

# Absence and Sickness Management Policy and Procedure



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South & East Lincolnshire Councils Partnership

The Council sees health and wellbeing as an important aspect of the successful delivery of our services and seeks to promote and support healthy living through internal health improvement initiatives, occupational health advice, and by working with the individual employee as a collaborative process to identify and meet their physical and mental well-being needs at work.

This policy advises the Council's People Managers and employees on the appropriate procedure for the management of absence from work due to ill health and refers to both short term and long-term absences.

The Council ensures this is a fair, equitable and transparent policy, with the needs of employees at heart. This policy is fully compliant with equality and diversity, making sure care and consideration is given to the needs of our employees, whilst balancing these with the needs of the Council's business.

<b>Policy</b>	Absence and Sickness Management Policy and Procedure
<b>Policy Author</b>	HR Team - PSPS
<b>Policy Issue date</b>	February 2024
<b>Policy Review date</b>	February 2028, or earlier if required
<b>Policy Consultation</b>	Trade Unions recognised by the Council Council Reader Panel Senior Leadership Team
<b>Policy Sign-off</b>	Head of Paid Service / SHDC Council

# Absence and Sickness Management Policy and Procedure

## Introduction

The ill-health of an employee, whether mental, physical or both, resulting in absence from work, not only has a significant impact on the person who is unwell, but also has a major impact on the operating capability of the Council. It is envisaged that the Council's Managing Sickness Absence policy and procedure will assist employees to achieve their full potential in the workplace and contribute to the achievement of the Council's strategic objectives for the communities that are served.

The Council wishes to create and support a healthy and efficient working environment, not only through its obligations to comply with employment legislation, but also through a caring and rehabilitative approach towards sickness absence management.

People Managers in the Council have a critical role in the effective management of sickness absence and its impact upon work performance and service levels. It is important that all People Managers, supported by the Council and the HR team at PSPS, are enabled to acquire the skills and training needed to conduct relevant absence management processes in a competent and caring manner.

The Council is committed to providing an approach to managing Sickness Absence that ensures no employee is treated less favourably due to a protected characteristic as defined under the Equality Act (2010). Where a sickness absence is caused by an underlying medical condition that is defined as a disability under the terms of the Equality Act (2010), the Council will formally consider all possible reasonable adjustments.

## Aim

This policy aims to strike a balance between:

- The pursuit of the Council's operational needs, and
- The genuine need of employees to take time off work due to ill health.

In supporting employees with health issues, we comply with the Equality Act 2010.

## Scope

The Policy applies to all employees of the Council who are absent from work through ill health including those employed on fixed-term contracts, following the successful completion of the probationary period, whether the type of sickness absence is short-term or long-term. It does not apply to agency workers, self-employed contractors, or consultants.

To ensure disabled and pregnant employees are supported appropriately under the Managing Sickness

Absence policy: disability and pregnancy-related absences will be recorded separately and not used to contribute to the Sickness Absence Triggers as set out in this policy.

Absence during a probation period will be dealt with under the Council's probation policy and therefore falls outside the scope of this policy. The policy does not cover Maternity Leave; Paternity Leave; Adoption Leave; Shared Parental Leave; Time off Work; Annual Leave. Policies regarding these types of absence from work can be found in the Corporate Library on First4HR and advice on this policy and the policies above are available from the HR team at PSPS.

## Managing Sick Absence Policy and Procedure

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## 1. Guiding Principles

The following principles govern the Council's Managing Sickness Absence policy and procedure which are:

- **fairness** - actions should be reasonable, necessary, known and understood. Employees involved are entitled to be heard with courtesy and respect.
- **confidentiality** - information relating to sickness absence should not be divulged to a third party not involved in the process.
- **equality** - the Council will not discriminate unfairly or illegally, directly, or indirectly.

## 2. Responsibilities under this Policy – The Council

**2.1** The Council's duty of care to all employees will be at the centre of this policy and will treat employees who are absent due to a medical condition, sympathetically and supportively.

**2.2** The recording and monitoring procedures used in the management of sickness absence will be applied in a fair and consistent manner.

**2.3** The Council will continue its commitment to creating and maintaining a positive and healthy workplace environment.

**2.4** The Council will continue to develop further the extensive portfolio of proactive support service provisions available to its employees which currently include:

- Access to a free confidential 24/7 Employee Assistance Programme (EAP) that provides a range of advice and support services to employees including counselling.
- Qualified Occupational Health professional provision.
- Ongoing programme of employee initiatives to support employees of the Council's Health and Wellbeing, both physical and mental.

## 3. Responsibilities under this Policy – Employees

**3.1** All employees of the Council should make sure that they are aware of the absence notification procedures and comply with them in a timely manner.

**3.2** The employee should keep in daily contact with their People Manager during their first week of absence.

**3.3** Regular contact should continue as per an agreed communication plan for any absence beyond this period of absence due to ill-health.

**3.4** If it is not reasonably practicable for the employee to make personal contact with their People Manager for example if the employee has been admitted to hospital, then an employee's family member or close friend should contact their manager for them on the first day of absence by the quickest means possible.

