



# Northampton Borough Council

## ABSENCE POLICY

<b><u>Contents</u></b>	<b><u>Page</u></b>
<b>Introduction</b>	<b>3</b>
<b>1. Key principles</b>	<b>3/4</b>
<b>2. Notification of absence</b>	<b>4</b>
<b>3. Evidence of incapacity</b>	<b>4</b>
<b>4. Return to work interview</b>	<b>5</b>
<b>5. Medical advice</b>	<b>5/6</b>
<b>6. Maternity absence</b>	<b>6</b>
<b>7. Disability-related absences</b>	<b>6</b>
<b>8. Industrial injury</b>	<b>6</b>
<b>9. Home visits</b>	<b>6</b>
<b>10. Overpayment of Occupational Sick Pay</b>	<b>6/7</b>
<b>11. Private insurance</b>	<b>7</b>
<b>12. Formal reviews</b>	<b>7</b>
<b>Absence Management Procedure</b>	<b>7</b>
<b>Short-term absence</b>	<b>7-10</b>
<b>Long-term absence</b>	<b>10-13</b>

## **Introduction**

The Council aims to encourage all employees to have full attendance at work and is committed to improving the health and well being of all employees. It is recognised, however, that from time to time, employees may be unable to attend work due to sickness. It is the Council's policy to support employees who are genuinely sick and unable to come to work.

This policy applies to all employees of Northampton Borough Council.

### **1. Key Principles**

The Council's absence policy is based on the following principles:

1. Regular attendance is an implied term of every employee's contract of employment, therefore, we expect each employee to take responsibility for achieving and maintaining good attendance at work.
2. We will support employees who have genuine grounds of absence for whatever reason.
3. As a reasonable employer, we will continue to pay employees who are unable to attend work due to sickness in accordance with the Council's Sick Pay scheme, provided that they comply with the Council's rules on notification and the provision of ongoing medical evidence.
4. We will use our Occupational Health Provider, where appropriate, to help identify the nature of the illness and advise the employee and their Manager on the best way to improve the employee's health and well being.
5. We will respect the confidentiality of all information relating to the employee's sickness. This policy will be implemented in line with all data protection legislation and the Access to Medical Records Act 1988.
6. The Council reserves the right to terminate employment prior to the expiry of occupational sick pay.
7. Any employees with a disability, as defined by the Disability Discrimination Act 1996, will be managed in conjunction with medical practitioners and our Occupational Health Advisers. All reasonable adjustments will be made to accommodate the employee in the workplace. However, there will be times when following all adjustments, the employee is still unable to sustain regular attendance at work. In these circumstances, the Council may need to consider the employee's continued employment and all available advice and guidance will be sought.

An employee may seek independent advice and support from their trade union representative, or CiC, Confidential Care, the Council's confidential employee assistance provider.

Further advice and guidance on the management of sickness absence should be sought from Human Resources.

## **2. Notification of Absence**

An employee should inform their Line Manager if they are unable to attend work within one hour of their normal start time, or in accordance with local arrangements within your own service area, explaining why they are absent and the nature of the problem. If their Line Manager is not available, they must speak to another responsible person within their department. If the employee is unable to make contact personally due to the severity of their illness or injury, they must arrange for someone else to do so on their behalf and make direct contact themselves as soon as possible thereafter.

If an employee feels unwell whilst at work and needs to leave, they should notify their Line Manager, or another responsible person if their Line Manager is unavailable.

If the absence continues for more than 3 calendar days, the employee will contact their Line Manager on the 4<sup>th</sup> day of absence and subsequently on a weekly basis.

## **3. Evidence of Incapacity**

If the absence continues for more than 7 calendar days, the employee must provide the Council with a doctor's medical certificate. Should the absence continue for longer, the employee must continue to provide medical certificates to cover the absence. These must be consecutive and cover all days, including weekends. Failure to do so will affect the employee's entitlement to Statutory Sick Pay.

Any period of sickness absence not covered by a self-certificate, or medical certificate, dependent on the length of absence, will not be paid and will be considered to be unauthorised leave. A reasonable period of time will be given to obtain a retrospective certificate.

An employee cannot return to work prior to the expiry of a medical certificate. If the doctor has recommended any restrictions to duties, the Line Manager should be informed prior to their return. It is likely that in these circumstances, a referral will be made to our Occupational Health Provider to ensure appropriate adjustments are made in the workplace.

If the employee does not make contact during their absence and the absence is unexplained, the Line Manager will take all reasonable steps to contact the employee, either by telephone, letter, or a visit to their home.

Any costs incurred by the employee in obtaining a medical certificate requested by the Council will be reimbursed upon production of a receipt.

If an employee knowingly submits false information in relation to their absence, it will be dealt with under the Council's Disciplinary Procedure.

