



# **Employee Sickness Absence Guide**

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## **Employee Sickness Absence Guide - Content**

- 1. Who is this guide for?**
- 2. What is Culture NL's policy on sickness absence?**
- 3. What are your responsibilities as an employee?**
- 4. What do I do if I am sick and unable to work?**
- 5. What happens if I have an accident at work?**
- 6. What do I do if I need to see my GP or need to attend hospital appointments?**
- 7. What documentation do I need following sickness?**
- 8. What if I am sick during part of the working day?**
- 9. What should I do if I fall sick during a period of annual leave?**
- 10. What can I expect on my return to work?**
- 11. What happens if I am referred to Occupational Health?**
- 12. Where is my sickness record kept?**
- 13. Is my sickness record monitored?**
- 14. What happens if I am sick long-term?**
- 15. Reduction of Annual Leave**
- 16. What is a Phased Return to Work?**
- 17. What happens if my sickness record is a cause for concern?**
- 18. Stage 1**
- 19. What happens after a Stage 1 Improvement Required Notice?**
- 20. Stage 2**
- 21. What happens after a Stage 2 Improvement Required Notice?**
- 22. Stage 3**
- 23. Possible Stage 3 Meeting Outcomes**
- 24. Additional Support**

# Employee Sickness Absence Guide

## 1. Who is this guide for?

This guide is aimed at employees who are experiencing short or long-term sickness absence and sets out Culture NL's approach to sickness and the processes that should be followed.

## 2. What is Culture NL's policy on sickness absence?

We value your health and welfare and so aim to provide support during periods of sickness absence, including access to occupational health services and 'return to work' programmes. To do this your line manager will maintain regular contact with you in order to provide you with appropriate support and help you return to work.

We recognise that there will be times when you will not be well enough to come to work and we will treat you with reasonableness and compassion. Your manager will seek to manage your sickness absence to enable Culture NL to continue to provide the best possible service. The procedure aims to deal with sickness absence fairly and consistently, while taking your circumstances into account.

## 3. What are your responsibilities as an employee?

You have a responsibility to:

- Attend work unless unfit to do so;
- Comply with sickness absence notification and certification procedures;
- Participate in return to work discussions, contact meetings and sickness absence review meetings as required;
- Co-operate with line manager and HR to assess fitness for work, including attending referral meetings with the Occupational Health Service as required;
- Receive and follow medical advice and treatment where appropriate in order to facilitate a return to work;
- Not engage in any activity which may delay recovery;
- Maintain regular contact with your line manager when absent;
- Be familiar with and comply with this Employee Sickness Absence Guide.

A failure to comply with the above may result in your sick pay being withheld or suspended.

## 4. What do I do if I am sick and unable to work?

If you cannot come to work because you are ill, you must **personally** telephone your line manager or supervisor (or the person they have named for this) on the first day of absence as soon as possible but prior to the time that you were due to start work.

Some Services have implemented local reporting procedures in order to meet specific business needs and to provide clarity on issues such as to whom and when employees must report in your absence. If that is the case in your area, your Service Manager will ensure that these local

arrangements are communicated to you. For example, community facilities staff must contact the out of hours number at 7am.

If you have meetings or urgent work planned for that day and these need to be cancelled or cover provided this must be mentioned to your line manager.

If you don't make contact with your line manager or supervisor without good reason, your absence will be unauthorised, and we may not be able to pay you for your absence.

E-mails or text messages are not accepted as an appropriate method of notification other than when they are agreed for use as a reasonable adjustment in disability cases.

If you fail to contact your line manager or supervisor, they have the right to contact you.

If you are too unwell to make contact personally, you must ensure that someone else contacts your line manager or supervisor on your behalf, by telephone.

You will need to explain the reason for your sickness absence. You must also give your first day of sickness and the date you hope to return to work. You must keep your line manager or supervisor updated on your situation, by contacting them again on the fourth and seventh day (or nearest available working day), and once every week thereafter. An easy way to remember this is **1-4-7-1**.

