

# POLICY AND PROCEDURE



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Life  
Opportunities

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England Company No.  
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## Sickness Absence

**Category:**

## INTRODUCTION

SoLO works within a set of values that underpins the way in which it supports its staff to achieve and have a positive work experience.

One of our three key values is integrity and this policy is written with this in mind. As employers we would wish to support our staff, if they are unwell, with integrity, honesty and respect. We also have to balance this against the requirements of the work and the responsibility we have to our members to provide them with a consistent service. In return, we expect our staff to also reciprocate displaying the same commitment to our values in relation to the management of their own health.

We wish to encourage our staff members to display a commitment to attendance at work and recognise the value that the organisation places on full attendance and the positive impact that this has on the quality of service provision and, in particular, our learning disabled members.

We wish to ensure that members of staff who have periods of sickness absence are treated fairly and that there is a process in place to enable this to happen, that is understood by all.

### 1. POLICY STATEMENT

- a. SoLO values good attendance and requires the attendance of all members of staff for their contracted hours of employment in order to meet its contractual arrangements for service delivery. It does however recognise that some level of absence is unavoidable on medical grounds. High levels of attendance at work are an important element in the

Policy Name: Sickness Absence Policy  
Organisation: SoLO Life Opportunities  
Last Reviewed: 12.10.2015  
Next Review Date: October 2017

1

planning and provision of the service we provide to our members, the maintenance of staff morale and ultimately the preservation of jobs. Low levels of attendance, on the other hand, can lead to low morale, general dissatisfaction and stress amongst members of staff left to cover for absent colleagues and result in a reduced standard of service and high costs for the organisation.

- b. This Sickness Absence Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- c. Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes
- d. Reasons for sickness absence must be understood in each case and investigated where necessary. Where needed and reasonably practicable, measures will be taken to assist the return to work.
- e. This policy and procedure does not form part of any staff member's contract of employment and it may be amended at any time.

## **2. WHO IS COVERED BY THE POLICY?**

This policy covers all members of staff at all levels and grades

It is essential that this procedure is followed across the organisation to ensure a fair and consistent approach to the management of absence by all departments.

## **3. POLICY OBJECTIVES**

The objectives of this policy are to address:

- a. the ongoing promotion of employee' health, safety and welfare;
- b. the identification of changes necessary in working practices and in the working environment e.g. work-life balance initiatives
- c. the sustainability of the organisation and ensuring that there is a culture of high attendance and commitment to the services
- d. ensuring compliance with the Equality Act 2010 and other relevant legislation.

## **4. DISABILITIES**

- a. We are aware that sickness absence may result from a disability. At each stage of our Sickness Absence Meetings Procedure, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.
- b. If a staff member considers that they are affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager.

## **5. MANAGING SICKNESS ABSENCE**

- a. It is important to remember that managing sickness absence is about managing and communicating with people. The primary objective of managing absence is to help staff members to return to work from sickness absence and to bring the staff members attendance back to an acceptable level. If at the end of this process, however, attendance is still unsatisfactory then SoLO may have to consider formal action which could ultimately lead to dismissal. Any action taken out will be carried out under the Sickness Absence Meetings Procedure outlined below.
- b. When managing the sickness for staff members, SoLO will take into account such factors as:
  - i. The circumstances of the illness – e.g. work related injury/stress, illness where the staff member has demonstrated a lack of self-responsibility.
  - ii. The treatment regime – e.g. in the case of cancer.
  - iii. The impact on the service and the feasibility of short term cover, part time working etc.
  - iv. Where SoLO can and should contribute financially to aid recovery or enable return to work.
- c. Information sharing regarding the sickness of a staff member will be limited to a need to know basis and will be respectful. Wherever possible this will be with the agreement of the staff member.
- d. Written records relating to sickness and any discussions with staff members will be maintained as these are important for SoLO and the staff member should any further action need to be taken.
- e. SoLO is committed to complying with its obligations under the Data Protection Act 1998 in relation to information concerning the physical or mental health of its staff members.

- f. It is SoLO's aim to ensure the continued smooth running of the organisation and the appropriate provision of support for staff members affected by health difficulties.

## **6. IDENTIFYING TRENDS AND ISSUES RAISED BY SICKNESS ABSENCE**

- a. It is important that the organisation learns and understands any issues that are raised due to an increased level of sickness for any one individual, project or the organisation as a whole.
- b. To this end, records will be reviewed regularly to pick up on any trends and reports will be made to the Trustees so that they can address any matters such as work environment, volume of work, levels of sick pay, review of policies etc.
- c. Trustees will ensure that wherever possible funds are held in reserves to cover for long term sickness and issues arising from sickness.

