

### Best Practice Local Authority Sickness Absence Policies - Key Points

|                                | <u>Northampton</u>   | <u>Croydon</u>   | <u>York</u>  |
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| <b>Introduction</b>            | Contains Key principles and information on who the policy applies to   | Contains similar key principles to Northampton, and information on who the policy applies to and the responsibilities of Employees and Management  | Includes purpose, objectives and the responsibilities of Directors and Service Managers, LMs, HR, Payroll and Employees.   |
| <b>Notification of absence</b> | Within 1 hr of normal start time on 1st day of absence to either Nurse led Absence Service (NLAS) or Line Manager (LM) | As near to usual start time as possible but no later than one hour after to LM or if unavailable to senior manager - details <b>not</b> to be left with colleagues.  | Personally notify Supervisor or LM asap, <del>preferably</del> by normal start time but no later than 1 hr after this, giving reason, possible date of return, and info on work that needs covering  |
|                                | If unwell at work and need to leave, must inform both LM and NLAS  | No mention   | <i>Task Group agreed that CYC Policy should say same as Northampton's i.e. 'If unwell at work and need to leave, must inform both LM and NLAS'</i>   |
|                                | For absence longer than 1 day, employee must contact NLAS on 2nd, 4th & 8th day, & as advised thereafter.              | If absence is longer than 1 day, employee must contact LM on 4th and 8th calendar day, and every working week thereafter (or as agreed with LM) to report on health and indicate when they expect to return to work. | For absences longer than a day, employee must contact LM or Supervisor on 4th day giving possible date of return. Contact must continue to be made in person on a regular basis. Absence of 7 calendar days or less inc. w/ends require a self-certification form - to be completed on 1st day of return and signed by both employee and LM. |

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|                                    | Must inform NLAS of date when they know they will definitely return to work or on day of return, to close absence   | No mention   | As soon as the employee knows a definite return date, they must inform LM giving 1 days notice if poss, so that temp cover arrangements can be ended.  |
| <b>Industrial Injury</b>           | Absences resulting from a reported industrial injury are still recorded and employees need to notify their absence. These are not included for the purpose of calculating trigger points.   | Absences due to a recognised industrial injury whilst working for the Council to be managed in the same way as other absences. | To be managed in the same way as other absences. LM must follow <del>laid down</del> Industrial Injury procedures. <del>for reporting and investigating such occurrences inc. referral to H&amp;S and/or OH. Payroll should also be informed so that OSP is implemented correctly.</del> |
| <b>Maternity Absence</b>           | Pregnancy related absences are still recorded. Employees need to notify their absence, inc time off for antenatal care. Pregnancy related absences are not included for the purpose of calculating trigger points                               | Pregnancy related absences to be managed in the same way as other absences.  | Needs referring to - needs cross referencing to appropriate procedures   |
| <b>Sick Whilst on Annual Leave</b> | No mention  | No mention   | Employees who become sick whilst on annual leave will be regarded as being on sick leave from the date of any medical cert or equivalent provided. Employees should notify LM as normal, where possible  |
| <b>Disability Related Absences</b> | Disability related absences of disabled employees inc time off for disability related specialist treatment are still recorded and employees need to notify their absence. These are not included for the purpose of calculating trigger points. | Due consideration should be given to the Council's responsibilities under the Equalities Act                                   | Some level of absence from work may be considered a reasonable adjustment under the Disability Discrimination law for a disabled employee.   |

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|  | Where all reasonable adjustments have been made to accommodate an employee's disability, in liaison with GPs and HR, but the absence is still cause for concern, it may be appropriate to use the absence management procedure. | Need to consider reasonable adjustments      | Other reasonable adjustments to improve an employee's attendance may include adaptations of equipment, retraining, adjustments to working hours/duties /place of work, discounting of disability related absence, |
| <b>Long Term Absence - Important Actions</b> | > Maintaining Contact<br>> Referral to Occupational Health - where a medical condition is clearly established, with a predictable and defined period of time off work, a medical referral may not be necessary.                 | Referral to OH and advice from HR.           | >LM will keep in regular contact either by telephone, letter or face to face. LM<br>> Referral to OH unless it is clear that the employee will return to normal employment in the not too distant future.         |
| <b>Fit Notes</b>                             | Contains brief para on Fit Note replacing GP sick note  | No mention                                   | No mention  |
|  | If absence continues for more than 7 calendar days, employee must provide a Fit Note  | On 8th day, employee must provide a fit Note | If absence continues for more than 7 calendar days, employee must provide a Fit Note to LM  |
|  | If Fit Note is issued, employee must inform NLAS so records can be updated and advice given   | N/A  | N/A   |
|  | If absence continues for longer, employee must continue to provide medical certs to cover absence. These must be consecutive and cover all days inc. w/ends. Failure to do so, will effect <u>employees entitlement to SSP</u>  | No mention                                   | If absence continues for longer, employee must continue to provide consecutive medical certs to cover absence   |
|  | Any period not covered by a self-cert or Fit Note, will not be paid and will be considered unauthorised leave - a reasonable time will be given to obtain a retrospective Fit Note  | No mention                                   | Unauthorised absence should be dealt with under the Disciplinary Procedure  |

