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## **Introduction**

The Council's success depends upon the contribution of its employees. Ryedale District Council aims to maximise the contributions of its staff to ensure the Council's objectives are met.

Employees at all levels feel the impact of sickness absence. It affects the level and quality of services to customers because:

- There are fewer employees to undertake the work,
- Additional pressure is placed on those at work,
- Staffing costs increase and management time taken in dealing with absence rises.

The Council is, therefore, committed to providing appropriate support and encouragement to staff who are ill and will take all reasonable steps to assist them return to work.

## **Principles**

- Good attendance is valued and should be acknowledged
- Employees should be assured that where issues relating to sickness absence are raised then this does not imply any distrust
- Sickness absence will be handled promptly and sensitively
- Employees will be given every support, encouragement and assistance to facilitate a smooth return to work
- Employees will be told if their level of absence is putting their job at risk
- All reasonable steps will be taken to respect and protect confidentiality in relation to information regarding an employee's health
- The need to balance the requirements of the service with the interests of the individual employee must be understood
- Misconduct will be dealt with under the disciplinary policy and inadequate performance relating to skills, knowledge etc will be dealt with under the Capability Procedure

This Policy and Procedure defines the broad principles of operation but cannot define every possible circumstance.

## **Scope**

This Policy applies to all staff employed at Ryedale District Council

## **Aim**

The aim of this Policy is to reduce sickness absence levels by establishing a culture of high attendance.

This will be achieved by:

- Providing support to employees returning to work

- Consistently and fairly applying this Policy
- Monitoring the levels of sickness absence

- Setting targets for levels of sickness absence
- Regularly reviewing sickness levels against the targets
- Providing adequate support to managers including appropriate training
- Developing and implementing initiatives to ensure a healthy workforce
- Managers identifying the issues which impact on the levels of sickness and taking the appropriate action.

## **Responsibilities**

**The Council** has a responsibility as an employer to provide a safe and healthy workplace and working environment for all its employees.

### **Managers are responsible for:**

- Ensuring all employees understand and comply with the absence reporting procedures and other provisions of this Policy and Procedure
- Ensuring that accurate recording of all absences in their section takes place
- Ensuring that high levels of attendance are maintained, both by ensuring that the procedures relating to absence management are applied fairly and consistently across their service area and by acknowledging positively good attendance and holding return to work discussions for all employees as required
- Ensuring appropriate action is taken where trigger points have been met
- Maintaining contact with employees when they are off sick and showing appropriate care and support

### **Employees have a responsibility to:**

- Co-operate with managers regarding health and safety matters, acting responsibly whilst at work and providing and maintaining a safe working environment for themselves and their colleagues
- Take care of their health and, if absent due to injury or illness, avoid, as far as practicable, partaking in activity that may delay their return to work
- Comply with the Policy and Procedures on managing Absence, including the notification of sickness absence, active participation in Return to Work interviews and attending Occupational Health appointments as required

## **Human Resources**

- The HR Section will monitor this Policy and ensure that appropriate action is being taken
- Produce absence statistics for all service units and highlight cases where action is required according to the Policy
- Advise on the management of absence cases as required, including the provision of specialist equipment
- Refer employees for assessment by Occupational Health if needed
- Ensure all managers are trained in this Policy and Procedure

### ***Absence Management Procedure***

Employees must understand that all sickness absence results in a cost to the Council and that sickness absence records must be kept and attendance levels monitored to enable unacceptable levels of sickness absence to be explored. The manager, together with the employee will endeavour to reduce unacceptable levels of sickness by following the procedure outlined below with the emphasis being on support and guidance to achieve a return to work.

Where the procedure below has been followed and the sickness absence does not improve, warnings will be issued and the continued unacceptable level of sickness absence may result in dismissal. The warnings under this procedure are separate to warnings given under any other Council Policy.

In the case of long term sickness (i.e. absence which exceeds four weeks) the procedure outlined later in this report will be followed and may result in dismissal. However, employees are reassured that the Council will do all it reasonably can to assist with a sustained return to work. Each case will turn on its own merits.

### ***Reporting Procedure***

When employees are unable to attend work because they are ill or injured, they are required to follow the reporting procedure set out below. Failure to do so without reasonable cause will result in the loss of pay. Where an employee is absent from work and has not made contact with their manager it is reasonable for the manager to make contact with the employee to ascertain his or her whereabouts and reason for absence.

