



EAST HERTS COUNCIL

ABSENCE MANAGEMENT POLICY AND PROCEDURE

MAY 2006

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## **1. Introduction**

- 1.1. It is important that the Council takes its duty of care towards its employees seriously. The aim of this policy is to provide Managers and employees with clear information on how absence will be managed fairly and consistently throughout the organisation.
- 1.2. The policy also highlights the importance of managing sickness absence in relation to the provision of high quality service.
- 1.3. This policy links with the Council's Health and Safety Policy and sets out the Council's obligations to employees under the Disability Discrimination Act 1995 and (Amendment) Regulations 2003.
- 1.4. Where situations of serious ill health or unacceptable patterns of sickness absence are encountered this policy should be used in conjunction with the Capability Procedure and with the assistance of Human Resources.

## **2. Sickness Absence Data Collection**

- 2.1. Human Resources are responsible for producing data for monitoring the sickness absence of all employees of the Council, based on information supplied from Divisions. Information on the number of staff absent due to sickness will be forwarded to each Director on a monthly basis along with notification of any absence which needs particular management attention due to its duration/regularity or pattern.
- 2.2. Managers who wish to discuss concerns over absence with an employee should seek the advice of Human Resources.

## **GENERAL GUIDANCE**

### **3. Reporting of Sickness Absence**

- 3.1. Line Managers and Supervisors shall ensure that all employees are aware of the notification requirements. In particular, new employees shall be fully informed of the procedure as part of their induction training.
- 3.2. For each occasion of sickness absence, employees must complete a self-certification form for the first seven days (including Saturday and Sunday) and provide a medical certification from their General Practitioner thereafter.
- 3.3. Employees must contact their Manager by telephone on the 1st and 4<sup>th</sup> days of absence. If absence extends beyond 7 days, contact should remain regular between the employee and department.
- 3.4. Where an employee fails to comply with these requirements, entitlement to Statutory Sick Pay or Occupational Sick Pay for all or part of the absence period may be stopped. Failure to follow Council procedures may also result in disciplinary action.
- 3.5. Self Certification forms should be countersigned by the line manager, who will forward the documentation to Human Resources.

### **4. Sickness While on Holiday**

- 4.1. Employees who have taken leave and subsequently fall ill should contact their Manager as soon as possible and inform them fully of when they fell ill and will be likely to return.
- 4.2. Whether on leave in this country or abroad, holidays will be reimbursed for time off if it is certified as sickness. If in an EEC country and sickness extends beyond 7 days employees would be expected to provide documentation from the local GP or hospital. Employees in non EEC countries will be

required to provide the same information, but are not entitled to Statutory Sick Pay under current regulations.

## **5. Maintaining Contact with Absent Employees**

- 5.1. Recognised good management practice requires that contact should be maintained with employees on sickness absence. Contact is considered to be particularly important in cases of long-term sickness absence, as this will allow management decisions to be taken on the basis of up-to-date information.
- 5.2. It is essential that maintaining contact with employees on sickness absence is handled sensitively and with due consideration of the nature of the employee's illness. In this regard contact by telephone and/or letter will be appropriate in many cases. In some cases it will be desirable to meet with employees and this should normally take place at the employee's workplace or any other suitable Council establishment.
- 5.3. In some circumstances the appropriate method of contact may be to meet the employee at home with his/her agreement. The home visit should be undertaken by an Officer known to the employee and another colleague.
- 5.4. At least five working days notice will be given to an employee of such a meeting.

## **6. On Return to Work**

- 6.1. As part of the general procedures for managing sickness absence, Line Managers or Supervisors should endeavour to meet with employees following each period of sickness absence.
- 6.2. The appropriate Officer, who will normally be the individual's Line Manager, should conduct the discussion in private. These discussions are deemed to be informal and should raise any concerns around the individual's absence and attempt to resolve any issues before moving to formal procedures.

