

PA07 - Sickness Absence Policy and Procedure

Category: Human Resources Sub-category: Absence, Holidays and Sickness







Policy Review Sheet

Review Date: 13/09/16 Policy Last Amended: 16/09/16

Next planned review in 12 months, or sooner as required.

Note: The full policy change history is available in your online management system.

Business Impact:	Low	Medium	High	Critical
		X		
Changes are important, but urgent implementation is not required, incorporate into your existing workflow.				

 Reason for this review:	Scheduled review
 Were changes made?	Yes
 Summary:	Review of policy and conversion to new format, minor amends included and clearer reference to other policies.
 Relevant Legislation:	<ul style="list-style-type: none"> Statutory Sick Pay (Medical Evidence) Regulations 1985 Social Security Administration Act 1992 Data Protection Act 1998 Employment Rights Act 1996 Equality Act 2010
 Underpinning Knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> NHS Employers, (2016), <i>Guidelines on prevention and management of sickness absence</i>. [Online] Available from: http://www.nhsemployers.org/~media/Employers/Documents/Retain%20and%20improve/Guidelines%20on%20prevention%20and%20management%20of%20sickness%20absence%205%20November%202013.pdf [Accessed: 05/09/2016] ACAS, (2016), <i>Managing staff absence: A step-by-step guide</i>. [Online] Available from: http://www.acas.org.uk/index.aspx?articleid=4199 [Accessed: 31/08/2016]
 Suggested action:	<ul style="list-style-type: none"> Notify all staff of changes to policy Share key facts with professionals involved in the service Confirm relevant staff understand the content of the policy

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1. Purpose

1.1 To ensure that takes a fair and consistent approach to sickness absence and absence management.

1.2 To ensure that any employee suffering from an infectious disease or illness reports this prior to attending work to ensure the health and welfare of the Service User.

1.3 To support in meeting the following Key Lines of Enquiry:

Key Question	Key Line of Enquiry (KLOE)
SAFE	S3: How does the service make sure that there are sufficient numbers of suitable staff to keep people safe and meet their needs?
SAFE	S5: How well are people protected by the prevention and control of infection?

1.4 To meet the legal requirements of the regulated activities that is registered to provide:

- | Statutory Sick Pay (Medical Evidence) Regulations 1985
- | Social Security Administration Act 1992
- | Data Protection Act 1998
- | Employment Rights Act 1996
- | Equality Act 2010

2. Scope

2.1 The following roles may be affected by this policy:

- | All staff

3. Objectives

3.1 To ensure that all members of staff are aware of their obligations to report sickness absence and take a responsible attitude towards attending work regularly and reliably.

3.2 To ensure that understands the reasons for sickness absence and investigates them where necessary.

3.3 To assist staff members who have been absent by reason of sickness to return to work.

4. Policy

4.1 It is the policy of to offer security of employment during absence periods, where reasonably possible, while operating absence monitoring systems to ensure that unusual patterns of absence or high levels of absence are assessed and discussed with you.

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5. Procedure

5.1 Organisation Absence Management

- | If you are away from work due to sickness or accident or believe you may be suffering from an infectious or contagious disease or illness you must conform to the following procedure:
 - | You must telephone your manager at the earliest opportunity and no later than 30 minutes before your shift starts on the first day of absence, giving the reason for the absence and the date that you expect to return to work. You are expected to telephone personally and not to pass a message through a third party. However, if you are unable to telephone personally through illness, you may ask a relative or friend to telephone for you. Text or email is not acceptable
 - | If you are reporting the possibility of an infectious or contagious disease or illness, you must obtain clearance from your GP before attending work. The safety of the Service Users is paramount
 - | If your absence extends longer than originally anticipated, you must contact your manager to advise him/her of the situation, unless your absence is covered by a medical certificate. If your absence becomes prolonged you must keep in regular contact with your manager, advising on your progress and when you are likely to return to work. If you do not contact your manager you should expect to be contacted during your absence by your manager who will want to enquire about your health and be advised, if possible, as to your expected return date. For all absences, whatever the length, you must complete a Return to Work Questionnaire on the day of return, submit it to your line manager, and attend a face to face interview to discuss the questionnaire contents
 - | If you return to work after no more than seven calendar days of absence, you must complete a self-certification form
 - | If your absence lasts for longer than seven calendar days, you must forward medical certificates covering all days of absence at weekly intervals, in addition to the self-certificate

