



The Trust for Developing Communities

Sickness Absence Policy

Policy number	13.0
Effective date	September 2012
Key contact	The Administrator
Number of pages	7
Review date	April 2013
Expiry date	September 2014

1. Introduction

This policy applies to any absence by an employee of The Trust for Developing Communities that is a result of sickness or injury. This policy covers under-performance due to health issues. Under-performance due to other causes is dealt with by the Grievance & Disciplinary Procedures Policy.

1. General principles and procedures

1.1 Disability

Where an employee is considered to have a disability, the Trust will make reasonable adjustments to their working arrangements or environment to enable them to return to or continue in work. The Trust will take appropriate advice to inform and support such adjustments. Trust staff are encouraged to make their line manager aware of any disability they have if it affects their level of attendance or performance.

1.2 Suspension from work

The Trust reserves the right to suspend an employee from work for health and safety reasons; in this event the usual sickness absence arrangements will apply.

1.3 Authorised absence

An employee's absence from work due to illness or injury is considered to be authorised where their line manager has been informed of the absence in line with the procedure that follows, or in advance of an expected absence as in the case of planned hospital admissions and medical procedures.

Unauthorised absence may be treated as a disciplinary matter and dealt with under TDC's Disciplinary procedure.

1.4 Absence notification and contact during absence

When employees are absent due to sickness they must notify the Trust as below. Part time employees should note that the timescales are calendar days not working days i.e. if an employee works on Tuesdays and Thursdays and falls sick on a Thursday they will need a doctor's certificate if they are still absent on the following Thursday. If the employee is incapable of telephoning personally, they should ask a representative to call on their behalf and follow this up in person as soon as they are able.

- (i) On the first day of sickness absence: contact their line manager by telephone as soon as possible but no later than one hour after (or before) his/her normal time of starting work. However, notification should in any event be at least 30 minutes before any appointment which the employee is due to attend.
- (ii) On the third calendar day of absence: contact their line manager to give an update on their progress and state how long they are likely to be away.
- (iii) On the eighth calendar day of sickness absence: contact their line manager. Obtain a medical certificate (a 'fit note') from their GP or a hospital doctor and send it to their manager as soon as possible.
- (iv) Continue to send in consecutively dated medical certificates as necessary and keep their line manager informed on a regular basis.
- (v) 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) they should inform their line manager immediately. The manager will discuss/meet with the employee prior to their return to work to look at 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 at a return to work interview. If appropriate measures cannot be taken, the employee may remain on sick leave and a date will be set to review the situation.

Failure to provide the correct notification and certification could result in sick pay being stopped and disciplinary action being taken.

The employee's line manager will maintain regular contact with the employee during sickness absence. The manager will agree with the employee what is reasonable contact during longer term absence but this is likely to be weekly. If the employee is too ill to speak to their manager, this contact may be with a person who can speak on their behalf.

1.5 Self certification and return to work

Employees will be required to complete a self-certification absence form after every episode of sickness absence which must be signed by the employee and line manager.

Following every 4th period of absence in a leave year or if absent for 2 working weeks in a leave year, the employee must also attend a Return to Work Interview with their manager. During the interview the manager should discuss the employee's absence record and provide support in improving attendance with the completion of a Return to Work Interview form which will be kept on the employee's personnel file.

1.6 Medical reports

TDC may wish to seek a medical report from the employee's GP or consultant and/or refer the employee for an independent medical assessment by an occupational health service. This will be discussed with the employee and written permission will be gained from the employee before a report is sought. Employees have a right under the Access to Medical Reports Act 1988 to see their own medical report before it is given to the employer and to comment upon it.

1.7 Sick pay

In any consecutive 12 months, employees will be paid occupational sick pay (pro rata if part time) up to a maximum as follows:

In the first 6 months of employment: 2 working weeks at full salary

From 6 months - 2 years continuous employment: 4 working weeks at full salary

From 2 years - 5 years continuous employment: 8 working weeks at full salary and a further 8 working weeks at half salary

Over 5 years continuous employment – 12 working weeks at full salary and a further 12 working weeks at half salary

Entitlement to paid sick leave is strictly subject to notification of absence and production of certificates as required.

