

SICKNESS ABSENCE POLICY

1.0 Introduction

Valuing our employees by supporting good health and wellbeing is one of the Authority's core values. There is much research to demonstrate that attendance at work contributes to positive health and wellbeing. Carmarthenshire County Council (hereforth referred to as the Authority), aims to support its employees by providing a safe and healthy workplace and promoting a culture where regular attendance can be expected of all employees of the Authority. Absence from work is unlikely to be a positive experience for the absent employee(s) or his / her colleagues, so the Authority will actively manage and support those employees who experience ill health during their employment.

(throughout the policy a list of guidance notes and other policies are referenced for further information)

2.0 Scope

This policy applies to all employees with exception to staff on the complement of locally managed schools, for whom the policy adopted by their respective schools will apply.

3.0 General Principles

This policy sets out principles for managers and employees to ensure fairness and transparency when managing sickness absence through:

- Proactively working to promote a healthier workforce;
- Ensuring that all employees understand and comply with the appropriate reporting procedures;
- Conducting return to work discussions with employees;
- Monitoring absence levels and undertaking a meeting when employees' absence hits sickness absence trigger points;
- Considering 'reasonable adjustments' for employees with long-term health conditions;
- Using this policy when necessary to end the employment of an employee who is unable to attend work on a regular basis by reason of ill health capability.

All permanent and temporary, full-time and part-time employees (subject to minimum service requirements) are eligible to receive Occupational Sick Pay (OSP) under the national terms and conditions of employment, subject to the conditions outlined in this policy.

3.1 Supporting our employees with disabilities

Sickness is defined as 'incapacity to carry out the duties and responsibilities which the employee is contractually obliged to do because of his / her own illness or accident'. The Authority will endeavour to support all employees during periods of sickness. If the employees' sickness absence falls within the definition of the Equalities Act 2010 in respect of disabilities or other protected characteristics, reasonable adjustments will be considered wherever practical as outlined in Guidance Note 3 (Equalities Act) and / or the Disability Information and Reasonable Adjustments Guide.

It should be noted that this policy does not apply to 'time off work because of illness or accident of others' e.g. dependent care needs (employees should be directed towards other policies such as Flexible Working, Time off for Dependants Leave).

3.2 New employees and the probationary period

Whilst the overall principles outlined in this policy will apply to all new employees e.g. in terms of notification of absence. However in the formal management of absence, the Probationary Policy will override the Sickness Absence Policy during the relevant period. Absence from work may be a reason for extending a probationary period and it may on its own be a reason for dismissal under the Probationary policy.

3.3 All data relating to employee health is, by its very nature, confidential information and will only be shared with relevant line manager, Human Resources and Occupational Health personnel. Information will not be disclosed to a third party without prior consent.

4.0 Responsibilities

The key responsibilities in this policy lie with the employee and their immediate line manager and these requirements are outlined in full *in Guidance Note 1 and 2*. All new employees and line managers should be made aware of their responsibilities under this Policy at the commencement of employment through the local induction process and should also be included when a current or new employees is appointed to a post with management responsibilities for the first time. Communication is critical in ensuring that line managers and employees have all the information they need to support a return to work. Therefore, failure to follow this process **may** result in the cessation of sick pay and / or disciplinary action under the Authority's Disciplinary Procedures. The following lists the minimum requirements expected of an employee if they are absent due to illness:

- Reporting absence in person by the appropriate time;
- Providing self / medical certification for all medical absences as appropriate;
- Attending a Medical Review with the Authority's Occupational Health Service when required;

- Attending the relevant Attendance Management meetings with managers to discuss sickness absence as required by this policy.

Line managers will also have a key role in reporting sickness absence by accurately recording sickness absence at the appropriate time and ensuring that all employees' sickness absences are managed in a consistent and fair manner. Failure to undertake these duties may result in disciplinary action.

Wider responsibility for the policy rests with Members, Directors, Heads of Service and all Senior Managers. They are responsible for scrutinising sickness absence data and considering any trends in sickness absence. They need to ensure that a culture of attendance is in place and that they promote a 'safe and healthy' workplace. They must ensure that this Policy and accompanying guidance is effectively communicated ensuring that all employees sickness absences are managed sensitively and consistently. Senior managers will be responsible for commissioning additional support for employees as appropriate and practicable, and ensuring that employees have adequate training and supervision to carry out their duties.

People Management will have responsibility for monitoring the effectiveness of this policy and guidance. The People Management Division will ensure that the proactive approach to management is encouraged through timely advice from the Occupational Health Service, Learning and Development Team, the provision of timely and accurate data and professional HR advice.

