

Harlow Council Sickness Absence Management Policy

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1.0 Introduction

This procedure outlines the council's approach to managing employee sickness, proactive actions and support that can be offered. Sickness absence has a direct cost to those who are absent from work and for the cover that needs to be provided through existing employees or agency cover. Research shows that early intervention plays an important part in positive progress.

The sickness absence management policy and associated procedures and guidance apply to all employees of Harlow Council. It seeks to ensure that a reasonable balance is found between considering an employee's welfare and the efficiency and quality of service provided to the council.

2.0 Roles and Responsibilities

All employees have a role to play in addressing and reducing the sickness levels within the council as well as protecting the safety and well-being of employees. The following section outlines the responsibilities of each role:

2.1 Employee's responsibilities

- attend work when fit to do so, and return to work after any sickness absence as soon as possible including making their manager aware of any adjustments that may assist an early return
- be aware of and comply with the sickness absence management policy, particularly regarding sickness notification requirements and the submission of statements of fitness for Work (fit notes)
- communicate regularly with their line manager during periods of sickness absence
- attend meetings in relation to sickness absences
- notify any absence as a result of an accident at work under appropriate reporting procedures using the following link
<https://www.harlow.gov.uk/kaonet/safety/report-accident-or-near-miss>
- complete a return-to-work form via iTrent - this will ensure that employees are paid correctly and that their absence and return are properly recorded
- understand the importance of good attendance at work and the impact absence has on service delivery and the additional strain put on colleagues

2.1 The Manager's Role – Managing Individuals' Sickness

- ensure employees are aware of and comply with the reporting sickness requirement
- keep in regular contact with the employee, especially those on long term sickness absences (20 days or more) including undertaking home visits as appropriate – managers may want to be accompanied by HR in sensitive or complex cases. Managers should make notes of all contact with the employee including all home visits
- record all sickness absences on the Council's iTrent system

- seek timely occupational health service (OHS) advice and make a referral via Human Resources, as necessary after seeking HR advice (and send to HR) (meet with employee to discuss the OHS advice and recommendations, keep notes after report received and send a copy of the notes to the employee)
- ensure a return-to-work interview is conducted after every period of sickness absence, complete the iTrent return to work form and input a return-to-work date on iTrent when the employee has returned to work
- where sickness has reached the procedural trigger, advise the employee that they will be monitored under the relevant stage of the sickness absence management policy
- seek approval from the Assistant Director to defer action where any procedural trigger has been exceeded but action is not recommended. This should be kept under review
- investigate the absence to understand its causes and the effect it will have on the employee's work
- take all reasonable steps to collaborate with employees in tackling health, work or welfare problems, including work related stress.
- undertake workplace stress assessments as appropriate including seeking guidance from Health & Safety
- keep the employee informed at all times of actions being taken
- explore any options with the employee, which may permit them to improve attendance or return to work
- inform the employee that they may wish to be accompanied by and/or represented at informal meetings and the right to be accompanied at formal meetings, by a recognised Trade Union representative or work colleague but not a legal representative.
- for employees with disabilities, take into consideration reasonable adjustments that can be put in place to support and help the employee improve their level of attendance and other Equality Act 2010 considerations. This may include reasonable adjustments to the implementation of the policy where appropriate.
- managers should refer to the document MSS (4) – managing sickness and other absences on Kaonet for information on the recording of employees sickness absence.

2.2 Human Resources role

- produce data and provide advice to Directors and Assistant Directors on levels of sickness absence within each service area.
- provide advice and guidance to managers on managing sickness absence at the appropriate stage of the procedure
- advise on procedural matters and phased return to work details

2.3 Trade Unions

- support the Council's aim to protect the health and well-being of all employees
- support the Councils' aim to reduce sickness
- support its members under this policy

3.0 Notification of Sickness – Employees Responsibilities

1st Day

- telephone their line manager (or other person specified by the line manager) within one hour of the employee's normal start time to report their absence
- state the nature and likely duration of the absence
- employee to report all sickness themselves (where practicable and throughout the sickness absence), to the Manager (or other person specified by the Manager); do not leave messages with colleagues.

