



# ABSENCE MANAGEMENT POLICY

The aim of this policy is to provide clear, consistent, and fair guidance for managers and employees which supports the values and culture of Rushcliffe Borough Council

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Links to associated forms, policies and guidance

- [Return to work form \(Sickness absence statement\)](#)
- [How we Manage Absence Guide](#)
- [Sickness pay-scale of allowances in FAQ](#)
- [Supporting our employees guide](#)
- [Health Support Action Plan](#)
- [Reasonable workplace adjustments form](#)
- [FAQ](#)

If you have any questions about this policy, or require any further support, please contact the HR Team on 0115 914 8289 or by email to [hr@rushcliffe.gov.uk](mailto:hr@rushcliffe.gov.uk)

For independent support, Care First offer a completely confidential and independent helpline for employees. Call 0808 168 2143 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

Please note:

- This policy applies to all employees within Rushcliffe Borough Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- Rushcliffe Borough Council reserves the right to amend this policy from time to time.

## 1. Policy overview

The purpose of this policy is to provide clear, consistent, and fair guidance for managers and employees which supports the values and culture of Rushcliffe Borough Council (RBC). It is the joint responsibility of management to support employees who cannot work due to sickness and for the employee to make themselves available for work unless prevented to do so by ill health, injury or other circumstances. Together they should promote an attendance culture throughout RBC.

RBC acknowledges that there will be times where employees are unable to work due to sickness absence or for other reasons and need to be properly supported. This policy is intended to provide guidelines and it should be acknowledged that there may be deviations of approach due to individual circumstances.

## 2. Scope

This policy applies to all employees in the employment of RBC and should be used in conjunction with Equal Opportunities, Probation, Maternity, Health and Safety and any other relevant policies and procedures. This will be in accordance to any changes to legislative and statutory provisions. This policy sets out the minimum expectations of RBC in relation to sickness absence.

## 3. Definitions

### ***Sickness absence***

For the purpose of this policy, sickness absence is any period of time away from normal duties, of at least half a day of an employees normal working hours whereby the absence is attributed to ill-health.

Where an employee has completed more than half their scheduled hours or shift by the time they report sick, they will be not be deemed to have taken sick leave, except in cases where a pattern of absence is emerging. Where a pattern does emerge managers should seek advice from Human Resources.

From time to time it may be necessary for RBC to request that an employee leaves work due to illness and to commence a period of sickness absence; the absence management procedure will still apply in such circumstances.

### ***Unsatisfactory attendance***

Any pattern of sickness absence which exceeds the councils trigger points or where absence levels continue to cause concern. Triggers are in the guide [– How we Manage absence guide](#)

### ***Long term sickness absence***

Any period of sickness absence exceeding 4 working weeks (usually 20 days)

#### 4. Positive action

Health and wellbeing is a key priority for RBC and this is recognised in this policy and procedure. It is based on the principle that all sickness absence should be reviewed and explored through timely supportive return to work discussions.

Managers will ensure that employees are aware that sickness absence will be positively considered and that RBC is concerned about employees' wellbeing and will actively look for ways to reduce further absence, minimise the impact should further absence occur and provide support to employees in minimising their absence and maintaining a successful and sustained return to work.

#### 5. Responsibilities

**Managers** - are responsible for the management of employee attendance in a proactive, reasonable and consistent manner, balancing RBC's operational needs whilst maintaining sensitivity to the health needs of our employees.

Managers should be aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to pregnancy or disability and should seek advice from HR in these circumstances.

Managers will ensure employees' are supported and attendance is managed and documented through timely return to work discussions and through additional services provided by occupational health and employee counselling where appropriate.

Managers are encouraged to contact a member of the HR team as early as possible if an issue arises so that it can be dealt with quickly ensuring the best possible outcome for all parties.

Managers will ensure their employee is aware of the impact of absence on the service and how their absence level compares with the overall organisational level of absence.

#### **Employees**

The policy aims to encourage a positive approach to attendance with particular emphasis on support, and good open communication between managers and employees. Employees are encouraged to be open with their manager about the reasons for their absence, to give the manager the opportunity to provide support where possible.

