

SICKNESS ABSENCE MANAGEMENT POLICY

INTRODUCTION

Tayside Contracts values the contribution of its employees and recognises that the health and wellbeing of employees is essential to the delivery and maintenance of quality services to the community.

This policy sets out how Tayside Contracts will support employees during sickness absence and other health-related matters and outlines the procedures to be followed by employees when reporting sickness absence and by Tayside Contracts when managing an employee's absence.

SCOPE OF POLICY

This policy applies to all Tayside Contracts employees. Any agency employees are expected to follow the Notification of Sickness Absence and Return to Work Procedure, although their absences and any sick pay entitlements will be managed by their employing agency.

All line managers with a responsibility for employees will receive formal sickness absence management training and should refer to the Sickness Absence Management Guide along with this policy.

PRINCIPLES

Tayside Contracts recognises that a mentally and physically healthy workforce and a healthy working environment are essential to achieving low levels of absence and is committed to promoting health and wellbeing at work, along with occupational health services, in order to support employees and minimise absence levels as far as possible.

Tayside Contracts has adopted this policy and the procedures included in it, because it does not consider that the monitoring and control of sickness absence should be dealt with under the Disciplinary Procedure.

Regular, punctual attendance is an implied term of every employee's contract of employment and Tayside Contracts expects every employee to take responsibility for achieving and maintaining good attendance.

In adopting this policy and associated procedures Tayside Contracts recognises that any information gained concerning the medical condition of an employee will be regarded as confidential. This policy is implemented in line with Data Protection legislation, the Access to Medical Records Act 1988 and the Access to Health Records Act 1990. Access to information regarding an employee's sickness absence record is restricted to authorised people only.

NOTIFICATION OF SICKNESS ABSENCE AND RETURN TO WORK PROCEDURE

Tayside Contracts has a notification procedure to be followed when reporting an absence and when returning to work following a period of sickness absence. This procedure forms an appendix to the Sickness Absence Management Policy and can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team.

MANAGEMENT OF SICKNESS ABSENCE

This policy is applied to ensure that monitoring and control of sickness absence is applied in a manner that is consistent and equitable throughout the organisation and to ensure that everyone is treated sympathetically and fairly.

The sickness absence records of all employees are monitored and assessed on a continuous basis and a decision about whether or not to apply the policy and hold a sickness absence meeting will be made following an initial assessment of your sickness absence record. While there are specific 'trigger points' that are likely to mean a sickness absence meeting will be held, every decision is made on a case by case basis taking individual circumstances and service needs into account.

It is important to remember that while the aim of the Sickness Absence Policy is to support you if you are absent from work due to sickness and to help you return to work and achieve regular attendance, sickness absence has a detrimental impact on the efficient and effective operation/delivery of Tayside Contracts' services. All considerations of additional support, including additional periods of monitoring in order for attendance to improve, will therefore be made with due consideration to what is reasonable and practicable.

Notification of Sickness Absence Meetings

Tayside Contracts has an obligation to ensure that every employee is capable of carrying out the duties and tasks required of them and that these duties and tasks are not detrimental to their health. Formal sickness absence meetings are a means of ensuring that Tayside Contracts is meeting these obligations.

If you are required to attend a sickness absence meeting you will be notified as follows:

- You will be notified by letter if you are required to attend a sickness absence meeting. This letter must be sent to you a minimum of 7 calendar days before the meeting, unless you choose to waive the notice period.
- You may be accompanied at the meeting by a trade union representative or work colleague. There is no entitlement for you to be accompanied by anyone else, including family members, at the meeting unless this has been agreed in advance as a reasonable adjustment.
- Your absence levels and the reasons for your absences will be formally discussed at the meeting. Part of this discussion will be about establishing whether or not you have any underlying reasons for your absence and what, if any, actions can be taken, by you or by Tayside Contracts, to enable you to achieve regular attendance.
- Following the meeting a letter will be sent to you, normally within 14 calendar days, confirming the outcome of the meeting.

- You cannot unreasonably refuse a request to attend a sickness absence meeting. If you fail to attend such meetings without good reason you are liable to have your entitlement to occupational sick pay suspended and/or face disciplinary action.
- If you continually fail to attend sickness absence meetings and fail to make contact to explain your non-attendance, the meeting will be held in your absence and decisions will be made on the outcome based on the information available at the meeting.

