



Copeland Borough Council

Sickness Absence Control Policy and Procedure

Adopted by Council 11 September 2001

1.0 **INTRODUCTION**

- 1.1 Copeland Borough Council recognises its responsibility to provide a safe and healthy working environment for its employees. In fulfilling this responsibility, the Council will help to keep the level of sickness absence as low as possible by preventing accidents and promoting good health generally.
- 1.2 Sickness absence affects the ability of the Council to deliver high quality services reliably and to achieve Best Value. This policy is designed to take account of both employee welfare and organizational requirements. In order to monitor the Council's performance in this important area, sickness absence levels will be audited and published as one of the key Best Value corporate health indicators.
- 1.3 The Council's objective is to have a healthy and productive workforce and to be as supportive and caring as is reasonably possible where there is concern about a developing problem. The Council is also concerned to maintain good working standards and be fully committed to good employment practice and adherence to the law.
- 1.4 This policy and procedure is designed to combine:
 - ❖ a positive, sensitive approach to monitoring and management of sickness absence
 - ❖ encouragement for accountability and responsibility among employees
 - ❖ a consistent approach which is seen to be fair
- 1.5 Uncertified or suspect sickness is a separate issue of conduct and will be dealt with under the disciplinary procedures.
- 1.6 Absence for medical, dental and other such appointments must be authorised by Line Managers or Supervisors, in accordance with other relevant guidelines including the Flexible Working Hours Scheme. However, for the purposes of this procedure it is not classed as sickness absence but authorised absence, and should be recorded as such.
- 1.7 This policy statement and procedure is produced principally as guidance to assist Line Managers and Supervisors in dealing sympathetically with employees' sickness absence, both short and long term, in accordance with the Council's objectives, whilst recognising the fundamental need to provide an efficient and effective service. Employees should also be aware of the procedures that must be followed by themselves and their Line Managers or Supervisors.
- 1.8 This policy applies to all employees of Copeland Borough Council.

2.0 **POLICY STATEMENT**

- 2.1 All employees will be treated in a fair and consistent manner. The ultimate aim will be to handle sickness in a supportive and effective manner, whatever the duration or pattern of absence.
- 2.2 In implementing this policy, the Council will fulfill its responsibilities under the Human Rights Act 1998. The Council is also committed to fair and flexible treatment of disabled employees, and compliance with the Disability Discrimination Act 1995.

- 2.3 The Council recognizes the importance of harmonious employee relations, and the co-operation of the recognised trade unions in implementing this policy.
- 2.4 The Council accepts that every member of staff is likely to suffer from ill health at some time. It also recognises that long-term sickness should be handled in a different manner from short-term periods of sickness and will ensure that procedures are in place which reflect this difference.
- 2.5 Line Managers or Supervisors will be provided with training, support and guidance in order to ensure that they are adequately equipped to tackle individual sickness problems. Their role is to establish the cause of the absence, likely future patterns and not to concentrate solely on the effects.
- 2.6 The Council realises that any long-term sickness absence is normally in itself a source of anxiety for employees who may become particularly concerned about the security of their employment. In order to provide maximum support to employees faced with this predicament, the advice and guidance of the Occupational Health Service will always be available.
- 2.7 The Council recognises, in accordance with the principles of its Dignity at Work Policy, that disabled employees must be entitled to some special considerations. The Council also takes account of the impact of other associated policies in relation to disability (including HIV, AIDS, alcohol and drug abuse etc). In some circumstances, an increased level of sickness absence may be anticipated, and will be dealt with as sympathetically as possible. The Personnel Section will provide specific guidance in this area.
- 2.8 Employees will be made aware that their Line Manager or Supervisor will monitor their attendance record.
- 2.9 Line Managers or Supervisors will personally monitor the attendance of employees they supervise and will be personally responsible for the management of absence in their own department.
- 2.10 Accurate records of sickness absence must be kept to enable identification of individual absence patterns at an early stage.
- 2.11 In cases where termination of employment on grounds of incapability arising from ill-health is considered, action will only be taken if;
- i) the employee has been counselled;
 - ii) the employee has been advised that continued absence may result in termination of employment;
 - iii) where appropriate, the possibility of alternative work has been considered.
- 3.0 **REPORTING SICKNESS ABSENCE**
- 3.1 Employees must notify their Line Manager or Supervisor of their inability to attend work, and the reason for it, as soon as possible and in any event no later than the start of their normal working day on the first occasion of any period of absence. The employee must