While absent from work employees are required to remain in contact during their period of absence and cooperate with all reasonable attempts by their line manager or HR to make contact. Such contact may include:

Informing manager about medical appointments relevant to the period of sickness absence,

Advising when the next medical certificate (fit note) is expected and its duration

Informing any change to contact details (including temporary changes)

Keep the manager informed re the ongoing absence and the return to work date

## **6. Sickness reporting**

Employees are required to contact their manager or another pre-designated person by telephone within the first hour of their normal start time. If the initial sickness notification is made via text/email, this must be followed up with verbal contact via phone. Special arrangements may be in place where specific service areas require earlier notification. Employees in these service areas must adhere to these local arrangements.

Where an employee has requested someone else call in to report sickness on their behalf, then the employee is required to call their manager or designated person later on that day, or as soon as they are able to.

When phoning-in to report their sickness absence, employees will be required by their manager or other designated person to answer relevant questions regarding the nature of the absence, whether medical advice has been sought, and the possible duration of the period of absence.

Contact must be by the employee unless there are exceptional circumstances.

When an employee has been absent for 4 consecutive calendar days they must contact their manager or designated person to update them on their absence and to provide a likely return to work date. If the 4<sup>th</sup> day falls on a weekend or bank holiday that is not normally worked, the employee should make contact on the next working day.

Employees working at the Depots and Country Park are required to contact their manager or designated person on the Friday of their absence regardless of whether that would be the 4<sup>th</sup> day of absence or not, to allow cover to be arranged if required for the following week.

Where no direct contact has been received from the absent employee, the manager or designated person will make reasonable efforts to telephone the employee during the day. Employees are reminded that a failure to report sickness absence as set out in this policy, without good reason, or where an employee produces any misleading or false information concerning their fitness to work will amount to unauthorised absence and may lead to disciplinary action and/or withdrawal of occupational sick pay entitlements.

An employee may self-certify their own sickness up to 7 consecutive days. If an employee is not fit to return to work on the 8<sup>th</sup> consecutive day, they will need to provide a fit note.

In exceptional circumstances the Council may withhold Occupational and/ or Statutory Sick Pay (SSP) where a fit note has not been received. The manager must contact HR in the event of the above who will write to the employee of the intention to withdraw statutory or occupational sick pay.

## 7. Fit notes

A period of sickness absence exceeding 7 consecutive days must be covered by a statement of fitness for work (fit note) which employees must submit to their line manager or HR as soon as possible.

In addition to a GP, fit notes can be issued by nurses, occupational therapists, pharmacists and physiotherapists who have assessed an employee's fitness for work.

There is no longer a requirement to obtain a fit note to return to work, similarly there is not a requirement to wait for the expiry of a fit note prior to returning to work, so long as the employee and RBC are confident that the employee is fit to do so.

If there is concern over a self-certified sickness RBC may request the employee provides a GP certificate, if this is requested and there is a cost RBC will cover the expense of the GP certificate.

Usually if an employee has a second job it would be deemed inappropriate to continue working in the second role if the employee is off sick from RBC. The exception to this is if the employees' other role's duties are sufficiently different to their role at RBC and if the employees' health condition only prevents them from performing their role at RBC.

## 8. Occupational sick pay

Entitlement to occupational sick pay is directly linked to an employees' length of service and increases incrementally. Sick pay is paid on a 12 month rolling period. See [sick pay scale](#).

Employees who are absent without permission are in breach of their employment contract. Where there is credible evidence that employees on self-certificated or certificated sick leave have not been sick, or are abusing the sick pay provision RBC may consider this to be gross misconduct and reserves its right to stop sick pay and invoke disciplinary action, which could lead to dismissal.

Payroll colleagues will contact employees as they reach the end of the full pay and before they go onto half pay, and likewise at the end of half pay.

## 9. Statutory sick pay (SSP)

As RBC have Occupational sick pay which may be higher than SSP, the entitlement to occupational sick pay will be exhausted before an employee will transfer to any entitlement of SSP.

## 10. Return to work discussion (Sickness Absence statement)

A Return to Work discussion must be conducted by the line manager on the first day an employee returns from any period of sickness absence or as soon as reasonably possible. The sickness absence statement form is available on the [intranet](#) and once completed is returned to HR.

A Return to Work meeting covers a number of key elements:

- if the employee is self-certifying their illness, the signature on the bottom of the first page is the declaration that they were not fit to attend work and wish to claim sick pay.
- a discussion to establish that the employee is fit to recommence their duties (in part or in their entirety) and to offer any further support as appropriate.
- an opportunity to discuss any concerns that the manager or employee might have and, if necessary, review any wellbeing or support action plans currently in place. The manager will identify if the employee has hit an attendance trigger – see [Guide on How We Manage Absence](#) and notify the employee of a potential further meeting.

