

Sickness Absence Management

Managers Guidance

Introduction

The Council's Sickness Absence Management Policy provides a framework for managers to manage an employee's sickness absence. The Manager's Guidance is a tool that provides practical help and support for line managers when managing absence.

This Manager's Guidance document does not form part of the Council's Sickness Absence Management Policy.

Managers must seek advice from their HR link officer throughout the process of managing employee sickness absence to ensure a fair and consistent approach is followed across the Council.

1. Key Points for Managers to Consider when Managing Sickness Absence

- It is essential you follow the Council's Sickness Absence Management Policy
- Early intervention is proven to be the most effective way of managing sickness absence
- Aim to reach a position where an employee is able to return to work on their full duties and hours.
- Return to work interviews must be carried out after every absence
- Where there is long term absence or frequent short term absence, advice from the employee's Doctor and/or Occupational Health should be sought.
- Where there is a prolonged history of sickness absence, a current Occupational Health report or medical report should be sought to ensure decisions are based on up to date information
- Keep in regular contact with an employee who is absent due to sickness
- Schedule sickness review meetings in a timely manner to discuss progress and prospects for a return to work.

2. Communication with the Employee

It is important managers remain in contact with an employee when they are absent due to sickness. The employee is made aware support is available from the employer, it prevents the employee feeling isolated, undervalued or abandoned and it enables the manager to take positive steps to facilitate a return to work.

Some managers may feel uncomfortable about contacting an employee who is absent in case the contact may be perceived as intrusive and placing unfair pressure on the employee to come back to work before they are ready.

The manager should inform the employee that maintaining contact is essential to ensuring a successful return to work because without that contact the return is made more difficult. The manager should agree with the employee what form this communication will take e.g. telephone contact, visits at home, email, letter or a combination of these. Normally, first contact will be by phone as part of the normal sickness notification process.

It is important to make clear the reasons for this contact which are as follows:

- The Council is concerned for the employee's health and welfare
- To keep up date on the employee's progress and the likelihood of a return to work
- To offer any support or advice that is reasonable and practicable
- To keep the employee up to date with developments in the workplace
- The manager does not wish to put pressure on the employee
- Regular contact will allow the manager to organise and maintain interim cover more effectively to meet service delivery needs.
- Ask the employee how they wish to handle the subject of their absence with colleagues.

Key points in relation to communication:

- Determine frequency/timing of contact and who is making contact
- Be flexible, treat each case individually, but on a fair and consistent basis
- Keep a note of contacts made
- Ensure confidentiality is maintained
- Ensure the conversation is focused on the employee's well being, their return to work and any assistance/support they may need.

Managers are encouraged to contact their HR link officer for advice if they need support in determining the right approach to communicating with the employee.

In some instances, it could be that the HR link officer or a more senior manager will play a role in maintaining ongoing contact with the employee.

What if the employee refuses to maintain contact?

If an employee refuses to maintain contact they will be reminded that in accordance with the policy they have a responsibility to keep managers informed of the reasons why they are absent and how long the absence is likely to last.

There could be underlying reasons for this refusal such as embarrassment or difficult working relationships. If this is the case, please discuss this with your HR link officer who will make sure the employee knows who they can talk to other than their manager, such as HR, Occupational Health or via their Trade Union or other representative. However, wherever possible the Council will work to ensure communication between the employer and their manager is maintained.

3. Return to Work Interviews

Irrespective of the length of the absence, on the day the employee returns to work (or as near as reasonably practicable), the manager should hold a return to work interview with the employee and complete an SF2 form. The fact that such a meeting is carried out will help deter casual absences, because employees will know that monitoring of sickness absences is taken seriously and they will have to account to their manager for each absence.

The interview is informal and so the right to be accompanied will not apply. Managers must make it clear to the employee that the purpose of this type of discussion is to monitor absences, it is more than just a casual chat and is to be taken seriously.

Managers will welcome the employee back and:

- Ask the employee to confirm the reason for absence
- Ask whether the employee has visited their Doctor
- Ask the employee how they are feeling now
- Ask if there is anything that the manager can do to support the employee
- Update on any developments in the workplace while they were absent

Please note this interview is separate to a Sickness Review Meeting.