provide information to enable the Line Manager or Supervisor to make appropriate arrangements during the absence. In particular, the following information must be provided when absence is reported:-

- ❖ The absentee's name
- ❖ The nature of the health problem
- ❖ The likely duration of the absence
- ❖ Any immediate work-related issues (appointments, deadlines etc.)

Where the duration of the absence extends beyond any estimate previously given by the employee, he or she must keep the Line Manager or Supervisor informed about the likely date of return.

- 3.2 A "*Sickness Declaration Form*" must be completed by the employee and returned to the Line Manager or Supervisor for any period of sickness absence of up to 7 days. This self-certification document must be completed as soon as possible after return to work, and in any event no later than 3 days after return.
- 3.3 If the period of sickness absence continues after the 7th day a doctor's certificate must be submitted by the employee, through the Line Manager or Supervisor.
- 3.4 Failure on the part of an employee to submit a Sickness Declaration Form or Doctor's Certificate will normally result in the withholding of sick pay.

4.0 **MONITORING AND RECORD KEEPING**

- 4.1 Accurate recording of all absence will help to develop a fair and consistent managerial approach to work attendance. It will also help to raise employee awareness of management's interest in this area whilst highlighting to each individual his or her own standard of attendance. It is an integral part of each Line Manager's or Supervisor's responsibilities.
- 4.2 The most important aid to effective absence control is the detailed individual record. This must accommodate all forms of employee absence, including sickness, holidays, flexi-leave, lieu days, leave of absence, unauthorised absence and compassionate leave. Records must be accurately maintained as they will form part of the evidence needed for formalised action, where required. Accurate records will also ensure that each employee is dealt with fairly.
- 4.3 To support the role of Line Managers or Supervisors, monitoring of sickness absence will also be undertaken centrally by the Personnel Section. Statistical information regarding the overall work attendance within the organisation will be derived from the records kept by individual Line Managers or Supervisors. Overall monitoring of absence levels and trends will be carried out every quarter and findings reported to Strategic Management Team (SMT) and Personnel Panel. This statistical information will also be provided to Line Managers and Supervisors.

5.0 **SICKNESS ABSENCE CONTROL PROCEDURES**

5.1 **Return to Work Interviews**

5.2 When an employee returns to work after absence due to sickness, their Line Manager or Supervisor must check that the employee is fit to return to work, and discuss whether or not any further health problems are anticipated. Where the absence has been of short duration and relates to a minor ailment, the interview may be appropriately brief.

5.3 Where there is either a succession of short-term sickness absences, or a period of long-term absence, the Return to Work Interview needs to be appropriately thorough, and recorded as described in paragraph 6.4 (a) of this procedure.

6.0 **Persistent short-term absence**

6.1 Persistent short-term absence may be either for reasons of sickness, (short periods of one or two days occurring frequently), or may arise where an employee fails to attend for work without permission or for reasons which are not notified in advance. It is important to identify the cause of the absence because this will determine the action which may reasonably be taken if abuse of the Council's procedures is suspected.

6.2 Persistent absence should be dealt with promptly, fairly and consistently. If the Council does not show that it is concerned about levels of absenteeism, employees in a small minority of cases may abuse the provisions of the Sickness Scheme. The effective use of absence records is an important part of the responsibility of any Line Manager or Supervisor.