## 11. Disability related absence

RBC recognises its obligations in accordance with the Equality Act, 2010 including considering 'reasonable adjustments' to support disabled employees to deliver the duties of their role in a supportive and productive environment. Examples include: temporary (or permanent) appropriate adjustments to tasks, working hours or the offer of suitable alternative employment, where appropriate, and whereby a suitable vacancy exists in the current organisational structure.

Sickness absence should be recorded in the same way as other employees but if the sickness absence is a result of a disability this must be made clear on the system and associated forms.

Absence due to a disability condition will still be included as a period of absence, however the trigger level may be adjusted as a reasonable adjustment to support an employee with a disability.

Where an employee has an ongoing condition that is likely to be considered a disability and as such, be covered by the relevant provisions in the Equality Act 2010, the council commits to enabling employees to attend routine appointments during work time as a reasonable adjustment and does not require the time to be made back or booked as annual leave. If the frequency of appointments begin to impact on the service delivery a discussion will take place between the manager and the employee with advice available from HR.

Managers and employees are encouraged to use the Reasonable Adjustment Form to document considered and agreed adjustments to support an employee with a disability. Guidance notes support the form and further guidance is available from HR – [Link](#) to form.

Examples include:

- temporary (or permanent) appropriate adjustments to tasks or working hours
- offer of temporary (or permanent) suitable alternative employment, where appropriate, and whereby a suitable vacancy exists in the current organisational structure
- adjustment to trigger levels where appropriate
- attending routine appointments during work time and does not require the time to be made back or booked as annual leave. If the frequency of appointments begin to impact on the service delivery a discussion will take place between the manager and the employee with advice available from HR.

## **12. Pregnancy related absence**

Sickness absence during pregnancy will be recorded in the normal way. Statutory and Occupational sick pay will apply as normal while an employee is pregnant.

Where an employee has an ongoing condition that is directly linked to pregnancy and/or an employee is absent due to a pregnancy related condition, Managers must seek advice from Human Resources. Pregnancy related absences should not be included in sickness triggers or when evoking formal action under the sickness absence management procedure.

Where an employee is absent due to sickness which is not related to a pregnancy the usual sickness procedure should be followed.

The Council is required by law to commence an employee's maternity leave if an employee is absent due to a pregnancy related condition during the last four weeks of pregnancy. From this date, SSP or OSP will cease and the employee will commence Maternity Leave and if eligible will receive Statutory Maternity Pay (SMP).

## **13. Fertility Treatment**

Paid time off for fertility treatment will be considered on a case by case basis following advice from a HR representative

An employee would be entitled to time off for antenatal appointments from the point of implantation.

Sickness absence during fertility will be recorded in the normal way. Statutory and Occupational sick pay will apply as normal while an employee is undergoing fertility treatment.

## **14. Elective/Cosmetic Surgery**

Time needed for elective/cosmetic surgical appointment/procedures including a recuperation period must be taken from the employee's annual leave entitlement (this includes laser eye treatment). The only exception is where medical advice, presented

to RBC by the employee, recommends such treatment for the health and wellbeing of the individual.

Should any complications develop as a result of such surgical procedures, any sickness would need to follow normal process, and a medical fit note would be required for sickness absence exceeding 7 days. In such circumstances, the employee would normally qualify for their usual sick pay provisions.

### **15. Annual leave and sickness absence**

An employee will continue to accrue annual leave whilst absent from work due to sickness.

Should an employee fall sick during a period of annual leave the correct sickness reporting procedure must be followed and the employee should be reimbursed annual leave for that period. This means the employee should notify their line manager that they are sick during the period of annual leave and unable to take their annual leave.

An employee who has been unable to take annual leave due to a period of long-term sickness where there is either not sufficient time to use the leave or the business does not allow, should be able to carry forward any remaining leave into the subsequent leave year. Any leave which is carried over must be used in the subsequent leave year.

### **16. Injury at work**

Any absence reported by an employee to be as a result of an accident/injury at work must be reported to the Health and Safety Advisor without delay. Sickness absence which is a result of an injury at work must be recorded on MyHR.

Absences following accident/injury at work which exceed 7 days are reportable to the Health and Safety Executive (HSE). Certain injuries/accidents are immediately reportable to the HSE.

Managers are reminded of their responsibility to complete accident forms and ensure documentation is forwarded promptly to the Health and Safety Advisor within 48 hours.