- 3.5 In cases where the absence is longer than expected then the employee should contact their People Manager by telephone on a regular basis explaining the reason for absence, how long it is likely to last, and when they plan to come back to work. This will help the People Manager plan the operational needs of the business. The frequency and time of contact should be mutually agreed upon.
- 3.6 During any period of sickness absence, employees should make every effort to focus on getting better and speed up their recovery.
- 3.7 Employees are required to submit a Statement of Fitness for Work ('Fit Note') issued by a GP or other medical professional to their People Manager for any absence that lasts more than seven calendar days, which includes non-working days and weekends.
- 3.8 The Council recognises its obligations under the Equality Act (2010) for those employees with either a disability or an underlying health condition that would constitute a disability under the Equality Act (2010) and those in relation to pregnancy.
- 3.9 Absences arising from these protected characteristics will be recorded separately from general sickness absences and will not count towards the Sickness Absence Triggers within this Policy.
- 3.10 Where an employee is absent from work because of an accident in the workplace, the employee will be paid (inclusive of statutory benefits) in line with their contractual entitlement.
- 3.11 Where an employee experiences prolonged, persistent short-term absence through illness or injury, and where medical evidence shows that the employee is unable to fulfil their duties within a reasonable time or on a consistent basis, it may be necessary for the Council to consider termination of employment. In such cases, there will be a clear process as set out in the short-term absence section of the policy and will be managed sympathetically and supportively.
- 3.12 Employees are responsible for their general health and are expected to take steps to minimise unnecessary absence from work due to ill health and should avoid prolonging or aggravating an episode by either remaining at work or returning too soon.
- 3.13 If an employee is struggling to undertake duties due to an illness, then they should speak to their People Manager to arrange a referral to Occupational Health.

#### **4. Responsibilities under this Policy – People Managers**

- 4.1 People Managers are responsible for fairly and consistently applying the Managing Sickness Absence Policy and its procedure.
- 4.2 All People Managers have a responsibility to manage an employee who is absent from work due to sickness proactively and sensitively.
- 4.3 In applying the Managing Sickness Absence policy and procedure, decisions about an employee who is absent from work due to ill health may only be made by Managers based on information obtained through meetings with the employee, absence data, and advice from the PSPS HR team and Occupational Health advisors.
- 4.4 People Managers are required to ensure that all sickness absence is recorded accurately on First4HR from the first day of absence.

- 4.5 People Managers are required to conduct a return-to-work interview upon an employee's return to work after every period of sickness absence. A record of the meeting should be made by the People Manager on First4HR.
- 4.6 People Managers have responsibility for undertaking appropriate training to allow them to deal with managing Sickness Absence and return to work issues effectively and consistently.
- 4.7 People Managers have a responsibility to maintain regular dialogue with an employee who is absent whether it is a long-term absence or a series of short-term absences. Dialogue with the employee may include such issues as the management of workload, the need to refrain from activities likely to exacerbate or prolong recovery, for example, carrying out business on behalf of the Council whilst on sick leave or checking work emails.
- 4.8 In cases where there is a particular concern about the nature of the employee's sickness absence, or if it is an illness of a complex nature or involves a protected characteristic under the Equality Act (2010), People Managers should seek advice from the PSPS HR team.
- 4.9 People Managers are required, as far as possible, to manage the consequences of an employee's sickness absence to minimise the effects on performance, service levels and the workload of colleagues whilst the employee is absent from work.
- 4.10 People Managers are responsible for the initial investigation of cases where it is felt that abuse of the Council's sick pay arrangements may have taken place and, in consultation with Human Resources, initiating the appropriate procedures to deal with the abuse.

## **5. Responsibilities under this Policy – PSPS Human Resources Team.**

- 5.1 The PSPS HR Team is responsible for providing advice, guidance and support to People Managers and employees on the application of this 'Managing Sickness Absence' policy.
- 5.2 The PSPS HR Team is responsible for monitoring and reviewing the effectiveness of the Managing Sickness Absence policy and procedure.
- 5.3 The PSPS HR Team is responsible for providing training in the management responsibilities required under this policy.
- 5.4 The PSPS HR Team is responsible for the provision of reports on absence information and other associated people management information to the Council on a monthly basis.
- 5.5 The PSPS HR Team advises employees and Managers on ill-health retirement or termination on the grounds of ill health where appropriate.
- 5.6 The PSPS HR Team act as a liaison between the Council and occupational health provider.

## **6. Responsibilities under this Policy – Occupational Health**

- 6.1 The role of the external Occupational Health Advisory service is to provide professional occupational health information and advice, in support of the effective management of sickness absence to the Council's People Managers and the HR team at PSPS, as follows:
  - o advising whether there is a medical condition affecting attendance or work performance.
  - o advising on the potential impact of such a medical condition and on the employee's ability to perform their duties.

- where appropriate, and with the consent of the employee, liaising with the GP/Clinician responsible for the medical care of the employee (under the Access to Medical Records Act 1988, the Council's employee has the right to obtain access to the GP/Clinician's report before it is forwarded to Occupational Health)
- advising on a likely date for return to work.
- what temporary or permanent adjustments to the job would enable the employee to function safely and effectively despite the health condition
- suggesting types of suitable alternative work if an employee will be unable to return to their own job.
- providing advice on an appropriate process for a successful rehabilitation back to work after a long-term absence from work.
- advising whether work has had an adverse effect on the health of employees and how this can be prevented from happening in the future.

## 7. Interaction with other Council policies

The arrangements set out in this policy and procedure relate to managing sickness absence affecting the ability of an employee of the Council to carry out their contractual duties and should be distinguished from any unauthorised absence from work, which is an issue of potential misconduct and may fall within the scope of the Council's Disciplinary policy and procedure. Advice and guidance on such a situation are available from the HR Team at PSPS.

## 8. Medical Appointments

Wherever possible, employees should make medical/dental appointments outside of their normal working hours. However, where this is not practical, appointments must be made to cause minimal disruption to the working day, i.e., lunchtime, early, late.

### 8.1 Hospital/Consultant/Specialist Clinic

Appointments are considered authorised absence and time off will be paid; Team Leaders will use their discretion to how much time is allowed and if unsure, seek advice from an HR Business Partner (HRBP). Employees should provide their Team Leader with proof of their appointment when requesting time off to attend appointments.