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|                                    | An employee cannot return to work prior to the expiry of a Fit Note  | No mention  | No mention  |
| <b>Costs Incurred for Fit Note</b> | Any costs incurred in obtaining a Fit Note requested by Council will be reimbursed on production of a receipt  | Reasonable costs incurred by the employee will be reimbursed. |   |
| <b>Sick Pay</b>                    | Council policy to pay employees full or part salary for defined periods of time during periods of sickness absence - this is conditional upon the employee following the absence reporting procedure, attending a return to work interview and producing a medical certificate where appropriate | No mention  | <del>Where an employee is absent sick but repeatedly fails to follow the reporting of absence, consideration should be given to suspending sick pay and disciplinary action being taken.</del> Council policy to pay employees full or part salary for defined periods of time during periods of sickness absence - this is conditional upon the employee following the absence reporting procedure, attending a return to work interview and producing a medical certificate where appropriate. Sick pay will also be stopped if employee fails to visit OH when referred. |
| <b>Maintaining Contact</b>         | More than 4 continuous weeks - shared responsibility for Council, NLAS and employee to maintain contact at agreed intervals to help and support employee   | No mention  | Beyond 3rd day, contact must continue to be made <del>in person</del> on a regular basis.   |

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|                           | <p>If employee does not make contact during absence and absence is unexplained, LM will take all reasonable steps to contact employee (tel, letter, home visit), in order to:</p>   |  | <p><del>If employee fails to follow adopted reporting of absence procedure, following actions should be implemented:</del> If employee does not make contact during absence and absence is unexplained, LM will take all reasonable steps to contact employee (tel, letter, home visit), in order to:</p> <ul style="list-style-type: none"> <li>&gt; <del>employee contacted and</del> identify reason <del>sought</del> why they have not followed procedure</li> <li>&gt; <del>employee should be reminded</del> remind them of their obligation to follow procedure as a condition of the entitlement to sick pay</li> </ul> |
| <p><b>Home Visits</b></p> | <p>LM will plan to visit employees to discuss wellbeing and anticipated return to work. Where an employee feels their LM would not be appropriate, an employee can request a different Manager attend with a rep from HR. The employee can also request a suitable venue and ask for a trade union rep to be present.</p> | <p>In recognising Council's duty to care to employees, managers are expected to address concerns as soon as they arise. Informal reviews including home visits and referrals to OH may therefore take place before trigger points are reached.</p> | <p>During long term absence, manager will arrange a home visit. If the employee does not wish to have a home visit, the manager will arrange a meeting at another mutually agreed place. Employee will also be given info on support available in the Council.</p>   |

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| <b>Referral to Occupational Health</b> | If GP has recommended restrictions to duties the NLAS will advise Line Manager of necessary adjustments - could lead to a referral to OH to ensure app adjustments are made in workplace                   | Referral to OH at first formal stage if not already done so   | Persistent short term absence could lead to a formal warning process and ultimately dismissal. During this process employees can expect to be referred to OH for assessment. In the case of long term absence, employee will be referred to OH to explore various options available. This <del>may</del> must be done after 1 month's absence <del>and will certainly be done after 3 months</del> . Employees will be informed why the referral is being made and the process involved. |
| <b>Return to Work</b>                  | NLAS will notify LM of when the employee is to return to work  | Required to fill out a return to work form for each period of sickness. Failure to do so may result in loss of pay.   | In certain circumstance a doctor will advise an employee that they may be fit for work earlier than would normally be the case, if the employer is able to accomodate one or more options for support e.g. A phased rerturn to work, amended duties and/or workplace <u>adapions</u>   |
| <b>Return to Work cont...</b>          | All Managers must carry out a routine return to work interview each time an employee has a period of absence on the 1st day of return - LM may nominate an appropriate Manager to do this on their behalf. | LMs should contact employees asap following return to work. This may take the form of an informal discussion or a more structured meeting depending on circumstances, and LM should ensure form has been completed. | Managers will carry out a return to work interview & update employees on work developments <del>where appropriate</del>  |