## **7. PAYMENT IN RESPECT OF SICKNESS ABSENCE (EMPLOYEES ONLY)**

- a. It is SoLO's policy to offer security of employment, or earnings during reasonable periods of absence due to ill health by providing Company sick pay for its employees which will include Statutory Sick Pay. It should be noted, however, that Company Sick Pay is not paid as a right, but at the Organisation's discretion and this Policy details what employees must do to ensure that they are able to qualify for Company Sick Pay in the event that they are absent from work due to sickness.
- b. Statutory Sick Pay (SSP) will be paid to all qualifying employees in accordance with statutory requirements where a self-certification form has been completed and payment requested.
- c. Employees should refer to their terms and conditions of employment for details of the Company Sick Pay Scheme. The Company's Sick Pay will include SSP and the total sickness pay will be subject to the normal PAYE, income tax and national insurance, contributions, etc, and will not amount to more than an employee's normal basic salary. The terms of the Company Sick Pay Scheme may be varied from time to time as deemed appropriate by the Company, and in consultation and agreement with its employees.
- d. An employee who fails to comply with the notification procedure or who otherwise abuses the SoLO's rules on absence claiming sick pay where sickness is not the reason for absence will not be paid Sick Pay and will be dealt with under the Disciplinary Procedure.

## **8. MEDICAL APPOINTMENTS**

Policy Name: Sickness Absence Policy  
Organisation: SoLO Life Opportunities  
Last Reviewed: 12.10.2015  
Next Review Date: October 2017

4

GP, Dentist, Hospital, etc, appointments should be taken where possible out of working hours and at a minimum at the beginning or end of the day.

## **9. DEFINITION OF A DAY'S SICKNESS**

If a full time staff member has been at work for two hours or more from their normal start time, any subsequent absence in that day will not be counted as a day's absence. For a part time staff member, the two hour period will be reduced proportionally to their daily contracted hours i.e. if a staff member is contracted to work 50% of a full time staff member on the day they attend work from their normal start time and subsequently go home ill, they would be required to work 50%, i.e. one hour, for the day not to be counted as a day's absence.

## **10. SICKNESS DURING HOLIDAYS**

If a staff member is ill or injured during a period of pre-arranged annual leave they may elect to treat the days of incapacity as sickness absence instead of annual leave. The staff member must inform their Line Manager of their incapacity and its likely duration as soon as is practicably possible. The usual requirements for self-certification and medical certificates will apply.

## **11. ANNUAL LEAVE ACCRUAL**

- a. During any continuous period of absence due to sickness of over 4 weeks staff members shall not accrue holiday under their terms and conditions of employment and the staff member's contractual entitlement to annual leave for the holiday year in which such absence takes place shall be reduced pro rata save that it shall not fall below the staff member's entitlement under the Working Time Regulations 1998.

## **12. PROCEDURE FOR REPORTING OF ABSENCE DUE TO SICKNESS**

Staff members who are absent from work due to ill health must conform to the following procedure:

- a. Staff members who are taken ill or injured while at work should report or be taken to their line manager and be given permission to leave work. Managers should make arrangements for anyone who is unwell to be accompanied home and / or to receive medical treatment where necessary.
- b. If a staff member cannot attend work because they are ill or injured, they **personally**, must telephone - **not by text or email** - their immediate Line Manager as early as possible and by no later than 10.00am on their first day of absence to give details of their absence as follows:

- i. The nature of the illness or injury;
  - ii. The expected length of the staff member's absence from work;
  - iii. Contact details; and
  - iv. Details of any outstanding or urgent work that requires attention.
- c. If the Line Manager is not available the staff member should leave a message with another manager, providing the information above.
- d. The Line Manager will inform the Finance Administrator on the first day of absence, and record the sickness on the employee's personnel record.
- e. The Line Manager should ensure that arrangements are made, where necessary to cover work and inform colleagues (while maintaining confidentiality).
- f. Employees who are absent for seven days or less (including weekends) must complete a self-certification form if they wish to claim payment for the absence. Payment will not be made without the submission of this form.
- g. A staff member who is absent for more than seven days (including weekends) must provide a medical certificate from their GP (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why. The certificate must be sent to the staff member's Line Manager as soon as possible. Medical certificates must be provided to cover the continuous period of absence until the staff member returns to work.
- h. If a staff member's doctor provides a certificate stating that they "may be fit for work" they should inform their Line Manager immediately. SoLO will discuss with the staff member any additional measures that may be needed to facilitate their return to work, taking account of the doctor's advice. This may take place at a Return to Work Interview (see below). If appropriate measures cannot be taken, the member of staff will remain on sick leave and SoLO will set a date to review the situation.
- i. Before returning to work after an absence of more than seven days (including weekends), a final medical certificate must be obtained from a GP confirming the staff member's fitness to return to work.
- j. Where SoLO is concerned about the reason for absence, or frequent short term absence, it may require a medical certificate for each absence regardless of duration. In such circumstances, SoLO will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.
- k. Upon return to work the Line Manager should complete a Return to Work Interview (RTW), and complete the RTW template at appendix ....

