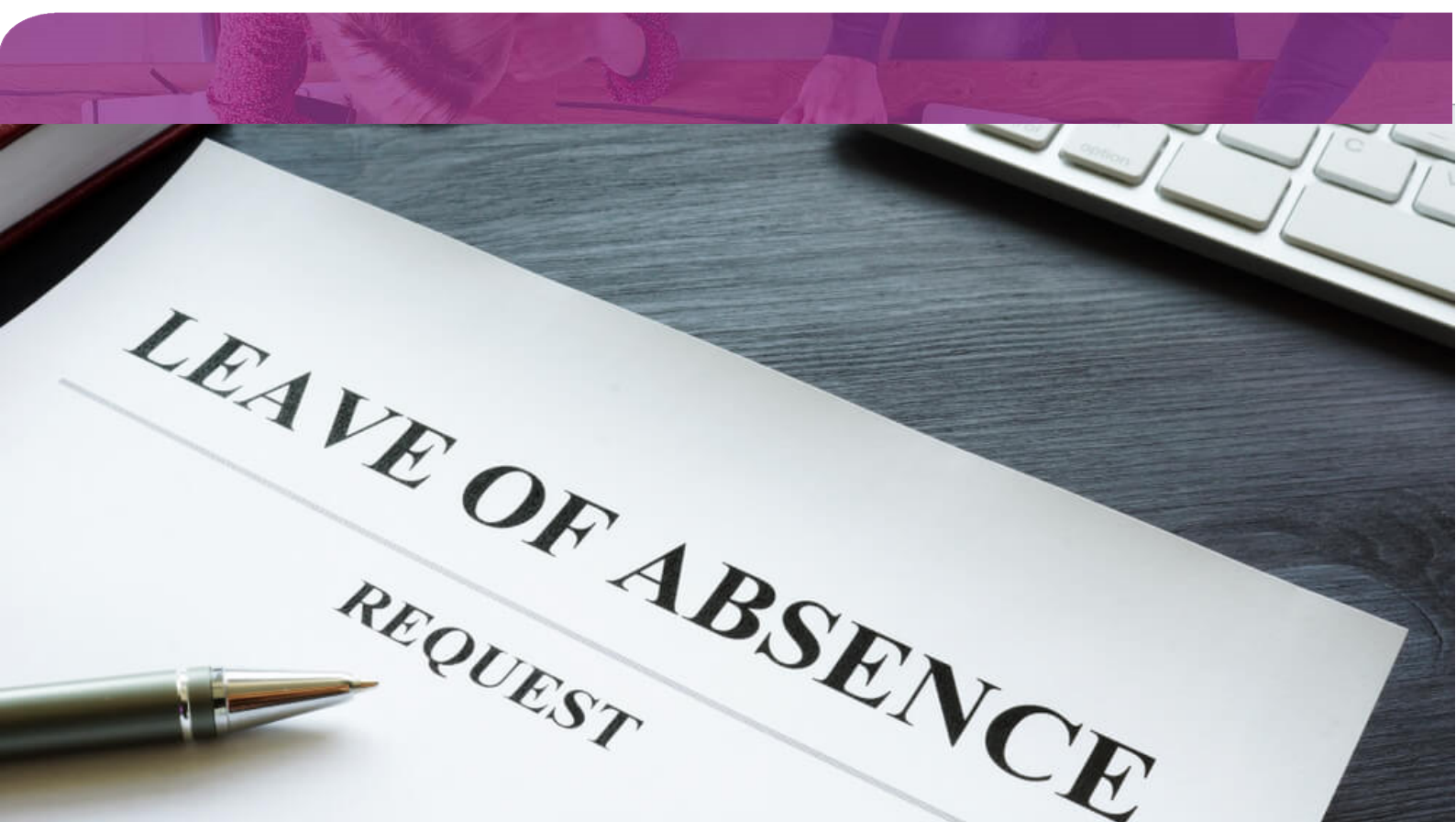


# Managing Sickness Absence Policy



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## 1. Introduction

- 1.1 Slough Borough Council is committed to promoting the health and wellbeing of all its employees and aims to balance the delivery of excellent services with maintaining unbiased treatment of all employees through effective management of sickness absence, whilst at all times acting as a fair and reasonable employer.
- 1.2 Employee absences not only have a direct impact on service delivery to the residents of Slough which represents a significant cost to the Council, but also the wellbeing of employees and the impact this has on team members. This policy aim's to maximise employee attendance whilst recognising that there are occasions when employees may be unable to attend work due to ill health.
- 1.3 When employment legislation sets out a clear course of action for employers in the management of sickness absence or related issues, SBC will act to ensure adherence to the legal requirements.
- 1.4 The Council is committed to promoting a strategic approach to supporting employee health and wellbeing concerns, both in the workplace and outside, by providing information on how to manage or prevent a variety of health conditions, and opportunities for health and wellbeing initiatives such as corporate health and wellbeing days.
- 1.5 The purpose of this Policy and Procedure is to
  - Promote supportive and effective management of absence due to ill-health (commonly known as sickness absence).
  - ensure any support is considered as early as possible.
  - provide a clear framework for reporting and recording sickness absence.
  - ensure fair and consistent management of short and long-term sickness absence across the Council.
  - ensure that employees have the support they need from their managers, as well as access to support services provided by the Council.
- 1.6 Confidentiality must be maintained in relation to information about sickness and absence in compliance with the General Data Protection Regulations and Data Protection Act 2018. Inappropriate access or disclosure of employee data constitutes a data breach. Any breach of the Councils Data Protection and Privacy Policy must be reported and may result in action under the Council's Disciplinary Policy and Procedure. Personal data

breaches which are likely to risk the rights and freedoms of others will need to be reported to the Information Commissioner's Office without undue delay or within 72 hours of becoming aware of the breach.

- 1.7 This policy applies to all Slough Borough Council employees. It excludes employees who are within their probationary period of service (refer to the probationary procedure) but the sickness reporting procedures detailed in this policy do apply. This policy does not apply to school-based staff who are under the control of Governing Bodies or to Volunteers and Agency Workers.
- 1.8 This policy should be read in conjunction with the Managing Sickness Absence procedure which outlines the procedure managers and employees are required to adhere to for managing instances of sickness absence.

## **2. This Policy:**

- Explains how you should report any absences from work due to sickness.
- Sets out how you will be paid if you are off work due to sickness;
- Explains what we regard as an unauthorised absence and how such absences will be handled.
- Sets out our approach to short-term and long-term absences.
- Explains when we might seek a medical opinion in relation to your health and how we might go about doing that.