If there is more than one period of sickness within a year (April – March), all periods of sickness in that year shall be aggregated and treated as one for the purpose of calculation paid sick leave entitlement.

Employees may (subject to qualifying) be entitled to statutory sick pay (SSP). SSP and occupational sick pay will run concurrently and employees will always be paid whichever is the higher amount out of their entitlement to SSP or occupational sick pay.

TDC will inform the employee at least two working weeks before their entitlement to sick pay (SSP and/or OSP) runs out and will issue an SSP1 form to the employee on expiry of SSP. When entitlement to sick pay ends, contributions to any pension scheme will also end.

1.8 Annual leave

Annual leave continues to accrue during periods of sickness absence. This leave must be taken before the end of the leave year and leave not taken in that year will be lost unless a carry over is agreed.

2. Frequent or long term sickness absence and under-performance due to health issues

2.1 Employee rights and obligations

In any circumstance where an employee's attendance or performance is being managed formally the employee is entitled to:

- Receive advance written notification of any formal meeting
- Be accompanied by a colleague or a trade union representative
- Be given the opportunity to raise any relevant issues
- Receive a written communication of the outcome of any meeting
- Appeal against any action taken

Employees must be aware of their contractual responsibility to attend meetings arranged. Failure to attend such meetings without good reason may be treated as a disciplinary matter.

2.2 Defining frequent and long term absence and under-performance due to health issues

Most employees will have occasional absence due to ill health, but recurrent or long term absence needs to be addressed for the sake of both employee and the service.

TDC defines frequent absence as total absences equivalent to more than **three of the employee's working weeks** or **more than five separate absences in any 12 month rolling period**.

TDC defines long term absence as any period of absence **longer than four of the employee's working weeks**.

If these absence trigger points are reached the line manager should consider action to address this. The procedures below are intended to give every opportunity to resolve absence issues supportively. However, employees should be aware that absence can ultimately lead to disciplinary action and potentially to dismissal.

If the absence trigger points have not been reached but the manager has reasonable grounds to believe that ill health may be affecting the employee's performance or conduct, the manager should deal with the issue as under-performance due to health issues.

2.3 Informal stages

The line manager should raise concerns about the employee's absence or performance during Return to Work Interviews and/or supervision meetings. This may be due to frequent absence, under-performance due to health issues or long term absence. If there is a continuing long term absence, this informal discussion may take place by phone or at an informal meeting as part of the process of keeping in contact with the employee. The discussion should include identifying the reasons for absence or under-performance, ways in which the situation might be improved and what, if anything, the Trust can do to support the employee.

The employee should make the manager aware of any relevant factors, such as whether the absence or under-performance 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 TDC 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.

2.3 Formal stages for frequent absence

First stage

Where the frequent absence trigger point has been exceeded, the employee will be asked to a meeting with the line manager, accompanied if they wish by a colleague or trade union representative. 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 explanation and decide on appropriate action which is likely to include a specified review period during which the level of attendance should improve. It may also include seeking medical reports. A record of the meeting will be given to the employee and kept in their personnel file.

At the review meeting it will be decided if any further actions are required, and if so what these actions will be. This may include a caution that the employee is at risk of dismissal.

Second stage

If the level of absence does not improve but there is no evidence to suggest this is due to a long term health problem or disability, the continued poor attendance should be dealt with as misconduct in accordance with TDC's Disciplinary Procedure.

If the manager has reasonable grounds to believe that long term ill health or disability may be affecting the employee's performance or conduct, the manager should make any reasonable adjustments to alleviate this.

2.4 Formal stages for long term absence

Long term absence can arise for a variety of reasons and appropriate action will vary according to the individual circumstances. In some situations of prolonged absence it will be necessary for the manager to discuss with the employee the likelihood of a return to work in the foreseeable future.

The line manager will discuss the employee current situation and if and when a return to work can reasonably be expected. This will determine the next steps to be taken, as the options will depend on the individual circumstances.

If a return to work date in the near future is identified the line manager and employee must discuss any necessary return to work arrangements e.g. a phased return or adjustments to working arrangements in the short or long term. The Trust may ask that the employee obtain from their GP a certificate stating that the employee 'may be fit for work taking account of advice' before agreeing their return.