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|                                     | Purpose of interview to establish reason for absence, to check the employee is fit to return, and what if anything can be done to support the employee                          | No mention  | <del>Purpose of interview to allow LM to welcome back and express concern for employees wellbeing, explore and confirm reasons for absence especially where triggers for action have been met, and ensuer they are properly recorded.</del><br>Purpose of interview to establish reason for absence, to check the employee is fit to return, and what if anything can be done to support the employee.  |
|                                     | If LM thinks employee is unfit to return for any reason, the employee can be medically suspended and/or referred to OH for a medical assessment - LM should seek advice from HR | No mention  | If LM thinks employee is unfit to return for any reason, the employee can be medically suspended and/or referred to OH for a medical assessment - LM should seek advice from HR. If OH feel an employee is permanently unfit to carry out their duties the employee may be redeployed to other work. HR will help facilitate this. Alternatively, or in the event that no alternative employment is available, employees in the pension scheme may apply for ill health retirement. |
|                                     | Employee is entitled to remain on full pay whilst on Medical Suspension.  | No mention  | No mention  |
| <b>Medical Advice/<br/>Evidence</b> | Council may request details from OH on specific condition of employee   | Managers should seriously consider any medical advice given before making decisions. Whilst action is taken in light of medical advice, the decisions | Decisions about an employees sickness absence are managerial not medical, even where an OH report has been obtained.  |

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|                       | Purpose of referral to establish employee's health & how Council can support employee & make appropriate decisions re their employment.   | themselves are management responsibilities, not medical ones. | Purpose of report is to establish the true medical position so that an informed and fair decision can be made.                             |
|                       | Employee will be asked for their permission to contact GP/ Consultant via Medical Consent Form. They will be informed of the reasons why info is being sought and can request to see a copy or referral docs                                    | No mention  | employee will be asked to sign a consent form allowing OH to contact their GP.   |
|                       | Content of report will be discussed with employee before any further action is taken  | No mention  | If OH report indicates there is an underlying medical problem, a formal first stage review meeting should be convened by LM                |
|                       | If an employee refuses to co-operate in the obtaining of medical evidence or undergo a medical assessment, Management will make decisions based on the info available at the time.  | No mention  |  |
|                       | Employee is responsible for attending agreed appointments - if they cannot attend because of health, alternative arrangements will be made  | No mention  | Employee is responsible for attending agreed appointments - if they cannot attend because of health, alternative arrangements will be made |
| <b>Recovering OSP</b> | Council has the right to recover overpaid OSP and will try to seek agreement with the employee on the amount and method of payment from each salary or wage payment (not exceeding 10% of normal gross pay) until full recovery of overpayment. | No mention  | No mention   |

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|  | Where an employee claims loss of earnings for a private insurance or medical company for any period of absence from work, the Council reserves the right to make a third party claim or seek repayment of OSP if an employee receives any income exc. compensation payments made.                            | No mention   | No mention   |
| <b>Invoking Disciplinary Procedure</b> | If an employee refuses to speak to NLAS or LM re their absence and without justifiable reason, it may be dealt with under the Council's Disciplinary Procedure.  | No mention   | Persistent refusal to visit OH may will lead to disciplinary action.   |
|  | Where it is suspected that an employee has misled the Council and has not been absent due to sickness, the matter will be dealt with under the Council's Disciplinary Procedure.   | No mention   | Where it is suspected that an employee has misled the Council and has not been absent due to sickness, the matter will be dealt with under the Council's Disciplinary Procedure. |
| <b>Return to Work Programme</b>        | To reassure the employee on their return to work that their return has been carefully thought through.   | At formal Meeting stage a time-limited sickness rehabilitation programme to support return may be established.<br><br>If a return to work or normal duties is achieved within the time specified, the employee will be advised in writing and reminded of the need to sustain the improvement. |  |
|  | This should include advice from OH and consideration of a phase return to work, to include the following:<br>> shorter hours<br>> flexible working<br>> training new equipment/processes<br>> new developments in the Council<br>> how they wish to handle the subject of their absence with work colleagues |  |  |