- l. Whilst absent the staff member has responsibility for keeping in touch with the Company and updating their Line Manager of the anticipated duration of their illness.
- m. Staff members should expect to be contacted during their absence by their Line Manager who will want to enquire about their health and be advised, if possible, as to their expected return date.
- n. Where a staff member has more than one employer they will be expected to be on sickness leave from all posts during their period of absence.

### **13. UNAUTHORISED ABSENCE**

- a. Cases of unauthorised absence will be dealt with under SoLO's Disciplinary Procedure.
- b. Any absences which are not for legitimate reasons will be treated as unauthorised. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.
- c. If a member of staff does not report for work and has not telephoned their Line Manager to explain the reason for their absence, their Line Manager will try to contact them, by telephone or by visit if necessary. (Duty of care) This should not be treated as a substitute for reporting sickness absence.

### **14. CATEGORIES OF SICKNESS ABSENCE**

- a. The responsibility for the control of sickness absence is shared between staff members and their Line Manager. Each case will be considered individually and commencement of formal action will depend on a number of factors such as the length of absence; the frequency and pattern of absence; the nature of the absences; and any other relevant personal circumstances.
- b. Sickness absence falls into several categories and each demands a different management response:
  - i. a one-off absence (e.g. minor operation);
  - ii. a series of absences due to one diagnosed cause;
  - iii. serious long-term illness;
  - iv. intermittent absences due to minor and apparently unrelated illnesses; or
  - v. absence as a result of elective treatments and surgery.
- c. The approach adopted will differ according to the nature of the absence(s) but in all cases the reason for the absence(s) will be reviewed by line

management when absences reach **10 days in a rolling 12 month period** to decide what action is required. This will be calculated on a pro rata basis for staff members who do not work every day. **Formal procedures may commence when absence reaches 10 days.**

- d. In any sick absence situation SoLO may want to satisfy itself that the problem will not recur. In some cases it is likely that the staff member would be referred to a medical or occupational health professional for assessment. A referral may provide the organisation with recommendations for adaptations for the staff member, or may give the staff member additional health and welfare advice that they are not already aware of.
- e. SoLO may, at any time in operating this policy, ask a staff member to consent to a medical examination by a medical or occupational health professional. The staff member will be asked to agree that any report prepared in connection with any such examination be disclosed to us and that SoLO may discuss the contents of the report with its advisers and / or the relevant medical or occupational health professional.
- f. Managers and Project Leaders must discuss the level of absence with the staff member where it is giving **cause for concern (i.e 5 days or 2 separate episodes of absence in a rolling six month period)**. Moving the process from informal onto formal action will be considered after 10 days absence or 3 separate episodes of absence in a rolling 12 month period, and after considering all the individual facts of the case. Pro rata for part time staff.
- g. The aim of any formal or informal action taken in relation to sickness absence is not to cast doubt on the legitimacy of absences, but to indicate that the staff member's non-attendance at work is having adverse operational effects and that the organisation requires an improvement.
- h. Any staff member who receives two written warnings regarding sickness absence within a 12 month period will be given a final warning that further non-related sickness absence will result in dismissal.

## **15. RETURN TO WORK INTERVIEWS (LM informal action flow chart 1 refers see attached appendix)**

- a. When a staff member returns to work following a period of sickness absence, no matter how long or short the period of absence, a Return to Work Interview will be conducted by their Line Manager. This interview should be documented on the Return to Work Interview Pro Forma.

- b. The interview must be carried out as soon as is reasonably possible upon the staff member's return to work and will be in a confidential setting. The purpose of the interview is:
- i. To welcome the staff member back and discuss the reason for absence to ensure that the correct details relating to the absence are recorded.
  - ii. To establish that they are fully recovered and that there are no residual symptoms that may affect their ability to work normally in the short term, and if so if any adjustments are required.
  - iii. To consider if the cause of absence is work-related, and if so what action is necessary.
  - iv. To make it clear to all staff members that sickness absence is an issue which SoLO takes seriously and to ensure that the staff member understands the details of the sickness absence procedure and their own responsibilities.
  - v. To discuss the number of days taken in the rolling 12-month period and confirm understanding of trigger points
  - vi. To consider absence levels in the rolling 6-month period and to confirm to the staff member cause for concern and if any further action is being considered at this stage.
  - vii. To provide an update on the staff member's work and how it has been dealt with during the period of absence
  - viii. To enable the staff member to ask for information, advice and help.
  - ix. To enable the staff member to raise any concerns and to bring any relevant matters to SoLO's attention.
- c. Where a staff member's doctor has provided a certificate saying that they "may be fit for work" the Return to Work Interview will discuss any reasonable adjustments that may be needed to facilitate the staff member's return to work, taking into account their doctor's advice.
- d. It may be appropriate for a Line Manager, during the return to work interview, to discuss a particular health problem with the staff member concerned. The nature of any discussion should always focus on the effect of the medical condition on the staff member's ability to carry out their duties. Managers and Team Leaders should be aware of the need to make alternative arrangements, for example, for a Manager of the same gender or a Board Member to interview the staff member.

