will be expected to monitor the employee's absence during the period following the meeting and they may implement a programme of monthly support meetings where this assists the situation to review attendance levels and the options for assisting the employee. Notes of all such meetings should be kept by the manager. All records must be kept confidentially and securely.

### 12.2 Home Visits

In appropriate circumstances, staff from HR and / or the employee's manager may visit an employee at home by agreement with them to discuss progress towards recovery and to assist in any other way. Such welfare visits will normally be for absences of two weeks or more but may also be carried out for employees who have experienced high levels of short-term illness.

### 12.3 Occupational Health

Provided that there are reasonable grounds to believe that a serious health issue exists or that the staff member has had a significant amount of sickness absence, the Council is entitled at any time to require an employee to undergo a medical examination by a medical practitioner appointed by the Council.

HR may refer an employee to the Council's occupational health service who can request a face to face or telephone consultation with the individual. They may also request a report from the employee's GP, with the written consent of the employee. The employee has the right to see any report from their GP before it is sent to the occupational health service.

If the staff member declines to participate in the Occupational Health process, the Council would then have to proceed with managing the situation on the basis of the more limited information available.

Depending on the circumstances, an occupational health report will often be obtained between Stages 1 (formal written caution) and Stage 2 (final written caution) of this policy.

In cases where the employee has a known disability, or informs the Council of this, which may be relevant to their employment and / or the amount of sickness absence that they are incurring, an Occupational Health report should normally be obtained before the second formal Caution stage is reached.

Prior to any formal consideration of Dismissal under this policy, an occupational health report would be obtained if this has not been done already. This would apply whether or not the employee had a recognised disability in order to ensure that we were aware of any underlying medical condition or disability and giving proper consideration to it if this was the case.

#### 12.4 Disability/Reasonable Adjustments

The Council will ensure that the Equality Act 2010, prohibiting unlawful discrimination on the grounds of disability, is fully adhered to in the carrying out of this policy. Where an employee has a disability that affects their ability to attend fully for work, the formal stages of this policy would still apply but higher levels of related sickness absence may be accepted depending on the individual circumstances i.e. it may be justifiable to accept more sickness absence in one case than it would be in another.

If the employee has a recognised disability and a formal Caution is being considered then their disability related sickness absence should be distinguished from their non-disability related sickness absence but this will not preclude action being taken under the Absence Management Policy.

If an employee becomes disabled or their disability becomes more significant, the Council are under a legal duty to consider making reasonable adjustments to enable the employee to carry on working in their role and where possible remove any identified disadvantage. Full consideration of the requirements to make reasonable adjustments for any employee with a disability would take place where this was relevant. It may be necessary to seek the opinion of occupational health and /or external organisations such as Access to Work on disability related issues and explore options for reasonable adjustments to support the employee.

Assistance to the employee may include changes to the workplace environment or equipment used, either on a temporary or permanent basis as detailed below:

- Changes to the workplace environment or equipment
- Further training and support.
- Re-allocation of some duties to another employee
- Alteration to working hours
- Phased return to work following sickness absence.
- Redeployment

#### 12.5 Maternity related sickness absence

Managers need to ensure that employees are not discriminated against as a result of maternity related sickness. Managers are not required to take formal action due to maternity related sickness absence under this procedure.

#### 12.6 Planned absences

If an employee knows in advance that they are going to be absent, for example, if they have to undergo an operation, then they must plan and discuss their absence in advance with their manager.

#### 12.7 Self-Certification

Self-certification applies up to and including the seventh calendar day of absence with a doctor's statement being required from the eighth consecutive day of absence.

The line manager or supervisor should ensure they complete the details on Trent when the absence begins and ensure they input the end date otherwise the absence will remain 'open'.

The Council is entitled to require any employee to obtain a medical certificate from his/her doctor at any time, irrespective of the duration of absence. However, if the duration of absence is less than seven days, the Council will in these circumstances refund any reasonable costs involved in obtaining a certificate.

#### 12.8 Illness whilst at work

If an employee becomes ill whilst at work and they subsequently need to leave work, the remainder of the working day will be recorded as sickness absence to the nearest half day. The manager must be notified before the individual leaves and will record the information onto the Trent system.

#### 12.9 Requests to work from home

If an employee is unwell and not able to attend work then ordinarily this is classed as sickness absence and should be recorded as such in the normal way. Any illness that affects the employee's ability to perform their duties should be recorded as sick leave.

If an employee is unable to come into the office – e.g. with a broken ankle then they can request to work from home. This can be considered and agreed by the line manager if they feel that the employee would be able to perform their work duties effectively at home. The line manager needs to be satisfied that it is appropriate and that productively can be demonstrated.

Please also note that in no circumstances should a staff member work from home, or in the office, whilst signed off as medically unfit for work. If the employee requests to work from home then they need to produce a fit note from their doctor to show that they are fit to work.

#### 12.10 Sickness absence during annual leave

In the event of an employee falling sick during annual leave, a doctor's fit note will be required stating 'unfit for work' to reclaim lost annual leave. On production of the statement the absence will be regarded as sick leave from the date indicated on the statement and the annual leave will be re-credited.