4th Day

- telephone their line manager (or other person specified by the manager) to provide them with an update on their health

8th Day

- telephone their line manager (or other person specified by the line manager)
- consult their doctor and obtain a fit note, send to their line manager
- ensure fit notes are sent into their manager within 5 working days of the due date to cover the entire period of the absence. Failure to provide a fit note may result in loss of pay (see section 4 below).

Absence longer than 8 days

- agree with the manager how the employee will maintain contact and the regularity of this contact, ideally the employee should contact the manager on a weekly basis to report on their health and expected date of return but there will be circumstances where this is not possible. In any case a pattern of contact should be agreed.
- all fit notes must be received within 5 working days of the expiry of the previous certificate, or the employees pay may be affected

4.0 Occupational Sickness Pay

The council's occupational sick pay scheme is distinct from Statutory Sick Pay (SSP) and the conditions for payments under each scheme are different. An employee who fails to meet the conditions for payment of the Council's scheme may still qualify for Statutory Sick Pay (SSP). The council's occupational sickness payment scheme is as follows:

Continuous Local Government Service by the employee	Months on Full pay (OSP)	Months on Half pay (OSP)
Up to 4 months	Nil	Nil
In the 5th to 12th month	1	2
In the 2nd year	2	2
In the 3rd year	4	4
In the 4th and 5th years	5	5
Thereafter	6	6

In the case of full pay periods sick pay will be an amount which when added to statutory sick pay and incapacity benefit receivable will secure the equivalent of normal pay. In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to statutory sick pay. So long as the total sum does not exceed normal pay.

Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.

Note: where an employee enters into a period of half pay or nil pay, they may be able to use untaken annual leave to "top up" their pay. Human Resources will be able to advise on each case.

Employees must comply with all the elements of the sickness absence management policy in order to receive payments and for their continuation. It is important to note that the council may consider withholding occupational sick pay if one or more of the following two conditions are breached:

One: failure to comply with the conditions of the sick pay scheme; some examples include:

- refusal to submit to a medical examination including refusal to consent to any report being made available from their GP or specialist health consultant to a third party occupational health service.
- failure to comply with procedures for reporting absence and submission of appropriate fit notes.

Two: sickness absence that can be attributed to:

- the employee's own misconduct or neglect
- deliberate conduct prejudicial to recovery
- active participation in professional sport
- injury while working in their own time for private gain, or for another employer

The employee has the right to appeal against the decision to suspend their occupational sickness pay.

The relevant Assistant Director or as delegated will hear the appeal and will be supported by at least one other person, often a HR advisor. It is important to note that the decision reached by the appeal hearing officer is final.

5.0 Corporate Sickness Triggers

The Council's target is to reduce the average number of working days lost through sickness absence. It is the manager's responsibility to manage sickness within their own service to enable the council to reach this target.

To ensure that all cases are identified and handled appropriately, the triggers for action must be applied consistently across the whole council and service areas.

Absences can be considered under the following categories:

5.1 Frequent Short-term Absence:

This is typified by short periods of sickness, which are repeated at regular or frequent intervals over the year. There is a general inability to attend work regularly. There tends to be no one underlying medical condition causing the absences and general and diverse ailments will be evident.

5.2 Long-term Absence:

This is where an employee is absent from work on a long term basis (20 days or more).

To ensure that the council fulfils its sickness absence management policy objectives, the council monitors all its employee sickness absences on an on-going basis and each of the triggers can be applied throughout the sickness stages.

5.3 Triggers:

The Council has adopted the following sickness triggers to monitor its employees:

- 3 or more separate instances of sickness absence in the previous rolling 6 month period
or
- 2 separate periods of sickness absence totalling 10 working days or more, within the previous rolling 6 month period
or
- Any other recurring recognisable patterns, such as frequent absenteeism on a Friday or Monday, before or after a period of annual leave (or any other authorised leave).

The reason for establishing sickness triggers is to ensure that an employee is continued to be supported when encountering health problems that result in their sickness absence. It also supports the Council's aim in reducing the number of days lost through sickness.

The setting of further sickness targets beyond the initial corporate triggers stated above in section 6, corporate sickness triggers can be a challenging one. The new targets to be set must be based on the individual absence/ health circumstances of the employee and the level of absence accrued. However, it is important to note that the targets must be realistic and support the aims of the council. The targets set should not just be based on reapplying the existing target. The manager could decide to lower these triggers, in an attempt to act as an incentive to reducing the level of sickness and addressing the matter by applying the appropriate stage of the process.