### **17. Occupational health (OH)**

Where a more detailed understanding of an employee's medical condition or disability is required, whether absent from work or not, an employee may be required to attend

an appointment, either face to face or telephone, with an approved Occupational Health Practitioner

The Access to Medical Reports Act 1988 requires employers (i.e. RBC) to obtain written consent from an employee before any information held in that employee's medical records can be shared with the Employer. A consent form will be provided for this purpose. Employees do not have to give such consent however a failure to do so will hinder RBC's efforts to support the employee in the workplace.

### **18. Long term sickness absence and Welfare visits**

Employees who have been absent for 4 weeks or more (or for a shorter period depending on the nature of the absence) may be required to participate in a welfare meeting, either in the employee's home, at an RBC site or at another location agreeable to both parties.

Managers are required to contact HR after their employee has been absent for 4 weeks to discuss the first welfare meeting.

Welfare meetings will be arranged with reasonable notice and with full agreement with the employee. A member of the Human Resources team will be in attendance and the meetings will be supportive and informal. If an employee refuses to take part in a welfare meeting RBC will be limited in knowing how to support a return to work and may make decisions about the future of the employment without the health condition and situation being fully understood.

While it is expected that employees will fully co-operate in maintaining contact and participating in welfare meetings, circumstances may arise where alternative arrangements need to be made to facilitate contact. Such arrangements will be agreed on a case by case basis with the overall aim to understanding the reason for absence and how RBC can support a return.

For employees on long term sickness the frequency and method of contact will be agreed by both parties, so the employee feels supported and the manager is kept informed. If an employee wishes to receive copies of the internal e-Staff Newsletter – Staff Matters, this can be facilitated by HR colleagues.

All contact made during a period of absence will be noted together with all agreed outcomes of the welfare meetings.

### **19. Reasonable adjustments following long term sickness absence**

Where an employee has been on a period of long-term absence, managers must consider if reasonable adjustments can be implemented to support a return to work. Short term reasonable adjustments may include and are not limited to:

- Amended duties
- Workplace adaptations

- Phased return – *see section 20*
- Amended or reduced hours

Advice may be sought from Occupational Health where required on an appropriate return to work plan.

If short term adjustments are considered to be reasonable (and partially or wholly feasible), managers should discuss the arrangements with the employee and a return to work plan should be agreed which may include regular reviews. Adjustments can be recorded on the [Reasonable Adjustment form](#)

If the Council is unable to accommodate the adjustments or the advice on a fit note, the employee will remain on sickness absence until they are fit to resume their duties or at such time as the recommended reasonable adjustments can be accommodated.

Reasonable adjustments following a period of absence should be temporary and time limited. A return to full duties is expected within a calendar month and any request to extend the adjustments will be considered by the manager and HR.

If a return to full duties is not possible a review meeting will be held to consider if further adjustments are sustainable. Managers are required to seek advice from HR and consider further medical advice.

The employee should be given reasonable notice of a review meeting. The employee may be accompanied by another employee or a trade union representative. The purpose of the meeting will be to explore the employees long term prognosis and review the reasonable adjustments currently in place.

Where it is deemed reasonable adjustments are no longer sustainable and it is unlikely the employee will return to their substantive post a capability meeting will be arranged where alternative roles will be considered, however ultimately if no alternative role of redeployment can be found the outcome may be dismissal through capability.

## **20. Phased return to work**

Managers are encouraged to consider whether a period of phased return to work or amended duties may be appropriate to assist an employee's return from a long period of absence.

Recommendations may be made on the fit note or by an Occupational Health practitioner. While there is no legal obligation to follow recommendations, managers should give fair consideration and seek advice from HR as to whether recommendations can be reasonably and practically accommodated.

Where an employee has requested a phased return **over and above** the medical advice, or if this has not been recommended by a medical professional the employee may be requested to use annual leave to facilitate a phased return.

A return to work on a phased basis or limited duties must be time-limited. The period will vary according to the medical condition however in most cases this time period is usually around 4 weeks.

## **21. Serious long-term illness/terminal illness**

In the case of potential serious long-term illness, HR must be consulted before any management action is considered. Advice from Occupational Health or other specialist services may be sought for possible causes of action appropriate to the condition.

RBC has the discretion to extend sick pay provisions for a time limited period in exceptional circumstances; advice should be sought from HR in this event. Any extension to sick pay provisions must be authorised by the relevant Director. For further information see the Terminal Illness Guide, within the Supporting our employees guide- [link](#) .