## **16. LONG TERM SICKNESS ABSENCE**

- a. SoLO is committed to helping staff members return to work from long-term sickness absence. As part of the Sickness Absence Meetings Procedure SoLO will, where appropriate and possible, support returns to work by:
  - i. Obtaining medical advice;
  - ii. Making reasonable adjustments to the workplace, working practices and working hours;
  - iii. Considering redeployment; and/or
  - iv. Agreeing a return to work programme with everyone affected.
- b. If a staff member is unable to return to work in the longer term, we will consider whether they are entitled to any benefits under their contract and/or any insurance schemes we operate. SoLO may also consider whether the organisation can maintain the absence which may result in early/medical retirement or dismissal.
- c. The Line Manager will ensure regular contact with the person concerned throughout their absence. The purpose of contact is to keep the staff member up to date with SoLO events, demonstrate concern; ensure that the staff member complies with sickness reporting procedures; that correct sickness payments are made; help plan cover during absence, and provide any assistance as appropriate. The staff member can nominate a preferred contact/liaison manager if they have specific reasons why they do not wish this to be their Line Manager.
- d. Where a member of staff has been continuously absent because of ill health for over 4 weeks, a home visit may be appropriate. The purpose of this visit should be to attempt to obtain an indication from the staff member regarding their likely return to work, and to gauge whether medical referral is required and/or whether the organisation can assist the staff member with their return. Home visits will be made with prior notice given and consent from the staff member.

## **17. MONITORING PROCEDURES – Informal and formal action**

- a. Sickness and absence records of staff members will be reviewed at every RTW interview. Cases must be reviewed when they have hit or are near to hitting a trigger point of:
  - i. 5 days in 6 months or 10 days in a rolling 12 month period  
Calculated on a pro rata basis for staff members who do not work every day;
  - ii. 2 absences in 6 months or 3 or more short absences in the rolling twelve months period;
  - iii. A long term absence over 4 weeks.

- b. Cases that fall consistently just outside one or more of these criteria will also be scrutinised eg. 5 days in a rolling 6 month period.
- c. Possible actions within the **informal procedure** may include:
  - i. agreement to continue to monitor the situation and keep the case under review;
  - ii. Conducting an informal meeting with the staff member;
  - iii. A referral to OHS or a risk assessment to make work safe/healthy e.g. to undertake a work station assessment.
- d. Where informal action does not result in an improvement in attendance and 10 days absence is reached in a 12 month rolling period - pro rata for staff members who do not work every day), SoLO will consider whether it is appropriate to initiate **formal action** under its Sickness Absence Meetings Procedure.

**18. INFORMAL ACTION – refer to LM action flow chart 1 at attached appendix**

- a. The purpose of informal action is to advise the staff member that they have hit a trigger point and as such their sickness absence is becoming a cause for concern.
- b. It should be explained to the staff member that the organisation has a vested interest in their health, and has an obligation to monitor and review.
- c. Informal meetings are part of the Informal Action Stages of the process. Given that there is cause for concern, which could lead to formal proceedings, the outcome of the meeting must be documented. Typed notes of the meeting must be placed on the staff member's personal file, and a copy given to the staff member.
- d. Cases must be reviewed on a monthly basis and will move to formal action where further absence is taken during the monitoring and review period.

**19. FORMAL ACTION  
SICKNESS ABSENCE MONITORING MEETINGS PROCEDURE –  
refer to LM action flow chart 2 at attached appendix**

- a. SoLO will apply this procedure whenever it considers it necessary to do so, including, for example, if a staff member:
  - i. Has hit a trigger point;
  - ii. Has undergone the informal procedure outlined above;

- iii. Have discussed matters at a return to work interview that require investigation;
- b. The staff member will be given 5 days written notice of the date, time and place of a sickness absence meeting. SoLO will advise why the meeting is being called thus allowing a reasonable opportunity for the staff member to consider this information before the meeting.
- a. The meeting will be conducted by the staff member's Line Manager. The staff member may bring a companion (colleague or Trade Union representative) to any meeting or appeal meeting under this procedure. Their identity must be confirmed to the manager conducting the meeting, in good time before it takes place.
- b. Members of staff are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.
- c. Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. Companions should not normally work at another site, unless no-one reasonably suitable is available at the site at which they work.
- d. SoLO may at its discretion, permit a companion who is not a member of staff or union representative (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.
- e. A companion may make representations, ask questions, and sum up a staff member's position, but will not be allowed to answer questions on their behalf. The staff member may confer privately with their companion at any time during a meeting.
- f. The staff member must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If a staff member or their companion is unable to attend at the time specified they should immediately inform their Line Manager who will seek to agree an alternative time.
- g. A meeting may be adjourned if their Line Manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. The staff member will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.
- h. Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to the staff member in writing within 7 days of a sickness absence meeting, or as soon as is practicable.