Sickness Absence ‘Trigger Points’

You are likely to be called to a meeting to discuss your absence record if one or more of the following circumstances, or ‘trigger points’ occur:

- You have been absent on 3 or more separate occasions or for a total of 6 working days over a twelve month period;
- Your absence lasts, or is expected to last, four weeks or longer (long term sickness absence);
- Your absence is cited as being due to ‘work related’ reasons;
- Your absence record is significantly worse than those of comparable employees;
- Your absence record creates a particular operational difficulty;
- Your absence record demonstrates patterns of absence (e.g. Mondays, after holidays etc.);
- Your entitlement to Occupational Sick Pay is about to reduce to half pay or is about to cease.

Sickness Absence Meetings

Sickness absence meetings are held with the aim of:

- Establishing any underlying trends, the frequency of and reasons(s) for your absence;
- In the case of long term absences (absences of 4 weeks or more), establishing/confirming the reason(s) for your absence and its likely duration;
- Informing you that your absence record is unacceptable and not conducive to the efficient and effective operation of the service;
- Providing the opportunity for you to improve your absence record over a reasonable period of time, during which your record will continue to be assessed;
- Your manager explaining to you what course of action may follow if the improvement sought is not achieved.

Depending on what is discussed at this meeting it may be appropriate for your manager to consider:

- A referral to Occupational Health to establish if there is an underlying medical condition contributing to your absences and whether considerations should be given to a phased return to work, seeking alternative employment or the possibility of ill-health retirement.
- What, if any, other support can be offered to you, e.g. a change of working pattern, work location, counselling, additional management support, transfer to another role.

Sickness Absence Outcomes

There are several possible outcomes from a sickness absence meeting, which are dependent on the specific circumstances of each individual case:

- Continue to Monitor – your attendance will continue to be monitored in accordance with the Sickness Absence Management Policy.

- Job may be in Jeopardy – your job may be in jeopardy unless there is a significant and sustained improvement in your attendance.
- Final Notification – you are finally notified that if you are absent again in the near future, or if you are unable to achieve regular attendance in the long term, your employment may be terminated.
- Referral to Occupational Health – you may be referred to Occupational Health for advice on any underlying reasons for absence, reasonable adjustments that may be applicable etc.
- Termination of Employment – you may be dismissed on the grounds of capability. You have a right of appeal against this outcome.
- Ill-Health Retirement – your employment is terminated. You have a right of appeal against this outcome.

Ill-health retirement or termination of employment as a consequence of long term sickness absence will only be considered after you have been provided with all reasonable support/adjustments and assistance to return to work, including a referral to Occupational Health and consideration of redeployment and you have been finally notified that your continued absence may result in termination of your employment.

When reaching a decision on whether or not to terminate your employment the following matters will be considered:

- Your absence record, including your ‘current’ and ‘lifetime average’ absence percentages
- Length of service
- The impact of your absence on other employees and service delivery
- What actions have been taken to enable you to continue in employment
- Any medical advice received
- The representations made by you/your representative

This list is not exhaustive and the weight attached to each will vary depending on the circumstances of the case, whilst balancing your need and the needs of Tayside Contracts.

Medical Suspension

In certain circumstances it may be deemed appropriate for an employee to be suspended from work on medical grounds pending an appointment with their GP or a referral to Occupational Health.

Any period of medical suspension should be kept to an absolute minimum. Should these circumstances arise a meeting will be held with you to outline the decision, which will also be confirmed in writing. A medical suspension is on full pay and is not a disciplinary sanction.

If you are suspended on medical grounds you must attend an appointment with your GP to determine your fitness for work if requested to do so. Failure to attend an appointment with your GP without good reason may result in disciplinary action.

Right of Appeal

Any employee who is dismissed as a result of their sickness absence history may lodge an appeal against that decision. Should you wish to do so, this must be done in writing within 14 calendar days

of you receiving written confirmation of the outcome of the meeting where the decision was made to dismiss.

All appeals will be heard in the first instance by the Managing Director or his nominated representative and the outcome of the appeal will be confirmed to you in writing within 14 calendar days of the date of the Hearing.

