

**SORREL YOUTH CAFE
Sickness Absence Policy**

Policy History	
V1	Agreed Committee Meeting 28 Sept 10
Next Review	Sept 2011

SECTION 1

GENERAL PRINCIPLES AND GUIDELINES

1.1 Introduction

This document, the Charity's Sickness Absence Policy, provides the framework and formal guidelines within which managers and staff will address sickness absence. The policy applies to all staff and a copy will be supplied to new staff on commencement. The policy does not apply to absence resulting from accidents at work and entitlement to sick pay remains as set out in the terms and conditions of employment.

1.2 Aims and Objectives

The overall objective of this policy is to strike an effective balance between the Charity's service needs and the need for the employee to be given time to recover from illness. The policy aims:

- to ensure that short and long term sickness absence at the Charity are dealt with in accordance with best practice, relevant legislation and ACAS's Code of Practice
- to monitor the level of sickness absence at the individual, team and organisational levels
- to identify any action which the Charity can reasonably take to improve working conditions and promote the health, safety and welfare of staff
- depending on the circumstances of the case, the Charity and the employee to look at other practical and mutually agreeable alternatives to dismissal e.g. changing work load, work organisation or working environment, reviewing conditioned hours, and redeployment (if possible).

1.3 Management Responsibilities

1.3.1 Managers are required to treat all cases of staff absence due to illness in a fair, consistent and constructive manner. It will be the responsibility of each line manager to monitor the attendance record of all staff in their team.

1.3.2 When an employee returns to work from sickness absence she/he should be seen by their line manager. The object of this informal meeting will be for the line manager to:

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- welcome the employee back
- establish/confirm the reason for the employee's absence and ensure that a return to work form is completed . It should be made clear, that this discussion is not a preliminary stage in any disciplinary action but about the welfare of the employee.
- find out if the employee has a health problem and, if so, whether there is some support which it would be reasonable and practicable for the Association to provide. If the employee feels unable to discuss their health issue with the manager, she/he can talk to the Chairman who will keep the conversation confidential if the staff member desires.

1.3.3 Information relating to sickness and ill health is sensitive and unnecessary circulation can cause great distress. Managers must therefore take care to ensure that confidentiality is maintained in dealing with cases under this policy and must keep records in a secure, lockable, cabinet. This should be a separate cabinet for confidential personnel information.

1.3.4 In certain circumstances absence can result in dismissal. However, no employee will be dismissed on grounds of sickness absence without due warning and without the appropriate procedure in this document having been followed and implemented by management. In addition, in both frequent absence and long-term ill health cases, the Charity will, in consultation with the employee and their trade union or other representative, thoroughly explore all possible and appropriate alternatives to dismissal.

1.3.6 Where an employee experiences sickness absence as a result of a disability it will be recorded separately and treated in line with the Disability Discrimination Act 1995.

1.3.7 A disabled employee's absence may be related to their impairment rather than illness, e.g. they require a period of absence in order to manage their disability, absences for consultants' appointments, physiotherapy, hearing aid replacements, adjustment to new medication, to be fitted for a new wheelchair etc. In such cases where the absence is not related to ill health the employee will be given disability leave to manage their disability and will not be counted as sickness absence. Where this is not provided, the Charity would have to justify why they were not allowing this.

1.3.8 If an employee becomes disabled or their disability worsens, The Charity is under a duty to consider making reasonable adjustments if they become unable to carry out their job. This will include considering whether or not it is reasonable to make adjustments to working conditions or the workplace

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environment. It will also include considering whether it is reasonable to transfer the disabled person to another vacant post.

- 1.3.9 The Charity will allow a person who has become disabled more time off during work than would be allowed to non-disabled employees to enable them to have rehabilitation training. A similar adjustment would be appropriate if a disability worsens or if a disabled person needs occasional treatment.

1.4 Grievance and Discipline

Any employee who feels aggrieved at the way their sickness absence has been dealt with may invoke the Association's Grievance Procedure. Where an employee abuses the sickness regulations (e.g. not providing certificates, being absent without permission, refusing to comply with this policy, etc) it will be dealt with under the Disciplinary Procedure.