### 8.2 Operations and Recovery Periods

Operations are considered as authorised time off and will be paid. Managers/Team Leaders should provide the necessary support to the employee during this period of absence and agree on an appropriate means/delegated person of contact. The manager/Team Leader should work collaboratively with HR, Occupational Health, and the employee's specialist to ensure a safe and appropriate return to work.

### 8.3 IVF Treatment

Time off to undertake IVF treatment is considered authorised absence and time off will be paid; Team Leaders will use their discretion to how much time is allowed and if unsure, seek advice from an HR. If employees are undertaking IVF treatment, they should provide their People Manager with proof of the

appointment for treatment. If an employee is unwell and not able to work as a result of the IVF treatment it should be recorded as sickness absence

#### **8.4 Gender reassignment**

Time off for these purposes will be treated no less favourably than time off for illness or other medical appointments.

### **9. The Council's Sick Pay Scheme**

Please see the Council's sick pay entitlement as set out in the attached summary in Appendix One of this policy.

### **10. Statement of Fitness for Work – known as the “Fit note”**

A 'Fit Note' describes the medical reason for an employee's absence and whether the doctor thinks an employee is *'not fit for work'* or *'may be fit for work'* if the employer takes into account some recommendations for temporary adjustments at work, for example:

- a phased return to work
- altered hours
- amended duties
- workplace adaptations

This allows maximum flexibility to discuss possible changes to help support a return to work.

Where it is not possible for the Council to implement the recommendations from the 'Fit Note', then this document should be treated as if the 'Fit Note' advised that the employee is 'not fit for work' and they should remain absent.

### **11. Sickness Absence and Annual Leave**

If an employee is sick whilst on 'Annual Leave' then the 'Annual Leave' can be 'retaken' at a later date on the condition that medical evidence is provided. This will include medical evidence, e.g., medical certificate details of treatment and, if relevant, a copy of any insurance policy claim.

To be able to 'reclassify leave' the employee must be able to show that they would not have been fit for work had they not been on Annual Leave. Wherever reasonable and practicable the Council still requires its notification procedures to be followed. In circumstances where an employee is sick before starting Annual Leave, and they wish to use the entitlement at another time, then they should inform their People Manager at the earliest opportunity.

The request to cancel a period of booked Annual Leave must be supported by a Medical Certificate. The People Manager should discuss the request and inform the employee accordingly seeking advice from the HR Team at PSPS where appropriate.

Where an employee has been on long term sickness absence and has been unable to use their Annual Leave entitlement by the end of the Annual Leave year, the employee may wish to carry over leave not taken due to the sickness absence.



The employee should discuss this with their People Manager on an individual basis. It is the People Manager's responsibility to ensure that the opportunity to take accrued but untaken Annual Leave is provided.

Upon termination of employment with the Council, it is expected that any outstanding annual leave entitlement will be paid as a part of the termination/end of the contract.

## 12. Sickness Absence Reporting and Recording

Regular and punctual attendance at work is essential. If an employee is absent, the employee must contact their line manager or alternative designated contact. All employees must follow the Council's procedure:

- Employees must report sickness absence to their line manager on the first day of absence. This must be actioned as early as possible and within one hour of the employee's start time. Employees may have other local arrangements that are in place.
- Employees must make personal contact by telephone. Text or email, or another form of messaging, are not acceptable unless in exceptional circumstances.
- If an employee is unable to speak to their line manager, leave a message and a contact phone number. Ask for someone to pass it on to line manager as soon as possible. Employee should expect and be available to receive a return phone call.
- There may be times when employees are unable to contact their line manager personally. For example, on admittance to hospital. The person who contacts the manager on the employee's behalf must leave a contact name and number.
- If an employee fails to make contact to report an absence, the line manager will contact the employee. The employee must have a justifiable reason for failing to make contact. If not, the line manager may record the employee's absence as unauthorised. They may refer the employee to the Council's disciplinary policy.
- If an employee is going to be absent from work, the employee should tell their manager:
  - when the illness started
  - the broad nature of the illness (for example, migraine, chest infection etc)
  - if the illness work-related
  - if the employee is seeking medical attention
  - the likely date of return, if known
- The Line manager will advise the employee how and when the employee is to make contact again. The employee must update them on their absence and the expected return to work date.
- The employee must get a 'fit note' from their doctor and give this to the line manager on the eighth day of absence.
- The employee must keep line managers advised of their health and progress towards returning to work. If the employee is not returning to work, they must send their manager a new 'fit note' upon expiry of the current one.
- An employee may return to work early, before the expiry of a 'fit note'. If a doctor indicates that the employee may be fit to work with adjustments, the employee must contact the line manager. The Line manager may not agree to an early return if they cannot provide the support needed.
- If a 'fit note' states that the employee is not fit to return to work, the employee cannot return early.

People Managers will keep in touch with employees when they are not fit for work. This includes a chronic health condition, progressive illness or disability. People Managers will contact employees as early as possible and will maintain regular contact through the absence.

Where an employee attends work and subsequently is unable to continue to work due to sickness then this will be logged on First4HR in accordance with the following:

- Where an employee attends work for a period of less than 4 hours and is unable to continue due to sickness, then the time taken will be logged as 1 day of sickness absence.
- Where an employee attends work for a period of 4 hours or more and is unable to continue due to sickness, then the time taken will be logged as 1/2 a day of sickness absence.

### 13. Return to Work Meetings

Return to work meetings must be conducted by People Managers following every period of sickness absence. The immediate People Manager should arrange a meeting with the employee on their first day back, or as soon as possible afterwards.