Due care and attention should be given to employees who have a disability, and this situation should be taken into account when setting revised targets.

Even if an employee is off sick when the triggers for action have been reached it is still necessary to consider the situation proactively and employees must be invited to attend meetings under this procedure. Managers must ensure that they advise employees of this. The Council can and must always continue to take proactive steps, even if the employee is still absent, in an attempt to aid a safe and effective return to work.

When setting the appropriate review, targets will be dependent on the individual circumstances of the employees, their condition and level of absence accrued. If you require further assistance on this matter, please contact Human Resources.

5.4 Informal Stage:

The informal stage should commence when the triggers have been reached or where the manager has concerns about the welfare of the employee, the amount of sickness absence, pattern of sickness or inability to undertake the normal duties of the role due to health issues.

At this informal meeting the manager and the employee will explore the reasons for sickness absence including the employee's ability to undertake their role, discuss any management concerns, set standards and targets for attendance and any necessary arrangements for monitoring this. As appropriate, a referral to the OHS can be made at this stage. This can be discussed at this informal meeting. Ideally a review and regular meetings can be held so that any concerns about the employee's ability to meet the targets set can be highlighted at the earliest opportunity. The manager should consider any reasonable adjustments highlighted by the OHS to assist the employees return to work. At the end of the meeting, the manager should write to the employee to confirm the outcomes agreed and the monitoring period.

If the manager does not implement the above, the manager **must** receive express permission from the Assistant Director if it is considered not appropriate to progress an employee to the next level of the procedure where the trigger has been exceeded or the improvement target has not been met. Please refer to section - deferred action for further information.

5.5 First Formal Stage:

Where, following a meeting under the informal stage, there is no significant improvement in the employee's attendance levels (for example reaching the trigger points in the 6 months following the informal meeting), the manager should arrange a first meeting under the formal stage of the procedure. There is no need to wait for the full 6 months if the employee has met the triggers before then.

This meeting will commence the formal stages of the council's procedures and is an opportunity for managers to consider and establish the causes of the sickness absence or the employee's ability to undertake the role and its effect on work, taking account of medical advice. The manager and the employee can explore any work, welfare or domestic concerns or any other matters regarding the absence taking into account information received from the OHS.

The employee will be given at least 5 working days' notification of the meeting, and they will be allowed to be accompanied by a trade union representative or work colleague. A member of Human Resources will also be in attendance.

The meeting will consider the causes of the employees' absence, the impact upon the service delivery and also what can be done by the employee and as appropriate the council to improve attendance.

The manager will set reasonable standards for attendance or a target for a return to work along with consideration of the options which could improve attendance or enable a return to work. It can also include a formal notification of concern which will take into account the needs of the council, and where possible, the interests of the employee including setting out the potential consequences of there being no satisfactory improvement in attendance.

After the formal meeting, the manager will write to confirm:-

- The points discussed,
- Sickness record
- Actions agreed
- The formal notification of concern, and how long this is valid for
- The employees right of appeal
- An interim meeting to be arranged to review progress within 3 months or soon, should serious concerns arise before then
- That failure to improve will normally lead to a final written warning for unsatisfactory attendance and performance to undertake their duties.

It is important to note that there can be more than one first formal stage meeting particularly if specialist consultant's reports are required. It is recommended that these take place on a monthly basis. If an employee is on long-term sickness absence it is essential to maintain contact. For example, where attendance at the workplace is difficult, home visits or meeting at another location outside the office may be an option.

The manager should make it clear to the employee, that if improvements in attendance are not sustained after the monitoring period and recommendations/adjustments have been implemented, the sickness case may progress onto the final formal stage, where the employee's job may be at risk.

If the manager does not implement the above, the manager must receive express permission from their Assistant Director if it is considered not appropriate to progress an employee to the next level of the procedure where the trigger has been exceeded or the improvement target has not been met. Please refer to section deferred action for further information.

5.6 Final Formal Stage:

Where, following a first meeting under the formal stage there is still no significant improvement in the employee's attendance levels (for example reaching the trigger points in the 6 months following the first formal meeting), a final meeting under the formal stage of the procedure will be arranged.