- 6.3. In general this discussion should be used to: -
- Discuss the cause of absence.
  - Discuss, where appropriate, the working environment and its effect on the individual's health.
  - Reassure the employee, where appropriate, that there are no concerns about the general level of absence.
  - Discuss, where appropriate, the general attendance record, and
  - Reinforce the Council view of the importance of good attendance.
- 6.4. In the case of long-term sickness absence, the discussion should be used to allow consideration of any particular difficulties or concerns the employee may have relating to his/her return to work.
- 6.5. In agreeing support for returners to work, managers should consider whether a risk assessment is required or further advice is needed from Occupational Health and whether a phased return would be helpful. If the latter is required managers and employees should consider using untaken holiday if it would otherwise be lost and managers may authorise up to 4 weeks phased return using a combination of temporary reduced hours and sick pay. Other alternatives should only be agreed after consultation with Human Resources.
- 6.6. In the case of short-term absence, the discussion should be used to ensure that certification certificates are completed and processed as soon as possible.

## **MANAGING ABSENCE**

### **7. Generally**

- 7.1. Managers should treat each case according to individual circumstances. However, a consistent approach should be taken in dealing with absence management. The following guidelines are intended to enable managers to do so. If in doubt as regards to what course of action should be taken, advice should be sought from Human Resources.

### **8. Occupational Health Referral**

- 8.1. Referral to the Occupational Health Unit is not a form of reprimand; neither does it imply that the Council doubts that an employee is genuinely sick. It is to ensure that managers have up to date information on an employee's medical condition and can take decisions in the light of that information in the interests of the employee and the Council.
- 8.2. This Absence Management Policy gives guidance on when it might be appropriate for managers to consider whether a referral to Occupational Health is appropriate. However, all cases will be considered according to their individual circumstances and nothing in this policy should be read as restricting managers' right to request a referral of an employee to Occupational Health at any time.
- 8.3. If a manager thinks that it is appropriate to refer an employee to Occupational Health they should discuss the circumstances of the case with HR in the first instance.
- 8.4. Managers will request either verbally or in writing that the employee complete the Access to Medical Records Form, which will advise him/her of their rights under the Access to Medical Reports Act 1988. The employee should complete the form and advise whether or not they are prepared to give consent.



- 8.5. If the employee fails to return the consent form, management will assume that they have withheld consent. In this case, the employee will still be referred to Occupational Health.
- 8.6. Employees should be made aware that refusal to give consent could mean the Council would make decisions on an employee's capability or conduct without having full knowledge of the person's situation.

## **9. Points to Consider**

- 9.1. Circumstances surrounding ill health absence will vary but broadly cases fall into 3 main categories:-
- Short term persistent
  - Long term
  - Self limiting
- 9.2. Short or long term absence can stem from a variety of causes and it is important to establish whether or not there is an underlying health problem or other circumstances preventing an employee from attending work.
- 9.3. An absence related to a self limiting condition may include, for example, suffering from a broken limb or recovering from an operation which brings about a cure.

## **10. Trigger Levels**

- 10.1. To ensure a consistent approach to monitoring absence across the Council, the following trigger levels should be used to invite each employee who has reached or exceeded these levels to discuss management concerns.
- 10 days sickness absence in a rolling year; **or**
  - 3 separate periods of sickness in a 6 month period; **or**
  - a pattern of absence which gives cause for concern.

