

CAERPHILLY COUNTY BOROUGH COUNCIL

**DRAFT MANAGING SICKNESS ABSENCE
PROCEDURE**

APRIL 2010

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Wherever the designation Manager is used throughout this procedure, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, Head Teacher or anyone who has supervisory responsibility.

Where the employee has been appointed by the school Governing Body, any reference made to the Disciplinary Procedure means the Disciplinary Procedure for school based employees as adopted by the school Governing Body.

Personnel support to schools in managing this procedure will be subject to any SLA in force at the time.

INTRODUCTION

1. Caerphilly County Borough Council believes that its employees are its most valuable resource and as a result high attendance at work by its employees plays a key role in providing efficient and effective services.
2. The purpose of the procedure is to
 - Maximise employee attendance at work.
 - Support employees in returning to work in a timely manner.
 - Have a clear and agreed process for managing the sickness absence of all the Council's employees, which is applicable to all.
3. The reduction in sickness absence levels will improve service delivery, increase employee morale, ensure that the Council is more competitive and increase job security. High levels of sickness absence can have a profound effect on employees still in work as they can become demotivated as a result of having to take on their absent colleagues' work.
4. This procedure recognises that sickness can affect any employee and can often be the symptom of some other underlying issue. It is important that these matters are explored with employees sensitively. If an employee chooses not to disclose the reason, then Managers will only be able to act on the information that is available to them.
5. This procedure gives Managers guidance on dealing with short-term persistent absences and long-term absences (absences in excess of twenty working days, pro rata'd for part time employees) due to sickness and ill health. Unauthorised absences are dealt with under the disciplinary procedure.
6. The procedure supports employees by identifying anything at work that could be contributing to their absence at an early stage and taking appropriate measures to resolve these problems. It also encourages Managers to take an interest in their employees' health and well-being and to facilitate their return to work as soon as possible.
7. In this procedure, the term Manager is used to encompass anyone who has the responsibility of managing employees. The procedure is available on the Council's Intranet site, from Managers or from Directorate Personnel Units. The term Occupational Health encompasses both the Council's Occupational Health Nurses and/or its Medical Advisor.
8. This procedure must be cross-referenced with all the relevant Council and School Governing Body policies and the Code of Conduct. Copies of all the Council's policies can be found on the Intranet site, from Managers or from Directorate Personnel Units.

SCOPE OF THE PROCEDURE

9. The Council's recognised trade unions have been consulted on this procedure.
10. The Managing Sickness Absence Procedure applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment unless adopted by the school Governing Body. This procedure is recommended to School Governing Bodies for adoption.
11. The effective date of this procedure is 1st April 2010. This procedure supersedes all earlier procedures and must be used to deal with any sickness absence issues that arise. In the case of school based employees, the procedure will be recommended to Governing Bodies as soon after 1st April 2010 as possible and the effective date of the procedure will be the date that the procedure is adopted by the Governing Body.