## **22. Ongoing long term illness and beyond 12 months**

For employees with an ongoing long-term illness the manager will maintain contact and support with agreed welfare visits and advice from Occupational Health. If the 12 month point is being approached and there is no known date of return an absence review meeting will be held with the appropriate Director.

A long-term sickness absence meeting will be arranged if -

If it is clear from medical advice that the employee is unable to return to their role in the foreseeable future, this may be before the 12 month point and;

- all reasonable steps to assist the employee in returning to work (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations) have been exhausted; or
- the possibility of dismissal and options including ill-health retirement have been discussed with the employee.
- A recent occupational health report, should be available unless declined by the employee.

The employee should be given at least 14 calendar days' notice of the meeting. The letter should explain to the employee the purpose of the meeting and advise the employee that they can be accompanied by a colleague or trade union official.

The letter should warn the employee that a possible outcome of the meeting is that they may be dismissed by reason of ill health capability. The meeting will be chaired by a Director and a member of HR.

The outcome of the meeting could be:

- a decision for the employee to remain on sick leave until they have recovered (typically where an approximate return date can be identified);
- if applicable, further steps to pursue ill-health retirement

- an offer to make adjustments to the employee's work;
- redeployment if available; or
- a decision to dismiss the employee.

The employee has a right to appeal the outcome of the hearing where the result is dismissal.

### **23. Redeployment**

The Council will consider potential redeployment to existing vacancies for any employee who can no longer carry out their normal duties due to ill health and where reasonable adjustments to substantive duties are not practical. Any decision to redeploy be made after consultation with Occupational Health, HR and the employee.

### **24. Ill Health Retirement (where an employee is a member of LGPS).**

In the case of long-term sickness absence, it may be appropriate to seek advice from Occupational Health as to the suitability of early retirement on the grounds of ill health or incapacity.

The request for this should be completed with the agreement of the employee. HR will make the referral and the employee will be required to see an independent Occupational Health physician. The outcome of the report will be shared with the employee and HR.

In order to be eligible to ill health retirement the employee will need to attend a long-term absence review meeting with the Director and member of HR (see para 21). Ill health retirement is only payable if an employee is dismissed on the grounds of ill health or capability.

Separate guidance on ill health retirement and the conditions is available on – [lgps website](#)

### **25. Sickness absence during a probation period**

The probation period represents a period whereby attendance must be maintained at a satisfactory level. Managers have a responsibility to bring poor attendance to the attention of the employee as early as possible and should not wait for the formal review periods before discussing concerns.

If absence relates to a serious underlying medical condition, advice should be requested from Occupational Health and it may be necessary to end the probationary period if there is no known date of return within the current probation period.

Where poor attendance is through a number of periods of sickness the absence monitoring process will be followed. The level of absence will be recorded at the

probationary review meetings with the manager making it clear that failure to improve levels of attendance could lead to the end of the probation period and termination of employment.

If the employee continues to fail to meet the required attendance levels, the Probationary policy ([link](#)) will be followed and a meeting will be arranged to discuss the unsatisfactory attendance. This may result in the extension of the probation period or termination of the probation period. Any decision to end the probation period due to unacceptable attendance will be after the employee has been given adequate time to improve their attendance.

## **26. Absence when not ill**

Employees who are absent without permission are in breach of their employment contract. Where there is credible evidence that employees on self-certificated or certificated sick leave have not been sick or are abusing the sick pay provision RBC may consider this to be gross misconduct and reserves its right to stop sick pay and invoke disciplinary action, which could lead to dismissal.

## **27. Data protection, disclosure of information and confidentiality**

Human Resources staff, line managers and senior management are reminded that they need to ensure that confidential personal information is confined to those who require the information for the purpose of carrying out their duties.

Information on an employee's medical condition may be required for reasonable adjustments to be made. This should be approved subject to overriding safety requirements and operational needs. Any information divulged to others should be restricted only to matters relevant to any risk. The member of staff must be advised what information is to be disclosed.

## **28. The Access to Medical Reports Act**

Employees will be asked to sign a request for the release of medical information to Occupational Health from their General Practitioner, Consultant or other medical professional. Reports that are prepared by the Occupational Health Adviser are considered to be management reports rather than medical reports, however employees will be sent a copy of the report sent to Human Resources by Occupational Health.

## **29. Policy changes**

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the management, legislative or organisation requirement. Significant organisational changes to this policy will be made in conjunction with Trade Union officials as per the agreed process.