

# NursingDirect

POLICY NUMBER: **98**

POLICY TITLE: **SHORT-TERM SICKNESS ABSENCE POLICY & PROCEDURE**

WHO MUST ABIDE BY THIS POLICY? **ALL NURSING DIRECT WORKERS**



# SHORT-TERM SICKNESS ABSENCE POLICY & PROCEDURE

## PURPOSE

This policy and the associated procedure are designed to clarify and provide guidance on managing short-term sickness absence. The policy will describe the standards, laws and guidelines whilst the procedure will describe the tasks and actions required. A summary of areas covered by this policy is detailed below:

- General Principles of the Policy and Procedure
- Sick Pay
- Absence Management
- Accidents at Work
- Sickness Absence Management Procedure

Should you have any questions in relation to this document please speak to your Line Manager.

## GENERAL PRINCIPLES

The Company aims to encourage all employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work for various reasons.

It is the Company's approach that:

- Employees who may be absent from work from time to time will be supported; however, the Company needs to strike a reasonable balance between the pursuit of its business needs and the genuine needs of employees to take occasional periods of time off.
- Short-term absence has a detrimental effect on the running of the business and team dynamics and managers are expected to address absence concerns in a timely manner.
- Employees with underlying or on-going conditions will have any associated absence treated fairly and consistently taking into account individual circumstances.
- Where an employee's attendance at work is a cause for concern this may be addressed utilising appropriate procedures including the Short-Term Sickness Absence Policy and Procedure and the Long-Term Ill-Health Capability Policy and Procedure, as appropriate to the circumstances, in a fair and consistent manner.
- The Company will fulfil its legal obligations when dealing with absence.

The objective of both the Short-Term Sickness Absence Policy and Procedure (and the Long-Term Ill-Health Capability Policy and Procedure) is to achieve fairness and consistency, and to allow all employees to understand what constitutes acceptable and unacceptable levels of absence. When deciding upon formal steps under either policy or procedure, the Company will consider the history of attendance as managed in accordance with either policy.

## SICK PAY

The Company aims to provide support to employees who are legitimately unable to work due to illness or injury. Sickness payments will be made according to the provisions of the Statutory Sick Pay Scheme (**SSP**) detailed below. Payments made in excess of SSP, known as Company Sick Pay, will be made at the Company's discretion unless detailed otherwise in the employee's contract of employment.

Any payment of Company Sick Pay will be inclusive of any SSP entitlement.

To qualify for SSP the following conditions must be complied with:

- An employee who is absent from work for up to 7 days (including weekends and statutory public holidays) must fill in a self-certification form and return it to their Line Manager on their return to work stating clearly the reasons for absence.
- An employee who is absent from work for more than 7 days (including weekends and statutory holidays) must provide a medical certificate by the 8th day of sickness or injury.
- For continued periods of sickness or injury, medical certificates should be provided to cover the entire period of absence SSP is only payable from the 4th day of absence (i.e. employees will not normally receive it for periods of absence of 3 days or less).

## ABSENCE MANAGEMENT

Unauthorised absence or lateness will be dealt with under the Disciplinary Procedure. Failure to contact the Company regarding an absence will result in the absence being unauthorised and therefore disciplinary action may be taken. Any spell of unauthorised absence will not be paid.

Employees are expected to return to fitness and work as soon as possible. The Company would not expect anyone absent from work due to sickness or injury to:

- Participate in sports, hobbies or social activities at odds with the alleged illness or injury or which could aggravate it and delay recovery.
- Undertake any other employment paid, or unpaid, or voluntary work at odds with the alleged illness or injury or which could aggravate it and delay recovery.