If the absence is likely to be protracted, i.e. more than 4 weeks continuously, there is a shared responsibility for the Council and the employee to maintain contact at agreed intervals to help and support the employee.

#### **4. Return to Work Interview**

All Managers must carry out a routine return to work interview each time an employee returns to work following a period of absence on the first day of return. If it is not possible for the Line Manager to do this in person they should nominate an appropriately trained Manager who has an understanding of the employee's job role to carry this out on their behalf.

The purpose of the interview is for the Line Manager to establish the reason for the absence, whether there is anything the Manager, or the Council can do to support the employee and that the employee is fit to return to work.

If the Manager does not think that the employee is fit to return to work for any reason, the employee should be sent home and referred to our Occupational Health Advisers for a medical assessment. The Manager should seek authority from HR to do this. During this extended period of absence, the employee will be entitled to remain on full pay.

The employee will be asked to sign the self-certification declaration on the bottom of the return to work form covering the period of the absence.

#### **5. Medical Advice**

There may be occasions when the Council considers it necessary to request details from our Occupational Health Adviser on the specific condition of the employee that is causing concern.

The purpose of the referral is to establish the employee's state of health and how the Council can support the employee and make appropriate decisions regarding their employment.

The employee will be asked for their permission to contact a medical practitioner by completing a Medical Consent Form. They will be informed of the reasons why this information is being sought and what questions will be asked of Occupational Health.

The content of the report will be discussed with the employee before any further action is taken.

Where employees refuse to co-operate in the obtaining of medical evidence, or to undergo a medical assessment, management will make decisions in the management of absence based on the information available at the time.

## **6. Maternity Absence**

Pregnancy-related absences will be recorded separately and will be disregarded for the purpose calculating trigger points. Any time off for ante-natal care will not be recorded as sickness absence. (See separate Maternity Policy).

## **7. Disability Related Absences**

All sickness absences related to the disability of employees who are disabled as defined by the Disability Discrimination Act 1996 will be recorded separately and will be disregarded for the purposes of calculating trigger points.

Any time off for disability-related specialist treatment will not be recorded as sickness absence.

Where all reasonable adjustments have been made to accommodate an individual's disability, in liaison with medical practitioners and HR, but the absence is still cause for concern then it may be appropriate to use the process set out in the Absence Policy.

Further advice and guidance on sickness absence management of employees who have disabilities must be sought from Human Resources.

## **8. Industrial Injury**

All sickness absences for employees who are absent as a result of a reported industrial injury at work should be recorded, but will be disregarded for the purposes of calculating trigger points.

## **9. Home Visits**

Managers will plan to visit employees who are absent from work to discuss their well being and their anticipated return to work. We recognise that there may be circumstances when an employee feels their own Line Manager would not be appropriate. In these exceptional instances, an employee can request that a different Manager attends with a representative from Human Resources. The employee can also request a suitable venue for the meeting and ask for a Trade Union representative to be present.

## **10. Overpayment of Occupational Sick Pay**

The Council has the right to recover any overpayment of occupational sick pay but will try to seek agreement with the employee on the amount and method of payment from each salary or wage payment (which should not exceed 10% of normal gross pay) until the overpayment has been recovered in full. Where pay expires prior to full recovery of the overpayment, the outstanding amount will be recovered from any remaining payments due. Where all pay has been exhausted, an invoice will be raised and sent direct to the employee for the recovery of the overpayment. Terms of repayment will be agreed on an individual basis with the Payroll Section.

## **11. Private Insurance**

Where an employee claims loss of earnings from a private insurance or medical company for any period of absence from work, the Council reserves the right to make a third party claim or to seek repayment of occupational sick pay if an employee receives any income from a private insurance company excluding any compensation payments made).

## **12. Formal Reviews**

A more formal review of absence will take place following frequent short-term absences as defined by the triggers in the short-term absence procedure, or long-term absence. This review will look at any further action required to improve the employee's attendance and well being and any additional support that is needed.

Employees will be given a minimum of 5 working days' notice, in writing, of any formal absence review meeting, be advised of the reason for the meeting and of their right to be accompanied by a representative of a recognised trade union, or a work colleague. It will be the responsibility of the employee to make the necessary arrangements with their representative. If the employee is unable to be represented on the date of the meeting, an alternative date will be organised.

The procedure for managing short-term absence and long-term absence is detailed in the Absence Management Procedure.

# **ABSENCE MANAGEMENT PROCEDURE**

## **MANAGING SHORT TERM ABSENCE**

**Definition:** *Absences that are intermittent and sporadic and are usually unconnected and normally last for a period of less than four weeks There may be circumstances where linked short-term absences relating to a chronic condition are better dealt with under the long-term absence procedure.*

It is the Council's policy to pay employees full or part salary for defined periods of time during periods of sickness absence, however, this is conditional upon the employee following the absence reporting procedure, attending a return to work interview with their Manager to discuss their absence and producing a medical certificate where appropriate.

