

Sickness Absence Management Procedure

Contents

	Page
Procedure Summary	1
1 Employee Reporting Process	1
2 Record All Absences	2
3 Review Absences	2
4 Occupational Health Service	3
5 Conduct Return To Work Discussions	3
6 Commencing Formal Stages	4
6.1 First Stage Meeting	4
6.2 Final Stage Meeting	6
7 Right Of Appeal And Notice On Termination Of Employment	8

Date of Issue :	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy				

Sickness Absence Management Procedure

Procedure Summary

Warwickshire County Council continues to regard the health, safety and wellbeing of its employees to be of high importance. There are times however, that these areas are impacted upon resulting in employee absences to occur. This document sets out the procedure for managing sickness absence. The overriding objective is to ensure employees attend work on a regular basis, where this falls below standard; this procedure addresses any issues of sickness absence through proactive and effective intervention at the earliest opportunity.

Where an employee is suffering with stress and anxiety (particularly work related), reference should be made to the [Managing Resilience, Stress and Wellbeing Policy](#). The [resilience assessment tool](#) (stress risk assessment) should also be undertaken at any time and an early referral (referral form available in Section 4) to Occupational Health should be considered.

Managers should ensure employees are aware of the support and counselling service that is available to them. Details of this and how this support can be accessed are available [here](#). They may wish to explore other options outlined in the link to [Your wellbeing](#) information.

Managers are responsible for proactively managing absence and progressing through the procedure in a fair, timely, consistent and supportive manner. Human Resources is responsible for supporting and directing managers in managing absence levels and providing advice and guidance through an HR Advisor. HR Advisors may be present at any stage of the process and employees have the right to be accompanied by a work colleague or trade union representative. The document below outlines employee responsibilities.

The following documents support this procedure:

- i. [Sickness Absence Management Flow Chart](#)
- ii. [Sickness Absence: The Essentials](#)
- iii. [Employee responsibilities](#)
- iv. [Question & Answers](#)

PROCEDURE

1 EMPLOYEE REPORTING PROCESS

Employees are required to contact their Manager in person (via telephone) following the locally determined reporting procedure on the first day of absence, as early as possible but at least one hour after the normal start time with the reason they are off work, their likely return date and agree further contact (when and how).

Employees will need to inform their Manager of the date of return prior to returning to work and where necessary confirm they are in work on this date. On return to work [the self-certification form](#) must be completed by the employee for all absences. Absences of 8 calendar days or more must be covered by a medical (doctor's) fit note.

2 RECORD ALL ABSENCES

Managers will need to record all periods of sickness absence (half a day and above) within a week of the absence on Your HR to ensure that absence reporting information and payroll records are accurate.

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 1 of 8	

Any of the following stages to an absence must also be added to the case management module of Your HR, together with the outcome including:

- Return to work discussions
- Occupational health referrals
- First stage meetings
- Issued notices to improve and extensions
- Final stage meetings
- Closed – no further action
- Closed - redeployment
- Closed – ill health retirement
- Closed – dismissal
- Closed – resignation
- Closed - other

Documents relating to a case should be uploaded to the Attendance section of the employee's HR-ER file. Use the following naming convention to link all the documents to a case record - "Sickness Absence" followed by the start date of the sickness absence record followed by the title of the document. eg (Sickness Absence 02/04/19 Self cert / return to work form).

3 REVIEW ABSENCES

When an employee reports **each** period of absence, the manager should review that employee's absence record and the following indicators (in a rolling year) setting out an attendance pattern that is deemed unacceptable. Where at least one of these indicators (see below) has been met it is expected that a formal **First Stage Meeting** will normally take place (**see Section 6**). Advice from your HR Advisor should be sought when a First Stage Meeting is being considered.

- 3 or more episodes of sickness absence in a rolling 6 month period
- 5 or more episodes of sickness absence in a rolling 12 month period
- 10 days or more (covering 1 episode or several episodes of sickness absence) in a rolling 12 month period*
- Continuous absence of 4 weeks or more (long term)

*This will be applied on a pro-rata basis for part time staff.

