POLICY STATEMENT

The Council, as a good employer, does not wish its employees to attend for work when they are too sick to do so but it does expect them to account for their absences and to meet their contractual obligations to work.

Staff absences have a direct effect on service delivery to the people of Slough and represent a significant cost to the Council. The aim of this policy is to produce a framework which can deal fairly and equitably with sickness absence and to provide a process for the proactive reviewing of absence.

As an equal opportunities employer with a commitment to the employment of people with disabilities, the Council is committed to treat each case on its merits taking account of all the circumstances including the employee’s known disability or illness and on making reasonable adjustments where necessary.

PROCEDURE

SCOPE

1. This procedure applies to all levels of employee of Slough Borough Council. The formal process does not apply to employees who are within their probationary period of service (refer to the Probationary Procedure) but the sickness reporting procedures do apply. This policy does not apply to school based staff who are under the control of the Governing Body. Centrally employed teachers are subject to Teachers Terms & Conditions.

2. The procedure provides a framework for reporting sickness absence; conducting return to work meetings; managing long term and persistent short term absences and dealing with cases of permanent ill-health. It also includes processes for formal reviews and appeals.

3. Recognition is given to the need for good two way communication between managers and employees during periods of sickness absence and when employees return to work.

4. Information about sickness absence will be restricted on a need to know basis. Corporate statistical data on absence will be shared with managers and Assistant Directors to facilitate the strategic management of absence.

5. The Disability Discrimination Act 1995 places a duty on employers to avoid discrimination and make reasonable adjustments in relation to disabled employees, including those who become disabled or whose condition worsens. Under the DDA employers have a duty to retain disabled employees (wherever possible).

6. The guidance and best practice identified in this document are not totally prescriptive and may not cover each individual circumstance that a manager might face. Managers / supervisors should contact HR or Occupational Health for further advice.
KEY PRINCIPLES

7. Line manager / supervisor’s are expected to:-

- Ensure that any offer of employment is made subject to Occupational Health clearance.
- Ensure that confidentiality is maintained in relation to information about sickness absence.
- Ensure staff is aware of the Sickness Absence Policy & Procedures and their responsibilities in relation to sickness absence upon commencement of employment.
- Ensure that, for employees who have a disability, reasonable adjustments are made in line with Disability Discrimination Act where appropriate.
- Manage sickness absence in a fair and consistent manner – however, this does not mean that each case of sickness absence should be handled in the same way, as no two cases will ever be the same.
- Ensure sickness absence is reported accurately and that sickness data is correct.
- Agree regular contact and communication with staff who are on long term sickness absence, in terms of type and frequency of contact, and to keep a log of this (the Contact Monitoring Form is available for this purpose) and ensure that all contact with absent employees is carried in a supportive manner to avoid the potential for this to be perceived as harassing the employee.
- Carry out Return to Work meetings with all employees who return following any period of sickness absence.
- Establish clear plans of action where it is decided what action is justified.
- Make referrals to Occupational Health to check that the employee is able to perform all their duties or if a temporary change in duties is required to the workplace to ensure the employee’s continued health.
- Ensure employee safety and well being at work, and in agreement with the employee, a manager / supervisor may refer an employee to occupational health irrespective of whether or not the employee has been absent from work due to sickness.
- Seek Human Resources advice where necessary
- To seek advice from Occupational Health and to act on it as appropriate.

8. Employee’s are expected to:-

- Act responsibly with regard to any type of absence and to adhere to the rules laid out in the Policy and as agreed with their manager/ supervisor.
- Follow all notification and certification procedures.
• Make sure they clearly communicate with their manager regarding the reasons for being away from work.

• Participate in Return to Work meetings and attend Occupational Health if required

• have the right to be accompanied to any formal meetings by a trade union representative or work colleague.

• Be contactable whilst off sick and to respond to communications from the manager within the guidelines of the policy

• If on long term sick, an employee should still be able to attend meetings to discuss their absence / Occupational health appointments

• Inform their line manager if they have a disability including the nature of the disability, how it impacts on their work and any requirements or adjustments needed to enable them to fulfil their role. This must be done either at the start of employment (the Day One Appointment Form can be used for this purpose), or when a disability is acquired, if this is during the course of employment.

• Ensure that their behaviour during a period of sickness absence is not inconsistent with that absence or detrimental to their recovery. If such behaviour occurs, the manager/supervisor will bring it to the attention of the employee and, if appropriate action may be taken in accordance with the disciplinary policy and procedure.

• Report if they are taking any prescription or over the counter medicines which may cause impairment to their work performance and/or any side effects as part of their duty of care e.g. drugs which affect ability to drive or operate machinery.