An employee may be requested to attend a medical assessment with the Council's Occupational Health Provider to assist the Manager in establishing whether there is any underlying medical reason for the absences. If the employee refuses to give their consent, the Council will make employment decisions based on the information they have available.

In exceptional circumstances, self-certification of any absences may be withdrawn. In these circumstances, the employee will be required to produce a medical certificate from their Doctor for any further periods of sickness absence. Failure to do so may result in suspension of occupational sick pay.

In circumstances where it is suspected that an employee has misled the Council and has not been absent due to sickness, the matter will be dealt with under the Council's Disciplinary Procedure.

## **1. Informal Procedure**

### **1.1 Absence Meeting**

When an employee's level of absence has met any of the trigger points set out below, the employee will be required to attend an Absence Meeting with their Line Manager.

- 10 days absence within a rolling 12 month period (either single, or multiple absences self-certified, or certified)
- 3 periods of absence within a 6 month rolling period (either self-certified, or certified)
- Any unusual pattern of absence i.e. Fridays, Mondays, day after a bank holiday

The purpose of this meeting is as follows:

- discuss the employee's attendance record and reasons for the absence
- seek to identify any underlying causes for the absence
- consider whether to offer any independent advice, or additional support
- consider whether any reasonable adjustments are appropriate
- consider whether it is advisable to seek Occupational Health advice
- reiterate the standards of attendance expected of all employees
- put together an agreed action plan and targets if appropriate, for improved attendance

An employee can request representation at this meeting.

If there is no improvement in attendance, the formal procedure may be invoked.

## **2. Formal Procedure**

A medical referral to the Council's Occupational Health Provider may be made before any formal action is taken.

At any stage in the procedure, a Trade Union representative, or a work colleague can accompany the employee.



## **2.1 Absence Review Meeting**

If there is insufficient improvement in attendance, or where the attendance has improved for a period of time but has not been maintained, a formal Absence Review Meeting will be conducted by the Senior Manager of the department with advice from Human Resources.

When making decisions, the Senior Manager will take into account the following:

The likelihood of improved attendance as advised by Occupational Health, where appropriate

- The sustainability of the absence
- The employee's overall absence record for the 12 month period
- Up-to-date medical advice
- Actions taken by the employee and the Line Manager to enable the employee to continue in employment

The purpose of the meeting will be to reaffirm the issues discussed at previous meetings and explain that the situation is becoming more serious.

The likely outcomes of this meeting are as follows:

- No further action *or*
- A further review period with targets, if appropriate, and a timescale for improved attendance *and/or*
- A formal warning, to be kept on the employee's personal file for 12 months

The employee should be told that failure to improve their absence during any review period could result in the termination of their employment.

If the employee's attendance does not improve during the period of the warning, a referral to Occupational Health will be sought and a Final Absence Review meeting may be conducted.

## **Appeal**

The employee has the right to appeal against the formal warning and this should be to the next level Manager (name to be supplied at the Absence Review Meeting) and needs to be done within 10 working days of receipt of the letter confirming the outcome of the Absence Review. This should be in writing and set out the reasons for the Appeal.

## **2.2 Final Absence Review Meeting**

If, despite all reasonable support, there is still insufficient improvement or the employee has been unable to sustain an improvement, a Final Absence Review Meeting will be conducted by a Head of Service with guidance from Human Resources.

The purpose of this meeting will be to consider whether there is any further action the Council can take to assist the employee in continuing their employment, or whether employment should be terminated due to the employee's incapability to undertake their duties effectively due to their absence record.

Where all options have been explored without success, the employee will be dismissed with immediate effect, under the Ill Health Capability dismissal procedure.

### **2.3 Appeal**

The employee has the right to appeal against the dismissal and this should be to the Director (name to be supplied at the Absence Review Meeting) and needs to be done within 10 working days of receipt of the letter confirming the outcome of the Final Absence Review. This should be in writing and set out the reasons for the Appeal.

## **MANAGING LONG-TERM ABSENCE**

**Definition:** *Long-term absence is normally defined as continuous absence of 4 weeks or more.*

### **1. Maintaining Contact**

One of the most important actions is to keep in regular contact with the absent employee. This reflects the Council's genuine concern for the well being of the employee and enables the Line Manager to be kept up-to-date with progress, identify areas of support, ascertain the prospects for a return to work and any other supportive action that needs to be taken.