Frequent spells of short-term absence will be dealt with in accordance with the Short-Term Sickness Absence Policy and Procedure. Pregnancy-related absences will be excluded from the Sickness Absence Procedure. Where an employee is absent as a result of an underlying health issue that could amount to a disability under the Equality Act 2010, the employee should be referred to OH or their GP for further advice. Where the absence(s) are wholly or partly for a disability-related reason, the trigger points referred to in the Sickness Absence Management Procedure may need to be modified to take account of the employee's disability in accordance with the Company's obligation to consider reasonable adjustments.

## ACCIDENTS – CLAIMS AGAINST THIRD PARTIES

If the employee's absence is due to any injury where a claim against a third party is justified, the Company may recover from the employee Company Sick Pay received up to the amount that is recovered from the third party for loss of earnings.

## ABSENCE REPORTING

The following are the general principles for the reporting of all absence spells:

- It is an employee's responsibility to inform their Line Manager of any planned or unplanned absence at the earliest opportunity.
- Unplanned absence should be reported by employees as early as possible and no later than their scheduled start time on the first day of the absence.
- Employees should not leave messages reporting absence with anyone other than their Line Manager unless express permission to do so has been granted by their Line Manager, or if they are genuinely unable to get hold of their Line Manager (employees should try more than once if they are initially unable to contact the Line Manager or contact another Manager within the Company).
- Notification made by text message or email is not an acceptable way of notifying the Company of absence.
- Only in those cases where an employee is physically unable to telephone personally can someone else notify the Company on their behalf. This must be done on a daily basis unless instructed differently by their Line Manager.
- It is an employee's responsibility during any period of absence to keep the Company informed as to progress and specifically the likely return to work date.
- An employee who fails to notify the Company of an absence within the time-scales outlined may lose their entitlement to sick pay.
- Failure to comply with the procedure may be regarded as misconduct and the employee may be subject to disciplinary action in line with the Disciplinary Policy.
- An employee who is absent from work for up to 7 days (including weekends and statutory public holidays) must fill in a self-certification form and return it to their Line Manager on their return to work stating clearly the reasons for absence.
- An employee who is absent from work for more than 7 days (including weekends and statutory holidays) must provide a medical certificate (statement of fitness for work) by the 8th day of sickness or injury. For continued periods of sickness or injury, medical certificates should be provided to cover the entire period of absence.

## RETURN TO WORK INTERVIEW

An employee's Line Manager will arrange for a return to work interview on an employee's return from any period of absence. The reasons for absence will be discussed and the implications of future absences outlined if appropriate. Employees are expected to comply with a request from management to attend such an interview.

## THE PROCEDURE

Trigger levels are set by the Company to assist in the management of sickness absence to ensure consistent application of the policy and as a clear standard to all employees.

The trigger point for initiating the Formal Sickness Absence Management Procedure, or the next stage in the Procedure, is 3 spells of short-term absence in a rolling 12 month period.

The Formal Sickness Absence Management Procedure consists of 3 stages:

- First Formal Absence Review Meeting
- Second Formal Absence Review Meeting
- Final Formal Absence Review Meeting

### FIRST FORMAL ABSENCE REVIEW MEETING

Once an employee reaches the trigger point, the Line Manager will invite the employee, in writing, to a First Formal Absence Review Meeting and include relevant documents such as the employee's absence history, GP/OH report(s) where applicable, and other correspondence relating to their absence.

The written invitation to the First Formal Absence Review Meeting should give the employee at least 48 hours' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union official. The letter should explain to the employee that the purpose of the meeting is to review the employee's unsatisfactory attendance level, and warn them that a possible outcome of the meeting is that they may be issued a Stage 1 Formal Review Period for 12 months.

The purpose of the meeting is to:

- Formally review the sickness absence levels and establish the causes for the absences.
- To consider all the facts discussed relating to the continued absence levels and decide on an appropriate course of action.
- Discuss any report(s) obtained from OH or other medical reports, records or information.
- Consider whether there are any other ways in which the Company can facilitate or reasonably support an improved attendance record from the employee.