6.3 Employees will be interviewed by their Line Manager or Supervisor in their normal place of work following the third period of sickness absence during any rolling 24-week (6 month) period. The interview will take place as soon as possible (preferably at the start of the employee's normal working day) following return to work after the third period of sickness absence. A copy of the interview will be forwarded to the Personnel Section where it will be placed on the employee's personal file.

6.4 Where an employee has three instances of short-term sickness absence in any rolling 24 -week period, the following procedures will apply on the employee's return after the third instance:-

- (a) **Return to Work Interview** : The Line Manager or Supervisor will discuss the reasons for absence and the frequency with which the employee is absent. The discussion should try to identify any help the Council could provide to overcome the health problems suffered by the employee, and establish whether or not such problems are connected with the employee's work or working environment. It should be explained to the employee that, while the Council is sympathetic to cases of genuine illness, it cannot tolerate continuing high levels of absence. The need for good attendance should be underlined. The employee must be told that a record of the interview will be put on file, and the relevant pro-forma jointly signed;

- (b) **If the problems persist** : After the date of the Return to Work Interview the Line Manager or Supervisor must see the employee again, repeat and record the same interview following any subsequent periods of sickness absence within a further rolling 24-week period. The employee should be asked whether or not he or she has sought medical help. The Line Manager or Supervisor should identify any positive steps they have taken and whether or not there is any further help the Council can provide. The Line Manager or Supervisor will seek agreement for him or her to be seen by the Occupational Health Service nurse or Physician, who may in turn seek further information from the employee's own Doctor. At all stages, the employee's rights under the Access to Medical Reports Act 1988 and the Access to Health Records Act 1990, will be respected. It should be made clear that the interview is a formal meeting and that the employee will receive written confirmation of the meeting afterwards and a copy will be placed on the personal file. Where the employee continues to have repeated periods of short-term absence, it may ultimately be necessary to take more formal action, with termination of employment on the grounds of incapability due to ill health being considered. Line Managers and Supervisors must make sure that the employee understands this;
- (c) **If there is still no improvement, and the medical assessment makes no recommendations as to how to improve the situation** : The employee must be interviewed again and the interview recorded as before. After explaining all the issues once more and taking into account the findings of any medical report, the Line Manager or Supervisor must indicate that the Council is unable to continue to accept the level of absence. If an employee refuses to attend for a medical examination by the Occupational Health Service, he or she should be informed that, in the absence of a medical report, action will be taken using the information available. When all the available processes have been exhausted, a final formal letter will be sent to the employee, setting out the facts and the action that the Council will take, i.e. termination of employment, if the situation is not resolved within a reasonable timescale;
- (d) **If the absence continues** : A hearing will be convened under the Council's Disciplinary and Capability Procedure, and in the absence of any new information or mitigating evidence, the individual's employment will be formally terminated.
- 6.5 At stages (b),(c) and (d) above, Line Managers or Supervisors will work closely with a Personnel Officer who will normally be present at interviews with the employee.
- 6.6 At stages (b), (c) and (d) above, the employee must be given the opportunity to be accompanied by a Trade Union representative or work colleague if he or she so wishes.
- 7.0 **LONG-TERM ABSENCE**

For the purposes of this procedure, long-term absence is defined as a situation;

- where the employee is absent for a period exceeding 20 consecutive working days;
- where an employee has sustained a serious injury and a prolonged absence is anticipated. Where this type of absence occurs it may not be appropriate to deal with the situation using a procedure of formal warnings. The approach adopted should

balance the employee's need for time to recover with the Council's need for work to be done;

- where aggregated sickness absence exceeds 20 working days in any 12-month period.

7.1 In exceptional cases, such as those where there is a known diagnosis of potentially terminal illness, it is clearly particularly important to take a flexible approach and in these cases the Line Manager or Supervisor and the Personnel Officer will work closely together in managing the situation..