### **2. Referral to Occupational Health**

Where it is clear that the absence is likely to continue for more than 4 weeks, Managers will seek advice from Occupational Health. However, in some circumstances, it may be necessary to conduct a medical referral earlier, for example, when the employee is absent with a stress-related condition.

In cases where the medical condition is clearly established, with a predictable and defined period of time off work, a medical referral may not be necessary.

### **3. Absence Meeting**

An Absence Meeting will be held with the employee following receipt of any medical reports. At this meeting, consideration will be given to the following:

- The extent of the employee's illness
- The treatment they are receiving and their progress towards recovery
- When they are likely to be able to return to work

- Any adjustments that need to be made to facilitate a return to work

Should medical opinion differ between a GP and our Occupational Health Provider regarding an employee's ability to return to work, both the employee and the Council can request an independent review.

Where there is no immediate return to work, a further review should be carried out no later than 3 months following the Absence Meeting.

#### **4. Return to Work After a Long Absence**

A return to work programme will be put together to give the employee the reassurance that their return has been carefully thought through. This should include advice from Occupational Health and consideration of a phased return to work, to include the following:

- Shorter hours
- Flexible working
- Training on new equipment, new processes
- Any new developments within the Council
- How they wish to handle the subject of their absence with work colleagues
- Lighter duties for a defined period of time

The Council has a duty of care to conduct a risk assessment/work-place assessment on the first day of the employee's return to work, to ensure the safety of the work environment.

#### **5. Absence Review Meeting**

If the absence continues the Senior Manager of the department will conduct a formal Absence Review Meeting with advice from Human Resources.

The Senior Manager will review all the information discussed at previous meetings and explain that the situation is becoming more serious due to the continued absence. The employee will be able to provide further information or any change in circumstances since the last meeting was held.

The Senior Manager should consider:

- The nature of any illness/illnesses and the likelihood of recovery
- Any Occupational Health information
- The likely return to work date
- Any relevant disability issues
- Any arrangements currently in place
- The impact of the absence/s on service provision

Possible outcomes of this meeting are:

- No further action *or*

- A further referral to Occupational Health and a reconvened date to review the information obtained *or*
- A further Absence Review Meeting within a specified period *or*
- Where no return is expected within a reasonable period the case may be referred to a Final Absence Review Meeting *and/or*
- A formal warning may be issued and held on the employee's personal file for 12 months

The employee should be told that failure to improve their absence during any review period could result in the termination of their employment.

If the employee's absence does not improve during the period of the formal warning, a referral to Occupational Health will be sought and a Final Absence Review meeting may be held.

In circumstances where Occupational Health advise that the employee will not be able to perform the duties of their substantive post in the future, even with reasonable adjustments, management needs to consider the options available and discuss this with the employee.

Full consideration needs to be given to the following:

- Any further reasonable adjustments that could be made to the employee's current post to assist a return to work
- Redeployment to a suitable alternative post
- Eligibility for Ill Health Retirement subject to Occupational Health recommendations

## **Appeal**

The employee has the right to appeal against the formal warning and this should be to the next level Manager (name to be supplied at the Absence Review Meeting) and needs to be done within 10 working days of receipt of the letter confirming the outcome of the Absence Review. This should be in writing and set out the reasons for the Appeal.

## **6. Final Absence Review Meeting**

Once all other options have been considered and management have fully considered all the factors listed above, a Final Review Meeting will be held. A Head of Service, advised by Human Resources, will conduct this meeting.

The Head of Service will discuss the situation fully with the employee and take into account any further medical information, or additional evidence submitted by the employee.

If, following discussion, the Senior Manager is satisfied that all reasonable steps have been taken to retain the employee in employment, the following decision may be made:

- (a) Make further reasonable adjustments to facilitate a return to work
- (b) Retirement on the grounds of Ill Health
- (c) Termination of employment on the grounds of Ill Health Capability

Where an employee is retired on the grounds of Ill Health, or their contract is terminated on the grounds of Ill Health Capability, notice will be served immediately in accordance with contractual provisions.

Where an employee disagrees with the Occupational Health recommendation to retire the employee on medical grounds, or disagrees with the tier of ill health retirement, the employee will be referred to an independent doctor, to be agreed with the employee.

## **7. Appeal**

The employee has the right to appeal against the dismissal and this should be to the Director (name to be supplied at the Final Absence Review Meeting) and needs to be done within 10 working days of receipt of the letter confirming the outcome of the Final Absence Review. This should be in writing and set out the reasons for the Appeal.

Additionally the employee has the right to appeal to the ‘appointed person’ nominated by Northamptonshire Pension Fund under the Local Government Pensions (Internal Disputes Resolution) Procedure Regulations 1997 in respect of any recommendations made by the Occupational Health Doctor which has implications for their pension entitlements.”