If it is clear a review meeting in accordance with the Sickness Absence Management Policy is required due to the circumstances of the case, this should be arranged and the employee has the right to be accompanied at the meeting.

4. Sickness Review Meetings

When should a Sickness Review Meeting be Held?

Please refer to the Sickness Absence Management Policy and attached flowcharts which detail the step by step process that should be followed.

Who should be present at a Sickness Review Meeting?

- Line Manager or their representative
- Employee
- Employee Representative (if they wish to be accompanied)
- HR Adviser (optional depending on circumstances)

What to cover in Sickness Review Meetings?

- State purpose of meeting
 - To manage an employee's sickness absence and to identify reasons for absence and underlying concerns to enable the Council to support the employee and facilitate attendance at work
- Remind employee they are welcome to be accompanied at the meeting
- Confirm to the employee what stage of the Sickness Absence Management Policy they have reached and check the employee has a copy of the Policy
- Confirm the employee's sickness absence history
 - what trigger points have been reached
 - State if there is any overall pattern
- Review current situation
 - Ask employee reason for absence in a supportive and sensitive way but ensuring you ascertain underlying cause of absence
 - Ask employee if they have consulted their Doctor/Hospital
 - If there is any discrepancy between the information provided by the employee and that provided originally or by their Doctor or Occupational Health, ask the employee to explain this
- Explore options to facilitate attendance or a return to work in accordance with stage reached in the Sickness Absence Management Policy. You should consider all options and you may have to consider the duties under the Equality Act 2010, (see Reasonable adjustments section below)

Possible options if appropriate include the following examples:

- Set or reaffirm sickness triggers
 - Referral to Occupational Health
 - Reasonable adjustments
 - Phased return to work
 - Amended duties etc
 - Redeployment
 - Training
 - Steps employee can take to care for their own health and welfare
- Remind the employee that continuing absences due to sickness may lead to issuing of a formal warning and ultimately could result in termination of employment.
OR
It could be the employee has already reached the stage where a warning should be issued or the only alternative is to proceed to a meeting to consider

termination of employment. Please ensure you seek advice from your HR link officer prior to the meeting where these options are being considered.

- Ask the employee how they wish to handle the subject of their absence with colleagues.
- Confirm to the employee the outcome of the meeting and the next steps to be put in place
- A letter should be sent by the manager following the meeting to confirm the discussion that took place and the outcome. See attached suggested letter templates.

Please note this list is not exhaustive and not all the points stated necessarily have to be covered.

Each sickness case should be treated on its merits and managers are advised to seek advice from their HR link officer throughout the process.

5. Reasonable Adjustments/Equality Act 2010

Employers have a duty to make reasonable adjustments to support an employee who has a disability under the Equality Act 2010. This does not mean that the employer must agree to everything the employee wants, the Council only has to do what is reasonable. But it does involve seriously considering any suggestions from the employee and investigating options to reduce or remove the effects of their disability within the workplace.

Various factors influence whether a particular adjustment is considered reasonable. The test of what is reasonable is ultimately an objective test and not simply a matter of what you may personally think is reasonable, the considerations required are shown below:

- How effective the change will be in avoiding the disadvantage the employee would otherwise experience.
- It's practicality
- The cost
- Your organisation's resources and size
- The availability of financial support

What is reasonable in one situation may be different from what is reasonable in another situation. It may take several different adjustments to deal with that disadvantage but each change must contribute towards this. The overall aim should be, as far as possible, to remove or reduce any disadvantage faced by a disabled employee.

Adjustments may be agreed on a temporary or a permanent basis.

Where the employer fails in a duty of reasonable adjustment that arises in relation to a disabled person, this may constitute discrimination against that person.

Managers must seek advice from their HR link officer if reasonable adjustments feature in the management of an employees' sickness absence.

6. Phased Returns to Work

Key points in relation to phased returns to work:

- Consider whether or not a phased return to work is suitable.
- It should be for the shortest time possible up to a maximum of 6 weeks
- Seek full information from medical advisers on what the employee's medical condition is and how they think any phased return to work should be implemented.
- Set up a meeting with the employee to discuss any phased return arrangements
- Consider the employee's suggestions
- Make reasonable adjustments where these are appropriate
- Send a letter to the employee confirming the phased return to work arrangements
- Hold regularly reviews during the phased return
- Where the phased return is unsuccessful, you will need to hold a review meeting with the employee to determine the next steps and seek further advice from your HR link officer if appropriate.