- Sets out our approach for managing pregnancy related illness and disability related absence.
- Sets out the support measures in place for any return to work following sickness.
- Outlines our approach to case conferences and Ill health retirement

## **3. Reporting absence from work**

- 3.1 If an employee is unwell and unable to attend work, they must notify their line manager by telephone or other means of communication within 30 minutes of their scheduled start time to confirm that they are sick and will not be at work. The line manager will ask the employee to provide some details about the reason for the absence, whether they are planning on seeing a doctor, and how long they are likely to be off work. This will enable the line manager to effectively manage the employee's sickness absence.

- 3.2 For the first seven days of absence (including any non-working days, weekends and bank holidays), we will generally allow an individual to self-certify. This means that they do not need to provide a fit note from their doctor. The employee will be asked to complete a self-certification form on their return to work.
- 3.3 If the absence continues for longer than seven days, then the individual will need to obtain a fit note from their doctor or other healthcare professional covering the remainder of the absence. The fit note should be sent to the line manager who will forward it to the payroll team.
- 3.4 A fit note includes details of the reason for absence and allows the individual's doctor or other healthcare professional/occupational health to stipulate whether the employee is 'not fit for work' or whether they 'may be fit for work'. If the fit note states that they 'may be fit for work', then they are invited to provide details of any measures the Council could take to help the individual to return. If the fit note provides this information, then we will generally arrange a meeting with the employee to discuss whether we are able to put these measures in place (which will depend on the needs of the business and our resources and capabilities). If we are not able to facilitate the return, then the individual will continue to be treated by us as if they are not fit for work.

**4. Keeping in contact during sickness absence**

- 4.1 We expect employees to maintain regular contact with us during any period of sickness absence. This will generally be via telephone or another agreed method with the line manager.
- 4.2 The line manager will maintain regular contact with the employee via telephone calls or emails to discuss their wellbeing, the expected length of the continued absence from work and any of the individual's work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum. The employee is expected to cooperate with our requests for updates on your condition.

**5. Sick pay entitlement**

- 5.1 Employees will be paid in line with the allowances set out in the NJC for local government services (green book) as per:

During 1 <sup>st</sup> year of service	1 month's full pay and, after completing 4 months' service, 2 months' half pay
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During 2 <sup>nd</sup> year of service	2 months' full pay and 2 months' half pay
During 3 <sup>rd</sup> year of service	4 months' full pay and 4 months' half pay
During 4 <sup>th</sup> and 5 <sup>th</sup> year of service	5 months' full pay and 5 months' half pay
After completing 5 years of service	6 months' full pay and 6 months' half pay

- 5.2 It is the policy of SBC that we will not allow anyone to have either their full or half sick pay extended, regardless of the circumstances.