When you know your date of return you must inform your line manager of the date prior to returning to work.

If you are absent for more than 2 weeks you must maintain contact and be contactable so that your manager can arrange to meet with you under the scope of our policy should your absence be a cause for concern. If you are likely to be unavailable during a period of sickness absence you must inform your line manager.

Additionally, failing to follow the notification procedure guidance may mean disciplinary action may also be necessary.

## **5. What happens if I have an accident at work?**

If you suffer an injury at work or during the course of your duties, you or someone acting on your behalf, must report the accident to your line manager immediately. The incident will be recorded in our Incident Reporting and Information System (CIRIS).

If you are injured during the course of your employment, or are off sick with an Industrial Illness, you may be entitled to payment of Industrial Injury Allowance. This is separate from Occupational Sickness Allowance and does not count against this entitlement. Please note that although this is a separate allowance, these absences will however be taken into account for sickness absence triggers. Further advice is available from HR.

## **6. What do I do if I need to see my GP or need to attend hospital appointments?**

If you need to get non-emergency medical treatment from optician, dentist or GP, you should make arrangements to obtain such treatment outwith working hours. Where this is not possible, appointments must be made for the beginning or end of the working day. You should give your manager as much notice as possible of appointments so that they can arrange cover (if appropriate). Your manager may ask you to re-arrange the appointment if cover cannot be arranged.

If you have been referred to a hospital for examination/treatment you should, where feasible, try to arrange appointments outwith normal working hours. If this is not possible, then paid leave, up to a maximum of contracted daily hours, will be granted for attendance at hospital.

Time will not be credited for any appointments or part appointments that occurred outwith your normal working hours.

A hospital appointment card or a letter from the GP/ hospital will require to be produced, to be checked by your line manager prior to authorisation of leave.

Further details can be found in the Special Leave Policy.

## **7. What documentation do I need following sickness?**

Here are the minimum requirements:

### **Part-day to seven calendar days' absence**

You must fill in and return a self-certification form to your line manager or supervisor to confirm your sickness absence. Self-certification forms can be obtained from your line manager or from HR.

### **Eight calendar days or more absence:**

You must provide a Statement of Fitness for Work, also known as a Fit Note (formerly known as a Medical Certificate) from your doctor for absence of eight days or more (including Saturdays, Sundays, bank holidays and other public holidays), to your line manager or supervisor promptly.

The Statement(s) of Fitness for Work should cover the period from the eighth day of your absence to the end of the sickness period. If your period of sickness absence extends beyond the date on your Fit Note, you must provide subsequent Fit Notes, as necessary, to cover the total period of sickness absence.

You may also need to complete a self-certification form on your return to work in order to cover the first seven calendar days of your absence.

## **8. What if I am sick during part of the working day?**

If you attend work and then subsequently feel unwell, please make your line manager aware of the situation. If you leave work and go home, please note the following:

- If you have worked less than 50 per cent of your expected contracted hours for that day, the absence will be recorded as a half-day's sickness absence for sickness absence monitoring purposes.
- If you have worked 50 per cent or more of your expected contracted hours for that day, the absence will not be recorded as sickness absence.

## **9. What should I do if I fall sick during a period of annual leave?**

If you are sick whilst on approved annual leave you must follow the usual reporting procedure, and if your period of sickness extends for 8 days or more, you must provide a Statement of Fitness for Work from a doctor as soon as possible to cover your period of sickness absence. If you do this, you will be credited for any annual leave that occurred on the dates the Statement of Fitness for Work covers. If you do not provide a doctor's certificate we cannot treat you as being sick, and you will not be able to get your annual leave back.

If you are abroad, you must follow the usual reporting procedure, and if the period of sickness absence extends for 8 days or more, you must get a certificate or letter from a local doctor or health clinic that says you are ill, provides details of the illness and gives either the dates you were ill, or the start date and an expected duration.

However, annual leave or a substitute day will not be credited if sickness occurs on a public holiday, even if covered by a Statement of Fitness for Work.