• Ensure that if they wish to see Occupational Health, they need to discuss with their line manager / supervisor and cannot self refer themselves.

HOSPITAL / MEDICAL APPOINTMENTS

9. Wherever possible hospital, medical and dental appointments should be arranged either early mornings, late afternoons or during lunch breaks. Appointments within working hours require manager approval for the planned absence. Normally time off for such absences must be made up if not covered by a statutory entitlement, see below.

10. It is recognised that staff with a disability may need time off in relation to their disability and guidance would be obtained from Occupational Health in relation to each individual case. Advice from Occupational Health may indicate that a certain number of medical appointments which the employee may require in connection with their disability could be deemed a reasonable adjustment under the Disability Discrimination Act.

11. If the hospital appointment is part of a long term health issue then the employee should discuss the matter with their line manager to determine whether the time will be classified as sick leave, or whether annual leave, flexi-time or other working arrangements could be used or whether the hours need to be made up.

12. Further reference should be made to section 2.7 of the Leave Policy & Procedure.
REPORT

Process

Reporting Absence

First Day of Absence

13. Departments will have local arrangements in place for the reporting of sickness absence which employees are required to follow. The manager / supervisor should agree with the employee what level of contact is required during the period of absence.

14. Notwithstanding any local arrangements, employees must contact their line manager or supervisor immediately as soon as they are unwell (unfit to attend work). In exceptional circumstances someone may contact the manager / supervisor on an employee’s behalf.

15. The manager / supervisor should agree with the employee what will be shared with colleagues taking into account whether there is sensitivity surrounding the absence. The self-certification form should be completed by all employees for every episode of sickness absence within two working days of their return to work, regardless of the length of the absence.

Eighth Calendar Day of Absence

16. The employee must see their GP to obtain a Statement of Fitness for Work which should be submitted immediately to their manager / supervisor. An employee can self-certificate for up to 7 days (including the weekend). From the 8th day of absence onwards, any absence will need to be certificated by a GP. If there is continuing absence beyond the expiry date of the original statement of fitness for work, then further statements of fitness for work will need to be submitted.

17. Failure to comply with the submission of statement of fitness for work will result in withholding salary payment for the days not covered and could also result in disciplinary action. Managers / supervisors will write to employees regarding non-submission of statement of fitness for work and withholding of salary.

Recording Sickness Absence

18. Sickness absence will be recorded using self-certification forms and statements of fitness for work.

   The Statement will allow doctor’s either to certify that an employee is unfit for work, or that they may be fit for work taking account of certain advice, which will be detailed on the Statement. Please refer to Manager’s Guidance (Section 7) for further information.

19. The manager / supervisor will record the absence on the appropriate Weekly Sickness Absence Monitoring Form and submit the completed form with any Fit Note(s) to the E-HR team, HR Department.

Annual Leave and Sickness Absence

20. Employees on long term sickness continue to accrue their entitlement to contractual annual leave whilst on sickness absence.

21. Employees are eligible to take all of their accrued contractual annual leave either during their sick leave or upon their return to work, in agreement with their manager.
22. Where sickness absence straddles two leave years, or if upon returning to work there is not enough time left in the current leave year to take the outstanding annual leave entitlement, the outstanding annual leave will carry over to the following leave year. As above, the timing of this leave this will need to be agreed with the manager.

23. Employees may only carry over from one leave year to the next the amount of contractual leave that was accrued during the leave year in which the period of sickness absence occurred (not just that which was accrued during the period of sickness absence).

24. Employees who are off sick can make a request to take annual leave during their period of sickness absence whether this is during the paid or unpaid part of their sickness absence.

25. Fit Notes would have to cover all periods of sick leave but the existence of a Fit Note and the fact that the employee is still technically unwell would not prevent the annual leave from being taken and recorded.

26. For further clarification please refer to section 9 of the Manager’s Guidance.

**Disability Related Sickness Absence**

27. It is recognised that an employee may be living with a disability or may become disabled during the course of their employment. Where absences are related to a disability, the absence will be recorded as disability related sickness absence. Sick pay will still be payable where entitled.

28. In cases of disability the line manager/supervisor should always seek advice from HR and Occupational Health before considering action.

29. The formal sickness absence procedure will still apply where absence is related to disability, however no formal action should be taken until advice has been received from Occupational Health/GP.