### ***Notification of absence***

Notification of the absence to the line manager by 10a.m on the first day of absence, earlier if possible. Some jobs require earlier notification and in those cases this will be confirmed by the service unit manager. If it is not possible to speak with the line manager, the employee should speak to another appropriate person and ensure a message is left. Employees should not use their annual leave entitlement to cover their absence if they are actually not well enough to come into work. The reason for this is twofold; it distorts the organisation's true sickness absence statistics and also is intended for use by employees to take as a break from work and needs to be agreed in advance with the appropriate line manager before being taken to ensure adequate staffing levels are maintained.

An indication should be given as to the likely length of the absence. The manager may agree with the employee about when contact should be made. If the absence is short term then daily contact from the employee is likely to be reasonable, however, in these cases it should never be less frequently than every few days. Alternatively if the absence is anticipated as being for a longer period from the start, then the employee and manager will agree how frequently contact should be made.

Each service unit will appoint a co-ordinator who will have responsibility for recording all absences in the Unit, which will be sent monthly to the HR section. The appropriate form is shown at annex A.

### ***Certification of absence***

For all absences a self certification form will need to be completed by the employee and passed to the HR section for administration purposes. For absences which last for more than 7 days (including weekends), a doctors certificate is required. An example of a self certification form is attached at annex B and copies are available from Human Resources.

### ***Return to work***

Upon an employee's return to work the manager will conduct a return to work discussion. In most cases this will be a brief and informal affair designed to:

- Express concern for the individual's welfare, and discuss any underlying reasons for the absence which may relate to work, or other if the employee wishes to discuss them,
- Update the individual on any matters which may have occurred whilst they were absent from work,
- If appropriate, discuss the individual's sickness record.

Guidance on conducting these sessions is attached at Annex C and a form attached for recording the meeting.

In cases where a "trigger point" (see below) has been met, or the employee's health is of more serious concern, the return to work interview will be a more formal and less brief meeting.

A record of the meeting must be kept in all cases where a trigger point has been reached and a copy given to the employee.

## ***Sickness Absence Formal Warning Procedure***

### ***Short Term Sickness Absences***

In order to provide managers with a clear structure within which to manage sickness absence and to ensure more frequent absences are dealt with in a clear and consistent manner across the Authority, review points have been established which, if met, trigger management action, based on an individual's cumulative absence from work.

These trigger points are as follows:

- 3 periods of absence of any length in any four month period or,
- A total of 10 days absence or more on 3 or more occasions in any 12 month period,
- an unacceptable pattern of absence, for example a pattern of absence on Fridays and/or Mondays.

The formal warnings shown below are used to deal with unacceptable levels or frequent sickness absences. It will not be used for long term sickness absence (see below) or for life-threatening illnesses which present in short term spells of absence or in certain other cases; see section entitled Special Cases.

It should be noted that if a manager can see that an employee is likely to reach a trigger point, or has a general concern about their absence (either the amount of absence or the seriousness of the illness) then they may meet with them informally to discuss this. The aim of such a meeting will be to express concern for the employee and discuss any possible assistance that may be given to them. A manager may feel it is appropriate to refer the individual to the Occupational Health Adviser through the HR Section to obtain further information.

### ***Warning***

Where an employee has met a trigger point, or if a sickness absence target has not been met, a meeting will be necessary to discuss the absences and decide whether it is appropriate for a warning to be issued. The employee will be informed in writing of the meeting, the reason for it and its date, time and location at least 48 hours in advance. The right to be represented by a union representative or other companion will also be communicated.

At the meeting the manager will consider any representations made by the employee and consider carefully all of the facts before determining whether it is appropriate to issue a warning. At this meeting it will also be necessary for the manager to set targets for improvement with the employee concerned over the lifespan of the warning. At any stage advice may be sought by the Human Resources Manager. At all stages the manager must ensure notes of meetings are kept, outlining all decisions made. At any stage a referral may be made to the Council's Occupational Health doctor for further information. This may be instigated by the employee or manager and will always be undertaken through the HR section.

The procedure relating to warnings will be as follows:

**Oral warning** – if, over the following 6 months from the date of the warning, the employee's sickness absence record is satisfactory, the warning will be deleted,

**Formal written warning** – if the sickness absence record does not improve satisfactorily in the 6 month period following the date of the issuing of the oral warning, a formal written warning will be issued. This will be expire after one year from the date it is issued if satisfactory absence levels ensue,

**Final Written Warning** – if the sickness absence record does not improve satisfactorily in the six month period following the date of the issuing of the formal written warning, a final written warning will be issued. This will be expire after two years from the date it is issued if satisfactory absence levels ensue.

**Dismissal** – if the absence record does not improve over the six month period following the issuing of a final written warning and there are no exceptional circumstances, the employee will be dismissed.