GUIDING PRINCIPLES

12. Everyone, both Managers and employees, has a responsibility to minimise sickness absence, Managers to manage and support their employees and employees to attend work on a regular basis. This responsibility is not only to ensure and maintain quality service delivery but also to avoid disproportionate stress upon the remaining employees. Personnel advice is available to Managers at every stage of this procedure.
13. Caerphilly County Borough Council recognises that a proactive approach to health and safety will make a significant contribution to an employee's health and well-being and will assist an improvement in attendance and performance. As a result of this the Council is working to maintain the Welsh Assembly Government's Corporate Health Standard and improve upon the level of award that we have already received. As a result health initiatives to improve employees' health and well-being are continually being developed and introduced.
14. Corporate Management Team will set an overall sickness absence target for the Council on an annual basis during the budget setting process. This will then be translated into targets for individual Directors and Heads of Service. The management of sickness absence will be a performance target, which will be monitored on a regular basis.
15. Although each sickness absence case must be judged on the facts of the case and the guidelines followed in a consistent manner, each case will be considered with understanding and empathy.
16. Employees have a responsibility to comply with the Council's/*Governing Body's* notification of absences procedure as laid down in Appendix 2. In cases where the notification procedure is not complied with the employee will be deemed to be absent without pay and a corresponding deduction to salary may be made.
17. Throughout this procedure reference to the number of working days lost through sickness absence is to be applied on a pro rata basis for part time employees.
18. Employees with more than one post with the Council and are absent from one post may only remain working in the other post(s) if the nature of the illness does not impact on their capability to carry out the duties of their other post. Employees must notify their Manager that they have reported sick in their other position. In these circumstances, Managers must seek advice from their Directorate Personnel Unit.
19. Employees must not engage in any external work or engage in any activities that are detrimental to their recovery whilst on sickness absence from the Council without prior approval from their Head of Service.
20. Return to Work interviews for all absences, irrespective of length, should be undertaken on the day the employee returns to the workplace. Managers and employees must complete the Return to Work documentation and forward it to the Managing Sickness Absence Team, as soon as possible, to ensure that payment of salary is maintained. See Appendix 3 for further information on the Return to Work process.
21. Short-term frequent absences, i.e. absences of less than twenty working days (pro rat'd for part time employees), will be dealt with under the Disciplinary Procedure.
22. Employees are entitled to be accompanied at the formal stages of the procedure by either a work colleague or a lay trade union representative or an official employed by a trade union. This does not include Return to Work Interviews. If an employee, or the person accompanying them is disabled, accessibility issues must be considered to allow them to take part in the disciplinary process.
23. When deciding whether to take any action in regard of an employee's sickness absence record, a Manager will look at the overall level of the employee's sickness absence to see whether the trigger points for action set by the Council have been met. These trigger points

are explained fully in the section 'The Management of Short Term Sickness Absence' and serve as a notification to the Manager that the employee's sickness absence levels require further investigation.

24. Managers will be provided with regular reports on the sickness absence levels for their Service Area to allow them to manage the sickness absence levels of their employees.
25. When considering action under this procedure, Managers must discount any absences that are maternity or disability related and seek further guidance from their Directorate Personnel Unit. See also Reasonable Adjustments In The Workplace – Notes of Guidance for Managers for further information, which is available either on the Council's Intranet or your Directorate Personnel Unit. Similarly if the absence is as a result of an industrial injury further advice should be sought from the Directorate Personnel Unit.
26. The Council reserves the right to refer for medical examination any employee, regardless of the length of the period of absence. This should only be done after consultation with a representative from the relevant Directorate Personnel Unit. If an employee fails to turn up for an Occupational Health appointment or does not give seventy-two hours notice of cancellation of the appointment, without valid reason, they will be charged for the cost of the appointment plus an admin fee. Where an employee refuses to attend for a medical examination, the reasons for refusal will be explored and if they are thought not to be reasonable, the disciplinary procedure may be invoked.
27. Managers must maintain contact with employees while they are absent from work through a period of absence. The purpose of this contact should be both supportive to the employee and assist them to explore ways in which they can facilitate a return to work. It also provides Managers with an opportunity to inform employees of any work related issues, if appropriate.
28. The Council cannot sustain an employee's absence from work indefinitely due to the impact that it has on service delivery and the workloads of other employees. The Council has developed processes to support the employee to enable them to return to work. This could include changes to work hours, changes to job roles, the employee assistance programme, etc. However, there are circumstances where this would not be appropriate and consideration will be given to terminating an employee's contract of employment. Please see the Section on 'The Management of Long Term Sickness Absence' for detailed information.
29. When an employee is referred to the Council's Occupational Health Advisor (either the Occupational Health Nurse or Medical Advisor), they will be asked to grant the Council access to their medical records. Access to these records will be beneficial to both the employee and the Manager, as it will enable decisions to be based on medical information and the facts of the case. If the employee refuses to give consent the Manager will have no option but to make a decision without this information.
30. Any information obtained during the management of sickness absence shall be treated with the utmost confidence. Any lapses in confidentiality will be dealt with under the Council's Code of Conduct or in the case of Elected Members be referred to the Standards Committee.
31. If an employee is instructed to refrain from attending the workplace because of the nature of their illness, legislative requirements or their contact with someone who has a contagious disease, this will be deemed to be medical suspension. This will include any issues identified as a result of the risk assessment undertaken for pregnant employees. These periods of absence will not count towards their sickness absence levels or their sickness pay entitlement. Similarly, these periods of absence will not count towards the Service Area's sickness absence levels. Where employees are asked to refrain from attending the workplace, they will receive their normal basic pay for the period of the absence. Consideration should be given to whether the employee could report to a different place of work to undertake duties not affected by legislative requirements. When considering such a situation employees will only be asked to undertake work suitable to their skills and training.
32. All the documentation to be used throughout this procedure has been made as simple as possible for ease of completion. A self-certificate must be completed for every absence,