If an employee feels that they are unable to discuss the reasons for their absence with their People Manager, then they should contact the PSPS HR Team via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk)

The purpose of the return-to-work meeting is:

- To give the People Manager the opportunity to check that the employee is fit to return to work.
- To allow the People Manager to fully understand the reason for the employee's absence.
- To allow the employee to voice any concerns they may have, and to identify any domestic, welfare or work-related concerns that may affect their return to work.
- To allow the People Manager to raise awareness about the available services and support provision available to employees, e.g., Employee Assistance Programme (EAP) and Occupational Health.
- Where appropriate to discuss the need for a referral to Occupational Health.
- To discuss where appropriate an agreed return to work programme, including phasing, where deemed necessary.
- To allow the People Manager to update the employee on events that may have occurred during their absence.
- To ensure that the employee is aware of the 'Managing Sickness Absence' Policy.
- To inform the employee of the number of absences recorded and about the 'Sickness Absence Triggers'
- To notify the employee of how their absence will be managed and about the 'Managing Sickness Absence Policy'.
- A record of the return-to-work meeting will be made by the People Manager on the return-to-work pro-forma which is available in the employee's absence management record on First4HR.

## 14. Short-term and Long-term Sick Absence Trigger Points

### 14.1 Short Term Sickness Absence Triggers are:

- three occasions of sickness absence within a rolling 12-month period.
- seven calendar days within a rolling 12-month period.
- a pattern of absence causing concern, for example:
  - regular Fridays or Mondays
  - absences regularly occurring on a particular day
  - pre or post annual leave
  - school holidays
  - public holidays
  - payday

Trigger points for employees working fewer than five days in a week will be pro-rata. The number of days will be pro-rata, but not the number of occasions.

If an employee holds an annualised hour's contract, line managers will apply the nominal working week. They will make adjustments during the year if needed.

### 14.2 Long Term Sickness Absence Trigger:

- A period of long-term sickness absence that has lasted or is expected to last, four weeks or more.

### 14.3 Managers' Discretion on Trigger Points

When reviewing absences against the trigger points it may be necessary in exceptional circumstances for managers to use their discretion on what the trigger points are. This particularly applies when an employee has an underlying medical condition that is covered under the Equality Act 2010 and advice is usually obtained from OH.

If management wish to apply discretion to change an employee's trigger point, then this should only be applied in exceptional circumstances. Following advice from HR, the manager must be able to justify, discuss, and record the reasons for this decision.

Any extensions to the trigger points as a reasonable adjustment resulting from OH advice should be regularly reviewed by the People Manager with advice from the PSPS HR Team.

## 15. Managing Sickness Absence Procedure

People Managers will support employees through the short-term and long-term absence management stages when absences levels cause a sickness absence trigger to be met. Employees will attend meetings with their People Manager under the different stages of the procedure.

For a short-term absence trigger, People Managers will refer employees to the sickness absence procedure. There can be circumstances when this may not apply but People Managers should seek the advice of HR in these circumstances.

For a long-term sickness trigger, managers will review the information first. There can be circumstances when this may not apply but People Managers should seek the advice of HR in these circumstances, for example, it may be more appropriate to support employees on long-term sickness absence due to serious illness (such as cancer treatment) with informal wellbeing meetings instead of invoking the formal procedure straight away. If the People Manager does not invoke the procedure straight away, they will still maintain contact with the employee, update the employee on arrangements and confirm it may need to be invoked in the future.

In the procedure, there are opportunities to attend informal and formal meetings.

### **15.1 Informal Meetings**

Attendance at an informal meeting will only be required of the employee and their People Manager.

### **15.2 Formal Meetings**

Attendance at a formal meeting will include the employee, a People Manager who will lead the meeting, HR support (Advisor and note taker which, in some cases, both duties may be carried out by one HR representative) and should the employee wish to be accompanied, an employee companion.

An employee companion can be either of the following:

- A work colleague
- A trade union representative
- An official employed by a trade union

No other companions will be permitted to attend absence management meetings. On the grounds of a disability, People Managers may make reasonable adjustments for an alternative companion to attend (e.g., a family member). However, this must be discussed and agreed in advance of the meeting.

Employees must confirm their chosen companion's attendance a minimum of 24 hours before the meeting. Employees can request to re-schedule a meeting if they, or their companion, cannot attend. The re-scheduled meeting will ordinarily take place in the next five working days. Employees must not fail to attend the re-arranged meeting without justification. People Managers can consider the employees case in the absence of the employee based upon an employee's written submission.

People Managers will support employees through this process and be understanding and sympathetic. People Managers will document all actions in this procedure. They will include reasons for taking or not taking action, such as:

- a referral to occupational health for an assessment
- signposting an employee to the employee support and counselling service
- implementing of reasonable adjustments

### **15.3 12-months' live' monitoring period**

If absences improve to the required level, People Managers may take no further action and encourage employees to sustain this. Employees will enter a 12-month 'live' monitoring period, starting when the review period ends.

People Managers will review absence records if:

- employees have further absences within 12 months, and
- on a 12-month rolling basis, absences hit a trigger point

People Managers will decide whether:

- employees re-join the procedure at the stage they were at when the action ceased
- to apply a further review period

#### **15.4 Escalation to Long Term Stage 3 Hearing**

Occupational health may advise that employees are:

- eligible for permanent ill-health retirement
- unfit to return to their post for a prolonged period due to an underlying health condition
- not suitable for redeployment

In such cases, People Managers may escalate to a Stage 3 hearing without the need for a Stage 1 or 2 meeting. They must get advice from HR before considering this.

## **16. Stage 1 - Managing Short Term Absence**

When a People Manager identifies that an employee's absence levels have met a short-term trigger, they will need to begin the Managing Short Term Absence process and create a case for their employee in the Employee Relations section of First4HR.

### **16.1 Invite to Stage 1 –Short Term Sickness Absence Meeting**

Where an employee's absence through sickness becomes a cause for concern i.e., absence levels have met the short term 'Sickness Absence Trigger' then the People Manager should invite the employee to a Stage 1 –meeting.