- c. If, at any time, the staff member's Line Manager considers that they have taken or are taking sickness absence when they are not unwell, they may refer matters to be dealt with under SoLO's **Disciplinary Procedure**.

**20. STAGE 1: FIRST SICKNESS ABSENCE MEETING – Formal action refer to LM action flow chart 2 at attached appendix**

- a. This will follow the procedure set out in the paragraphs above on the arrangements for and right to be accompanied at sickness absence meetings.
- b. The purposes of a first sickness absence meeting may include:
  - i. Discussing the reasons for absence.
  - ii. Where a staff member is on long-term sickness absence, determining how long the absence is likely to last.
  - iii. Where a staff member has been absent on a number of occasions, determining the likelihood of further absences.
  - iv. Considering whether medical advice is required.
  - v. Considering what, if any, measures might improve the staff member's health and/or attendance.
  - vi. Impact upon colleagues and the organisation  
In all cases -
  - vii. **Agreeing a way forward, action that will be taken and a time-scale for review and/or a date set for a further meeting under the sickness absence procedure.**

**21. STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S) – Formal action refer to LM action flow chart 2 at attached appendix**

- a. Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary as per 20.b.vii above. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in the paragraphs above on the arrangements for and right to be accompanied at sickness absence meetings.
- b. The purposes of further meeting(s) may include:
  - i. Discussing the reasons for and impact of the staff member's on-going absence(s).
  - ii. Where the staff member is on long-term sickness absence, discussing how long your absence is likely to last.
  - iii. Progress against the improvement plan will be discussed which will include an agreed period of monitoring.

- iv. Where the staff member has been absent on a number of occasions, discussing the likelihood of further absences.
- v. If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- vi. Considering the staff member's ability to return to/remain in their job in view both of their capabilities and SoLO's business needs and any adjustments that can reasonably be made to their job to enable them to do so.
- vii. Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the individual.
- viii. Where the staff member is able to return from long-term sick leave, whether to their job or a redeployed job, agreeing a return to work programme.
- ix. If it is considered that they are unlikely to be able to return to work from long-term absence and the organisation cannot maintain the absence, whether any benefits are appropriate.
- x. Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps SoLO has already taken, include warning the staff member that they are at risk of early/medical retirement or dismissal.
- xi. A written outcome of the meeting will be provided.

## **22. STAGE 3: FINAL SICKNESS ABSENCE MEETING - Forma**

- a. Where a staff member has been warned that they are at risk of dismissal, SoLO may invite them to a meeting under the third stage of the sickness absence procedure.
- b. Where a staff member has received two written warnings regarding sickness absence within a 12 month period they will be invited to a final sickness absence meeting and will be given a warning that further non-related sickness absence will result in dismissal.
- c. Arrangements for this meeting will follow the procedure set out in the paragraphs above on the arrangements for and right to be accompanied at sickness absence meetings.
- d. The purposes of the meeting will be:
  - i. To review the meetings that have taken place and matters discussed with the staff member concerned.
  - ii. Where the staff member remains on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards their possible return to work or opportunities for return or redeployment.
  - iii. To consider any further matters that the staff member wishes to raise.

- iv. To consider whether there is a reasonable likelihood of the staff member returning to work or achieving the desired level of attendance in a reasonable time.
  - v. To consider the possible termination of the staff member's employment.
- e. Termination will normally be with full notice or payment in lieu of notice.

### **23. APPEALS**

- a. A staff member may appeal against the outcome of any stage of this procedure and may bring a companion to an appeal meeting
- b. An appeal should be made in writing, stating the full grounds of appeal, to their Line Manager within 14 days of the date on which the decision was sent to them.
- c. Unless it is not practicable, the staff member will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- d. The staff member will be provided with written details of any new information which comes to light before an appeal meeting. The staff member will also be given a reasonable opportunity to consider this information before the meeting.
- e. Where practicable, an appeal meeting will be conducted by a manager senior to the staff member who conducted the sickness absence meeting.
- f. Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- g. Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within 14 days of the appeal meeting. There will be no further right of appeal.
- h. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

### **24. SEEKING EXTERNAL ADVICE**

- a. Web based information is very useful and should be checked if uncertainty exists:
  - i. [www.direct.gov.uk](http://www.direct.gov.uk) staff guide to sick pay and benefits

- ii. [www.hmrc.gov.uk](http://www.hmrc.gov.uk) [www.businesslink.gov.uk](http://www.businesslink.gov.uk) [www.acas.org.uk](http://www.acas.org.uk) all provide information for employers and employees
- b. In complicated cases the Chief Executive Officer and/or Trustees might wish to obtain legal advice from Solihull MBC, or purchase advice from a specialist in Human Resources.