Should an appeal against dismissal not be upheld you may submit a final appeal by writing to the Managing Director within 14 calendar days of receipt of written confirmation of the outcome of your initial appeal. The Managing Director will arrange for this final appeal to be heard by an Appeals Sub-Committee, comprising elected members of the Tayside Contracts Joint Committee. The decision reached at an Appeal Hearing heard by the Appeals Sub-Committee is final.

At an Appeal Hearing you have the right to be represented or accompanied by a trade union representative or a work colleague of your choice. It is your responsibility to arrange the attendance of your representative. An HR representative will be in attendance at all Appeal Hearings and will present Tayside Contracts' case in those appeals heard by the Appeals Sub-Committee.

PROACTIVE MEASURES

Tayside Contracts cares about its employees and a key objective of the Sickness Absence Policy is to support employees, with the aim of reducing absences from work and assisting employees to achieve regular attendance. In order to do so serious consideration should be given to any reasonably practicable options for additional support.

Health Concern meetings should be held with an employee if there is a change in their behaviour or attitude towards work as these are often a precursor to sickness absence, which, with the appropriate additional support, could be avoided.

Adjustments to an employees working hours or pattern, or to their work location may help employees to deal with any changes to, or problems with, their personal circumstances that – if ignored – could lead to absence from work. Any such adjustments could be made on a temporary or permanent basis.

Through the Occupational Health service provision employees can have access to counselling or physiotherapy if there is likely to be a delay in them receiving treatment from the NHS and this treatment is likely to prevent the employee's sickness absence, or is likely to allow them to return to work sooner.

POLICY VIOLATIONS

Any breach of this policy will be regarded as misconduct and will be addressed in accordance with Tayside Contracts' Disciplinary Policy.

Disciplinary action is likely to be taken in the event of:

- Failure to follow the Notification of Sickness Absence and Return to Work Procedure
- Failure to attend appointments with Occupational Health when required to do so

- Reporting as sick in order to take a holiday
- Failure to attend sickness absence meetings when required to do so
- Employees who refuse to attend an appointment with their own GP during a period of medical suspension

This list is not exhaustive.

RELATED POLICIES

The Sickness Absence Management Policy links to the following policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Occupational Health and Safety Policy
- Time off for Dependents Policy
- Performance at Work Policy
- Disciplinary Policy
- Annual Leave and Public Holiday Policy
- Display Screen Equipment Assessment Policy

POLICY REVIEW

The Sickness Absence Management Policy will be reviewed at three yearly intervals, or as required by legislative changes.

GENERAL DATA PROTECTION REGULATION

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or employment.policies@tayside-contracts.co.uk

If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or angie.thompson@tayside-contracts.co.uk

NOTIFICATION OF SICKNESS ABSENCE AND RETURN TO WORK PROCEDURE – APPENDIX TO THE SICKNESS ABSENCE MANAGEMENT POLICY

This document outlines the notification procedure to be followed when reporting an absence and when returning to work following a period of sickness absence.

This procedure forms part of Tayside Contracts' Sickness Absence Management Policy, which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team.

SICKNESS ABSENCE REPORTING PROCEDURE

- On the first day of sickness absence:
 - you must notify your line manager of your absence as soon as practicable, but in any event by no later than one hour after your normal starting time (see note 2 below).
 - if possible you should advise of the likely duration of your absence.
 - if your sickness begins on a non-working day, notification should be as soon as practicable, but in any event by no later than one hour after your normal starting time on your next working day.

- If you become unwell whilst at work and have to leave part way through your normal working day the time not worked due to sickness will be considered as either a full or half day's sickness absence. i.e. If you work less than half of your contractual daily hours then the whole day is treated as sick, if you work half, or more than half of your contractual daily hours then it is treated as a half day's sickness absence.

- If you have indicated that you expect to be back at work on a particular date and it transpires that you are unable to return, you must telephone your manager to say that you will not be returning to work as expected. You do not need to phone and report your absence from work every day, unless you have said that you will only be off for one day.

- If you are unable to advise the likely duration of absence, you should contact your manager on a daily basis until such time as a return to work date can be agreed.

- If sickness absence continues to a fourth working day you should contact your line manager/office on that day to advise them of your progress and the likely duration of your absence (unless you have previously advised on the likely duration of your absence).