## **6. Holidays and sickness**

- 6.1 When an employee is off work sick, they continue to accrue holiday. Employees are able to contact us to request holiday whilst they are off sick. In such cases, employees will be paid holiday pay rather than sick pay for the days which they request to be treated as holiday.
- 6.2 If the sickness absence spans two holiday years, then employees may be able to carry forward untaken holiday from one year to the next, subject to certain restrictions. Further details can be found in the Leave Policy.
- 6.3 If an employee becomes unwell whilst on holiday, then we will usually allow them to convert their holiday into sick leave. Absences must be reported as set out above and evidence must be provided. If approved, employees will be able to take their holiday at another time, but they may also have to repay the holiday pay that they received.

## **7. Unauthorised absence**

- 7.1 If an employee fails to turn up for work without good reason, then the absence will be treated as being unauthorised. Unauthorised absence includes any sickness absence which is not covered by required supporting evidence (for example, a fit note) or absence where the employee might be entitled to self-certify but they have not contacted us to tell us about their sickness absence.
- 7.2 If the absence from work is unauthorised, then an employee will not be entitled to receive pay or any other benefits. SBC reserves the right to deduct from an employee's pay to take account of their unauthorised absence.
- 7.3 Unauthorised absence is a disciplinary matter which will be handled under our Disciplinary Policy and procedure and may result in the termination of an employee's employment.

## **8. Medical Appointments**

- 8.1 If an employee is arranging a medical or dental appointment, they should do their best to arrange it outside of working hours or at the start or end of the working day. Reasonable paid time off will be granted, however, if it is likely to involve taking half or most of the day off, employees may be asked to use annual leave to cover some or all of their absences. This should be discussed with the line manager for approval for the planned absence. The line manager may reasonably request evidence of the appointment(s).

## **9. Pregnancy Related Sickness Absence**

- 9.1 Where an illness is attributable to pregnancy, sickness absence will not be counted towards the trigger of the management of the sickness absence. However, any such sickness will be managed in accordance with the sickness policy to facilitate a return to work as soon as possible with any necessary support or adjustment to duties during the pregnancy.
- 9.2 As required, under the management of health and safety at work regulations 1999, written risk assessments should be undertaken regularly throughout the pregnancy. Further information is available in the Council's Maternity and family friendly policy ([SBC Maternity Policy and Procedure](#)). A referral to occupational health for medical advice may be required.
- 9.3 If an employee is on sick leave due to pregnancy related illness, on or after the fourth week before the expected week of confinement, their ordinary maternity leave will commence the day after their first completed day of sickness absence. Where a pregnant employee suffers from non-pregnancy related sickness absence, these absences will count towards the management of sickness absence as usual.

## **10. Disability Related Illness**

- 10.1 It is recognized that an employee may be living with a disability or may become disabled during the course of their employment. Where an employee's sickness absences are related to a disability, it should be clearly noted on the return-to-work form as 'disability related sickness absence'.
- 10.2 Managers must ensure they meet the requirements of the Equality Act 2010 when managing cases of disability related sickness absence, and they should always seek advice from the HR Business partnering team and occupational health before considering action under this policy and procedure.
- 10.3 The formal part of the procedure will still apply where absence is related to a disability, and sickness absence trigger points will remain the same in such cases, subject to advice from occupational health. Reasonable

adjustments, in line with the Equality Act 2020 may need to be made before determining whether or not the level of sickness absence is unacceptable.

## **11. Managing Sickness Absence**

- 11.1 Short-term absence has a significant detrimental impact on our business. Effective management of short-term absence to make sure that it does not happen too often is therefore important. Short term absence is regarded as any period of absence lasting less than 28 calendar days.
- 11.2 Long term absence is regarded as any continuous period of 28 calendar days or longer.
- 11.3 Managers will always take the time to discuss an employee's absence with them. This will be done at return-to-work meetings after each period of absence regardless of duration. At the return-to-work meeting, the manager will explore with the employees what can be done to help them maintain good attendance and try to understand the reasons why they may be failing to reach SBC's attendance standards as well as put any required reasonable adjustments in place. There may be a requirement to obtain information and support from a medical professional such as Occupational Health.