## **25. INVOLVING TRUSTEES**

- a. If the Chief Executive Officer is concerned about any case, the matter should be referred to the Chair of Trustees for guidance.
- b. General issues regarding sickness should be reported to trustee meetings to enable risks to be identified and mitigating action taken.

### **LINKED WITH:**

- Return to Work Discussion – Appendix to this Policy
- Grievance & Disciplinary Procedures

## APPENDIX 1

### **Guidelines on conducting a Return to Work Discussion (RTW)**

#### **Preparing for the Discussion**

A return to work discussion provides the correct forum for the member of staff's sickness record to be discussed. The discussion will vary considerably depending on the nature of the sickness absence. Somebody returning to work after several months' absence for major surgery and extended convalescence will expect and require a full return to work discussion that may have to be spread over several days. Somebody who has been away for a few days with a minor ailment having previously enjoyed perfect health will probably only require a few minutes for their return to work discussion. However before any return to work discussion, you should gather all relevant information regarding the member of staff's absence record and decide under what category of absence you wish to deal with the case.

Cases that may fall within the category of frequent short-term sickness absences are possibly going to generate the most problems. Staff who have been off for several weeks are unlikely to dispute the fact that they have a long-term absence. But your decision to treat a series of short-term absences (a cause for concern) as amounting to "frequent" may be challenged. If therefore you feel that a case should be dealt with on that basis you should prepare for the discussion by giving consideration to the following factors:

- Is the member of staff's absences part of a regular or erratic pattern?
- Does the absence precede or follow annual leave?
- In which part of the week do their absences occur?
- What is the average length of their absences?
- What is the reason given for the absence?
- Are the reasons varied or is there a pattern?
- How does their absence record compare with other staff in the department/section?

#### **Conducting the Discussion**

Whatever the category of sickness absence the same structure can be followed for the return to work discussion although the time taken for the process will vary from a couple of minutes for an occasional short-term illness to several hours over several days for somebody returning after a long-term absence. Matters to be covered in the return to work are:

1. Welcome back
2. Discuss the reason for the absence
3. Any effects of absence

Policy Name: Sickness Absence Policy  
Organisation: SoLO Life Opportunities  
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Next Review Date: October 2017

17

4. Any cause for concern
5. If relevant any further action including changes to working arrangements
6. Completion of formalities

During the discussion, ensure that you give the member of staff every opportunity to discuss any concerns that they may have with regard to their absence. Do not be judgemental, become over-involved, make assumptions about their absence, or attempt to give any advice that you are not qualified to give. **Be open-minded and stick to the facts.**

During the discussion, ensure that you give the member of staff the opportunity to ask any questions they may have and to bring any relevant matters to your attention.

## 1. **Welcome back**

Begin the discussion by welcoming back the member of staff and letting them know that they have been missed. In many cases the primary purpose of the return to work discussion will be a brief thank you to the member of staff for all that they do for SoLO. The discussion confirms that the member of staff is valued, which is evidenced by the fact that even when they were not here for a few days he or she was missed. Only in a minority of cases will the process be more complex and complicated. In all cases explain the purpose of the discussion and make it clear that it is routine to conduct one with all members of staff who are absent due to sickness absence.

## 2. **Discuss the absence**

Having regard to the nature and length of the sickness absence you need to gain information on the following:

- Whether the member of staff is fit enough to resume their duties and if this needs to be confirmed with the GP.
- Whether the absence was work related
- What steps the member of staff has taken towards their recovery
- What preventative measures they are taking to reduce the likelihood of such absence occurring in the future
- Place the absence in the context of any previous absences and, where appropriate, seek an explanation for any apparent patterns or trends.
- Raise any cause for concern as a result of frequent one-off absences or patterns emerging

These areas should be explored in a caring and concerned manner. The best way to do this is by active listening i.e. listening carefully to what the person has to say.

It is emphasised that medical information and the personal details relating to a persons' sickness absence must be treated in the strictest confidence by the Line Manager. They will be charged with the responsibility of ensuring that any confidential matters discussed with them are not disclosed to a third party except with the employee's consent. They must also ensure that basic medical information provided for sickness absence recording purposes will be treated as confidential and access to it strictly limited.