30. The triggers will remain the same as those for general sickness absence, subject to advice from either Occupational Health/GP. If the advice from Occupational Health suggests that due to the nature of a disability a higher absence level may be likely and that allowing a higher level of sickness absence before moving to the formal procedure would be considered as reasonable adjustment under the Disability Discrimination Act, the manager should consider reviewing the triggers before the formal procedure is instigated. This will only apply to individual cases dependent upon the advice from Occupational Health.

**Redeployment**

31. At both formal meetings (Stage One and Stage Two) the manager / supervisor may agree to give consideration to redeployment following advice from Occupational Health. Any possible redeployment will be handled under the Council’s Redeployment Procedure. Please note that redeployment periods will be time bound and failure to find alternative employment may lead to termination of employment with notice.
Returning to Work

32. Employees, upon their return to work, will have a return to work meeting with their manager / supervisor, and complete and sign the Sickness Certification Form. In addition, in cases of long term sickness absence it is also good practice for managers / supervisors to discuss and/or consider the following:-

- establish the reasons for the absence, ascertain if the illness is likely to recur and ensure that the employee is aware of and understands this procedure and whether formal action is to be considered;
- check that the employee is able to work normally or if a temporary change in duties is required and whether any changes are needed to the workplace to ensure the employee’s continued health. (Advice can be sought from the Occupational Health Service);
- update the employee of any changes / key events that have occurred during his/her absence;
- complete and sign the Sickness Certification Form (even where a Fit Note has been issued).
- Prior to a return to work meeting following long term sickness, it is good practice to refer the employee to Occupational Health.

33. If for personal and/or confidential reasons employees do not wish to discuss their sickness with their manager / supervisor they can be referred to another appropriate manager of the same gender, if requested. Sufficient information will need to be shared with the manager / supervisor to ensure any agreed action is implemented.

34. The sickness certification forms, when completed, together with any Fit Note(s), should be sent to the E-HR team, HR Department under confidential cover for recording on the HR database and filing on the employee’s personal file.

Reviewing Sickness Absence

35. Sickness absence is recorded on a rolling twelve month period and data will be cascaded to the relevant section managers on a monthly basis.

Informal Management of Sickness Absence

36. Managers can manage absence informally with an employee before reaching the formal part of the sickness absence policy should they feel this will be the most effective method of bringing about an acceptance level of attendance.

Persistent Short Term Absences

37. Short term sickness absence is identified as either frequent relatively short periods of absence due to a minor illness which are unconnected, or one period of absence of less than four weeks. Such absences may be self-certified (up to 7 days) or medically certified (8 days or more).

38. The triggers for reviewing such absences will be:
• a pattern of absences which cause concern;

• 10 working days absence in a twelve month period - but this does not mean that employees are allowed 10 days of sickness absence before any review takes place.

Long Term Absences

39. Long term sickness absence is defined as physical or mental illness, which prevents the employee from attending work or impairs their ability to carry out full duties competently and without risk to themselves or others. Any period of sickness 4 weeks or more is treated as long term sickness. This includes, but is not limited to:-

- Long term absences arising out of a single illness or disability
- Repeated periods of absence arising out of a single illness or disability, or connected illnesses
- Permanent injury or disability where it may not be possible to return to original duties / environment

40. The triggers for reviewing these cases are where:

- absence for 4 consecutive weeks or absences for a total of 6 weeks in a twelve month period; and/or

- where it is understood that the employee is likely to be absent for a prolonged period due to illness.

41. In cases of long term absence, the manager / supervisor should keep in contact with the employee by telephone, email, letter or with prior agreement, by home visit, at least once every two weeks from the first stages of the absence. A file note should be kept of such contact.

42. In cases of long term absence there is a need to balance the circumstances of the employee with the needs of the service. There is no requirement to wait for sick pay entitlement to elapse before reviewing the case and, as necessary, referring the employee to the Occupational Health Service. A review is encouraged as soon as there are concerns about sickness absence.

43. In all cases, managers / supervisors will need to use their discretion in deciding whether to move to the formal stage of the process.

44. Each case should be considered on its own merits and managers / supervisors are encouraged to contact HR and/or Occupational Health for advice. Managers / supervisors are reminded of the importance of considering any DDA implications when managing / discussing absence.

Formal Meetings – Short & Long Term Sickness Absence

Formal Meeting – Stage One

45. When an employee’s sickness absence gives cause for concern, a formal meeting stage one will be arranged. The employee will be:-

- given 5 working days written notice;
- advised of the purpose of the meeting;
- advised of the right to be accompanied by a Trade Union representative or a work colleague;
- given a copy of this procedure.

46. In cases of long term absence, with the employee’s agreement, the meeting may take place at his or her home or any other mutually agreed venue. In cases of short and long term absence, where it is considered necessary the employee may be referred to the Occupational Health Service prior to the meeting.