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|  | > lighter duties for a defined period of time   |   |   |
| <b>Risk Assessment / Work-place Assessment</b> | Council has a duty of care to conduct a risk assessment / work-place assessment on the first day of the employee's return to work, to ensure the safety of the work environment   | No mention  | Employee may return to work earlier than date given on Fit Note if both employee and LM agree. In those circumstances it <del>may</del> will be necessary to undertake a risk assessment  |
| <b>Representation</b>                          | Employee has the right to be accompanied by a rep of a trade union or a work colleague. The employee is responsible for making the necessary arrangement with their rep. If they are unable to be represented on the date of the meeting an alternative date will be organised. | Employees have a right to be represented by a trade union official or fellow worker at all formal meetings of the procedure. It is the responsibility of the employee to arrange for her/his representation. Legal representation is not allowed. | Employees are entitled to be accompanied by a trade union official or fellow worker at all formal stages of the procedure. <del>Trade union reps are encouraged to contact their local branch for assistance and guidance.</del> <i>Question: Does it have to be an employee - could it be a parent etc??</i> |
| <b>Right to Appeal</b>                         | This should be in writing and set out the reasons for the appeal, and needs to be done within 10 days of receipt of the letter confirming the outcome of any formal stage of the process.   | Appeals must be submitted in writing within 10 working days from the date of receiving written confirmation of outcome and must specify grounds for appeal.   | Appeals must be submitted in writing to the manager who made the decision, within <del>14</del> 10 working days from the date of receiving written confirmation of the outcome of any formal stage and must specify grounds for appeal.   |
|  | No mention  | Employees may appeal against a decision to: set targets or timescales for improvement, or give a formal caution, or terminate employment.   | Employee has the right of appeal against any formal review warning or dismissal against them under both the short or long term sickness absence procedures  |
|  |   | Employee may appeal on the following grounds:<br>a) the proper procedure was not followed - appeal panel will consider  |   |

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|                                    |   | <p>b) considering the info provided the decision reached was unreasonable</p> <p>c) new evidence has become available</p>  |  |
| Purpose of Appeal...               | No mention  | <p>Before reaching a decision, the panel will:</p> <ul style="list-style-type: none"> <li>&gt; confirm the facts of the case, the action taken to date, any developments since the last meetng and latest medical</li> <li>&gt; consider any representations made by or on behalf of the employee and any statement of intent they wish to make regarding their future attendance</li> </ul> <p>&gt; ensure proper consideration is given to the factors</p> | <p>To consider whether:</p> <ul style="list-style-type: none"> <li>a) there is new or additional evidence not available at the original hearing</li> <li>b) there is evidence to support a conclusion that the original hearing manager made an error of judgement <ul style="list-style-type: none"> <li>i. whether or not a breach of the Attendance at Work Procedures.</li> <li>ii. The most appropriate action to take</li> </ul> </li> <li>c) there is evidence to support a conclusion that the procedure was wrongly applied.</li> </ul> |
| In the case of a formal warning... | If a formal warning is issued as a result of a Formal Absence Review Meeting the employee has the right to appeal to the next level Manager (name to be supplied at meeting). | Short of dismissal, appeals will be arranged and heard by a Senior Manager within the department, who has no previous involvement in the case.   | Upto and including a formal (final) written warning, will be heard by a manager at the same level or above who has not previously been involved in the process.  |
| In the case of a dismissal...      | Employee has the right of appeal to the Director (name to be supplied at the Final Absence Review Meeting).   | Decisions are not stayed pending the outcome of an appeal, therefore employees who are dismissed will be removed from the payroll and only reinstated if the decision is over-turned.  | <p>Appeals will be heard by the Council's Corporate Appeals Committee, and there will be 3 possible outcomes:</p> <ul style="list-style-type: none"> <li>a) Appeal will be turned down and original decision will remain</li> <li>b) The appeal will be allowed with conditions</li> <li>c) The appeal will be allowed without conditions</li> </ul>   |

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| <p>In the case of a long term absence dismissal...</p> | <p>where an employee disagrees with the OH recommendation to retire them on medical grounds, or disagrees with the tier of ill health retirement, the employee will be referred to an independant doctor, to be agreed with the employee.</p> |  |  |
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