5.2 Statutory Sickness Pay

- | You may be entitled to Statutory Sick Pay (SSP) if you are absent because of sickness or injury, provided you meet the criteria in the current SSP regulations. Your qualifying days for SSP purposes are Monday to Friday, or as set out in your contract of employment. The rate of SSP is set by the government in April in each year. No SSP is payable for the first three consecutive days of absence. These days are referred to as waiting days. SSP starts on the fourth day of absence and may be payable for up to 28 weeks. This is treated like wages and is subject to normal deductions. If you are not eligible for SSP or if your SSP entitlement is coming to an end, we will give you a form SSP1 telling you the reasons
- | Where a second or subsequent period of incapacity (of four days or more) occurs within 56 days of a previous period of incapacity, waiting days are not served again
- | Where the circumstances of your incapacity are such that you receive, or are awarded, any sum by way of compensation or damages with respect to the incapacity from a third party, then any payments which we may have made to you because of the absence (including SSP) shall be repaid by you to us, up to an amount not exceeding the amount of the compensation or damages paid by the third party

5.3 Returning to Work

- | You should notify your Manager as soon as you know on which day you will be returning to work, if this differs from a date of return previously notified
- | If you have an infectious or contagious disease or illness such as rubella or hepatitis you must not report for work without clearance from your own doctor. Separate rules relating to infectious diseases and food handlers are to be found later in this policy and you must familiarise yourself with them
- | On your return to work after any period of sickness/injury absence (including absence covered by a medical certificate), you are also required to complete a self-certification absence form and hand this to your Manager

5.4 Sickness Absence and Performance

- | Due to the nature of many of the jobs and staffing levels, high levels of absenteeism or repeated spells of sickness/absence cause considerable disruption. Both short-term/spasmodic and long-term sickness absence cause disruption to the services we provide and incur additional costs. They also place an undue burden upon other team members. Therefore, if your attendance record is significantly worse than those of comparable employees, or where it creates a particular operational difficulty, or it has gone on for a

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considerable length of time your manager will investigate and arrange a meeting to discuss the situation further with you

- | You may be given a Return to Work or Stress Related Return to Work Questionnaire form to complete prior to the meeting
- | Dependent upon the outcome of this meeting counselling may be appropriate or disciplinary action taken, or indeed no action taken if none is appropriate
- | Issues of capability arising from poor levels and/or patterns of absence are distinct from capability issues involving long-term health problems or disability
- | If you fail to comply with notification or certification procedures or otherwise abuse the organisation's rules on sickness absence you will be dealt with under the disciplinary procedure

5.5 Long-term Absence

- | Should you unfortunately become disabled or suffer from a long term health condition during employment it is our policy to make every effort to help you retain your original position. Your manager will try and balance the needs of the business with their support for you. In the event that the length of your absence causes service delivery problems, which requires either your return or replacement, your manager will determine what action is to be taken
- | Action may include a personal interview with you, or a request to provide a medical report from your GP, or a request to undergo a medical examination by a practitioner appointed by us who is more knowledgeable about the working environment. The examination will determine your fitness to resume your normal role. Once sufficient medical advice is available, a further meeting with you will usually be arranged to discuss it
- | All alternative employment options, including transfers, part-time working, reasonable adjustments to work premises, practices or equipment will be fully examined by us and may be discussed with you. You may be suspended from work on full pay, remain on sick pay or be transferred onto maternity leave (where the absence is a pregnancy related sickness and occurs within the four weeks prior to the expected date of birth). Absence due to pregnancy will be dealt with due regard to your statutory maternity rights
- | If you are unable to return to work in the longer term we will consider whether you are entitled to any benefits under your contract and/or insurance schemes we operate
- | If it is advised by the doctor that you are fit to return to work, we will cease to pay sick pay and you will be expected to be at work the following morning
- | You will accrue holiday entitlement during long-term sickness absence, and you are permitted to take all or some of your accrued holiday during a period of absence