5.0 Reporting Procedures

There is evidence to show that regular communication during absence is key to assisting an employee to return to work. An employee needs to telephone his / her line manager at the earliest opportunity when it is apparent that s/he will not be able to attend work due to sickness absence. This ideally should be prior to their normal start time, but no later than within the first hour of the normal working day. Communication should be by phone to the line manager. Messages by text and other forms of communication should only be used in emergencies and must be followed up by a telephone call as soon as possible. The method and regularity of communication should be agreed between the manager and employee during the initial and subsequent telephone conversations.

Employees are required to telephone their managers on the last working day prior to their return to work, so that managers can make arrangements for a 'return to work interview' and, when required, a review of temporary cover arrangements.

All absences must be covered by certification.

- Self certification can be used for the first 7 days only;
- Medical certification for absences of 8 calendar days or more.

Failure to provide certification may result in disciplinary action. If an employee is absent from work without a valid reason, this constitutes a breach of contract and the Authority may act accordingly. If it is found that an employee has deliberately

mised the Authority in respect of the true nature of their absence this may result in a disciplinary investigation and may also result in the immediate cessation of sick pay. (see *Disciplinary Policy and Procedure*)

In all cases, return to work interviews should take place at the earliest opportunity and should be on a 'face to face' basis. However, in recognition of the peripatetic nature of some of the workforce, the alternative option of 'telephone return to work' interviews can also be utilised.

All employees should be given a copy of Guidance Note 1 which outlines the correct procedure.

6.0 Sickness Absence Review Procedure and Trigger Points

It is recognised that periods of sickness absence, be they short-term or long-term, are disruptive to the service. It is important that managers follow this procedure so that employees are able to access support where appropriate. This is for the benefit of the employee, the service and work colleagues who have to provide cover for the absent team member. Unfortunately, there will be occasions when the Authority may have no alternative but to dismiss employees because of ill health capability.

6.1 Employee Support Meeting

If an employee has 3 occasions of absence in a rolling 12 month period the line manager should convene an 'employee support review meeting'. Managers should also hold the employee support meeting if they feel an employee is moving towards another formal trigger, including those who are on continuous absence. This should mean that additional support will be offered to employees at an early stage to help them back to work and or achieve more regular attendance.

The meeting is for managers and employees to explore their concerns, and support should be offered with the aim of assisting employees to achieve better attendance at work in the future. This meeting can be an extension of the return to work meeting and all employees are required to meet their line manager for an employee support meeting despite the prognosis. (See *guidance note 2 for further details and list of policies that may provide additional support*)

6.2 Trigger Point - Formal

If an employee has further periods of absence and hits a formal trigger, the manager will then invoke the formal stage of the sickness absence procedure. The formal triggers are:

- 4 occasions in a 12 month rolling period;
- The equivalent of 3 normal working weeks absence, continuous or otherwise, in a 12 month rolling period;

- Or any other unacceptable pattern of absence e.g. frequent occasions of absence abutting annual leave or bank holidays.

The trigger point will be invoked where an individual has either short-term intermittent absence or one continuous period of absence. In all cases, 7 calendar days notice will be given of a formal meeting under the Sickness Absence Policy.

6.3 1st Stage Attendance Management Meeting

At this meeting the line manager will meet with the employee who has hit the formal triggers and the employee will be able to be accompanied by a recognised trade union representative or an appropriate work colleague if required. Seven calendar days notice will be given of a formal meeting under the Sickness Absence Policy. (*Please see guidance on the role of the companion Grievance Procedure*)

This meeting may formalise some of the strategies that were discussed in the Employee Support Meeting. In order to facilitate a return to work, or achieve more regular attendance, a number of actions may be considered, including redeployment into a different role suited to the employees' health capabilities and / or changes to working patterns (*see Redeployment Policy*). Although the outcome of this meeting will be to emphasise support for employees and to consider all strategies that would assist the employee in returning or remaining in work, employees should be reminded that if there is little or no significant improvement in attendance then ultimately this may result in the termination of their employment on ill health capability.

If following a review period of up to 3 months an improvement in attendance is noted then the individual will be removed from the Formal Attendance Management stage with the provision that if their sickness absence level hits the formal trigger again within the next 6 months that they would continue the Sickness Absence Procedure at the 1st Stage Attendance Management Meeting and this will be confirmed in writing..