47. The objectives of the meeting will be to:-
- review the attendance record of the employee and consider any available medical information;
- check the information on the sickness absence record so that the employee agrees with the facts;
- give the employee the opportunity to discuss the reasons for the absence(s);
- review any previous efforts to assist the employee and discuss any further assistance that may be necessary to help reduce the level of absence; consider reasonable adjustments as part of the requirements of the Disability Discrimination Act
- explain to the employee the difficulties in service delivery that are being experienced as a result of the employee’s absence;
- explain the availability of counselling services and referral to the Occupational Health Service, if appropriate.

48. After considering all the above the manager / supervisor should inform the employee and confirm this in writing, with a copy to the Trade Union representative or work colleague, advising of the actions that are necessary to improve the situation and specify the review period. The actions could include the following:-

- a review of working arrangements with further training as necessary and/or adjustments to the working environment;
- further referral to the Occupational Health Service;
- specifying that a doctor’s Fit Note will be required for all further absences (the cost of which will be met by the Council);
- reference to the employee counselling service.

Interim Review Meetings – Formal Stage One

49. The employee’s attendance record will be closely monitored by the manager / supervisor during the formal review period. The manager / supervisor should arrange interim review meetings with the employee during the formal review period to assess whether satisfactory improvement is being maintained.

50. Any further short term absences will be subject to close monitoring in the return to work interview. If the employee is on long term absence the manager / supervisor should maintain contact with the employee at least once a fortnight and, as necessary, consider referring the case to the Occupational Health Service for further advice.

51. If at any of the interim review meetings it is clear that there has been a deterioration in the record for short term absences or there is no clear indication of an early return to work (in cases of long term absence) then the employee will be informed at that interim review meeting that they will progress to a Formal Meeting (Stage Two). It is not necessary to wait for the end of the formal review period if absence levels have deteriorated before making the decision to progress to the next stage.
52. Where the manager / supervisor deems there has been a significant and satisfactory improvement in attendance the employee will be advised of this in writing and informed that no further progression through the formal process will take place as long as the improvement is maintained. However, the employee will continue to be monitored informally and should they fail to maintain a satisfactory level of attendance during the following 12 months it will result in the formal procedure continuing from the current stage, i.e. the Formal Meeting (Stage One). This applies to both short and long term sickness absence.

53. Where there is not any improvement e.g. a deterioration in the record for short term absences or there is no clear indication of an early return to work (in the case of an employee on long term absence) then at the latest interim review meeting of Stage One held, the employee should be advised that a Formal Meeting (Stage Two) will be convened. A letter should be sent inviting the employee as per below. In circumstances where there is some improvement a decision will be made whether to extend the existing review period.

**Formal Meeting – Stage Two**

54. If there is no improvement or no clear indication of an early return to work date, the manager / supervisor will arrange a formal meeting – stage two. This formal meeting – stage two can be brought forward if at the interim review meetings in Stage One it is clear that no satisfactory improvement is being made.

55. In cases of short and long term sickness absence, prior to the meeting the employee will be referred to the Occupational Health Service so that medical advice can be made available at the meeting. The employee will be:-

- given 5 working days written notice;
- advised of the purpose of the meeting;
- advised of the right to be accompanied by a Trade Union representative or a work colleague;
- given a copy of this procedure.

56. In cases of long term absence, with the employee’s agreement, the meeting may take place at his or her home or any other mutually agreed venue.

57. Whilst the formal meeting (stage two) will cover the same areas as the formal meeting (stage one) (see paragraphs 45-47), the employee will be informed of the serious nature of this meeting.

58. After considering all the above the manager / supervisor should inform the employee and confirm this in writing, with a copy to the Trade Union representative or work colleague, advising of the actions (see paragraph 48) that are necessary to improve the situation and specify a further review period.

**Interim Review Meetings – Formal Stage Two**

59. The employee’s attendance record will be closely monitored by the manager / supervisor during the formal review period. The manager / supervisor should arrange interim review meetings with the employee during the formal review period to assess whether satisfactory improvement is being maintained.

60. Where there is a deterioration in the record for short term absences or there is no clear indication of an early return to work (in cases of long term absence), then at any of the interim review meetings the employee will be informed that a Strategic Director review
will take place which could lead to termination of employment. The employee will be notified of the date this review will be carried out. This decision will rest with the Strategic Director of the relevant directorate.

It is not necessary to wait for the end of the formal review period if absence levels have deteriorated before making the decision to progress to the next stage.