Only working days are counted in the rolling period that is defined as the 6 or 12 months prior to the first day of absence in any absence.

Pregnancy related sickness absence should be discounted from the above indicators.

To ensure absences involving a known disability are appropriately reviewed, there are obligations under the Equalities Act to make reasonable adjustments for disabled employees. Managers will need to consider making **reasonable** adjustments to assist the employee and examples include the provision of equipment, a temporary adjustment to duties or hours to assist a return to work or through to permanent [redployment](#). Please contact your HR Advisor for advice.

There are also responsibilities under the Health and Safety at Work Act 1974 and related legislation, to protect employees, after they return to work, if they have become more vulnerable to risk because of illness, injury or disability. Managers must review risk assessments and possibly amend:

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 2 of 8	

- if there has been a significant change in your employee through illness, injury or disability that makes them vulnerable to additional risk;
- if introducing adjustments that could affect the work and health of others; or
- where the absence relates to a **stress related condition** or an underlying medical condition/serious illness e.g. Musculoskeletal disorders (which could be classed as a disability), an early referral to seek occupational health advice should also be considered.

Advice is available from your Health, Safety and Wellbeing Advisor on 01926 476803 or healthandsafety@warwickshire.gov.uk, and your HR Advisor on 01926 412370 or hradvice@warwickshire.gov.uk

4 OCCUPATIONAL HEALTH SERVICE

Occupational Health advice can be obtained at **any time** as a preventative and supportive measure and **at any stage** to provide up-to-date medical information and, where appropriate, advice on a likely return to work and any reasonable adjustments e.g. phased return to work or possible early re-deployment where suitable alternative roles exist and medical advice indicates this should be considered. Up-to-date medical advice must be available to inform the **Final Stage Meeting (6.2)** and the referral should include as much relevant information as possible, see [Occupational Health provision](#).

The employee should be contacted in advance to explain the reason for a referral to occupational health, taking into account the sensitivity of the situation. If the employee wishes to submit additional medical advice then they may do so provided they meet any associated costs.

It might be appropriate to make an early application for **Ill-health early retirement (IHER)** in accordance with the relevant pension scheme provisions. This will be subject to certification by an independent medical practitioner who is qualified in occupational health medicine and who has not previously been involved in the case. The Council's Occupational Health Service will clarify whether a referral should be made to an independent medical practitioner.

5 CONDUCT RETURN TO WORK DISCUSSIONS

Managers will need to complete a return to work discussion after any period of sickness absence to:

- enquire about the employee's health, general wellbeing, welfare;
- understand the cause of the sickness absence and consider any adjustments;
- to review all absences and advise of the need to provide a regular pattern of attendance;
- to advise the individual they are approaching a sickness absence indicator - see Section 3.

The notes of the outcome of every return to work discussion must be recorded on [the self-certification form](#) and uploaded to HRER.

Further guidance on conducting Return to Work discussions is included on the ['Return to Work Discussion Aid'](#).

6 COMMENCING FORMAL STAGES

Managers will need to commence formal reviews of absence under this procedure when the employee's absence:

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 3 of 8	

- has met or exceeded a sickness absence indicator, or
- is otherwise of concern e.g. the absence is causing ongoing service delivery difficulties or there is a trend of absences occurring on particular days of the week, etc.

Even though sickness indicators may have been met, it may not always be appropriate to immediately proceed to a First Stage Meeting. There may also be cases where medical advice is indicating there is no prospect of the employee being able to return to work within the foreseeable future or a reasonable timeframe. In such instances it may be appropriate to progress straight to the Final Stage Meeting. All cases can differ greatly and therefore advice should be sought from your HR Advisor.

6.1 First Stage Meeting

A First Stage Meeting is the first formal step in addressing sickness absence under this procedure. The manager should normally contact the employee to explain the need for this meeting before writing to them formally under this Procedure and liaise with the HR Advisor who will support the progression of this process. Managers should:

6.1a) *Write to the employee and invite them to the First Stage Meeting* [\(template letters are available for guidance\)](#)

- provide seven calendar days' notice of the meeting and a copy of the Procedure;
- advise of the entitlement to be accompanied by a **trade union representative or work colleague;
- provide the relevant background information prior to the meeting including (where appropriate) a copy of Occupational Health advice, see Section 4 - and sickness absence record.