- If sickness absence continues for 8 calendar days or more you must obtain a medical certificate/fit note from your Doctor. You should also obtain and fill in a self-certification form and send both to your line manager.

- You must submit further medical certificates/fit notes to cover any continued absence **and** continue to keep your line manager updated on your progress and the likely duration of your absence. It is not sufficient to submit fit notes without making any contact. Anyone who fails to

make contact and/or submit fit notes will be liable to have their entitlement to occupational sick pay suspended and/or face disciplinary action.

- If you continually fail to make contact and/or submit medical certificates you will be asked to attend an investigation meeting in accordance with the Disciplinary Policy. Failure to attend any investigation meeting will result in the investigation being held in your absence and a decision on whether or not to proceed with formal disciplinary action will be made based on the information available to the Investigating Officers.

NOTE

1. Failure to follow the sickness absence reporting procedure detailed above may result in your entitlement to occupational sick pay being suspended and disciplinary action being taken against you.
2. You must notify and keep in contact with your manager by telephone/verbally and not by email, text, via social media or by leaving messages on an answering machine unless there are exceptional circumstances preventing you from speaking to your manager.
3. Failure to notify your line manager of your return to work date may result in you being sent home from work if alternative arrangements for cover have been put in place.

Catering Employees

Anyone employed in a front-line catering post (i.e. anyone who directly handles food) who suffers from sickness and/or diarrhoea cannot return to a food handling post until they have been symptom free for 48 hours, in line with the Food Standards Agency Food Handlers: Fitness to Work regulatory guidance and best practice advice. This does not apply to any non-food handling posts, or to cleaning posts for dual employees.

WORKING FROM HOME

Employees will not normally be permitted to work from home if the reason for your request is that you are not fit to attend work due to sickness. An exception to this is if you have an illness/impairment that prevents you from travelling to work, but you are otherwise fully fit to carry out all of your duties e.g. a broken leg.

SICKNESS ABSENCE DURING ANNUAL LEAVE

If you fall sick during a period of annual leave and would like the period to be classed as sickness absence you must follow the sickness absence reporting procedure detailed above.

If the period of annual leave is recorded as sickness absence and covered by a Fit Note from a GP you can request to have the period of annual leave credited back to your entitlement by submitting the Fit Note to your manager who will inform the Payroll Team. Employees who are sick during a fixed public holiday are not credited with the missed leave.

- **Term-Time employees**

Term-time employees who are sick during term-time must notify Tayside Contracts if they become fit to work prior to, or during, the non-working periods (i.e. school holidays) even though this is non-working time.

If term-time employees are not fit for work during the non-working periods they should continue to submit medical certificates for the duration of the period of sickness. Employees who do not submit medical certificates, or declare themselves as fit for work, will be recorded as 'sick – no medical cover'.

RETURNING TO WORK

On returning to work you will be asked to participate in a return to work interview, which is held to discuss whether any adjustments or other actions are appropriate to support your return to work, to promote health and wellbeing and to sustain a good level of attendance. This interview should take place on your first day back at work, or at the first available opportunity if this is not possible.

Additionally:

- On return to work after no more than 7 calendar days sickness absence you must obtain and fill in a self certification form.
- On return to work after 8 calendar days or more you must ensure that you have submitted medical certificates/fit notes from your Doctor and complete Tayside Contracts' self certification/return to work form so that the duration of your absence is covered.

NON-SICKNESS ABSENCE REPORTING PROCEDURE

If you are absent from work for any reason other than sickness, you must report your inability to attend in accordance with the following procedure:

- On the first day of absence:
 - you must notify your line manager of your absence as soon as practicable, but in any event by no later than one hour of your normal starting time.
 - advise of the reason for your absence and, if possible, the likely duration.
- If you have indicated that you expect to return on a given date you must contact your manager again, in advance, should you be unable to resume work on the agreed date.
- If you are unable to advise the likely duration of your absence, you should contact your manager on a daily basis until such time as a return to work date can be agreed.

NOTE

1. You should make every effort to return to work at the earliest opportunity.
2. In accordance with Tayside Contracts' Terms and Conditions of employment, your line manager will determine whether paid or unpaid leave can be granted for any or all of the period of absence.