1.5 Notification Procedure

- 1.5.1 If you are prevented from reporting for duty due to illness or injury, you shall notify your line manager, or an appropriate officer of the Charity by 11:00 am on the first day of illness, giving the reason for your absence, and the likely date of your return to work.
- 1.5.2 In the event of the illness lasting seven calendar days or less, on the first day of returning to work you must complete and submit to your line manager a self-certification form.
- 1.5.3 After an absence of seven calendar days a medical certificate signed by your doctor is required to cover the eighth and subsequent days of illness.
- 1.5.4 In the case of frequent/persistent illness, or if the Charity is concerned about your absences, or is not satisfied with the reasons given, the Company may require you to produce a medical certificate when you are next absent from work, or seek a report from your GP and/or a second medical opinion as to the cause of the incapacity and prognosis. The Charity will meet all costs incurred.
- 1.5.5 Continue to send in consecutively dated medical certificates as necessary and keep their line manager (*or Chair*) informed on a regular basis.
- 1.5.6 If their GP provides a certificate stating that the employee 'may be fit for work taking account of advice' (such as a phased return to work, altered hours, amended duties, workplace adaptations) s/he should inform their line manager immediately. The manager shall discuss with the employee whether there are any additional measures that may be needed to facilitate their return to work, taking into account the GP's advice. This may take place

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at a return to work interview. If appropriate measures cannot be taken, the employee will remain on sick leave and a date will be set to review the situation.

1.6 Contacting Employees who are At Home on Sick Leave

Employees on short-term sickness who have followed the reporting procedure should not be contacted at home unless the line manager (*or Chair*) can demonstrate urgent or extraordinary circumstances justifying the contact.

1.7 Medical Reports

1.7.1 As appropriate with the agreement of the employee the Charity may seek a medical report from the employee's GP, Consultant and refer the employee for an independent medical assessment or to an occupational health unit (OHU).

1.7.2 If it is agreed that a medical report will be sought from the employee's GP, Consultant or OHU, written permission will be gained from the employee first. Employees have a right under the 'Access to Medical Reports Act 1988' to see their own medical reports before it is given to the employer and to query items in it.

1.7.3 Further to the receipt of the medical report, a meeting will be arranged between the line manager, employee and his or her representative. The purpose of this meeting is to discuss the response from the employee's GP, Consultant or OHU and for all parties to consider options available to the worker.

SECTION 2

FREQUENT ABSENCE

2. Introduction

Frequent absence refers to cases where an employee is frequently absent from work for relatively short periods due to sickness. Most employees will have some short-term sickness absence. However, it is essential that frequent absence is dealt with promptly and consistently and managers are responsible for deciding when to initiate action.

To provide a transparent way of dealing with recurrent short-term absence a series of intervention triggers are to be utilised as follows:

- 6 working days in 6 consecutive months
- 3 spells of absence in 3 consecutive months
- 12 working days in a consecutive 12 month period

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- Any pattern of absence more than twice in a year
- 4 separate absences lasting a working week or more within a 12 month period
- Where any unacceptable trend is identified (e.g. repeated absences linked to weekends or other breaks).

Note though that disability-related absence is excluded from sickness absence procedures, and dealt with separately through a disability leave procedure.

2.1 Seeking Solutions at the Informal Stage

- 2.1.1 The Charity believes that it is in everyone's interest for cases of frequent absence to be dealt with quickly and informally. Where a manager becomes concerned about an employee's level of sickness absence, every effort must be made to resolve the matter informally. The manager should raise any concerns during supervision meetings and have a two-way discussion with the employee. Both parties should discuss the matter positively, with a view to identifying the reasons for the absences, ways in which the situation might be improved and what, if anything, the Charity can do to support the employee.
- 2.1.2 The employee should make the manager aware of any relevant factors, such as whether the absence is related to an accident, disability, pregnancy or some medical condition and whether it is likely to be temporary, on-going or long term. The manager should look positively to see if there is anything that the Association can reasonably do to assist the employee. The manager should also make the employee aware that if the situation does not improve it might need to be dealt with under the formal process. If the employee has a health problem, which s/he feels unable to discuss with the manager, they should be referred to the Chair who will keep the conversation confidential if the staff member desires.
- 2.1.3 Where the situation does not improve and the manager assesses that formal action is required the matter will be raised at Stage 1 of the formal process. Where the sickness absence is clearly of a long-term nature, it should be dealt with under Section 3 below.
- 2.1.4 Where the absence is related to a disabled employee's impairment rather than illness, the employee will be given disability leave to manage their disability and this will not be counted as sickness absence (as stated under 1.3.6 above).
- 2.1.5 Pregnancy-related absences will not be dealt with through the formal procedures. The line manager will maintain contact with a worker who is absent with a pregnancy related illness and will provide return to work

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interview. Absence due to pregnancy-related illness may trigger the start of maternity leave if within four weeks of the expected week of childbirth (EWC).