Where a 'Stage 1 –Short Term Sickness Absence Meeting' is to be held, the People Manager will notify the employee of the details of meeting; normally giving 5 working days' notice and setting out the reason for the meeting [see appendix 2].

If the employee fails to respond or cooperate, the People Manager may arrange the meeting without the employee's agreement.

### **16.2 Conducting the Stage 1 – Short Term Sickness Absence Review Meeting**

At the meeting the People Manager will sympathetically discuss with the employee the reasons for their absence and advise them that their level of attendance is a cause for concern. The People Manager will review with the employee previous absences where they have contributed to meeting the Sickness Absence Trigger.

The People Manager should also discuss any issues that might be affecting the employee's attendance e.g., personal, family, or work-related issues, being sensitive to only encourage the employee to disclose what is suitable.

During the meeting it may be appropriate to discuss with the employee referring them to an Occupational Health Advisor.

During the meeting the employee should be reminded that any failure to improve attendance at work could lead to further progression through the stages of this procedure due to their unsustainable level of absence from work due to ill health and may ultimately lead to dismissal from employment with the Council.

### **16.3 Outcome of the Stage 1 –Short Term Sickness Absence Meeting**

There are two potential outcomes following this stage of the procedure. They are:

- **No Further Action**

Where no further action is taken, the People Manager must be content that there are no concerns over the employee's absence levels, for example, there are extenuating reasons for the absences. The People Manager will discuss this outcome with the employee at the meeting and the employee will be provided with the details of the meeting and the outcome in writing within 5 working days [see appendix 3].

- **A Review Period**

Where the employee's pattern of absence is such that a review period is required then the People Manager should discuss this with the employee and notify them of the duration of the review period. A review period would usually be 3 months; however, the length will be decided on a case-by-case basis.

The People Manager will discuss this outcome with the employee at the meeting and the employee will be provided with the details of the meeting and the outcome in writing within 5 working days [see appendix 3].

This will include details of any further support, actions required with an agreed action plan, the length of the monitoring period and how progress will be monitored during the review period, along with any reasonable adjustments that are to be made and any further assistance that is available to assist the employee to improve the attendance level at work to meet expectations of their contractual obligations to the Council.

At the end of the review period, where the People Manager is satisfied with the sickness absence record and the reason for absence then the employee should be notified that the matter will not progress to Stage 2.

At the end of the review period, where the People Manager has reviewed the employee's attendance and this is considered to be unsatisfactory due to further absence(s) during the set period, the People Manager may decide to extend the review period or progress the employee to Stage 2. If further sickness absence occurs in an extension period, the People Manager may decide to progress the employee to stage 2.

## 17. Stage 2 – Managing Short Term Absence

### 17.1 Invite to Stage 2 – Formal Short Term Sickness Absence Meeting

The Stage 2 – formal meeting will be scheduled when the stage 1 review period has been deemed unsatisfactory. Where a 'Stage 2 – Formal Short Term Sickness Absence Meeting' is to be held, the People Manager will notify the employee in writing of the details of the meeting; normally giving 5 working days' notice and set out the reason for the meeting.

At the meeting the employee is permitted to be accompanied and the arrangements and attendance of meeting will be in accordance with the formal meeting arrangements in section 15.2 of this policy.

### 17.2 Conducting the Stage 2 – Formal Short Term Sickness Absence Meeting

At the meeting the People Manager will discuss the employee's level of absence during the Review Period.

The People Manager should also discuss any issues that might be affecting the employee's attendance e.g., personal, family, or work-related issues, being sensitive to only encourage the employee to disclose what is suitable.

During the meeting it may be appropriate to discuss with the employee referring them to an Occupational Health Advisor.

During the meeting the employee should be reminded that any failure to improve attendance at work could lead to further progression through the stages of this procedure due to their unsustainable level of absence from work due to ill health and may ultimately lead to dismissal from employment with the Council.

### 17.3 Outcome of the Stage 2 – Formal Short Term Sickness Absence Meeting

There are two potential outcomes following this stage of the procedure. They are:

- **No Further Action**

Where no further action is taken, the People Manager must be content that there are no concerns over the employee's absence levels, for example, there are extenuating reasons for the absences. The People Manager will discuss this outcome with the employee at the meeting and the employee will be provided with the details of the meeting and the outcome in writing within 5 working days.

- **A Review Period**

Where the employee's pattern of absence is such that a review period is required then the People Manager should discuss this with the employee and notify them of the duration of the review period. A review period would usually be 3 months; however, the length will be decided on a case-by-case basis.

The People Manager will discuss this outcome with the employee at the meeting and the employee will be provided with the details of the meeting and the outcome in writing within 5 working days.

This will include details of any further support, actions required with an agreed action plan, the length of the monitoring period and how progress will be monitored during the review period, along with any reasonable adjustments that are to be made and any further assistance that is available to assist the

employee to improve the attendance level at work to meet expectations of their contractual obligations to the Council.

At the end of the review period, where the People Manager is satisfied with the sickness absence record and the reason for absence then the employee should be notified that the matter will not progress to Stage 3.

At the end of the review period, where the People Manager has reviewed the employee's attendance and this is considered to be unsatisfactory due to further absence(s) during the set period, the People Manager may decide to extend the review period or progress the employee to Stage 3. If further sickness absence occurs in an extension period, the People Manager may decide to progress the employee to stage 3.

The employee should be notified by the People Manager in writing of the date of the 'Stage 3 – Formal Short Term Sickness Absence Meeting'.

## **18. Stage 3 – Managing Short Term Absence**

### **18.1 Invite to Stage 3 – Short Term Sickness Absence Hearing**

The Stage 3 hearing will be scheduled when the stage 2 formal review period has been deemed unsatisfactory. Where a 'Stage 3 – Short Term Sickness Absence Hearing' is to be held, the employee will be notified in writing of the details of the hearing; normally giving 5 working days' notice and the reason for the hearing.