## **11. Absence Management Interviews**

- 11.1. Employees have the right to be accompanied at any absence management meeting by Union representative or a colleague of their choice.
- 11.2. Once an employee's absence has reached a trigger level, their line manager should invite them to an absence management interview to discuss the problem. At least five working days notice will be given to an employee of a Sickness Absence Meeting. If this date is not suitable to the employee or their representative/colleague, the employee must propose a reasonable alternative within five working days the date set for the meeting, unless agreement is obtained on both sides to alter this requirement.
- 11.3. If the employee fails to offer an alternative date within 5 working days of the date set for the meeting the manager will set the time and date of the meeting, which will proceed without the employee's companion if they are unable to attend.
- 11.4. At the Absence Management Interview, the Line Manager will explore with the employee the reason for the high level of absence/pattern of absence causing concern in order that any underlying medical condition, work or personal circumstances can be taken into consideration.
- 11.5. The discussion will depend upon the particular circumstances involved. It is important to try to identify the reason for the sickness absence and any possible contributory causes.
- 11.6. It will not normally be necessary at this stage to refer the employee to the Medical Adviser but if there is evidence of an underlying medical condition or cause for concern where a medical assessment would be helpful, a referral can be made.
- 11.7. If appropriate the manager will set out the level of attendance expected and the improvement required. Close monitoring of the individual's absence, including regular review meetings may also be agreed upon.

- 11.8. The main points and the agreed actions from the meeting will be confirmed in writing to the employee.
- 11.9. Should the absence level fail to improve during the monitoring period, the employee should be informed that they will be referred to the Medical Adviser.
- 11.10. Where the employee achieves and maintains the necessary level of attendance at work for a period **of three months**, the manager will meet with the employee, and follow up in writing, the decision to discontinue the close monitoring.
- 11.11. If this is not effective or if following the period of successful close monitoring, the pattern of sickness previously giving cause for concern re-emerges, the line manager should consider the following:-
- imposing an extended period of monitoring;
  - moving to the formal capability procedure.

## **12. Requirement to Provide a Doctor's Certificate**

- 12.1. Employees who are undergoing close monitoring of absence may be asked to provide a Doctors Certificate from the first day of each absence period. If, as a result of this requirement, the employee incurs a cost this will be refunded, normally through the petty cash system.

## **13. Reasonable Adjustments**

- 13.1. Under the Disability Discrimination Act and (Amendment) Regulations 2003, if an employee or the Occupational Doctor advises the Council that the reason for absence is related to a disability, then the Manager must make any possible re-adjustment to the duties or working environment in order to meet the needs of the individual and therefore increase attendance.

- 13.2. Advice can be sought from Human Resources as to how reasonable adjustment can be made to a job or environment.

#### **14. Redeployment**

- 14.1. Where the Medical Adviser recommends that the employee is Unfit for the duties of the individual's post, but may be able to undertake alternative work, suitable vacancies should be explored into which the employee may be redeployed.
- 14.2. HR will monitor vacancies over a 3 month period to identify a suitable alternative post. If this does not prove possible, management will have to resort to the capability procedure in order to dismiss the employee.

#### **15. Ill Health Retirement**

- 15.1. In rare cases, Occupational Health may advise that an employee is permanently unfit for work. In such situations it will be necessary for the employee to sign a consent form to pursue retirement on ill health grounds so that the required advice can be obtained from two medical sources, one of which will be the Occupational Health Unit.
- 15.2. In situations where an employee disputes the need for ill health retirement, the case will have to be heard under the Council's Capability Procedure in order to obtain a dismissal. This process need not prevent the pension being paid.

#### **16. Unsustainable Absences**

- 16.1. When no return date can be given, the Line Manager will have to consider for how much longer the absence can be sustained without detriment to the service.
- 16.2. Where the medical advice states that the employee is not permanently unfit, but will be able to return at a future date, the Line Manager will have to consider whether the absence can be managed without detriment to the service.

16.3. If the manager forms the view that an employee's absence cannot be sustained without unacceptable detriment to the service the case will be referred to be dealt with under the Council's Capability Procedure.

## **17. Stress**

17.1. Managers have a duty of care for their staff and have an important role in identifying and reducing stress in the workplace, whether the primary cause of stress is work related or not.

17.2. Guidance can be obtained from Human Resources if stress is identified as a factor in employee absence or performance and managers should also refer to the Health and Safety Policy.

17.3. Managers' should consider whether to involve Occupational Health and, if appropriate, counselling can be arranged through Human Resources.