2.2 STAGE 1: First Formal Meeting

2.2.1 In arranging this meeting the line manager should:-

- put the reason for the meeting in writing to the employee;
- arrange the meeting at a time that is convenient for both parties, including the employee's representative;
- give the employee at least five working days advance notice of the date, time and place of the meeting;
- inform the employee that the meeting will be attended by (*another worker/Management Committee member who can act as adviser on points of information and personnel procedure*);
- inform the employee that s/he may be accompanied at the meeting by a trade union or other work colleague

2.2.2 At the meeting, the employee will be given an opportunity to explain any circumstances, which might be contributing to their level of absence, or any other matter which they feel ought to be taken into account. The manager will consider the employee's submission and do the following:

(a) decide that no further action is necessary;

or

(b1) specify what, if any, assistance the Association can give the employee;

and

(b2) give the employee a specified review period (one to three months) during which the level of attendance should improve.

2.2.3 Within five working days of the meeting, the manager will make a written Record of the meeting and give a copy to the employee. If the employee disagrees with the written record s/he should, within a further five working days, write this down and give a copy to the line manager. Both documents will be placed on the employee's personnel file.

2.2.4 At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

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- (a) If there has been an improvement, no further action will be taken. After a further six months the Record will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this six months period the process will be dealt with as under 2.2.4 (b) below.
- (b) Where there has been no improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a Verbal Notice, progress the matter to Stage 2 and arrange a further formal meeting with the employee.

2.3 STAGE 2: Second Formal Meeting

2.3.1 In arranging this meeting the line manager should follow the procedure as set out in paragraphs 2.2.1- 2.2.3 above.

2.3.2 At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

a. If there has been an improvement, no further action will be taken. After a further six months the Record (see 2.2.3 above) and the Verbal Notice will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this six months period the process will be dealt with as under 2.3.2 (b) below.

(b) Where there has been no improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a First Written Warning, progress the matter to Stage 3 and arrange a further formal meeting with the employee.

2.4 STAGE 3: Third Formal Meeting

2.4.1 In arranging this meeting the line manager should follow the procedure as set out in paragraphs 2.2.1-2.2.3 above.

2.4.2 At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

(a) If there has been an improvement, no further action will be taken. After a further six months the Record, Verbal Notice (see 2.3.2(a) above) and the First Written Warning will be removed from the individual's file and destroyed.

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Should the employee's absence level deteriorate during this six months period the process will be dealt with as under 2.4.2(b) below.

(b) Where there has been no improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a Final Written Notice, progress the matter to Stage 4 and arrange a further formal meeting with the employee where the termination of the employee's contract of employment will be considered.

2.5 STAGE 4: Fourth Formal Meeting

2.5.1 The employee must be informed in writing of the purpose of the meeting and given at least five working days notice of its date, time and place. The meeting will be chaired by the Chairman and attended by the relevant line manager and by (*an appropriate other in an advisory capacity*). Where the Director (*or Chair*) is the line manager, the meeting will be attended by two members of the Management Committee, one of whom shall chair the meeting. The employee must be informed that s/he may be accompanied at the meeting by a trade union or work colleague

2.5.2 Prior to the meeting, management shall attempt to meet with the employee and her/his representative to explore practical and mutually agreeable alternatives to dismissal. The outcome will be reported to the Stage 4 meeting. At this meeting the line manager will present a historical record of the employee's attendance. The employee will have the right to submit any medical evidence and the Association will have the right to obtain a medical report from the employee's GP, Consultant or an occupational health unit (paid for by the Charity). The employee will be given the opportunity to explain the reasons for her/his absence and any mitigating circumstances. The Chair will consider the case carefully and will decide whether or not the employee's employment contract should be terminated on the grounds of incapability due to ill health or poor attendance. The Chair will inform the parties of the decision and confirm it in writing to all relevant parties within five working days.

2.5.3 If it is decided to terminate the employee's contract, the Chair must inform the employee at the meeting of her/his right of appeal against dismissal in accordance with paragraph 4.3 below. The employee will have ten working days from the date of being informed in which to make an appeal.

SECTION 3

LONG TERM SICKNESS ABSENCE

3. Introduction

Sickness absence of one month or more is generally considered to be long-term absence.

3.1 Informal Meeting

3.1.1 Where an employee has been absent for more than two months and there is no identified return date in the near future, the line manager will contact the member of staff to arrange an informal welfare meeting to discuss their current situation and when a return to work can reasonably be expected. The employee will have the right to be accompanied by a trade union representative or work colleague. The response will determine the next stage in the process, as the options will depend on the individual circumstances. In the event that the employee is too ill to attend the meeting, the manager will seek to obtain the necessary information from them in an appropriate manner, e.g. by home visit or via their trade union or other representative.