5.6 Intermittent Absence

- | Short-term spasmodic absence is particularly disruptive, as it cannot be planned for and puts more pressure on managers and colleagues
- | Intermittent non-attendance will be dealt with in accordance with the stages of the disciplinary procedure, as appropriate. Where the absences are unexplained, or may have an underlying sickness reason, a medical examination will normally be requested. The examination may be carried out by your own GP and/or a doctor appointed by us. Their objective is to provide us with sufficient information to more effectively balance your needs with that of the organisation, or to make a decision regarding your continued employment. You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the content of the report with our legal advisers or the relevant doctor
- | Irrespective of the cause of the intermittent absences, you will be warned of the consequences of further failure to meet attendance targets at each stage of the procedure. If the procedure is exhausted without sufficient improvement in your level of attendance, you may have your employment terminated with due notice on capability or conduct grounds
- | You may appeal against the decision to dismiss by writing to the Registered Provider giving the reasons for the appeal. This appeal must be made within five working days

5.7 Guidance to the Service Provider

- | Where appropriate, and after initial assessment of the problem, the department manager should conduct an interview with the employee concerned who may be accompanied by a colleague. It may be helpful to give the employee one of the attached Return to Work (or Stress Related Return to Work Questionnaire – see attached) forms to complete prior to the interview
- | If the absence involves frequent and persistent short-term absence the interview will aim to:

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- | Identify the frequency and reason for the absences and ensure that the employee is aware that the absence record is giving cause for concern
- | Advise the employee to seek proper medical attention if there is an underlying medical problem. A medical report could be requested, if appropriate
- | Inform the employee that the persistent short-term absences are unacceptable and put continued employment at risk
- | Give consideration to the employee's personal problems and possible ways of helping the employee to resolve them
- | Agree a reasonable period of time over which the employee's attendance can be assessed
- | Indicate what the next step will be if the employee fails to reach the standards required. These standards or targets should be specified
- | A letter should be drafted confirming the facts, the action to be taken and specifying what will happen if attendance is not improved. This will be handed to the employee
- | Take note of the advice given to the employee over intermittent absence. Dismissal for misconduct would be appropriate if the employee continually flouts reporting procedures
- | If the issues involve long-term ill-health the interview (if appropriate) will:
 - | Seek to establish the reasons for absence and its likely duration. The employee should be requested to allow the organisation to contact their doctor in order to establish the likely length of absence and the long-term effect on capacity in relation to job performance and attendance at work. The employee may be asked to see a doctor appointed by the organisation to enable a medical report to be prepared by the employer. The employee has the right to refuse unless they have previously agreed medical reports in their contract. If you receive a refusal in the latter circumstances you should seek advice
 - | Consider offering alternative employment or a shorter working week if this would enable the employee to return to work
 - | Inform the employee that long-term absence due to ill health may put their employment at risk, bearing in mind any qualifying disability recognised within the Equality Act 2010 and the needs of the organisation at that time
 - | The Equality Act does not mean that an employee with a disability cannot be dismissed fairly, but it does mean that reasonable adjustments have to be considered (and applied if appropriate) prior to any decision about dismissal
 - | Set a date at which point dismissal will be considered if the employee is still unable to return to work
 - | A letter should be drafted confirming the facts and the action to be taken. The letter should be handed to the employee where possible or sent by recorded delivery
- | If the absence explicitly or implicitly suggests that stress is a factor in the absence, then you might ask the employee to complete the HSE derived Stress Related Absence form. Note that the questions asked are such that the employee may not be comfortable discussing them with an immediate line manager. However, if problems in this area exist, it is in the employer and employee's interest to address the issue, therefore the line manager should identify and offer access to another person with whom the employee would be comfortable discussing the completed questionnaire
- | If you ask the employee to complete the questionnaire, then you have to give serious consideration to acting on the information it reveals. Failure to do so may mean you have disregarded the employee's welfare and there is a risk that he or she might legitimately claim constructive dismissal
- | An alternative to the above would be to engage an outside party to conduct a stress audit (or simply an employee survey). This will give you more freedom to act on the information revealed and such information may be more balanced. It would also reduce the risk that any individual employee may claim that they personally have been ignored
- | If the attendance record does not improve, or if the employee's long-term absence continues, a second interview will be arranged. At this point, unless the employer has reasonable grounds to believe that there will be an improvement in the foreseeable future you should consider dismissal. If this action is taken, the decision to dismiss the employee by reason of capability would need to be explained to the employee