The Stage 3 hearing will be chaired by a senior manager with the authority to dismiss. The People Manager that supported stages 1 and 2 of the procedure will also attend the hearing to provide details of the support provided to the employee, details of previous discussions/meetings and the details of actions taken during the process.

At the meeting the employee is permitted to be accompanied and the arrangements and attendance of meeting will be in accordance with the formal meeting arrangements in section 15.2 of this policy.

### **18.2 Conducting the Stage 3 – Short Term Sickness Absence Hearing**

At the hearing the chair will discuss the employee's level of absence during the process to date. The chair of the meeting will consider:

- all the facts concerning the absence record
- actions taken to date to improve these levels
- any information the employee submits
- any relevant and up-to-date advice from occupational health or other medical advisers

The chair will consider all reasonable steps in managing the absence. Only then will they start the processes to dismiss. These could include:

- consulting with the employee
- seeking medical advice
- considering redeployment



If during this process an employee is unable to demonstrate a clear and sustained improvement in their attendance, then the chair should discuss with the employee the issues that have already been raised and that their level of absenteeism is no longer sustainable.

### **18.3 Outcome of the Stage 3 – Short Term Sickness Absence Hearing**

The chair should confirm the outcome of the 'Stage 3 – Formal Short Term Sickness Absence Meeting' in writing, to the employee; within 5 days of the meeting.

Possible outcomes of the Stage 3 Short Term Absence Hearing are:

- a further review period, usually for two months but no more than four
- reasonable adjustments with a further review period
- redeployment
- dismissal

If the outcome is a Dismissal, an appeal against the outcome must be submitted in writing to the Head of HR and Organisational Development, within 10 working days from the receipt of the outcome letter.

Ill Health Retirement (IHR) would not usually be an outcome of a Stage 3 Short Term Absence Hearing due to the nature of short-term absences. However, the council may consider IHR as an outcome of a Stage 3 Short Term Absence Hearing in exceptional circumstances if this is a recommendation from Occupational Health.

## **19. Stage 1 – Managing Long Term Absence**

A single period of sickness absence that lasts more than four weeks is normally considered to be a period of long-term sickness absence.

It is the People Manager's responsibility to maintain regular contact with an employee throughout the entire period of absence, to understand the nature and progress of the absence, and to provide the appropriate support, information, and advice where necessary.

During periods of long-term absence, employees should, if appropriate, be kept informed of any key issues or developments within their service area

If the employee is absent for several periods of long-term absence (whether for the same reason or not) consideration needs to be given to the services' ability to sustain the level of non-attendance.

### **19.1 Invite to Stage 1 – Formal Long Term Sickness Absence Meeting**

If an employee has been absent from work for 4 weeks and it is clear that the employee is unlikely to return to work within a reasonable period of time, then the People Manager should invite the employee to a 'Stage 1 – Formal Long Term Sickness Absence Meeting' to discuss the nature of their absence.

At the meeting the employee is permitted to be accompanied and the arrangements and attendance of meeting will be in accordance with the formal meeting arrangements in section 15.2 of this policy.

### **19.2 Conducting the Stage 1 – Formal Long Term Sickness Absence Meeting**

During the 'Stage 1 – Formal Long Term Sickness Absence Meeting' it may be appropriate to discuss with the employee referring them to Occupational Health.

The focus of the 'Stage 1 – Formal Long Term Sickness Absence Meeting' should be on the wellbeing of the employee and should be conducted in a sensitive, sympathetic, and supportive way.

Depending on the nature of the illness it may be appropriate to visit the employee at a mutually convenient meeting place.

Where the employee is likely to return to the same job in the near future then the People Manager should discuss with the employee whether they will require any particular support or reasonable adjustments to assist in their return.

Reasonable adjustments may include:

- phased return to work
- the use of ergonomic equipment
- a change in working hours or the pattern of work

If the prognosis of the employee returning to work is uncertain and it is not possible to take a firm decision on the future position, it may be necessary to continue to monitor the absence and invite the employee to 'Stage 2 – Formal Long Term Sickness Absence Meetings'

### **19.3 Outcome of the Stage 1 – Formal Long Term Sickness Absence Meeting**

Following the 'Stage 1 – Formal Long Term Sickness Absence Meeting' the People Manager should write to the employee within 5 working days confirming what was discussed and what measures will be put in place to enable the employee to return to work. Any phased return, adjustments or measures should be continually reviewed, and the people manager should have a regular communication plan with the employee during the employee's return to work.

Where the employee is unable to return to work the letter should set out the date of the 'Stage 2 – Formal Long Term Sickness Absence Meeting'.

## **20. Stage 2 – Managing Long Term Absence**

### **20.1 Invite to a Stage 2 – Formal Long Term Sickness Absence Meeting**

Where, following the 'Stage 1 – Formal Long Term Sickness Absence Meeting' the employee is unable to return to work then the People Manager should invite the employee to regular 'Stage 2 – Formal Long Term Sickness Absence Meetings' usually every 4-6 weeks.

At the meeting the employee is permitted to be accompanied and the arrangements and attendance of meeting will be in accordance with the formal meeting arrangements in section 15.2 of this policy.

Up to date medical advice should be sorted from the employee and/or Occupational Health where appropriate.

In these circumstances it continues to be the responsibility of the People Manager to maintain regular contact with the employee.

### **20.2 Conducting a Stage 2 – Formal Long Term Sickness Absence Meeting**

The focus of the 'Stage 2 – Formal Long Term Sickness Absence Meetings' is on the wellbeing of the employee and should be conducted in a sensitive, sympathetic and supportive way.

Depending on the nature of the illness it may be appropriate to visit the employee at a mutually convenient meeting place.