Managers must seek advice from their HR link officer if a phased return to work features in the management of an employees' sickness absence.

7. Frequently Asked Questions

What is a Fit Note?

Doctors issue fit notes as evidence of the advice given about the individual's fitness for work. The fit note allows doctors to advise that individuals "may be fit for work" taking into account the doctor's advice, or that they are "not fit for work. Doctors use fit notes to record details their patient's condition so that employees and employers can consider ways to help the individual return to work.

Key points about Fit Notes:

- Fit notes should be issued by hospital doctors or by GPs.
- Doctors cannot issue fit notes during the first seven calendar days of sickness absence. Employees can self-certify for this time.
- A Return to Work Plan can be used in place of a fit note, if an employee is likely or expected to experience long term absence. This plan can be shared with the Council subject to the employee's consent.
- Fit notes can be hand-written or computer-generated and printed out.
- Employees can return to work before they are 100% fit. If the employee is assessed as may be fit for work, their fit note will help you discuss what these changes might be.

- The Fit Note will not tell you what changes to make, but will provide advice about how your employee's health affects what they can do at work.
- If the Council cannot make any changes to take account of the advice in the fit note, the Council does not have to. The assessment about whether your employee is not fit for work or may be fit for work (and any other advice in the fit note) is classed as advice, and it is for the Council to determine whether or not to accept it.
- If the employee's doctor thinks they are fit for work, they will not be issued with a fit note.
- Employee's can come back to work at any time, even if this is before their fit note expires and/or their Doctor has indicated they need to assess them again. They do not need to go back to their doctor first. However, a suitable risk assessment should have taken place if required and the Council can request the employee be assessed by their Doctor to ensure as an employer we are fulfilling our duty of care.

What is the role of Occupational Health?

Occupational Health provide independent, impartial advice to employers and employees on the effects of work on health and health on work. They undertake the following activities:

- Advise on fitness for work
- Improve attendance and performance by assisting in the management of sickness absence
- Recommend appropriate adjustments in the workplace to help employees stay in work
- Give advice on alternative suitable work for people with health problems
- Help prevent work-related ill health for example by advising on workplace safety
- Assist with compliance with health and safety regulations including minimising and eliminating workplace hazards
- Advise on medical health and ill-health retirement

To make a referral, you will need to complete an Occupational Health referral form which is available on the intranet and send this to HR & Payroll. Please ensure you have discussed the contents of the referral with the employee.

The employee will receive notification of their appointment and HR & Payroll will notify the manager. Following, the appointment the Occupational Health report will be sent to you by HR & Payroll.

If you have any further questions regarding Occupational Health, please contact your HR link officer.

What if the absence is Maternity related?

The employee has the same rights to paid sick leave as any other employee (apart from the last four weeks of pregnancy) and the employee should follow the normal sickness reporting procedure. The manager should follow the Sickness Absence Management Policy, taking into account the absence is maternity related. It is essential managers have completed a health and safety risk assessment for the pregnant employee.

However, if the employee is absent due to sickness with a pregnancy related sickness absence illness in the last four weeks of your pregnancy, this will trigger commencement of the employees maternity leave.

Any pregnancy related sickness absence is recorded separately from other sick leave within HR & Payroll.

What about Annual Leave and sickness absence?

If an employee experiences ill health while on annual leave, their annual leave will be reinstated if a Doctor's fit note is produced by the employee for the period. The employee should notify their manager as soon as practicable if this is the case.

If an employee is prevented from taking their annual leave owing to long term sickness and they do not return to work before the end of their annual leave year, they may be entitled to carry forward some annual leave to the following year. The entitlement is based on 20 days (including bank holidays) for the year, and any annual leave/bank holidays already taken will be deducted. If the employee does not return to work, the entitlement calculated as above will be paid and is based on the 20 days (including bank holidays) for the year.

Managers must contact their HR link officer for advice prior to discussing this with the employee and/or their representative.