***If the employee's chosen trade union representative or work colleague is unable to attend the scheduled meeting, the employee may propose an alternative date provided it is reasonable and no more than 7 calendar days after the original date and another meeting will be arranged. If the employee fails to attend the re-arranged meeting, a decision may be taken in their absence.*

6.1b) *Hold the Meeting to discuss:* • the absence record and the impact that this is having on the team/service delivery; and

- the implications of further/continued absence.
- likely return to work, and, where the absence relates to an underlying medical condition or serious/recurring illness, the latest medical advice and prognosis;
- any support and agree objectives that may be required to improve attendance (e.g. exploring smarter working principles, or reasonable adjustments where the absence is disability related);

6.1c) *Decide Outcome*

Following the **First Stage Meeting** the manager may:

- issue a notice to improve, **requiring a sustained, acceptable attendance pattern that meets the needs of the business**, with a specific target which must be maintained for a period of 12 months. Within the period the employee should be advised that if their attendance does not meet the required standard, then the matter may be referred to a **Final Stage Meeting** and their employment may be at risk;
- not issue a notice to improve, as it is believed there are extenuating circumstances as to why the warning should not be issued. This should be discussed with HR in the first instance.

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 4 of 8	

In considering the above, managers should accommodate any reasonable adjustments required for disability related conditions - contact your HR Advisor for advice and refer to the [Question and Answer document](#).

6.1d) **Communicate the Outcome and Record the Decision** ([template letters are available for guidance](#))

- Confirm the outcome and any actions to be taken in writing to the employee. Agree actions and implications of further absence/unsatisfactory improvement must be made very clear, including the possibility of escalation to a **Final Stage Meeting**;
- The outcome letter must advise the employee of the right of appeal where a formal notice to improve has been issued. An appeal, to the manager's manager, must be lodged within 14 calendar days of being informed of the decision. There is no right of appeal against the implementation of a monitoring programme/period;
- The outcome must be maintained within the case management module of Your HR.
 - Documents relating to a case, including the outcome letter, should be uploaded to the Attendance section of the employee's HR-ER file. Use the following naming convention to link all the documents to a case record - "Sickness Absence" followed by the start date of the sickness absence record followed by the title of the document. eg (Sickness Absence 02/04/19 Self cert / return to work form).

6.1e) **Monitor, Improvement Satisfactory or Escalate**

During a monitoring period after the First Stage Meeting, managers should discuss as part of routine 1:1 meetings or arrange to meet regularly with the employee to review progress and how any subsequent absence should be considered.

Depending upon the circumstances, either during or at the end of the notice to improve period, a decision should be taken as to what further action is necessary. Where there has been satisfactory improvement, this should be confirmed and the employee informed that the current notice to improve has finished/been completed. This should be updated in the case management module of Your HR and documents uploaded to the Attendance section of the employee's HR-ER file.

Where improvement has **not** been satisfactory –

EITHER

1. Consider what is expected/acceptable and whether to extend the timescales for reviewing the notice to improve (e.g. there has been encouraging improvement and continuing signs of further improvement);

OR

2. The case should be escalated to a **Final Stage Meeting**. This will be appropriate where one or more of the following might apply:

- a notice to improve has already been issued but targets have not been met and/or absence continues to be of concern;
- the absence relates to an underlying medical condition or serious illness and the likely return to work date has been delayed and the absence can no longer be sustained;

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 5 of 8	

- Occupational Health has provided evidence that supports a recommendation that the employee can no longer carry out a substantial part of their current duties and/or should not return to their existing post, or that they will not be able to return to work in the foreseeable future or sustain regular attendance within a period of time that management considers to be reasonable. Redeployment will be considered, if appropriate and available, taking into account advice from Occupational Health (**Note: as mentioned in Section 4, Occupational Health advice may be sought at any time and therefore redeployment may occur at any part of the formal stage**). This may be either on a permanent or temporary basis. Where permanent redeployment is appropriate but is not available, or the employee unreasonably refuses an offer of redeployment, a **Final Stage Meeting** will be held.