Where the employee is likely to return to the same job in the near future then the People Manager should discuss with the employee whether they will require any particular support or reasonable short-term adjustments to assist in their return.

Reasonable adjustments may include:

- phased return to work
- the use of ergonomic equipment
- a change in working hours or the pattern of work

If the prognosis of the employee returning to work is still uncertain and it is not possible to take a firm decision on the future position, it may be necessary to continue to monitor the absence and review the situation on a regular basis by inviting the employee to further 'Stage 2 – Formal Long Term Sickness Absence Meetings'

### **20.3 Outcome of the Stage 2 – Formal Long Term Sickness Absence Meeting**

Following each 'Stage 2 – Formal Long Term Sickness Absence Meetings' the People Manager should write to the employee confirming what was discussed and what measures will be put in place to enable the employee to return to work. Any phased return, adjustments or measures should be continually reviewed, and the people manager should have a regular communication plan with the employee during the employee's return to work.

## **21. Stage 3 – Managing Long Term Absence**

Where the employee's absence lasts 6 months or more and the prognosis is still unclear, appropriate timescales should be considered by the People Manager and a member of the HR Team to bring matters to a resolution.

### **21.1 Invite to a Stage 3 – Long Term Sickness Absence Hearing**

When a 'Stage 3 – Long Term Sickness Absence Hearing' is to be held, the employee will be notified in writing of the details of the hearing; normally giving 5 working days' notice and the reason for the hearing.

The Stage 3 hearing will be chaired by a senior manager with the authority to dismiss. The People Manager that supported stages 1 and 2 of the procedure will also attend the hearing to provide details of the support provided to the employee, details of previous discussions/meetings and the details of actions taken during the process.

At the meeting the employee is permitted to be accompanied and the arrangements and attendance of meeting will be in accordance with the formal meeting arrangements in section 15.2 of this policy.

### **21.2 Conducting the Stage 3 – Formal Long Term Sickness Absence Meeting**

During the 'Stage 3 – Formal Long Term Sickness Absence Meetings' the chair should discuss the employee's continued absence and the prospect of returning to work in the near future.

At the hearing the chair will discuss the employee's level of absence during the process to date. The chair of the meeting will consider:

- all the facts concerning the absence record

- actions taken to date to improve these levels
- any information the employee submits
- any relevant and up-to-date advice from occupational health or other medical advisers

The chair should also consider any reasonable adjustments or redeployment opportunities that may be available.

If following the 'Stage 3 – Formal Long Term Sickness Absence Meetings' the prognosis is still unclear, and the employee is not fit to carry out their role in the foreseeable future e.g., 3-6 months, it will be necessary to discuss this with the employee.

It may be appropriate to discuss the possibility of redeployment into a suitable alternative role, and, where necessary and appropriate, advice should be sought from Occupational Health.

Where such action is necessary, it will be conducted supportively, sympathetically and with full information and advice to help the employee to make an effective transition.

If there are no suitable opportunities for redeployment, or redeployment is unsuccessful, subject to consultation, it may be necessary for the People Manager and a member of the HR Team to consider ill-health retirement or termination of employment on the grounds of medical incapability.

### **21.3 Outcome of the Stage 3 – Formal Long Term Sickness Absence Meeting**

Following the 'Stage 3 – Formal Long Term Sickness Absence Meeting' the People Manager should write to the employee confirming the outcome.

The possible outcomes of a Stage 3 hearing are:

- A review period (usually for two months but no more than four) if the employee or medical evidence suggests there is a potential return to work date in the near future. *A further Stage 3 Hearing should be scheduled at the end of the review period in case the employee remains too unwell to return to work, a dismissal may be an outcome in this event.*
- reasonable adjustments with review period
- redeployment
- dismissal
- permanent ill-health (PIH) retirement

If the outcome is the Dismissal, an appeal against the decision must be submitted in writing to the Head of HR and Organisational Development at PSPS within 10 working days from the date of the outcome letter.

## **22. Occupational Health**

People Managers may want advice about employee's fitness for work from occupational health. This advice may be sought at various stages of managing sickness absence or health issues. If it is considered appropriate to refer an employee to Occupational Health, then the People Manager should make this referral through the HR & Payroll Services portal.

Employee's may be referred to occupational health:

- to seek advice when:
  - employees have a health concern or condition whilst continuing to work
  - employees are absent
  - there is the possibility of absence
- to establish when absent employees may be able to return to work
- to ask for guidance on supporting and managing an employee's condition in the workplace. For example, if it is possible that an employee has a disability or the employee is not clear about their ability to work
- to discuss any adjustments to help a return to work
- to discuss redeployment on medical grounds
- to discuss ill-health retirement

Upon receipt of the Occupational Health report, the People Manager will discuss the advisory report with the employee during a stage 1, 2 or 3 meeting. If an Occupational Health referral is undertaken when an employee is in work and not absent, depending on the content and advice contained in the report, the People Manager may invite the employee to an informal or formal 'Occupational Health Meeting'. The arrangements and attendance of these meetings will be in accordance with section 15.2 of this policy.

During the 'Occupational Health Absence Meeting' the People Manager should review any level of absence and discuss the Occupational Health report with the employee in order to seek their views.

The People Manager will discuss any advice and recommendations Occupational Health have provided to the employee and/or the employer. People Managers will discuss with the employee how they can implement any reasonable adjustments that Occupational Health have recommended. If any actions, adjustment or measures are agreed, the People Manager may implement a review period to monitor the impact and effectiveness. The People Manager may wish to meet with the employee at the end of the review period to discuss the actions, adjustments or measures.

### **22.1 Report from a medical practitioner**

Occupational health may request a report from an employee's doctor or consultant. They will seek the employee's permission first. They will inform the employee of their rights under the Access to Medical Reports Act 1988.