7.2 **Procedures for Managers to deal with long-term sickness absence**

7.3 **Where long-term absence arises (as detailed in 7.0 above)**, an interview should be arranged with the employee as soon as possible after the qualifying threshold described in paragraph 7.0 above is reached, to discuss their progress. When arranging the interview it should be made clear that the initial discussion will be informal, but the employee should be given the opportunity to have a representative present if he or she so wishes. At all stages, appropriate file notes should be made by the Line Manager or Supervisor, and a confidential copy forwarded to Personnel Services section for the employee's personal file.

7.4 **Maintaining regular contact with the employee.** The Line Manager or Supervisor should keep up to date with the employee's state of health.

7.5 **Keeping the employee informed :** It is obviously important to inform the employee if his or her employment is likely to be at risk.

7.6 **Where recovery appears to be unlikely:** The Line Manager or Supervisor should consult with the Personnel Section to ensure a consistent approach is maintained. The Personnel Section will arrange for an assessment by the Occupational Health Service. In each case, the Personnel Section will be responsible for obtaining any necessary consent from the employee. Assessment may involve one or more of the following procedures:-

- i. Checking with the employee's own doctor about the possibility of return to work. The inquiry might also seek a view on any limitations on the work which the employee could be expected to do when they return. [The doctor can only release information with the consent of the employee. It is therefore, important to get the employee's agreement to this in writing]:
- ii. Obtaining a medical report from the Council's Occupational Health Service, prepared by either a qualified Occupational Health Nurse or the Occupational Health Physician. On the basis of this report, the Council will consider whether they should:-
 - ❖ wait for the employee to return to work in their original job, and take any steps necessary to facilitate an early return to work (variation of hours; temporary light duties etc.)

- ❖ provide alternative work for the employee if available. [The Council does not have to create a special job]
- ❖ retire the employee on the grounds of ill health in accordance with the terms of the superannuation scheme and the Council's policy on Early Retirement.
- ❖ dismiss the employee on the grounds of incapacity due to ill health.

7.7 **Where an employee refuses to cooperate** : If an employee refuses to provide medical evidence or to be examined by the Occupational Health Service, he or she should be told in writing that a decision about continued employment will be taken on the basis of the information available and that dismissal may result:

7.8 **Where the cause of the absence was created by conditions of work** e.g. allergies, the Council will consider remedial action or the possibility of a transfer to alternative work:

7.9 **Where the employee's job can no longer be kept open** and there is no suitable alternative work available, the employee must be informed of the likelihood of dismissal.

7.10 **Dismissal as a result of ill-health incapability.** When the procedure described in paragraph 7.6 above has been followed, and the conclusion is that the employee's employment must be terminated, a hearing will be convened under the Council's Disciplinary and Capability Procedure. In the absence of any new information or mitigating evidence, the employee's employment will be terminated on the grounds of incapability due to ill health.

8.0 **SUMMARY**

8.1 A distinction should be made between absence on grounds of incapability as a result of ill health and absence for reasons which may call for disciplinary action. Proper investigation (based on accurate records) and consultation with the employee is essential. To ensure consistency the Personnel Section must receive a copy of all Return to Work Interview Forms in the case of persistent short-term sickness absence. In the case of long-term sickness absence the Personnel Section should be consulted when it becomes necessary to involve the Occupational Health Service and thereafter.

8.2 Appropriate action should be taken based on all the available information and following consultation between the relevant Line Manager or Supervisor and the Personnel Section. No decision should be made without reference to the facts.

8.3 Before any decision is taken concerning termination as described in paragraph 7.10 above, all available options must have been considered, and management must be satisfied that they have acted reasonably in the circumstances.

8.4 Employees will be notified of the contents and effect of this procedure. Records of interviews conducted under the procedure will be forwarded to the Personnel Services Section where they will be placed on the employee's personal file.

8.5 Employees will be made aware of the consequences of continued poor attendance, as detailed in 6.4(d) and 7.10 above.