irrespective of its length. Copies of the documentation are available on the Council's Intranet, from Directorate Personnel Units or Managers. Wherever possible, forms should be submitted electronically to the Managing Sickness Absence Team to ensure that they are received in a timely manner.

33. When an employee has a period of long-term sickness and they are declared fit to return to work, a return to work plan may be agreed between the employee and their Manager. This plan may include one or more of the following, reduced working hours, reduced responsibilities, phased return, temporary alternative duties, additional and appropriate support, counselling, regular reviews with the Occupational Health Advisor and a stress risk assessment. Phased returns to work, if deemed to be appropriate by Occupational Health, will be for a period of four weeks. If the period of the phased return extends past four weeks, the balance in hours to the employee's normal contractual hours is to be made up with annual leave (with the exception of teaching staff).
34. Entitlement to sick pay is dependent upon the employee's length of continuous local government service, as laid out in the relevant National Agreement. Payments will not be made for injuries caused by sporting activities, non-essential surgery or for injuries incurred whilst working for another employer. Employees have a separate entitlement to industrial injury benefit. In the case of sporting activities, if employees are not covered by insurance through the body that they play for, they are recommended to take out insurance of their own. Once any insurance claim is settled, the element that the employee receives for wages/salary should be paid back to the Council for pay purposes. Managers must inform employees of the need to repay the money to the Council when they notify their absence.
35. For any periods of sickness absence, which results in a third party claim, the Council will recover any sickness payments made in these circumstances. Sick pay will be paid in the first instance but employees must be instructed to make a claim against the third party involved. Once the insurance claim is settled, the element that the employee receives for wages/salary should be paid back to the Council and the period of absence removed from the employee's sickness record for pay purposes. Managers will inform employees of the need to make the claim and repay the money to the Council when they notify their absence.
36. Employees, who do not report to work on a Bank Holiday because of sickness absence, will not attract the appropriate payment or any time off in lieu. No substitute public or statutory holiday will be given.
37. Occupational sick pay is calculated on the basis of contractual hours only. If a part time employee is asked to work additional hours on an informal and ad hoc basis and subsequently does not work those hours, or fails to achieve the contracted hours, because of sickness, the additional hours do not attract a sickness payment.
38. Any proven abuse of this procedure or the sick pay scheme will be dealt with under the Council's/School's Disciplinary Procedure. See Appendix 5 for further information on the Abuse of the Managing Sickness Absence Procedure/Sick Pay Scheme.

THE MANAGEMENT OF SHORT - TERM SICKNESS ABSENCE

39. To effectively manage short-term absence it is important that a consistent approach is taken by Managers whilst at the same time taking into account the reasons given in each case. The return to work interviews form a key part of this process as it gives the Manager the opportunity to determine if there are any underlying issues affecting the employee's attendance at work and offer support where appropriate.
40. The procedure below details guidelines on timescales and the number of occasions of absence before taking any action. These trigger points will be reviewed on an annual basis. The guidelines need to be considered in each case. However it is important that a consistent approach is taken which may mean there are occasions where action is necessary even though the reasons for the absence are totally genuine.

Informal Absence Review Meeting

Following either, in a rolling period of 12 months: -

- three periods of sickness absence (the total number of days must be a minimum of four days for the trigger to take effect).

OR

- two periods of sickness totalling ten working days or more.

OR

- patterns of absence, which give cause for concern.

the employee must be interviewed by their Manager, so that any underpinning reasons for ill health may be explored. These trigger points will be pro rata'd for part-time employees. A single absence of ten working days or more would not trigger an interview. Any health, work, personal or social reasons identified will be recorded. The Manager may consider referral to Occupational Health or a workplace assessment at this stage. The employee will be reminded that their absence is a cause for concern and advised that an improvement is required and future absences will be monitored.