#### 12.11 Phased return to work

On advice from a GP or Occupational Health a phased return to work can be organised to assist an employee following a period of sickness absence to return to their normal working hours of work. A phased return will normally be carried out for a

period of up to 4 weeks with the employee returning to their normal hours of work at the end of this period. A phased return beyond four weeks will only be made in exceptional circumstances and following advice from a GP or Occupational Health.

The hours not worked as part of the phased return will be recorded as sick leave and paid accordingly.

#### 12.12 Sick Pay

If employees are on long-term sick leave for a long period of time or if they have persistent bouts of short-term sickness absence their employment is liable to be terminated.

The Council reserves the right to dismiss an employee before they have exhausted any outstanding entitlement to occupational sick pay.

#### 12.13 Confidentiality

All information relating to individual sickness absence will be treated as confidential and will only be available to line management within the employee's directorate, the employee and HR.

Access to medical records is restricted to Occupational Health who will ensure that medical information remains confidential. Sickness certificates, absence and interview records are restricted to HR and Payroll (who hold the data) and Managers/Divisional Managers on a need to know basis.

Employees may request that their medical condition is kept confidential from their managers due to its highly sensitive nature and HR / Payroll will respect this unless there are overriding health & safety reasons for disclosure. In these circumstances the staff member would be advised of this before any disclosure of the condition.

The GDPR regulations provide security for the protection of both manually held and computer information.

#### 12.14 Legislation and Codes of Practice

- Health and Safety at Work etc. Act (1974) as amended
- Data Protection Act (1998)
- Access to Medical Records Act (1990)
- Equality Act 2010
- General Data Protection Regulations (GDPR) 2018
- ACAS Code of Practice Disciplinary & Grievance Procedures (2018)

Whilst employees at Chichester Contract Services have different sickness absence payment schemes and sickness reporting requirements, in accordance with locally determined terms and conditions, this policy applies to the management of sickness absence for all employees.

#### 12.15 Trade Union Representative

If the formal stages of this procedure are being applied in relation to an accredited trade union representative, the appropriate Regional Office must be informed prior to any action commencing.

## 13.0 Other relevant guidance

### 13.1 Medical appointments

All staff are encouraged to make non-urgent routine medical appointments (Doctor, Dentist, Hospital etc.) outside of their normal working hours wherever this is possible.

However, in those cases where appointments can only be made during these working hours, staff will be allowed reasonable time-off. Ordinarily such appointments should be absorbed within the flexi-time system i.e. the time lost should be made up.

Longer medical appointments may be recorded as sick absence e.g. all day or half day hospital appointments.

The employee is required to obtain approval from their manager in advance for time off, and produce an appointment card on request.

The employee should only record the actual hours worked on that day.

There will be no sick pay for operations related to self-elective cosmetic surgery. However, some surgery of this type, such as that carried out for psychological or reconstructive reasons, may qualify for sick pay depending on the specific circumstances. Any unexpected complications from cosmetic surgery causing a period of absence would be paid.

Staff will not have sick pay withdrawn if injured following involvement in a particular sporting activity or similar. However, where a repeated pattern of sickness/injury resulting from undertaking an activity outside of work is identified, and the activity is repeated against doctor's orders, then the Council will reserve the right to limit or withdraw sickness payments following consultation with the employee.

#### IVF Treatment

Although there is no statutory right for employees to take time off work for IVF treatment, medical appointments related to IVF will be treated the same as any other medical appointment.

Further advice can be obtained from HR.

### 13.2 Absence from work

If an employee needs to be absent from work urgently there are several options available.

The Council will aim to be flexible in reviewing requests under these headings to meet urgent needs for absence, subject to operational demands. There are also certain statutory rights (under Time-Off for Dependents legislation) to short-term unpaid leave to assist dependants (usually family members within the same household). HR can provide advice on this.

- **Annual leave –**
  - **Buying and Selling Annual Leave** - An employee can choose to buy a maximum of 5 days annual leave (or the equivalent hours of one contractual week for employees who work part time and non-standard

hours) in each leave year. Please see e-Staff Handbook;  
<http://intranet.chichester.gov.uk/index.cfm?articleid=17689&detailid=17659&startat=L>

- An advance of the following year's annual leave may be granted in agreement with the line manager.
- **Flexitime scheme**
  - Most staff are eligible to participate in this scheme which allows staff to potentially accrue an extra day's leave or two half days' leave every 4 weeks. Please see e-Staff Handbook;  
<http://intranet.chichester.gov.uk/index.cfm?articleid=17683&detailid=17744&startat=F>
- **Unpaid Leave –**
  - There are situations where unpaid leave can be used in agreement with the line manager and subject to operational requirements.
- **Compassionate leave**
  - Paid leave for compassionate purposes will normally relate to the death or serious illness of an immediate relative. Requests should be made to the line manager. Depending on the circumstances, the normal maximum period of compassionate leave is 5 days.

Please also refer to the e-Staff Handbook 'Leave' section;  
<http://intranet.chichester.gov.uk/index.cfm?articleid=17689&detailid=17705&startat=L>

### 13.3 Capability

Issues relating to job performance should be dealt with through the council's Capability Procedure. If the employee's sickness/health or attendance means that they cannot attend work regularly then the provisions of this policy will apply. If their health means that they are able to attend work but are unable to do their job then the Capability Procedure may be applied as well as or instead of the Absence Management Policy.

October 2018