6.4 2nd Stage Attendance Management Meeting

If after the 'review period' the employees' sickness absence fails to improve then the manager will invoke the 2nd stage Attendance Management Meeting. The line manager may be accompanied by another manager or HR Advisor and the employee may be accompanied by a recognised trade union representative or an appropriate work colleague if required. Seven calendar days notice will be given of a formal meeting under the Sickness Absence Policy (*Please see separate guidance on roles of companion*)

In order to facilitate a return to work or achieve more regular attendance a number of supportive actions may be considered including redeployment into a different role suited to the employees' health capabilities (*see Redeployment Policy*) and / or changes to working patterns. If other support strategies are not viable it is likely that one of the outcomes of this meeting is to request a medical report from Occupational Health in preparation for the

final stage where the outcome may be dismissal on health capability grounds. The employee must be formally advised that this may be the outcome if their attendance fails to improve.

The employee has the right to request that the decision of the 2nd Stage Attendance Management Meeting be reviewed by a Director or nominated representative with advice from the Assistant Chief Executive (People Management) or nominated representative.

The request to review the decision must be made by writing to the Assistant Chief Executive (People Management) within 7 calendar days of the date of the outcome letter and the employee must set out the reasons for the request to review. The Director or nominated representative will review the decision with advice from the Assistant Chief Executive (People Management) or nominated representative and confirm the outcome to the employee without undue delay.

If following a review period of up to 3 month review period an improvement in attendance is noted then the individual will be removed from the Formal Attendance Management Review stage with the proviso that if his / her sickness absence level hits the formal trigger again in the next 6 months that they would continue the sickness absence procedure at the 2nd stage attendance management meeting and this will be confirmed in writing,.

6.5 3rd Stage Attendance Management Meeting

If following the review period the level of sickness does not improve, a third stage Attendance Management Meeting will take place. The line manager may be accompanied by another manager or HR Advisor. The employee will be informed in advance that one of the outcomes of this meeting may be dismissal on the grounds of ill health capability and the employee will be offered the right to be accompanied by a recognised trade union representative or an appropriate work colleague. Seven calendar days notice will be given of a formal meeting under the Sickness Absence Policy (*Please see guidance on the role of a companion*)

The line manager will consider information in the employee's current review period including an up to date medical report and any submission by the employee and their representative or companion. In addition, if relevant, the previous three years attendance record will be taken into consideration (if an employee has less than three years service their overall attendance record would be a consideration).

In all cases when dismissal on ill health capability is being considered the Director or nominated representative should be informed and advice sought from a HR Advisor in advance of the 3rd stage meeting. If at the third stage the decision is not to dismiss then the same principle will be in place as at other stages i.e. that a further review will be held within a 3 month period with an extended review period if necessary and this will be confirmed in writing.

The right to appeal following a health capability dismissal will be in writing to the Assistant Chief Executive (People Management) within 14 calendar days of the date of the outcome letter and must set out the grounds for appeal.

The appeal panel will consist of a Director or nominated representative and the Assistant Chief Executive (People Management) or nominated representative and their decision is final.

Additional Information - It should be noted that the procedure will be the same for either short-term, usually intermittent absences (usually an absence of less than a month), or a long-term absence (usually a continuous absence of a month or over). However, if within the formal procedure an employee's absence changes from long-term to short-term or vice versa it may be necessary at the first formal meeting to keep the employee at the same stage whilst further medical information is sought via Occupational Health Services. This meeting may be held in order to consider the nature of the illness and if necessary further medical evidence can be obtained prior to moving to the next stage of the procedure. The decision to hold this meeting will be on a 'case by case' basis and the line manager should seek advice from the appropriate HR Advisor.

(See guidance note 4 Ill health Retirement guidance for further information on access to ill health provisions of Local Government Pension Scheme and or Teachers Pension Scheme)

7.0 Occupational Health Services

Occupational health services have an important role in rehabilitating employees after sickness or injury in order to facilitate a return to work as soon as possible. Occupational Health services will be instrumental in ensuring that proactive health strategies are in place.

An employee can be referred by their manager to Occupational Health Services at any time, be that prior to a likely absence, during or following a period / periods of absence. Managers are encouraged to refer to Occupational Health services early in the process so that the appropriate medical opinion can be sought and any reasonable adjustments can be identified. Early intervention can provide an early solution at the time of the 'Employee Support Meeting', which can lead to additional support for employees through Cognitive Behaviour Therapy (CBT) or Physiotherapy. Early intervention can also lead to consideration of redeployment or other options that can facilitate return to work. (*see redeployment policy*) A return to work on a 'phased basis' can sometimes be recommended and this will be granted with normal pay for a maximum of 4 weeks.