The outcomes of the meeting can include all or some of the following:

- The employee is given clear notification that their level of absence is unacceptable and that a marked improvement is to be achieved and maintained.
- Referral to OH for assessment and/or other treatment or services as available if applicable, e.g. counselling.
- Stage 1 Formal Review Period for a period of 12 months.

After the meeting, the Line Manager will set out, in writing as soon as is reasonably practicable, the outcome of the First Formal Absence Review Meeting, for example if the employee has been placed on a Stage 1 Formal Review Period, or if the decision is that no further action will be taken. The letter should confirm the employee's right to appeal the decision. Where an OH referral is made the decision on the whether to issue a Stage 1 Formal Review Period may be postponed until after receipt of the OH report.

### SECOND FORMAL ABSENCE REVIEW MEETING

Where the level of an employee's attendance continues to fall short of the targets set during their Stage 1 Formal Review Period, a Second Formal Absence Review Meeting will be held.

Once an employee reaches the trigger point, the Line Manager will invite the employee, in writing, to a Second Formal Absence Review Meeting and include relevant documents such as the employee's absence history, GP/OH report(s) where applicable, and other correspondence relating to their absence.

The written invitation to the Second Formal Absence Review Meeting should give the employee at least 48 hours' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union official. The letter should explain to the employee that the purpose of the meeting is to review the employee's continued unsatisfactory attendance level while in a Stage 1 Formal Review Period, and warn them that a possible outcome of the meeting is that they may be issued a Stage 2 Formal Review Period for 12 months.

The purpose of the meeting is to review escalating absence levels and poor attendance.

The outcomes of the meeting can include all or some of the following:

- The employee is given clear notification that their continued level of absence is unacceptable and that a marked improvement is achieved and maintained.
- Referral or further referral to OH for assessment and/or other treatment or services as available if applicable.
- Stage 2 Formal Review Period for 12 months.

After the meeting, the Line Manager will set out, in writing as soon as is reasonably practicable, the outcome of the Second Formal Absence Review Meeting, for example if the employee has been placed on a 12 month Formal Review Period, or if the decision is that no further action will be taken. The letter should confirm the employee's right to appeal the decision. Where an OH referral is made the decision on the whether to issue a Stage 2 Formal Review Period may be postponed until after receipt of the OH report.

### FINAL FORMAL ABSENCE REVIEW MEETING

Where the level of an employee's attendance continues to fall short of the targets set during their Stage 2 Formal Review Period, a Final Formal Absence Review Meeting will be held.

Once an employee reaches the trigger point, the Line Manager will invite the employee, in writing, to a Final Formal Absence Review Meeting and include relevant documents such as the employee's absence history, GP/OH report(s) where applicable, and other correspondence relating to their absence.

The written invitation to the Final Formal Absence Review Meeting should give the employee at least 48 hours' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union official. The letter should explain to the employee that the purpose of the meeting is to review the employee's continued unsatisfactory attendance level while on a Stage 2 Formal Review Period, and warn them that a possible outcome of the meeting is termination of their contract of employment.

The purpose of the meeting is to allow the employee the opportunity to fully explain their reasons for failing to improve their attendance record to a satisfactory standard before the Line Manager decides upon the next course of action.

An outcome of the meeting could include terminating the employee's contract of employment on the grounds that they have failed to maintain a satisfactory level of attendance

After the meeting, the Line Manager will set out, in writing as soon as is reasonably practicable, the outcome of the Final Formal Absence Review Meeting, for example if the employee's contract of employment has been terminated. The letter should confirm the employee's right to appeal the decision.

### APPEAL

If the employee wishes to appeal, they must:

- Write to the person named in the letter of outcome within the time frame specified in the written decision (normally within 5 working days from receipt of the outcome).
- State the grounds on which the employee believes that the decision was flawed or unfair.

The Company will invite the employee to a meeting to discuss the appeal setting out:

- The date, location and time for the hearing
- The person who will hear the appeal
- The right to be accompanied

At the Appeal Hearing the employee will be allowed to explain their case and the Company will respond accordingly.