On occasions it may be appropriate for a Line Manager of the employee to conduct the Return to Work interview and to discuss a particular health problem with the employee concerned. However, the nature of any discussion should always focus on the effect of the medical condition on the employee's ability to carry out their duties rather than on consideration of confidential medical details. Managers and supervisors should be aware of the need to avoid causing undue embarrassment to an employee and to make alternative arrangements, for example, for a Manager of the same gender or a Board Member to interview the employee.

### **3. Any effects of absence**

In cases of persistent absence, you should take this opportunity to remind the member of staff of the importance of full attendance whenever possible. You should point out the actions that either you or your colleagues had to take as a result of their absence e.g. working extra hours, employing extra help etc. Discuss any observations you have made regarding their absence e.g. if their absence seems to form a pattern, and explore ways in which you can help the member of staff attend as required. (Cause for concern)

Remind the employee that they have an obligation to be present at work. Then state that SoLO understands that people are afflicted by events and illness that sometimes prevent them from discharging their obligation. Both SoLO and the member of staff need to co-operate to ensure that this contractual obligation is maintained but the responsibility for absence rests with the member of staff.

### **4. Future action**

You should summarise any action that you have agreed should take place e.g. referral to counselling, changes to working arrangements, monitoring one-off absences and patterns etc. You should ensure that it is clear who will be taking this action and whether anyone else needs to be involved. In most cases of occasional short-term absence no further action will need to be taken and accordingly there will be no need to take notes.

It is very important to leave the discussion on a positive, upbeat note. In the case of staff who have been absent for some time you should brief them on the events that occurred during their absence and discuss any work that they need to do to catch up.

In a minority of cases further action may be needed which could affect the member of staff's contractual relationship with SoLO. This could involve taking formal action under SoLO's procedures for managing sickness absence and capability. If that is being proposed the member of staff will be notified of the reasons for taking that course of action.

## **5. Completion of formalities**

You should now complete the **Return to Work** form ensuring that you note any future action and cause for concern you have agreed to monitor as above. One copy will be held on the employee's file and a copy given to the employee. A review date will be set.

## SoLO Record of Return to Work Discussion

**Name of Worker** ..... signed.....

**Name of manager**.....signed.....

**Date of absence from** ..... **to** .....

**Reason for absence** .....

### Welcome back

### Level of absence in rolling 12 month period

**Discussion of Absence** (what has happened, how is the worker feeling, what has he/she done to help themselves recover, are there any residual issues from the absence, does the organisation need a formal letter from the GP to ensure there are no health and safety issues?)

**Effects of Absence** (interim arrangements put into place, any cover that has been arranged, changes in systems etc.)

**Future action** (if necessary, any changes to working practices to ensure that re-entry into work is planned, any concerns that the organisation might have with regard to competency – this should include timescales)

## Sick absence procedures - Line manager's action flow chart 1

Policy Name: Sickness Absence Policy  
Organisation: SoLO Life Opportunities  
Last Reviewed: 12.10.2015  
Next Review Date: October 2017

21

**Short term absence  
Informal action**

Hold Return to Work Discussion. Staff member completes self cert or provides fit for work note from doctor if absence has exceeded 7 days.