6.2 Final Stage Meeting

A **notice to improve** does not need to expire before matters can be escalated to a Final Stage Meeting under this procedure. Managers will:

6.2a) **Obtain up-to-date Occupational Health advice** – see Section 4.

6.2b) **Write to the employee and invite them to the meeting** – note: the meeting must be chaired by an officer with the authority to terminate employment. This will be the Assistant Director or delegated to an appropriate manager.

- provide 14 calendar days' notice of the meeting;
- advise of the entitlement to be accompanied by a trade union representative or work colleague;
- provide the relevant background information prior to the meeting including a copy of Occupational Health advice and sickness absence record;
- Note **in 6.1 b) re: reorganising meetings where trade union representatives cannot attend.

6.2c) **Hold the Final Stage Meeting** - to discuss:

- the absence record and, as appropriate, the measures, targets and criteria that were used to assess improvement;
- up to date Occupational Health report;
- the actions that have been taken to date (including any reasonable adjustments required);
- the impact that the absence has had on the team/service delivery; and
- any representations from the employee.

6.2d) **Decide Outcome** - either:

1. **Re-affirm the notice to improve** - where

- a notice to improve has previously been issued and, in exceptional circumstances, a further period of recovery or further consideration of redeployment and/or reasonable adjustment can be agreed. If this is agreed, the notice to improve must be reaffirmed (and extended with a specific target which must be maintained for a period of 12 months) and the employee advised that the Final Stage Meeting will be reconvened if an improvement is not achieved or sustained. Regular monitoring should be put in place and, once issued, an employee will remain under review for the duration of the further notice to improve, regardless of whether or not they have returned to work or had any further periods of absence.

OR

2. **Terminate employment** – where:

- it is decided that an improvement is unlikely to be achieved or sustained within a reasonable period

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 6 of 8	

and;

- redeployment and/or sufficient reasonable adjustments are either not appropriate or available and/or
- consideration has been given to all the advice available, including up to date medical advice and management decide that the employee is permanently incapable of carrying out their current duties or a significant/material part of their duties (or incapable of carrying out duties within a reasonable period);
- medical evidence indicates that the employee is unlikely to be able to return to work in the foreseeable future.

The relevance of each of the factors above will depend on the reason and pattern of absence.

6.2e) **Communicate the Outcome and Record the Decision**

- Confirm the outcome in writing;
- where the outcome is termination of employment, appropriate notice and appeal rights must be given – see Section 7.
- The employee may be entitled to pension benefits, subject to the relevant pension scheme rules (early consideration of an application for IHER should be considered wherever possible as per Section 4);

The outcome must be maintained within the case management module of Your HR.

- Documents relating to a case, including the outcome letter, should be uploaded to the Attendance section of the employee's HR-ER file. Use the following naming convention to link all the documents to a case record - "Sickness Absence" followed by the start date of the sickness absence record followed by the title of the document. eg (Sickness Absence 02/04/19 Self cert / return to work form).

7 RIGHT OF APPEAL AND NOTICE ON TERMINATION OF EMPLOYMENT

The employee will be advised of their period of notice on the termination of their employment together with their right of appeal against the decision to dismiss. The employee will receive full pay during their notice period.

An employee may appeal the decision to terminate their employment which must be submitted **(along with the grounds of the appeal)** to their manager's manager in writing within 14 calendar days of the receiving the decision. The Appeal will usually be heard by the relevant Director (or Joint Managing Director) or, in exceptional circumstances, by another Director (or Joint Managing Director) e.g. where a Director has taken the original decision. The decision reached will be final.

Please note as a matter of policy in all formal meetings/hearings that the County Council requests that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and advise that the County Council does not allow recording of meetings.

Date of Issue	October 2017	Next Review :	October 2020	Last Review :	March 2019
Last Reviewed by	Employee Relations			Date EIA Undertaken	
Policy Owner	Assistant Director of Governance & Policy			Page 7 of 8	