Before any dismissal is made a referral will be made to the Occupational Health Adviser for their opinion as to whether satisfactory attendance levels might be met in the future with reasonable adjustments and for any further information that may be of relevance to the case in hand.

Any dismissal will be made by a member of the Senior Management Team accompanied by the HR Manager.

### **Appeals**

An employee may appeal against any of the formal warnings described above. An appeal will be heard by the relevant member of the Council's Senior Management Team or their representative, accompanied by the HR Manager. Appeals against dismissals will be heard by the Appeals Panel of the Policy and Resources Committee. The employee has the right to be represented at an appeal by a trade union representative or other companion.

Any appeal must be made within ten working days of a warning being given and should be in writing and addressed to the HR Manager.

At an appeal the line manager will explain the reason for their decision and the employee will be able to state why they believe the warning should not have been issued. Questions may be asked by the officers hearing the appeal at any stage and the employee and line manager will be given appropriate opportunity to ask questions of one another. The people considering the appropriate outcome of the appeal will do so in private, only recalling the parties for further clarification or to outline their decision, which will be confirmed subsequently in writing.

### **Long Term Sickness Absence**

Long term sickness absence is defined as any absence lasting for more than four continuous working weeks.

An employee who is off on long term sickness absence will have to comply with the reporting requirements as outlined above.

Whilst off on long term sickness absence, regular contact should be maintained between the employee and their manager. This will be to enquire about the individual's well-being, keep the manager informed about progress being made and likely return to work dates and also to keep abreast as far as possible about events at work. It is the joint responsibility of the manager and the employee to ensure that this contact takes place. The regularity of the contact will vary from case to case and will be agreed jointly

between the two parties. Managers will be sympathetic when an employee does not feel well enough to receive very regular contact, however, the individual must expect the minimal amount of contact which is inevitable in an employment relationship.

In all cases of long term sickness absence the employee will be referred to the Occupational Health Adviser. The reasons for this will vary, but may include:

- Obtaining insight into the nature of the illness, so that adaptations to the employee's working environment or duties may be made when they return if reasonable and appropriate
- Obtaining a prognosis as to how long the absence is likely to last, in order that staff cover can be planned effectively
- Obtain an opinion as to whether retirement on the grounds of illhealth may be a possibility
- Clarify whether a person's role is contributing in any way to their illness
- Clarify whether an illness classes as a disability under the Disability Discrimination Act 1995 (see section entitled Special Conditions)
- Whether a person is fit to return to their job after a lengthy period of absence.

It may be appropriate for the HR Manager to conduct a welfare visit to an employee on long term sick leave. The purpose of this will be to explain the role of the Occupational Health Adviser, to allow the employee to discuss any concerns they may have relating to their illness and their work, and to answer any questions, for example, regarding sick pay.

Every effort will be made to accommodate staff back into the workplace. This may mean them returning to work initially on a phased basis, or with adjustments to their workplace, or to another more suitable role, if available. When an individual returns to work after such an absence the manager will need to consider an appropriate re-entry strategy into the workplace.

In some cases the Occupational Health Adviser may advise that a person is not fit to return to the workplace, in any capacity. In this situation if the person is a member of the Local Government Pension Scheme obtaining retirement on the grounds of ill health may be a possibility. If this option is sought, a further referral to a different doctor will be necessary. If the employee is not a member of the Pension Scheme or if ill-health retirement is not appropriate or is refused, then their employment with the Council may be terminated on the grounds of ill health. It is not necessary for an employee to have exhausted their sick pay entitlement in order for their employment to be terminated on the grounds of ill health if, in the opinion of the Occupational Health Adviser the individual is not going to be able to be well enough to return to work in a reasonable time frame.

If this is the case, the employee will be invited to a meeting where the future of their employment status will be considered. The manager will outline all of the facts and the employee or their representative will have the opportunity to present their case. Opportunity will also be given for both parties to ask questions of one another and the manager hearing the case will also be able to ask questions at any time during the proceedings. In such cases the person hearing the case will be the Chief Executive, or their representative, accompanied by the HR Manager.

The right of appeal against a dismissal will exist the same as outlined in the section on short-term sickness absence.

## **Special Considerations**

### **The Counselling Service**

It is recognised that there are many situations in life which cause stress. Counselling is a positive way of approaching issues through one to one discussion with a Counsellor, who can help the individual discover and enact solutions.

The Council has an arrangement with Ryedale Counselling Service which offers confidential and professional support to anyone seeking it. The Counsellors are fully trained and are often those that work in local GP practices, but because of the Council's arrangement with the Service, employees will receive priority treatment if they ring or visit and state that they work for Ryedale District Council. This can mean that they may well be seen quicker there than if they wait for a referral through their GP.