Stage 1 of the Formal Procedure

Following an Informal Absence Review Meeting if a further period of absence occurs within the twelve-month rolling period (e.g. if the latest absence commenced on the 1st September 2009 you would review from this date back to the 31st August 2008), action under Stage 1 of the Disciplinary Procedure must be considered. To ensure consistency throughout the Council in the vast majority of cases this will lead to a written warning being issued which will be valid for a period of twelve months.

If disciplinary action is not taken at this stage then a record of the reasons for this must be placed on the employee's file together with an action plan to deal with further periods of sickness absence.

Stage 2 of the Formal Procedure

Following the issue of a written warning under Stage 1 of the Disciplinary Procedure an employee's attendance will be reviewed during the next twelve months with further action being taken if the following levels of absence are achieved.

- three periods of sickness absence (the total number of days must be a minimum of four days for the trigger to take effect).

OR

- two periods of sickness totalling ten working days or more.

OR

- patterns of absence, which give cause for concern.

If the employee hits the above trigger point then a Final Written Warning will be issued under the Disciplinary Procedure, which will be valid for a period of eighteen months.

If the employee continues to take sickness absence during this eighteen-month period then a review of their employment will be undertaken to determine their ability to fulfil their

contractual obligation to attend work regularly. If it is considered that their attendance is unlikely to improve then a Disciplinary Hearing will be convened where the termination of their contract of employment will be considered.

Dismissals

Prior to any meeting to discuss the termination of an employee's contract of employment they must be referred to Occupational Health to obtain a medical opinion on their reasons for absence and the impact on their future attendance on work.

The Council will take all practical, possible and reasonable measures to avoid dismissing employees for sickness absence. However, where attendance levels have not improved within the set period following the issue of a Final Written Warning the employee is required to attend a formal meeting with their Head of Service/Panel of the Governing Body at which their future employment with the Council will be discussed. The Head of Service /Panel of the Governing Body will explore the reasons for the sickness absence, together with the effectiveness of any remedial actions and 'interventions' which have been introduced.

Taking into account the history of the absence patterns, the latest medical opinion, plus the employment record of the employee, the Head of Service/Panel of the Governing Body may give the employee notice of termination of employment if there is no reasonable likelihood that the continued levels of sickness will improve. In such instances, the termination of the employee's contract of employment will be on the grounds of capability, in that the employee was unable to perform/satisfy the duties and responsibilities of their contract of employment and job description.

Full details on the process to be followed are outlined in the Disciplinary Procedure.

Appeals

Employees have the right of appeal against any disciplinary action taken. The process to follow is outlined in the Disciplinary Procedure.

THE MANAGEMENT OF LONG - TERM SICKNESS ABSENCE

41. As soon as the Manager receives a medical certificate identifying that an employee will be absent for a period of twenty working days or more (pro rat'd for part time employees), they must contact the employee to obtain up to date information on the employee's absence.
42. It is recognised that every case of long-term absence is different and some of these guidelines may not be appropriate in each and every case.

Week 4

The Manager must contact the employee to discuss the current situation and if appropriate arrange a follow up meeting. This meeting will usually take place at the employee's normal place of work or another Council building, if requested. In cases where the employee is unable to travel, then a home visit may be appropriate. During these discussions the following should be explored

- The reason for absence.
- The expected duration of absence.
- Any support that may assist an early return to work.
- Whether a referral to Occupational Health is appropriate.

Contact by the Manager must continue on a monthly basis to keep updated on the employee's latest medical situation and should cover the points raised above, including the

appropriateness of a referral to Occupational Health. If the reason for the employee's absence is work related stress, it may be appropriate for another Manager, colleague or representative from the Directorate Personnel Unit to contact the employee depending on the circumstances of the absence. It is also important that any developments in work are communicated to the employee so they do not feel isolated. A record of this contact must be kept.

Week 13

If the employee is still absent after thirteen weeks then a formal meeting must be arranged to review the absence. The focus of this meeting will be to discuss any positive support that can be given to assist with the recovery of the employee and to achieve a return to work. Any agreed actions must be confirmed in writing to the employee.