## **12. Informal Action**

- 12.1 Informal action should be taken when managers first have concerns about an employee's sickness absence and prior to any formal trigger point being met. An informal meeting can be held to address concerns in relation to ongoing periods of short-term absences, ongoing periods of longer-term absence, or one period of long-term absence. There are no specific trigger points for an informal action meeting to take place.
- 12.2 The purpose of these informal sickness absence meetings is to carry out a thorough review of the employee's sickness absence record and, where appropriate, agree an improvement plan. There is likely to be less recourse to the formal part of the absence management procedure if concerns are discussed at the earliest possible opportunity, and there is timely intervention and pro-active support given to employees.

## **13. Sickness Absence Triggers**

- 13.1 The Council uses absence triggers to manage and analyse occurrences of short-term sickness absence to provide an indication of when a manager needs to be concerned by absence rates and take appropriate action. The following triggers are used:
  - 6 or more days of sickness absence in the previous six months.



- 3 separate periods of absence in the previous six months.
- There appears to be a pattern in, or type of sickness absence that raises management concern- for example: periods of sickness absence that could occur either side of weekends, or a noticeable pattern on days where particular shifts have been planned or peak workloads are expected.
- A single period of sickness absence that goes beyond **28-day calendar days**, and there is no clear indication of an early return to work, usually within two months following the commencement of the absence.

13.2 Sickness is recorded in full days and half days. If an employee works for less than half of their usual working hours for the day, then this is recorded as a full day of sickness. If an employee works for more than half of their usual working hours but less than a full day, then this is recorded as a half day of sickness.

13.3 The triggers will remain the same for employees with a disability as for those with general sickness absence, subject to the duty to make reasonable adjustments.

#### **14. The Formal Procedure**

14.1 There are three different stages of the formal procedure:

- First Formal Meeting
- Second Formal Meeting
- Third Formal Meeting (Dismissal Stage)

##### **Stage one formal absence meeting**

14.2 If sickness absence levels do not improve following on from the informal stage, there may be a need to convene a **stage one formal absence meeting**. A stage one formal absence meeting will be required in cases of:

- Where the sickness absence triggers outlined in section 13 have been activated and informal action has not resulted in the required improvement.

14.3 The managing sickness absence procedure outlines the process for conducting stage one formal absence meetings.

14.4 Following the first formal absence meeting, the individual will be put on a 12-month monitoring period, during which, further instances of sickness

absence of any length (*eg normally consider 2 instances as being reasonable to trigger the next stage if there is management concern*) could result in a stage 2 formal absence meeting being convened.

- 14.5 The line manager is responsible for monitoring the individuals' sickness absence during the monitoring period and can exercise their discretion concerning the outcome(s) of the first formal meeting to take account of the nature of the illness/condition, likelihood of recurrence etc.

### **Stage two formal absence meeting**

- 14.6 If during the 12-month monitoring period there has been no satisfactory improvement in attendance, or if the employee will not be returning for the foreseeable future, the manager should arrange a second formal absence meeting.

- 14.7 The line manager will conduct this meeting, and the meeting will follow the same format as the stage one absence meeting. The manager will present relevant documentation which may be referred to at the meeting such as occupational health reports, file notes etc.

- 14.8 At the second formal absence meeting, the line manager will outline the expected improvements in the employees' attendance levels and that they will remain on a 12-month monitoring period.

- 14.9 If following the stage two formal absence meeting, there has been no improvement in the sickness levels and the following trigger points have been reached:

- Further instances of sickness absences that management considers do not meet the required improvement in attendance as set out following the stage two formal absence meeting.
- Further instances of sickness absence that appear to be a pattern or type of absence which causes concern e.g., where there is a pattern of absences on either side of the weekend, or on particular days where there are particular shifts or peak workloads.
- There is no clear indication of a return to work in the foreseeable future, as advised by Occupational Health.

### **Stage three formal meeting (Dismissal Stage)**

- 14.10 If following the stage 2 formal meeting there has been a failure to achieve and sustain the necessary improvements during the 12-month review period, a **stage three formal hearing (dismissal stage)** will be convened.

Note that this stage can be brought forward at any time in the process if there is no satisfactory improvement in attendance levels made.