Employees have the right to access the report first. Employees must tell occupational health if they wish to do this so that they can inform the doctor or consultant.

People Managers can make decisions about an employee's employment without medical information, if:

- employees do not allow occupational health to contact their doctor or consultant, or
- employees do not allow occupational health to access their report

People Managers will inform employees if this is the case.

## 23. Appeal Procedure

An employee has the right to appeal against the outcome of dismissal under the formal short-term and formal long term sickness absence hearings.

An appeal can be submitted to the Head or HR & OD via [HR@pspsl.co.uk](mailto:HR@pspsl.co.uk) within 10 working days of receipt of the decision letter confirming the outcome.

The Appeal Hearing will normally be carried out as soon as practicable after receipt of the Appeal.

An appeal against the outcome will be heard by an Appeal Panel that has not previously been involved in the matter, comprising:

- usually, a more senior manager who will act as the Chair and decision-maker about the grounds of the Appeal.
- a representative from HR to provide advice and guidance to the Chair

The Appeal Panel will consider the findings and outcome from the formal stage Absence Meeting.

The purpose of the Appeal is not to reinvestigate the case but to establish the grounds for appeal and ensure:

- the original decision was reached in a procedurally correct way
- the action taken was reasonable
- ensure consideration of any new relevant evidence or mitigating circumstances that may not have been previously disclosed.

The Chair of the Appeal Panel will write to the employee notifying them of the time date of the Appeal. The arrangements and attendance of the meeting will be in accordance with the formal meeting as set out in section 15.2 of this policy.

The Chair of the Appeal Panel will send, without undue delay, copies of any written submissions and documentary evidence.

The Chair of the Appeal Panel will decide if the need to interview and put questions to the chair of the Stage 3 Hearing.

### 23.1 The Appeal Hearing

The purpose of the Appeal Hearing is for the Appeal Panel to listen to the employee's concerns and determine whether the outcome of the Absence Meeting was procedurally correct and to decide whether the outcome of the Absence Meeting was appropriate to the facts of the case.

The Appeal Hearing should proceed in a formal, polite, and respectful manner.

The members of the Appeal Panel may put questions to the employee.

The employee should present their final submission to the Appeal Panel.

The Appeal Panel will consider its decision in private.

The Chair will notify the outcome to the employee on behalf of the Panel, as soon as possible after the Appeal

## 23.2 Following the Appeal Hearing

Notification of the outcome of the Appeal Hearing will be sent to the employee's home address or personal email, after provision of written consent from the employee.

The decision of the Appeal Panel will also be conveyed to the employee's People Manager.

Where an appeal against an outcome is successful and the decision is not to terminate the employment, then reference to the action concerned will be removed from the employee's file and the employee will be notified accordingly in writing by the Chair of the Appeal Panel.

Where an appeal against an outcome is not successful, there will be no change in the level of action previously decided at the conclusion of the formal stage Absence Meeting and the formal Absence Management procedure will continue.

The employee who appealed will be notified as soon as possible in writing by the Chair of the Appeal Panel following the Appeal Hearing.

## Appendix 1

### South Holland District Council's (SHDC) Occupational Sick Pay Scheme

<b>SHDC</b>
Dependent on the length of service
Maximum of 6 months full and 6 months half pay
Full details are provided further down
As per Green Book

#### SHDC Sick Pay Entitlements

Continuous Service	Sick Pay Entitlement
During 1 <sup>st</sup> year of service	One month full pay and, after completing four months service, two months half pay
During 2 <sup>nd</sup> year of service	Two months full pay and two months half pay
During 3 <sup>rd</sup> year of service	Four months full pay and four months half pay
During 4 <sup>th</sup> year of service	Five months full pay and five months half pay
During 5 <sup>th</sup> year of service	Five months full pay and five months half pay
During the 6 <sup>th</sup> year of service, or more	Six months full pay and six months half pay

In the case of **full pay periods**, sick pay will be an amount which when added to Statutory Sick Pay (SSP) and Incapacity Benefit and Employment and Support Allowance or equivalent social security benefit receivable, will secure the equivalent of normal pay.

In the case of **half pay periods**, sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay (SSP) and Incapacity Benefit and Employment and Support Allowance or equivalent social security benefit receivable, so long as the total sum does not exceed normal pay.

Normal pay includes all earning that would be paid during a period of normal working, but excluding any payments not made on a regular basis.



## Appendix 2

The below wording can be used by People Managers to invite their team members to informal Stage 1 – Short Term Sickness absence meeting, as per section 16.1:

### Template

Dear [name],

I would like to invite you to a meeting under Stage 1 of the Council's Absence and Sickness Management Policy. A copy of the policy is attached, for your information.

Your recent period of absence on [Date/s] has caused you to meet the short-term trigger of:

*DELETE TRIGGERS AS APPROPRIATE – there may be more than one trigger applicable*

- three occasions of sickness absence within a rolling 12-month period
- seven calendar days within a rolling 12-month period
- a pattern of absence causing concern

The purpose of this meeting is to review the current levels of sickness absence in line with the policy and discuss with you how the Council can support your health & wellbeing and to improve your attendance at work.

The meeting will take place on:

Date:

Time:

Location:

I would like to take this opportunity to remind you of the Employee Assistance Programme (EAP) available to you, which is provided by Sodexo on behalf of Care First. The EAP service is a free confidential, counselling and support service and is available 24 hours a day, 7 days a week. You can access this service by contacting 0808 168 2143 or alternatively, by visiting their online platform, [www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk). If you do not already have login details to this benefits portal, please contact HR directly. Additionally, there is a library of Wellbeing resources available to you, which can be found in the First4HR document library.

Yours sincerely,

[Manager Name]

[Manager Job Title]