61. Where the manager / supervisor deems there has been a significant and satisfactory improvement in attendance the employee will be advised of this in writing and informed that no further progression through the formal process will take place as long as the improvement is maintained. However, the employee will continue to be monitored informally and should they fail to maintain a satisfactory level of attendance during the following 12 months it will result in the formal procedure continuing from the current stage, i.e. the Formal Meeting Stage Two. This applies to both short and long term sickness absence.

62. In circumstances where there is some improvement a decision will be made whether to extend the existing review period.

**Strategic Director Review**

63. The Strategic Director will receive a report from the manager / supervisor and all relevant correspondence confirming the outcome of the formal meetings and review periods. The Strategic Director, before making a decision to terminate the employee’s contract, will ensure that all the necessary processes have been followed:-

- adherence to the procedure including being given adequate warnings through formal interviews and being offered reasonable assistance to improve attendance;

- advice, as necessary, has been obtained from the Occupational Health Service.

64. Where it is decided to terminate the employee’s contract of employment, the employee will be given notice in accordance with the contract of employment.

**N.B.** The decision to terminate the contract is not on the grounds of ill-health retirement; it is because the Council, as the employer, has decided to terminate because the employee is not able to meet their obligation to work due to sickness absence.

65. The employee will be notified of the decision within 5 working days of the Strategic Director review.

**Right of Appeal**

66. In cases of termination the employee will be notified of a right of appeal to the Employment Appeals Sub-Committee. Such appeals will need to be submitted to the Strategic Director within 5 working days of receipt of the written notice stating the grounds for the appeal.

*Please see paragraphs 72 - 73 for an appeal against a decision on grounds of ill health retirement*
Ill Health Retirement

67. In some circumstances where employees have difficulty sustaining work for health reasons, ill health retirement may be appropriate. The Occupational Health Service will be asked to explore ill health retirement by either the manager / supervisor or the employee. In cases where the manager / supervisor has asked for medical advice that ill health retirement be explored, the employee will be asked to consent to this process in the normal way, as medical information is needed from the employee’s general practitioner and/or medical specialist.

68. Any ill health retirement must adhere to set rules laid out by the Local Government Pension Scheme. The essential point is that a member with three months membership or more whose employment is terminated on grounds of permanent ill health will be entitled to full payment of benefits according to three levels depending on the criteria met. For details please see: www.berkshirepensions.org.uk/employers_standard_forms.htm

69. The medical parts of the paperwork for ill health retirement will be raised by the Occupational Health Department and the case will then be then forwarded to an Independent Medical Adviser who has not previously been involved with the management of the case and has no connection to Slough Borough Council. This independent doctor will either approve or not approve the case. This decision is naturally subject to an appeals process discussed below.

70. Once the outcome of the medical opinion is known, a meeting will be arranged with the employee as soon as possible either at the workplace or, if necessary, at the employee’s home, with the employee’s agreement or at another agreed venue. The employee can be accompanied by a Trade Union representative or work colleague. The purpose of the meeting will be to explain to the employee the ill health retirement procedures.

71. The employee will be given formal notice in accordance with the contract of employment, with the right of appeal.

Right of Appeal against Independent Medical Adviser’s Assessment

72. Employees who wish to appeal on these grounds should provide the Assistant Director of HR with a Fit Note disputing the Independent Medical Adviser’s assessment within 21 calendar days of the notification to him or her of termination on the grounds of ill health retirement.

73. The Assistant Director of HR will arrange for this medical opinion to be referred to the Employment Appeals Sub-Committee. The decision of the EAC on whether the original assessment is upheld shall be final. 

Please note that all other appeals are subject to paragraph 66.

Links to other policies

All policies listed below can be accessed via SBCInsite.

74. Leave Policy – guidance on medical appointments including hospital and doctor’s appointments can be found in the Leave Policy.
75. **Drug & Alcohol Policy** – where sickness absence is linked to drug & alcohol usage please refer to the Drug & Alcohol policy.

76. **Grievance Policy** – where sickness is linked to work place factors and grievances raised by the employee, the grievance will be investigated in parallel with the sickness absence policy.

77. **Capability Policy** – where there are other absences affecting performance at work which are not subject to the sickness absence procedure, management of such absences will be taken into consideration under the Capability Policy.

78. **Redeployment Policy** – where redeployment is applicable, reference should be made to the Redeployment Policy.

79. **Disciplinary Policy** – where absences are unauthorised and employees are responding to manager's communication this should be managed under the Council's Disciplinary Policy and following advice from HR. Guidance on sickness absence during a disciplinary investigation and/or suspension can be found in the Manager's Guidance document.