Investigation of ill health

If a return to work date cannot be established, TDC will ask the employee's permission to seek medical advice from their GP and if appropriate their consultant about the nature of their ill health, the expected period of absence and whether the employee is likely to be able to resume their normal duties.

TDC may also ask the employee to attend, at the Trust's expense, a medical examination at an occupational health service to obtain an expert assessment of their fitness for work. The employee will be provided with a copy of the letter to the occupational health service and a copy of the medical report. On the basis of the medical evidence, the options are likely to be one of those outlined below.

Fit to continue in existing role

If the manager is advised that the employee is or will be fit to continue in their current job in the near future, the recommendation should be discussed with the employee as soon as possible. This should be done at a meeting attended by the line manager, the employee and their representative. The outcome of the meeting must be confirmed in writing by the line manager and placed on the employee's personnel file. The employee's health should remain under review for a period of time after their return to work.

Fit to continue in existing role with adjustments

If the manager is advised that the employee has an illness or condition with the potential to have a detrimental impact on their work, but that a return to work is possible with a rehabilitation plan and/or adjustments to the employee's work environment or working arrangements, the line manager will consider reasonable adjustments with the chief executive and the trustees. The employee should be asked to attend a formal meeting with

the line manager and the employee's representative so that possible reasonable adjustments can be explored. If sufficient adjustments are not feasible, it may be necessary to proceed to dismissal on grounds of ill health capability. If adjustments can be made, the employee's health should remain under review for a period of time after their return to work.

Incapable of existing role for the foreseeable future

If the manager is advised that the employee is incapable of carrying out their current job description for the foreseeable future and reasonable adjustments are not feasible, redeployment or termination of employment will be considered.

If redeployment is thought to be appropriate then it will be the joint responsibility of the employee and manager to consider the possibilities. It may be appropriate to consider alternative positions that are at a lower level or at reduced hours. Consequently salary and benefits would be reduced accordingly. Any change to terms and conditions would be fully discussed with the employee. Where redeployment is appropriate, alternative positions will continue to be sought for a period of 8 weeks or the contractual notice period entitlement of the employee, whichever is the longer.

Where suitable alternative employment cannot be offered and before making a decision to dismiss, TDC will give careful consideration to all the facts, including employee consultation, medical opinion, and the effects of the absence on the organisation. If this results in a decision that the Trust can no longer employ the individual, the Trust will terminate the employee's contract of employment, giving the appropriate notice of termination.

2.5 Formal stages for under-performance due to health issues

If an employee's performance is identified as unsatisfactory and the reason for this is considered to be due to health issues the informal stages above will apply. This will include further consideration of any reasonable adjustments that can be made to support the employee to improve their performance. However if the improvement in performance is not satisfactory the formal stages below will apply.

First stage

Where the manager has identified that the employee's performance is not satisfactory despite reasonable adjustments and review in supervision against agreed performance objectives, the employee will be asked to a meeting with the line manager, accompanied if they wish by a colleague or trade union representative. The employee will be given an opportunity to explain any circumstances which might be contributing to their under-performance, or any other matter which they feel ought to be taken into account. The manager will consider the employee's information and decide on appropriate action which is likely to include a specified review period during which their performance should improve. It may also include seeking medical reports. A record of the meeting will be given to the employee and kept in their personnel file.

Second stage

If the level of performance does not improve after the introduction of reasonable adjustments then this will be handled through the Disciplinary procedure.

2.6 Terminal illness

TDC will approach cases of terminal illness with as much sensitivity and flexibility as possible. Where a line manager becomes aware that an employee's absence or under-performance may be due to a terminal illness, they should seek confidential advice from the Chief Executive or Chair of the Board of Trustees and, where appropriate, from the

employee's GP, consultant or an occupational health service. Each case needs to be dealt with separately depending on the medical prognosis and the possible effect on the employee of terminating their employment. If the affected employee wishes, TDC will make every effort to facilitate them 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.

3. Appeals

3.1 Appeal against management action and dismissal

If an employee is dissatisfied with any action taken in connection with sickness absence or performance, they may raise this in accordance with the Trust's Grievance Procedure.