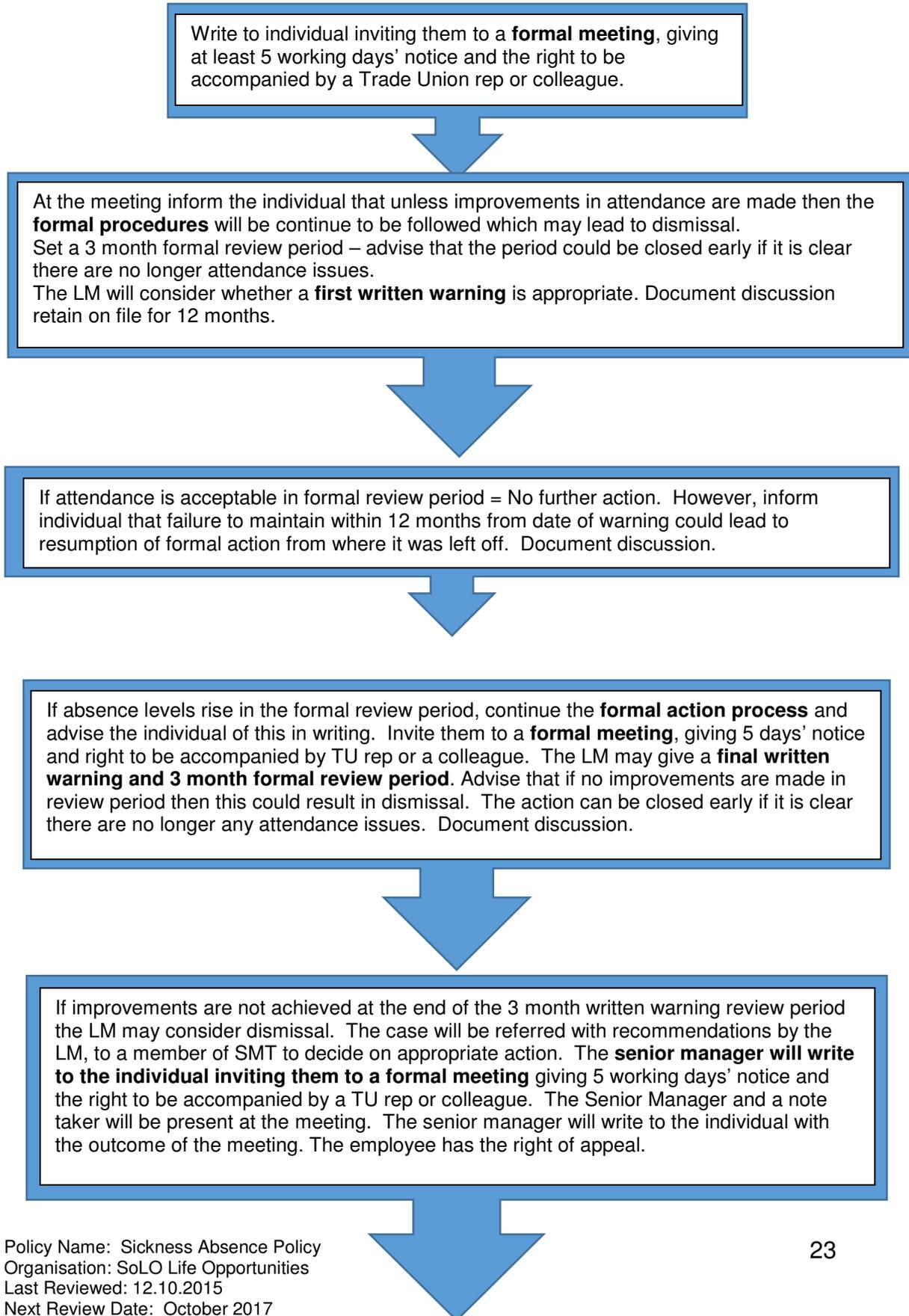
One off or short term absence – No further action - document discussion. More than one absence, or near trigger point hold cause for concern discussion, consider if OHS referral appropriate, consider any appropriate reasonable adjustments, agree steps to take to improve attendance. Document discussion. Place RTW document on personnel file.

**OR**

Hit Trigger point – agree and document measures to improve attendance (Action Plan). Set 3 month review period to review progress against action plan. At end of review period you must decide whether to extend the 3 month period if attendance is still a concern or end it if improvements have been evidenced (with the caveat that if attendance becomes unsatisfactory again during the 12 month period since the 3 month informal review period, the action will be re-instated from where it concluded). Document discussions. Place RTW document on personnel file.

Hold review meeting - Improvement made – NFA but keep under review for rolling 12 months. No improvement at end of review period. Arrange a meeting to review and discuss the action plan with steps taken to date. Consider any further options, if there are none, inform individual process will move into **formal action**. Document discussion.

**Sick absence procedures - Line manager's action flow chart 2**  
**Short term absence**  
**Formal action**



## Sick absence procedures - Line manager's action flow chart 1 Long term absence

### Informal

Meet with the absent staff member once 28 days absence reached at an agreed location to review the absence, discuss support and steps to improve attendance levels. Seek HR (SMT) advice to determine action plan options and reasonable adjustments. **Set a 3 month review period.** Agree and record an action plan and arrange review meetings at least fortnightly. If the RTW is not imminent consider OHS referral and gain consent from the individual. If Return to work (RTW) date agreed follow RTW procedures. Document.

If the individual is not able to return to work arrange a meeting to discuss the action plan and steps taken. Seek consent for further OHS referral, if appropriate. If no further options are appropriate inform the individual that consideration will be given to **move to formal action.** Contact SMT for advice. Write to the individual inviting them to a **formal meeting** giving 5 days notice and the right to be accompanied by a TU rep or colleague.

### Formal

At the meeting set a return to work date. Inform the individual that unless they return to work by that date the case will be **moved to the formal stage** for a decision on downgrading or dismissal. If the LM considers downgrading or dismissal to be appropriate the decision will be referred to a senior manager.

The **senior manager will write to the individual inviting them to a formal meeting** giving 5 working days' notice and the right to be accompanied by a TU rep or colleague. The Line manager and a note taker will be present at the meeting. The senior manager will write to the individual with the outcome of the meeting.