The employee will be informed in writing of the decision and of the fact that the appeal was the last stage and that the process has been exhausted.

## LONG TERM ABSENCE

For long periods of sickness absence (i.e. when an employee has been absent from work for a period generally lasting 4 weeks or more) an employee is expected to notify the Company of their progress on a weekly basis. The employee should contact their Line Manager with this information and send any certificates covering the absence.

If an employee does not contact the Company on a weekly basis, the Company may contact the employee instead. The Company may also contact the employee on a more frequent basis or on other occasions if necessary.

The Company may at any time (but in particular if the employee is absent for a period of 4 weeks or more) request that an employee attends a medical examination with an OH provider. The Company may also request a report from the employee's GP. The employee's consent to this examination or report is required. The medical report produced will be sent to the Company. An employee has a right to see the medical report at their request.

In cases of long-term absence, home visits may be organised in order to establish an employee's well-being and progress and to discuss any employment issues. Further information can be found in the Long-Term Ill-Health Capability Policy and Procedure.

## WORK ADJUSTMENTS/GP ADVICE

A certificate from an employee's GP regarding sickness absence may contain advice that an employee 'may be fit for work taking account the following advice' and indicating areas that may allow an employee to return on reduced capacity. On receipt of such documentation, the Line Manager must discuss with the employee the comments and as part of that discussion request the employee to expand on the advice given in the note.

The Line Manager should make a note of the conversation and consider how the proposed adjustments will affect the employee's ability to carry out the job, the impact on the rest of the team and whether or not it would be possible for the employee to perform the role with the adjustments or any alternative proposal. Examples of possible adjustments include altering work hours, adapting duties and providing equipment that will help the employee carry out their job. The Line Manager may also consider referral to OH to gather more information in relation to adjustments.

If the employee agrees to return to work in line with the Line Manager's proposal to them the Line Manager will document the meeting and produce a plan for the employee. The plan should include details of:

- The date on which employee is due to return to work.
- The adjustments that will be made - including any appropriate work or salary changes and what support will be provided as a result of changes.
- The period during which the adjustments and support will be effective from and to.
- A review date and, if necessary, any interim review dates.

The employee should confirm in writing that they agree to the plan, before returning to work. Failure to reach agreement or the Line Manager not being able to make the proposed adjustments would result in the employee remaining off sick for the duration of the fit note as 'unable to work'. The Line Manager should explain to the employee, with reasons given, where adjustments proposed by the employee and/or the employee's doctor cannot be made.

If proposed adjustments and offers of support to aid an absent employee to return to work are not agreed to by the employee this could potentially result in the termination of their employment.

## TERMINATION OF EMPLOYMENT

The Company will deal with any absence due to sickness or injury in a supportive and sympathetic manner. However, the Company wishes to maintain full operational capability and therefore reserves the right to take disciplinary action for any employee whose absence is unjustified/where the employee fails to comply with the procedure; and formal action in accordance with the Sickness Absence Management Procedure where an employee's attendance levels are unsatisfactory.

Though medical statements may provide evidence of unfitness for work, they may not be conclusive and the Company may therefore consider other factors and circumstances surrounding a particular case before reaching conclusions.

In the event that an employee is absent due to illness or injury on a long-term basis (generally a period of 4 weeks or more) the Company will manage the employee's absence under the Long-Term Ill-Health Capability Procedure. Under that procedure the Company will explore all reasonable options available with the employee and seek medical guidance, however, it should be recognised that continued employment may be at risk if the employee is unable to return to work within a reasonable time-scale.

## FURTHER INFORMATION

The Company will review policies and procedures periodically to reflect changes in legislation and good practice.

**POLICY OWNER:** ROBERT STIFF

**POSITION:** CEO

**SIGNATURE:** *Robert Stiff*

**DATE:** 01/11/2020

**REVIEW:** 01/11/2023