## **10. What can I expect on my return to work?**

When you return to work, your line manager or supervisor will arrange a return to work discussion with you.

This is your opportunity to discuss any issues relating to your return to work, including any work updates you may have missed. Your line manager and you may identify suitable help and support to minimise future absences.

The conversation will normally take place on the first day you return and a record of the discussion will be completed by the line manager on the bottom part of the self-certification form. If your absence is giving cause for concern, the manager may arrange an absence review meeting to discuss the absence in more detail.

Depending on your absence history / reasons for your absences, your manager may refer you to Occupational Health.

## **11. What happens if I am referred to Occupational Health?**

The purpose of a referral to Occupational Health is to establish the causes of your absence(s) and / or nature of any medical conditions and to find out how we can best support you in

returning to work and / or improving your attendance at work. A referral aims to find out a variety of things, including (but not limited to):

- whether there is an underlying medical condition which could affect attendance
- your fitness for work,
- timescales for possible return to work,
- any measures that can be put in place to help you achieve a sustained return to work,
- where a medical condition could constitute a disability under the Equality Act, any reasonable adjustments that can be considered to support you
- any permanent ill- health issues (if relevant);

This may, with your consent, include liaison with your GP and/or Consultant.

You must attend an Occupational Health appointment that has been arranged for you (you are contractually obliged to do so). Occupational Health, following the appointment, may submit a report to your manager who will discuss it with you.

The potential range of outcomes decided by the manager from advice received from the Occupational Health referral may include: arranging an Absence Review meeting, implementing any adjustments / adaptations, agreeing a phased return to work, rehabilitation, redeployment or ill health retirement.

## **12. Where is my sickness record kept?**

Your sickness record is maintained on the iTRENT system by your line manager. If you have access to employee MySelf Self Service you can view your sickness record. If not, this can be obtained from your manager.

## **13. Is my sickness record monitored?**

Yes, in order to provide the very best service to our customers, the number of days you have off sick is carefully monitored.

CultureNL have set sickness level indicators, known as “trigger points.” These help your line manager determine if they need to take any action to help you improve your attendance.

The trigger points are:

### **Short-term**

- Four instances of sickness absence within a 12 month rolling period; or
- Six days of sickness absence within a 12 month rolling period (only working days lost due to sickness are counted not weekends etc);

### **Long-term**

- More than two weeks of continuous sickness absence (pro-rata for part time employees who work part week )

## **Pattern**

- Other recurring or recognisable patterns such as sickness absence which occurs eg
  - on a Friday and/or a Monday
  - before or after public holidays or periods of annual leave
  - before, during or after school holidays
  - in regular patterns of sickness absence in a year or in successive years ie specific recurring dates when sickness absence occurs.

As well as monitoring the patterns of your absence we also identify the reasons for sickness. This enables us to be proactive in offering appropriate support, training and advice for example to those with stress and mental health issues, musculoskeletal problems and any other health problems that may arise from work.

If you are diagnosed with Work Related Stress, we will also carry out a Work Place Stress Risk Assessment as soon as possible after a notification of work related stress, so that potential stressors can be identified and measures taken to help you. We may also refer you to Occupational Health to get further advice.

If you think your line manager is the source of Work Related Stress, you can request that a more senior manager carries out the Work Place Stress Risk Assessment.

## **Medical Conditions covered by the disability provisions of the Equality Act**

Where an employee has a medical condition that is covered by the disability provisions of the Equality Act 2010, it may be appropriate, following receipt of advice from Occupational Health, to increase the trigger levels as a reasonable adjustment where it is evident that the disability is adversely impacting on the employees efforts to attend work.

## **14. What happens if I am sick long-term?**

You will normally be regarded as being on long-term sickness absence when you have, or are likely to be, absent continuously for more than two weeks.

Your manager or supervisor will contact you to arrange a Contact meeting to be held at a mutually convenient time and place. You can choose if you wish to be accompanied by a trade union representative, work colleague, friend or relative. You may also ask for someone from HR to be attend, if you think this is necessary.