3.2 Referral to the Agreed Occupational Health Unit

If a date for return to work cannot be established, the employee will be asked to attend, at the Charity's expense, a medical examination at an Occupational Health Unit to obtain an expert assessment of her/his fitness for work. The employee will be provided with a copy of the letter to the Occupational Health Unit and a copy of the medical report. On the basis of the medical report, the options are likely to be one of those outlined below.

3.3 Fit to Continue in Present Job

If the manager is advised that the employee is fit to continue in her/his current job in the near future, the recommendation should be discussed with the employee as soon as possible. This should be done at a formal meeting attended by the line manager, Management Committee member, the employee and, if s/he wishes, their representative. The outcome of the meeting must be confirmed in writing by the line manager and placed on the employee's personnel file.

3.4 Unfit to Continue in Present Job - Consider Adjustments or Alternative Employment

Whilst the Charity is under no obligation to create a specific job for an employee who becomes permanently unfit to undertake her/his contractual duties, every effort will be made to make reasonable adjustments or to find alternative employment which is compatible with the medical limitations of the employee. The employee should be asked to attend a formal meeting with

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the Chair and another Management Committee member and the employee's representative so that possible reasonable adjustments or alternative employment can be explored. The meeting will attempt to identify which type of adjustments or jobs at the Charity would be suitable for the employee and the feasibility of redeployment. Thereafter, either adjustments will be carried out or an alternative job will be offered. If neither is possible, it may be necessary to proceed to dismissal on grounds of capability.

3.5 Incapable of Any Work for the Foreseeable Future

Where the Medical Officer advises that the employee is incapable of carrying out her/his current job description for the foreseeable future and reasonable adjustments are not feasible, and where suitable alternative employment cannot be offered, the employee should be asked to attend a formal meeting with the Chair and another Management Committee member and the employee's representative to discuss the situation and the content of the medical report. The outcome of this meeting will be dismissal on grounds of ill-health and the employee will be entitled to fully paid contractual (or statutory if longer) notice.

3.6 Terminal Illness

The Charity will approach cases of terminal illness with as much sensitivity and flexibility as possible. Where a line manager becomes aware that s/he is dealing with an employee whose absence is due to a terminal illness, they should seek confidential advice from the Chair and, where appropriate, from the employee's GP, Consultant or an Occupational Health Unit. Each case needs to be dealt with separately depending, in particular, on the medical prognosis and the possible effect on the employee of terminating her/his employment. If the affected employee wishes, the Charity will make every effort to facilitate her/him in continuing to work for as long as possible, either on a full or part time basis, or with periods of absence to take rests from work. In such cases, the Management Committee (*or sub-committee*) may use its discretion to extend sick pay, as appropriate.

SECTION 4

APPEALS

4.1 Appeal Against Management Action (except dismissal)

If a member of staff is dissatisfied with any management action taken against them, they may take out a formal grievance in accordance with the Association's Grievance Procedure. The grievance must be taken out within five working days of the action or decision being complained about.

4.2 Appeal Against Occupational Health Unit Findings

If a member of staff disagrees with the opinion expressed by the Occupational Health Unit they will be given the option, at their own expense, to obtain an additional expert opinion. Upon receipt of a second opinion, the case will be referred again to the Occupational Health Unit who will be asked to review the original advice in light of any new information that has been produced. Where there remains a difference of opinion, the Charity will observe the advice given by the Occupational Health Unit and appropriate management action will be taken as detailed above.

4.3 Appeal Against Decision to Terminate Employment

All employees may appeal to the Management Committee against the decision to terminate their employment. Appeals must be made within ten working days of the date on which the employee was informed of the dismissal, by writing to the Chair.

4.4 Grounds for Appeal

The grounds for appeal may be as follows:

- (a) severity of the decision;
- (b) failure to adhere to the agreed procedure;
- (c) mitigating circumstances.

4.5 Format of the Appeal Hearing

4.5.1 Appeal hearings will have the following format:

- (a) the employee or her/his representative will present their case for the appeal;
- (b) the manager will then present the case against the appeal;
- (c) members of the panel can question both parties in turn;
- (d) both parties will be invited to sum up, with the manager summing up first.

4.5.2 The Management Committee members who form the Appeals Panel will hear and consider the case. The employee will be informed of the decision in writing within five working days of the appeal being heard. The decision of the Panel is final.