A final meeting (known as a case review) can also be arranged in the case of long-term sickness absence where the employee has been on long term sickness and there is little or no prospect of a return to work in the near or foreseeable future.

Managers should always discuss the matter with Human Resources prior to arranging this meeting.

This meeting will consider the employees absence record, measures taken to improve attendance and likelihood of improvement, taking account of medical advice.

The employee will be given at least 5 working days notification of the meeting and they will have the right to be accompanied by a trade union representative or work colleague. The meeting will be chaired by an Assistant Director and a member of Human Resources will also be in attendance.

The final formal stage is where the council will consider the future employment of an employee due to their absence.

At the final formal stage meeting, the manager will consider if the employee is

- capable of regular and efficient service after hearing from the manager and the employee, for example, any reasonable alternatives to dismissal including reasonable adjustments to the work or work place, redeployment, phased return, and ill health retirement can be considered
- that all medical information is the latest information available so that full consideration of the case has been completed
- whether the employee has been treated reasonably in line with the council's policies and procedures and processes
- determine a course of action which will take into account the needs of the council and, where possible, the interests of the employee
- whether, in the opinion of the councils third party occupational health service, ill health retirement is a possibility. For more details on the types of ill health retirement, please see the link below

[Ill health retirement: LGPS \(lgpsmember.org\)](http://lgpsmember.org)

If the decision is to dismiss due to their sickness absence, the employee is entitled to:

- notice (or payment in lieu of their contractual notice) even if they cannot work
- full pay for the notice period - even if they are within their half pay or nil pay period of their sick pay entitlement period
- full pay for any untaken contractual annual leave accrued whilst on long-term sickness absence upon termination of their employment.

Where dismissal is not an outcome of a final formal hearing and where sickness absence has not improved, the manager may decide to convene another final formal hearing, where dismissal may be an outcome. The manager does not need to wait until the end of the monitoring period to arrange another final formal hearing.

5.7 Deferred Action

Deferred action requests are where an employee has reached a trigger for action within the procedure and the line manager seeks authority from their Assistant Director not to take any action in accordance with procedure, either, informal or formal. It is important to note that this will only apply in exceptional circumstances.

For example, if an employee is at a final formal hearing and had mitigating reasons for their sickness absence and dismissal was not pursued on this occasion, it might be appropriate, for example, to set a new target of no more than 3 working days of sickness absence in the following six-month period.

5.8 Appeal rights against dismissal

Employees will be advised that they have the right of appeal against their dismissal, and this must be lodged with the Assistant Director – Governance, HR & Legal within 10 working days of receipt of the written decision of dismissal.

The Appeal will be heard by a Director who has had no prior involvement in the case.

6.0 Additional information and supportive measures regarding the Sickness Absence Management Policy

The following information outlines other matters relating to the policy:

6.1 Occupational Health Service (OHS)

Occupational Health Service referrals can be made at any time under this policy. A referral is an effective mechanism to ascertain the health and well-being of employees which can assist both the council and the employee. It can also be an effective support mechanism for employees.

Managers should discuss a possible referral with Human Resources who, where a referral is necessary will make the referral to OHS. Prior to the referral being made, managers should discuss the matter with the employee setting out the reasons for the referral and agreeing with the employee the relevant information to be contained in the referral.

Once the report from the OHS has been received, managers should discuss the report with the employee. It is important that managers also take notes of the discussions and send copies to HR. In more complex or sensitive cases, managers may need to seek advice from HR before meeting with the employee.

In all cases an OHS referral must have been made prior to a final formal hearing.

6.2 Employee Assistance

HR can make counselling referrals to OHS for access to help and support if they are going through difficult times. Further information is available via Human Resources.

6.3 Phased return to work

A phased return to work is usually considered in exceptional circumstances and when an employee is returning from a long-term sickness absence. The decision is the managers in line with operational requirements and will normally be informed by the advice received from the employee's GP or the external OHS.

A phased return to work would normally consist of an employee working less than their contractual hours on an increasing basis for a period of up to four weeks, after which the employee will normally be expected to resume their normal contractual working hours, dependent on the individual circumstances. Managers must discuss these arrangements with Human Resources before proceeding.