The purpose of the meeting is to:

- Discuss the nature of your sickness absence, likely prognosis and anticipated duration
- Discuss a referral to Occupational Health (or to discuss the Occupational Health report if a referral has already been made)



- Agree future contact arrangements. Contact will be maintained at regular intervals, ideally fortnightly, by regular phone calls, meetings or home visits.
- Discuss whether any assistance can be provided, and give details of any useful contacts such as the trade unions.

Following discussion, arrangements may be made to organise a referral for you to Occupational Health.

## **15. Reduction of Annual Leave**

Culture NL can reduce your annual leave entitlement where you have been absent through sickness for either:

- a continuous period exceeding three months (in the same leave year or spanning two leave years) or
- where the total number of days absent totalled together exceed three months in total in a leave year.

We cannot reduce your annual leave below the Statutory minimum of 28 days in a leave year, but we can include any fixed public holidays that you had outwith your sickness absence, towards that figure.

If you work part time or job share, then your annual leave entitlement will be reduced proportional to the 28 day figure.

Your manager should let you know if your absence means your annual leave entitlement needs to be reduced, and should also seek advice from HR as this area can sometimes be complicated.

## **16. What is a Phased Return to Work?**

In some cases, Occupational Health may advise a phased return to work after an extended period of sick leave.

A phased return to work is an arrangement whereby an employee who has been off long-term sick from work, returns to their full duties and / or hours at work gradually, over a defined time period.

Your manager should meet with you to agree a pattern of return to work with anticipated timescales, subject to weekly reviews. Options may include:

- Short term modification of workload or tasks;
- Adjustment to working hours;
- Mid-week return, so that 2 or 3 days of work are followed by a weekend of rest.

Your case must be considered in the light of your individual circumstances but it would be unusual for a phased return to extend beyond four weeks and may well be much less.

Your normal contractual pay will be paid during phased return periods of up to 4 weeks, regardless of the hours worked as part of the phased return. Exceptionally, if a longer phased return period is recommended either by Occupational Health or the your GP, then any phased return period beyond four weeks will be paid as follows: normal contractual pay will apply for any contractual hours worked and any non-working hours/ days will be covered with other leave, e.g. annual leave, flex leave or toil, or unpaid leave. Where the pattern of phased return is complex, please contact HR for advice.

## 17. What happens if my sickness record is a cause for concern?

CultureNL have adopted a Staged approach to managing sickness absence that is cause for concern:

<b>Stage 1</b>	Set monitoring period and define improvement required. if no improvement or sustained return to work, then move to
<b>Stage 2</b>	Set monitoring period and define improvement required. if no improvement or sustained return to work, then move to
<b>Stage 3</b>	Final assessment and potential dismissal on the grounds of capability due to ill-health

Progression through these stages is not automatic but is subject to review by your line manager. Your line manager has discretion to take into account mitigating circumstances. These include things like whether you had to undergo a non-elective surgical intervention or operation, whether your absence was pregnancy related absence, where a condition that caused your absence is identified as constituting a disability under the Equality Act, or whether up to the point you met a trigger point, you had had a very low or no sickness absence over an extended period of a year or more.

### Terminal illness

Where an illness or medical condition is diagnosed as one from which the individual will not recover ie their illness/condition is terminal, the formal stages of this procedure will not operate and any medical referral will only be to assist in the employee's wellbeing and to ascertain whether medical retiral is appropriate.

## 18. Stage 1

Where your level of absence exceeds a trigger point (i.e. short term, long term or pattern) and is a cause for concern, your manager has to go through a process in order to decide if further action is necessary.

Depending on the reasons for your sickness absences, your line manager may refer you to Occupational Health.

If this happens, you must attend an Occupational Health appointment that has been arranged for you. Occupational Health, following the appointment, may submit a report to your manager who will discuss it with you.