In order to protect the confidentiality of the service, it is accessed by self-referral only. The telephone number is shown at Annex D.

### **Drugs and Alcohol**

For supporting and managing employees who are, or it is reasonably believed are, misusing drugs or alcohol, the Council has in place a separate policy entitled "Drugs and Alcohol Policy". Managers are referred to that policy when dealing with such an issue, however, the two policies are not mutually exclusive and it is possible that an employee misusing, or suspected of misusing, drugs or alcohol, could also have sickness absence which requires managing under this Policy and Procedure.

### **Industrial injuries**

Employees who are absent from work due to an injury sustained at work must comply with the Council's accident reporting procedure. The incident will be investigated by an appropriate member of staff, usually the Fire and Safety Officer to ascertain whether Council procedures were followed.

### **Disabilities**

Under the Disability Discrimination Act 1995 a disability is defined as "a physical or mental impairment which has a substantial and long term adverse effect on the person's ability to carry out normal day to day activities". Under the Act the employer must make reasonable adjustments to assist those with a disability in their employment.

This definition covers a host of medical conditions and the Occupational Health Adviser's opinion may be sought to clarify whether an illness is classed as a disability under the Act. If it is established that an employee has a disability, all reasonable efforts will be made to help them remain in the Council's employment. This may mean that practical adaptations are made to the work environment, or that working hours are changed, or that the employee is redeployed to a more suitable post. In reaching a decision about what would constitute a reasonable adjustment, the opinion of relevant experts may be sought, e.g. the Occupational Health adviser, or an ergonomist. Every effort will be made to allow the employee to continue working in their existing role where this is their wish, but if this is not practical the employee will be given prior consideration status in applying for other vacancies in the Council. However, in the event that there are no such vacancies, and none expected to arise in the immediate future, and the employee's absence record has become unsustainable, then as a final resort termination of the individual's employment may ensue. In such cases the procedure as outlined above (long term sickness absence) will apply.



Annex A

Sickness Absence Monitoring Form for the month of .....

Service Unit:.....

Name of employee	Total number of working days absent	Dates of absence (inclusive)	Reason(s) for absence(s)



Annex C

Return to Work Form

Name:	First day of absence:
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Post:	Last day of absence:
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Reasons for absence/nature of illness:
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Details of return to work discussion (in brief):
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Action agreed, if any:
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Managers comments:
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Meeting carried out by:
Name: Position:
Signed: Date:

Employee's signature: Date:
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Employee's Comments (if any):
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## Return to Work Discussion

### Guidelines for Managers

The purpose of the return to work discussion is to enable the manager to show that they value the employees return to work, express concern for their health and identify any underlying reasons for absence.

It is also an opportunity to make clear to the employee the importance the Authority places on the proper management of sickness absence and to make it clear to the employee the impact that sickness absence has on the organisation.

#### ***Before the meeting, Managers will:***

- Collate the employee's absence record for reference
- Arrange for the meeting to be conducted in private, preferably on the employee's first day back at work, ensure room booked
- Is there any further information required, e.g. from HR?
- Give the employee notice of the meeting, if a trigger point has been reached, and inform them of their right to representation

#### ***At the meeting:***

- Reassure the employee that the meeting is confidential between the two parties and the HR section
- Discuss the absence record
- Establish the reason for absence. If the employee does not want to discuss this then offer them the opportunity to do so with a member of HR Staff
- See if there is any underlying cause – offer help and support, particularly if the return is from a long-term absence
- Ensure the employee is aware of the implications for non-improvement, if appropriate
- Complete the self-certification form
- Discuss issues that have occurred at work during the absence

## Annex E

### Useful Contacts

#### **Ryedale Counselling Service**

**Free, self-referral confidential counselling service for Ryedale District Council employees  
01653 690124**

Aids counselling  
01904 631313

Age Concern (includes advice for carers)  
0800 00 99 66

Alcoholics Anonymous  
01904 644026

Alzheimers Disease – support contact  
01944 758479

Cancer link  
0808 808 0000

Crisis (Carers and people with mental health problems)  
0800 501254

CRUSE (bereavement)  
01904 481162

Deaf awareness  
01904 626583

York Diabetic Club  
01904 690218

Domestic Violence  
0808 200 0247

Dyslexia Institute  
01904 640188

Narcotics Anonymous  
07071 223 127

NHS Direct  
0845 4647

Relate  
01904 625971, 01723 369858

RNIB helpline  
0845 766 9999

Scarborough Women's Aid  
01723 365058

York Women's Aid  
01904 646630

Samaritans  
01904 655888, 01723 368888