Contact by the Manager must continue on a monthly basis to keep updated on the latest situation and must cover the points raised above. If the employee has not been referred to Occupational Health previously, they must now be referred for an initial appointment. It is also important that any developments in work are communicated to the employee so they do not feel isolated. A record of this contact must be kept.

Week 26

An employee who has been absent for twenty-six weeks must be invited in for another formal review of their absence. Any agreed actions from the previous review should be discussed and an updated assessment of their absence confirmed. At this stage a referral must be made to Occupational Health to establish what if any additional support can be provided together with consent, if it has not already been granted, to obtain a medical report from the employee's GP/Consultant as to a likely date of return to work.

If, the report indicates a further prolonged absence of at least 13 weeks or, based on medical opinion, it is unable to give a return date, then a further meeting will be arranged with the employee to discuss the details of the report and their future employment with the Council/School. (For Governing Body appointed staff this will involve a hearing by a Panel of the governing Body) It is also appropriate to consider any alternative such as redeployment at this meeting. Where the decision is taken to terminate an employee's contract of employment, they will be given the contractual notice that they are entitled to under the terms of their contract of employment.

If the report indicates a return within 13 weeks then a meeting must be arranged with the employee to discuss the details of the report and plan a programme of return to work, including a risk assessment to enable the employee to return to work. If the employee is unable to return in the specified time then an updated report must be obtained from their GP/Consultant and a decision on their future employment based on this.

The Management of Employees who have a series of Long Term sickness absences

If an employee has a pattern of frequent long-term sickness over a period of years and appropriate interventions have still not reduced their levels of absence, a referral to Occupational Health for an updated medical report, including whether dismissal on the grounds of ill health/capability is appropriate with access to pension benefits, must be made. On receipt of the report, consideration will be given to any actions which could reduce the overall level of absence such as reduced working hours, redeployment to another post, etc. If this is not deemed appropriate, the employee's future employment will be reviewed and consideration must be given to terminating the employee's contract with notice on grounds of ill health/capability.

MONITORING OF THE PROCEDURE

43. Regular reports on sickness absence levels will be provided to the Council's Scrutiny

Committees. These will look at the number of working days lost, the number of employees who have no sickness absence, the number of employees on long-term sickness absence and identify any actions that have been taken to manage the absences.

44. To ensure that the Managing Sickness Absence Procedure is being fully implemented and is effective in managing and reducing sickness absence, a quarterly review will be held by Directors with their Heads of Service. At this meeting the Heads of Service will detail to the Director the level of sickness absence within their Service Area, the number of employees who are above a defined level of sickness absence, the number of employees on long-term sickness absence and the actions that have been taken to manage the case and the Service Area's progress towards their target sickness absence level. In the case of schools, Governing Bodies must develop their own monitoring procedures as appropriate.

INTERPRETATION OF THE PROCEDURE

45. In the event of a dispute relating to the interpretation of this procedure, Corporate Personnel Services will make the final decision on interpretation.

REVIEW OF THE PROCEDURE

46. A review of this procedure will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the procedure will be amended and reissued.

APRIL 2010

CAERPHILLY COUNTY BOROUGH COUNCIL

SELF CERTIFICATION/RETURN TO WORK FORM

This form must be completed by all employees who are returning to work from a period of sickness absence. The dates should include Saturdays and Sundays if employees were rota'd to work on those days.

PERSONAL DETAILS

Name		Employee Number	
Directorate		Date Sickness Commenced	
Service Area		Date Sickness Ended	
Section		Date Returned to Work	

REASON FOR ABSENCE

Reason for absence (Please specify exact details of illness, statements such as unwell, sick are not acceptable)		
Did you visit a Doctor/Hospital as a result of your illness?	Yes	No
Is the absence related to a disability? If Yes, please give details.	Yes	No
Have you got any follow up appointments planned? If Yes, please give details.	Yes	No
Are you taking any medication, which is likely to affect you whilst at work? If Yes, please give details.	Yes	No

Was your absence caused by any work related activity? If Yes, please give details.	Yes	No
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RETURN TO WORK HEALTH DECLARATION

I am fully recovered from my illness and able to carry out all my normal duties.	Yes	No
Have you been advised to refrain from any duties? If Yes, please give details.	Yes	No
Are there any changes to your work or assistance requested that will prevent further absences of this nature? If Yes, please give details.	Yes	No

I declare the information given on this form is correct and I understand that disciplinary action will be taken if it is found that any of the information is false.