Your line manager will arrange to meet with you to review your sickness records, discuss these, discuss what support can be given to help you improve your attendance and outline what improvement in your attendance is required. This is known as an Absence Review meeting.

You will be given at least 7 calendar days' notice of the meeting and will be able to be accompanied by a trade union representative or work colleague.

At the meeting your line manager will meet with you and:

- explore the reasons for your sickness absence and consider any mitigating circumstances;
- discuss, where appropriate, any impact your sickness absences are having on the service;
- consider any occupational health information, or consider referring you to occupational health in order to obtain up to date information;
- decide on what action to take.

Where there are no mitigating circumstances which are acceptable, your line manager will normally issue a Stage 1 Improvement Required Notice for unsatisfactory levels of sickness absence, and inform you that your attendance will be monitored, normally for a 6 month period; Where a pattern trigger is met, the monitoring period can be extended beyond 12 months to cover the next occurrence of the event identified in the pattern.

Your manager should agree what improvement in attendance is required. Your line manager will issue you with a record of the meeting and the outcome of the meeting will be confirmed in writing within 7 calendar days.

## **19. What happens after a Stage 1 Improvement Required Notice?**

If your attendance meets the required improvement identified at Stage 1, then your manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

If your sickness record does not improve following a Stage 1 meeting i.e. if:

- you have had additional short term absence(s) during the monitoring period set at Stage 1; or
- you have had additional long term absence(s) during the monitoring period set at Stage 1; or
- following long term sickness you have not been able to return to work within 3 months of the first day of absence, or earlier if the absence is having a significant adverse impact on service delivery

then the procedure will move Stage 2.

There is no requirement for your manager to wait until the end of the monitoring period, before deciding whether to progress to Stage 2.

## 20. Stage 2

Your line manager will arrange to meet with you to review your sickness records, discuss these, discuss what support can be given to help you improve your attendance and outline what improvement in your attendance is required.

You will be given at least 7 calendar days' notice of the meeting and will be able to be accompanied by a trade union representative or work colleague.

At the meeting your line manager will meet with you and:

- confirm the issues discussed at previous meetings;
- explore the reasons for your sickness absence and consider any mitigating circumstances;
- discuss your absence record and, where appropriate, any impact your sickness absences are having on the service;
- discuss any updated Occupational Health report obtained prior to the meeting to decide on what action to take;
- identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments;
- in cases of continuous long-term absence, consider whether a referral to occupational health to establish if you may be eligible for ill-health retirement is appropriate at this stage;
- refer to a previous Improvement Required Notice issued at Stage 1 that is still "live";
- decide on what action to take.

Where there are no mitigating factors which would prevent it, your line manager will normally issue a Stage 2 Improvement Required Notice for continued unsatisfactory attendance and set a further formal monitoring period, this will normally be a further period of 6 months; where a pattern trigger is met, the formal monitoring period can be extended beyond 12 months to cover the next occurrence of the event identified in the pattern.

Your manager should set a target for improvement, and monitor your attendance during the Stage 2 monitoring period.

## 21. What happens after a Stage 2 Improvement Required Notice?

If your attendance meets the required improvement identified at Stage 2, then your manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

If your sickness record does **not** improve following a Stage 2 meeting i.e if :

- you have had additional short term absence(s) during the monitoring period set at Stage 2; or
- you have had additional long term absence(s) during the monitoring period set at Stage 2; or
- following long term sickness you have not been able to return to work within 3 months of the first day of absence or earlier if the absence is having a significant adverse impact on service delivery.

then the procedure will move Stage 3.

There is no requirement for your manager to wait until the end of the monitoring period, before deciding whether to progress to Stage 3.

## **22. Stage 3**

As Stage 3 can result in you potentially being dismissed, your manager must obtain an up to date medical report from Occupational Health, before arranging a Stage 3 meeting. This is so that we can ask Occupational Health whether:

- there are any further actions we can take to assist you to improve attendance or make a sustained return to work within a reasonable timescale; or
- you may be likely to achieve a sustained return to work in the near future;
- whether redeployment should be considered; or (in appropriate cases)
- whether early retiral on the basis of permanent ill health is a possibility.