- 14.11 An employee can be dismissed on the grounds of unsatisfactory attendance before sick pay expires if managers are able to demonstrate that they have followed the Managing Sickness Absence (Health and Wellbeing) policy and procedure appropriately, and all reasonable adjustments have been considered.
- 14.12 The procedure for chairing the third formal absence meeting, and who will be required to be on the panel is outlined in the managing sickness absence procedure here.
- 14.13 The purpose of the meeting will be to decide on the balance of evidence:
- Whether it would be reasonable to conclude that the employee's attendance at work had failed to meet an acceptable standard during the relevant period in question due to sickness absence.
  - If so, whether there are any mitigating or extenuating circumstances for the employee's unsatisfactory attendance should be taken into account, and what action should be taken.
- 14.14 Both parties will be asked to outline their case, review all of the supporting information and ask questions of both parties. They will consider the case, taking all relevant factors into account, and inform both parties of their decision.
- 14.15 The chair will confirm the decision to the employee in writing within 10 working days of the meeting. One outcome of the third formal absence meeting could be dismissal. If the decision is to dismiss the employee, this will be a formal notice letter specifying the right of appeal against dismissal and the last day of service with the Council.

## **15. Right of Appeal**

- 15.1 The employee has a right of appeal against a decision to dismiss them within 10 working days of receiving the decision in writing. They must write to the independent manager who chaired the third formal meeting outlining the reasons for their appeal.

## **16. III Health- Case Conference**

- 16.1 Any period of sickness absence of 28 calendar days or more may be treated as long-term sickness and should be reviewed using the formal stages of the policy and procedure, subject to the relevant sickness absence trigger point. However, SBC will seek to adopt a 'case management' approach

when dealing with employees who are considered incapable of working due to ill health or illnesses such as cancer.

- 16.2 Case conferences are integral to the approach in such cases. They should be routinely used to review an employee's absence, state of health, or fitness to see whether or not there is any improvement, and if there is anything the manager can do to aid the employee's recovery and facilitate a return to work.

### **17.III Health Retirement**

- 17.1 When the manager considers that the employee may be eligible for Ill health early retirement, they should refer the employee to Occupational Health.
- 17.2 Occupational Health will consider the case in line with the current requirements of the pension scheme, if the employee is a member of the LGPS, and process a determination of whether the employee is eligible for Ill health retirement, and if so, at which Tier level.
- 17.3 If the employee does not accept the opinion provided by Occupational Health, they can request a further review by the Occupational health service. If the employee is still not satisfied with the outcome of the process, a review can be requested under the Independent Resolution Procedure.

### **18. Occupational Health**

- 18.1 Occupational Health offers health advice to help managers determine what actions they may need to take to enable the employee to return to work as soon as possible.
- 18.2 Managers can approach Occupational Health for advice at any stage of an employee's sickness absence.
- 18.3 Occupational Health can be used as a preventative measure where a manager is concerned about an individual's health and wellbeing- and where a referral to Occupational Health may prevent instances of sickness absence.
- 18.4 Occupational Health may give advice on ways to bring employee's back to the workplace such as phased returns and an adjustment to duties for a short period of time.
- 18.5 Further details on the referral process can be found in the Managing Sickness absence procedure.

### **19. Useful links and documents**

- 19.1 The following internal policies contain additional information and guidance [*delete/ amend as appropriate*]:

- a) [*Disciplinary Policy*]
- b) [*Flexible Working Policy*]
- c) [*Equal Opportunities Policy*]
- d) [*Data Protection Policy*]
- e) [*Maternity & Family Friendly Policy*]
- f) [*Insert details of any other relevant policies here*]

## **20. Administration of the Absence Management Policy**

20.1 [*Insert relevant person or department*] is responsible for the administration of the Absence Management Policy. Should you have any feedback, please contact [*insert contact details*].

## Policy Schedule

Policy schedule	Details
Policy owner and lead	HR BP Team
Consultation	Trade Unions Staff Network Groups Corporate / Senior Leadership Team
Equality Impact Assessment	
Approving body	Employment & Appeals Committee
Date of approval	DATE
Date of implementation	
This version number	
Last version	v.? - DATE
Related documents	<ul style="list-style-type: none"> <li>• Equality and Diversity Policy</li> <li>• Capability Policy and Procedure</li> <li>• Disciplinary Policy and Procedure</li> <li>• Leave Policy</li> <li>• Probation Policy and Procedure</li> <li>• Drugs and Alcohol Policy</li> <li>• Health and Safety</li> <li>• Stress Code of Practice</li> <li>• Family Friendly Suite of Policies and Procedures</li> <li>• Transgender Policy</li> <li>• Data Protection and Privacy Policy</li> </ul>
Review interval	April 2027

## Version

Version	Author	Date	Changes
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