In all cases, managers should refer employees to Occupational Health Services following a work related injury.

Occupational Health reports will be provided only to the employee's line manager or to the manager making the referral with a copy to the appropriate HR Advisor. It should be noted that relevant information may be shared with relevant senior officers if and when the final stages of the procedure are likely to be invoked or at

the point where an employee may invoke their right to appeal or review. (Please see additional guidance on confidentiality regarding medical reports Occupational Health guidance note) Employees have the right to review the Occupational Health report prior to the report being released to their line manager. However, after 10 calendar days from the expected date of receipt of the Occupational Health Report, Occupational Health Services will then share the report with the Referral Line Manager and HR team.

Case conferences - may be convened at any time if it is felt that it would be beneficial and appropriate. They will be convened by line managers who will invite the employee, relevant professionals from occupational health, and HR to discuss future prognosis and review all available options. Although case conferences are not part of the formal procedure, employees will be able to bring their recognised trade union representative and or appropriate work colleague to this meeting.

Line Managers will be required to liaise with Occupational Health Services to ensure that, where possible, fitness for work strategies are in place in order to facilitate the health and wellbeing of all employees. Occupational Health Services will undertake proactive health initiatives throughout the year in order to maintain good health and to recommend suitable intervention to help managers to support their employees and this may include initiatives such as the nurse call back scheme.

8.0 Other Responsibilities

Failure to follow procedures may result in cessation of Occupational Sick Pay and Statutory Sick Pay, which may also invoke disciplinary action. There are other cases which may result in the Authority withholding occupational sick pay even when in some of these circumstances the payment of statutory sick pay will continue (see Guidance Note 6 for advice, details and definitions).

- Occupational sick payments **may** not be made when injuries are caused by paid sporting activities, recklessly participating in dangerous activities or extreme sport, elective cosmetic surgery or for injuries incurred whilst working for another employer.
- The payment of Occupational Sick Pay may be stopped when an employee undertakes activities during a period of sickness which may be detrimental to / or delay their return to work, and / or if they knowingly partake in activities that have previously caused occasions of absence.
- Occupational Sick Pay will not be paid if an individual fails to attend Occupational health meetings and / or meetings with manager without due reason or advanced notification. Future occupational sickness payments could be affected if an employee fails to attend without good reason an occupational health meeting and / or any therapy sessions or other initiatives agreed by the Authority to assist the employee's wellbeing without good reason.
- Occupational sick pay will not be made if occupational health medical professionals advise a return to work within a specific timeframe and the employee does not return to work without good reason.

- Occupational and statutory sick pay will not be made in the case of employees who fail to follow the appropriate notification procedure and delays in provision of a fitness for work certificate by more than 7 calendar days without good reason, may result in the withdrawal of occupational and statutory sick pay.
- Employees will not be paid occupational sick pay if it is known that during a period of sickness absence they are working for another employer or carrying out any other work, whether paid or unpaid, without seeking prior permission.
- Occupational Sick Pay will be paid in the event of sickness absence which results in a claim against a third party for loss of earnings, however, arrangements will be in place to reclaim Occupational Sick Pay once the claim is settled against the third party.
- Specific arrangements are in place for when sickness absence occurs during annual leave. (Please see Annual Leave and Holiday Pay Policy)

The employee has the right to request that the decision to withhold occupational / statutory sick pay be reviewed by the Director or nominated representative with advice from the Assistant Chief Executive (People Management) or nominated representative.

The request to review a decision must be made by writing to the Assistant Chief Executive (People Management) within 7 calendar days of the date of the receipt of the decision in respect of the withdrawal of occupational / statutory sick pay, and must set out the reasons for the request for a review.

The Director or nominated representative will review the decision, with advice from the Assistant Chief Executive (People Management) or nominated representative, and confirm the outcome to the employee without undue delay.

8.1 Absences of ½ day or less

For recording purposes, sickness absence can only be recorded for half day or whole day periods. However, if anyone is incapacitated for less than that period they should ensure that their manager is notified and that they self-certify for the period of sickness. This will ensure that the employee is paid for normal hours. However, it should be noted that it **will** count towards the individual's sickness absence trigger.

9.0 Ensuring Equality of Treatment

This policy must be applied consistently to all employees irrespective of race, colour, ethnic or national origins (including citizenship), language, disability, religion, belief or non belief, age, sex, gender reassignment, sexual orientation, parental or marital status, pregnancy or maternity.