When the report is received, a Stage 3 meeting will be arranged.

You will be given at least 7 calendar days' notice of the meeting and will be able to be accompanied by a trade union representative or work colleague.

The meeting will not normally be with your manager, but will be with someone with delegated authority to dismiss, normally a Service Manager, as one possible outcome of the meeting may be dismissal by reason of lack of capability due to ill health.

The Service Manager will consider all the available information at the meeting, including:

- confirmation that a previous Improvement Required Notice issued at Stage 2 that is still "live";
- carry out a review of Stage 1 and Stage 2 outcomes to ensure that these were applied in line with the policy;
- your absence record and its impact on other employees and service delivery;
- the likelihood of a sustained return to work in the foreseeable future;
- anything you or your representative raise or submit at the meeting ;
- where appropriate what actions have been taken or adjustments made to attempt to enable you to continue in employment;
- any mitigating factors;
- the medical advice received including consideration of termination of employment due to permanent ill-health.

## **23. Possible Stage 3 Meeting Outcomes**

### **Dismissal on the grounds of capability due to ill health**

Having due regard to all the circumstances of your case and regardless of whether sick pay allowance has been exhausted, consideration may be given to terminating your contract of

employment, where it is decided that no other options, including redeployment, can be pursued which will improve attendance or facilitate a sustained return to work.

Where a decision to terminate your contract is taken, you will be informed that you are to be dismissed on grounds of capability due to ill-health. This will be confirmed in writing, within 7 calendar days of the meeting. The letter will indicate that there is a right of appeal against the decision.

### **Termination of employment on grounds of capability due to permanent ill-health**

Where Occupational Health indicate that they consider you to be permanently unfit to carry out the duties of your post or a comparable post, and where redeployment to suitable alternative employment is either not appropriate or cannot be identified from a trawl of CultureNL vacancies, then you will be informed that:

- (a) if you are a member of the Pension Scheme, your services will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits; This means you will be able to access all (Tier 1) or some (Tier 2) of your pension benefits; or
- (b) If you are not a member of the Pension Scheme and therefore cannot access the Schemes' provisions, you will be dismissed on the grounds of capability due to permanent ill health

### **Action short of dismissal**

After considering all the information at a Stage 3 meeting, a Service manager may apply their discretion where circumstances merit this, or where there are mitigating circumstances, and choose to take further action short of dismissal, e.g. extending Stage 2 monitoring on an exceptional basis.

If action short of dismissal is taken, then details of this will be sent to you in writing, and your situation will continue to be monitored. The letter confirming the decision will normally be issued within 7 calendar days of the meeting.

A further stage 3 meeting may be necessary should the expected improvement not happen or sickness absence re-occurs.

## **24. ADDITIONAL SUPPORT**

### **Trade Unions**

Employees who have chosen to join a Trade Union may choose to contact their Trade Union representative.

### **Time for Talking Counselling service**

This service offers:

- A 24 hour helpline staffed by qualified and experienced counsellors who can offer general advice or guidance on practical matters that are causing you stress – this covers financial issues, health issues, alcohol and substance abuse problems and legal problems.
- Psychological guidance and emotional support when things are getting you down
- Individual telephone counselling.

Time for Talking are based at:

Time for Talking  
Suite 3.7  
Dalziel Building  
7 Scott Street  
Motherwell ML1 1PN

**Tel:** 0800 9703980 (Helpline)

**Website:** [www.timefortalking.co.uk](http://www.timefortalking.co.uk)

### **ACE Physiotherapy**

We can arrange for up to 3 free appointments to help you receive early physiotherapy treatment. Appointments are arranged through your manager in conjunction with HR.

ACE are based at:

Dalziel Building  
7 Scott Street  
Motherwell ML1 1PN

Appointments are arranged through your manager in conjunction with HR