6. Definitions

6.1 SSP

- | Statutory Sick Pay

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Key Facts - Professionals

Professionals providing this service should be aware of the following:

- | Staff who are absent for less than 7 days are entitled to self-certify their absence
- | Staff who are absent for more than 7 days are required to provide medical evidence of their sickness by way of a Fit Note
- | Employers are under an obligation to make reasonable adjustments for those staff members who are disabled
- | Failure of a staff member to follow the sickness reporting procedure means that their absence will be unauthorised and they may be subject to disciplinary action



Further Reading

As well as the information in the 'underpinning knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

Disciplinary Policy and Procedure

Grievance Policy and Procedure

Equality and Diversity Policy and Procedure



Forms

The following forms are included as part of this policy:

Title of form	When would the form be used?	Created by
Sickness Absence Self-Certification	To be used for sickness absence.	QCS
Return to Work Questionnaire	Upon return to work after a sickness absence	QCS
Stress Related Return to Work Questionnaire	To be used for stress related absences	QCS

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Sickness Absence Self-Certification

This form is to be used only for sickness absence.

SICKNESS ABSENCE SELF-CERTIFICATION**Name:****Period:****Day****Month****Year****To****Day****Month****Year****From**

Note: To cover a maximum of seven days; periods longer than seven days must be supported by a doctor's Fit Note.

*State the actual date, even if it was not a work day for you.

Reasons for absence:**Manager's comments on linkage to past sickness absences, and any advice given on avoidance of future absence:****Employee's signature:****Date:**

Authorisation for payment of Statutory Sick Pay:

With pay, according to entitlement:

Without pay:

Manager's signature:**Date:**

Sickness Absence Self-Certification

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Return to Work Questionnaire

Return to Work Questionnaire	
Employee name:	
Period of absence:	From: _____ To: _____ (inclusive)
Number of days sickness in past 12 months	
Number of days authorised absence in past 12 months	
Number of days unauthorised absence in past 12 months	
What was the reason for your absence?	
If sickness:	
Did you visit a Doctor or Hospital?	Details if yes. Reason if no.
Did you receive any medication as a result?	Details:
Is this a recurrence of a previous illness?	Details:
Do you believe that the illness is likely to re-occur?	

Return to Work Questionnaire

Return to Work Questionnaire (continued)	
Are you aware that over the last 12 months you have been absent for the number of days shown on the previous page?	
Do you believe that the reason for your absence is having or will have any effect on your capacity to carry out your job in the future?	
Are there steps you might take to improve your attendance?	Details:
Are there steps that we might take that would improve your attendance?	Details:
Supervisor or manager's comments:	
I understand that if I provide false or inaccurate information about my absence or sickness from work it may, depending on the circumstances, be treated as Gross Misconduct and result in my summary dismissal from this employment.	
Signed: (employee)	Date:
Signed: (interviewer)	Date:

Stress Related Return to Work Questionnaire

Stress Related Return to Work Questionnaire.			
Derived from the Health and Safety Executive.			
Cause of stress	Question	Was it a problem for you? Use this space to detail the problems.	What can be done about it? Can we make any adjustments?
Demands:	Did/do different people at work demand things from you that were/are hard to combine?		
	Did/do you have deadlines that you feel are unachievable?		
	Did/do you feel you have to work very intensively?		
	Did/do you feel you have to neglect some tasks because you had/have too much to do?		
	Have you/are you unable to take breaks that you feel are sufficient?		
	Did/do you feel pressured to work long hours?		
	Did/do you feel you had /have to work too fast?		
	Did you/do you feel you have unrealistic time pressures?		

Stress Related Return to Work Questionnaire

Cause of stress	Question	Was it a problem for you? Use this space to detail the problems.	What can be done about it? Can we make any adjustments?
Control:	Did you/do you feel you can decide when to take a break?		
	Did/do you feel you had/have a say in your work speed?		
	Did/do you feel you had/have a choice in deciding how you did/do your work?		
	Did/do you feel you had a choice in deciding what you did/do at work?		
	Did/do you feel you have some say over the way you do your work?		
	Did/do you feel your time could be flexible?		

Stress Related Return to Work Questionnaire

Cause of stress	Question	Was it a problem for you? Use this space to detail the problems.	What can be done about it? Can we make any adjustments?
Support (manager)	Did/does your manager give you enough supportive feedback on the work you did?		
	Did/do you feel you could rely on your manager to help you with a work problem?		
	Did/do you feel you could talk to your manager about something that has upset or annoyed you at work?		
	Did/do you feel your manager has supported you through any emotionally demanding work?		
	Did/do you feel your manager has encouraged you enough at work?		

Stress Related Return to Work Questionnaire

Cause of stress	Question	Was it a problem for you? Use this space to detail the problems.	What can be done about it? Can we make any adjustments?
Colleagues:	Did/do you feel your colleagues would help you if work became difficult?		
	Did/do you get the help and support you needed from your colleagues?		
	Did/do you get the respect at work you deserve from your colleagues?		
	Were/are your colleagues willing to listen to your work-related problems		
Relationships:	Were/are you personally harassed, in the form of unkind words or behaviour?		
	Did/do you feel there was/is friction or anger between colleagues?		
	Were/are you bullied at work?		
	Were/are relationships strained at work?		

Stress Related Return to Work Questionnaire

Cause of stress	Question	Was it a problem for you? Use this space to detail the problems.	What can be done about it? Can we make any adjustments?
Role:	Were/are you clear about what was/is expected of you at work?		
	Did/do you know how to go about getting your job done?		
	Were/are you clear about what your duties and responsibilities were/are?		
	Were/are you clear about the goals and objectives for this department?		
	Did/do you understand how your work fits into the overall aim of the organisation?		

Stress Related Return to Work Questionnaire

Cause of stress	Question	Was it a problem for you? Use this space to detail the problems.	What can be done about it? Can we make any adjustments?
Change:	Did/do you have enough opportunities to question managers about change at work?		
	Did/do you feel consulted about change at work?		
	When changes were/are made at work, were/are you clear about how they would work out in practice?		
Other issues:	Is there anything else that was a source of stress for you, at work or at home, that may have contributed to you going off work with work-related stress?		

Factors outside work

This list of questions on return to work has mainly focused on factors at work. However, there may be factors outside work, for example in your family life, which may have contributed to or added to the pressures at work. These may have made it harder to cope with demands at work that you would normally be able to cope with.

You may want to share these issues with your manager – they may be able to help at work and make adjustments, for example, being more flexible with working hours or just being sympathetic to the pressures you are under.

If you do not feel happy telling your manager about these things, is there anyone else you can turn to, for example, an administrator or another department manager/supervisor? You may also like to look at the links at <http://www.hse.gov.uk/stress/links.htm> on the HSE Stress website