Managers may also need to consider other options which could facilitate an early return to work, such as working from home or flexible working hours. This will be dependent on the reason for the absence and involve a discussion between the manager and the employee before any measure is agreed.

6.4 Reasonable Adjustments

Reasonable adjustments are made to the workplace to make work and role requirements more accessible for employees with a disability or where the OHS recommend reasonable adjustments on a short-term basis.

The manager and employee should discuss and agree to the appropriate adjustments to be applied dependent on the employee's circumstances. This could be on a temporary or permanent basis and based on the needs of the service. This may mean making changes in the workplace and these could include:

- removing physical barriers
- providing extra support
- considering flexible working requests including consideration to alternative working locations
- considering amending triggers under this policy

Reasonable adjustments should be kept under regular review to ensure that they continue to be relevant and applicable especially with worsening or fluctuating medication conditions.

The regularity of the reviews will be dependent on the employee's condition and any fluctuations or changes caused by the condition, however as a minimum this should be conducted annually to ensure that the adaptations continue to be relevant and effective.

7.0 Return to work interview

Return to work interviews must be conducted following all employee sickness absences at all stages of the process. The interview should take place no longer than 3 days after the employee has returned to work. This meeting is a good opportunity for the manager and employee to discuss the reason for the absence, offer any support or assistance available and to remind the employee of their obligations under this process. This meeting can also enable the employee to discuss sensitive medical issues that may affect their attendance or work performance and can then be addressed as appropriate. Employees should be reminded that they will need to update their absence details on iTrent.

8.0 Annual leave entitlement while absent due to sickness

Employees will continue to accrue their contractual annual leave entitlement while they are absent from work due to sickness.

Applicable employees can carry over their contractual annual leave into the following leave year under certain statutory circumstances.

Employees who have been absent from work due to a long-term sickness absence, (usually for a period of more than 28 days), are able to carry forward any untaken annual leave into the new leave year, if they have not reasonably had the opportunity to take their remaining leave within the existing leave year. Employees who have been on short term absences will also accrue annual leave during their sickness absence however due to the short-term nature of their absence they will be expected to allocate their leave within the existing leave year.

Employees have the right to reclaim any annual leave entitlement if they fall sick during their leave period and they have complied with the council's policy and procedure in relation to the sickness reporting requirements and have submitted appropriate fit notes.

Annual leave will be reinstated from the commencement date of the fit note. It is important to note that there is no similar right for bank or public holidays.

9.0 Medical appointments

The council makes the following arrangements when dealing with medical appointments:

9.1 G.P, Dental, one-off hospital, and other routine appointments

For routine matters, employees must arrange G.P, dental, one-off hospital and other routine appointments outside of working time or times which minimise the effect or disruption to the service, such as, at the beginning or end of the working day. Where this is not possible employees should discuss with their line manager at the earliest opportunity to agree arrangements for the appointment. Managers may use their discretion to allow employees to be absent during core working hours to attend appointments. In normal circumstances, employees should use flexi-leave, make up the time or time off in lieu to cover the time lost.

Employees should notify their line managers as soon as appointments are arranged. In addition, they should provide evidence of the appointment (i.e. notification from the hospital, appointment card, confirmation of dates for treatment.) It is important to note that absences of half a day or more must be reported and recorded via the normal reporting mechanisms and will be recorded as time off to attend medical appointment. Absences of half a day or more must be reported and recorded via the normal reporting mechanisms. Half day absences or more, due to medical appointments, are classified as sickness and will count towards any sickness triggers.

If the appointment relates to a procedure that is purely elective or cosmetic then the employee must attend appointments in their own time (e.g. by taking annual leave).

9.2 Employees with a disability

Employees with a disability will be given reasonable paid time off to attend medical appointments related to their disability.

9.3 Antenatal appointments

Pregnant women have a statutory right to paid time off to attend ante-natal appointments. Please refer to the council's maternity procedure for further information (completion of an authorised absence form is required)

9.4 Medical screening

Necessary paid time off will be granted for the purpose of exploratory cancer screening including travelling time. Employees must advise their manager of any scheduled screening appointments.

If employees are absent for the above reasons then their absence should be recorded as "other absence" on iTrent (completion of an authorised absence form is required)

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