Signed:		Date:	
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COMMENTS BY SUPERVISOR/MANAGER

Did the employee follow the correct notification procedure? If No, please give details.	Yes	No
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Comments

Signed:		Date:	
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EMPLOYEE NOTIFICATION PROCEDURE

1. On the employee's first day of absence, the employee must contact their Manager, within one hour of their normal start time, to discuss when the absence commenced, the specific reason for the absence, the likely date of return and any outstanding work commitments and meetings.
2. Individual Service Areas may stipulate their own notification procedures to ensure that service delivery is not adversely affected. If the absence is as a result of an accident at work this must be clearly stated to the Manager to comply with any statutory health and safety reporting requirements.
3. In exceptional circumstances notification outside of these timescales will be acceptable e.g. serious illness or hospitalisation of the employee or where an employee has a disability, which may mean they have difficulty in complying with the above timescales.
4. Notification by text message or e-mail is only acceptable if a contact telephone number for the employee is provided at the time of notification of the absence so that the Manager can ring the employee back.
5. In cases where the notification procedure, has not been complied with the employee will be deemed to be absent without pay and a corresponding deduction to salary will be made.
6. If an employee's absence extends beyond three calendar days, they must also contact their Manager on the fourth day of absence within the timescales laid down in 1 above to inform them of their progress and their likely date of return to work.
7. If the fourth calendar day occurs on a weekend, a Bank Holiday or a day they are not rota'd to work, the employee must contact their Manager on the next available working day. Employees who work weekends and Bank Holidays must contact their Manager in the normal way.
8. On the eighth day of absence, an employee will require a medical certificate from their GP/hospital. It is the employee's responsibility to ensure that medical certificates cover the whole of the period of absence, without any gaps in the cover. If there is a problem with obtaining a medical certificate, the employee must advise their Manager of the delay. Employees should ensure that they are aware of the relevant electronic address that medical certificates should be forwarded to so that the GP/hospital can provide the correct documentation without delay.
9. In cases where the employee's first medical certificate covers a period exceeding fourteen days or where more than one medical certificate is necessary, the employee must, before returning to work, obtain a final medical certificate certifying that they are fit to resume duties from a given date. When the employee has been signed fit to return to work, they must notify their Manager of the return date as soon as possible giving at least twenty four hours notice wherever possible.
10. When employees notify their sickness absence, Managers must ensure that the correct notification documentation is completed. Medical certificates must be forwarded to the employee's Manager, without delay, to ensure the payment of their salary. If the period of sickness absence is not covered by the correct documentation for the payment of both statutory and occupational sick pay, a deduction to salary for the period of absence not correctly certified may be made. Once the correct documentation is received, the employee may be reimbursed for the period of the deduction.
11. If an employee is taken ill at work and continues to be absent the following day, the Manager must be notified on that day by the normal time stipulated.
12. If an employee attends work in the morning but leaves because they are unwell before midday or half way through their normal shift, this will be recorded, as a half-day's absence and will be included in the sickness absence return.

RETURN TO WORK INTERVIEWS

The return to work interview is regarded as one of the most effective interventions in managing sickness absence. It is a key measure in supporting employees who have been absent through sickness absence, controlling sickness absence and identifying any underlying work related issues.

A return to work interview must be undertaken **every time** an employee is absent through sickness absence. It should be undertaken on the day that the employee returns to work but if this is not possible as soon as reasonably practical thereafter. Failure to undertake return to work interviews will be reported under the monitoring of this procedure. It is important that return to work interviews are carried out consistently across all Directorates to ensure fairness of treatment to all employees.

In addition if the Managing Sickness Absence Team does not receive an employee's self-certificate form they will not be paid for the period of absence and completion of the self-certificate is part of the return to work process.

In cases where employees are on long-term sickness absence, the Manager should forward a self-certificate form to the employee for completion. Upon the receipt the Manager should sign the form confirming that the employee is on long-term sickness and that the return to work interview will take place as soon as the employee returns to work. If the Managing Sickness Absence Team does not receive this form, the employee will not be paid for the first seven days of their period of long-term sickness. .

The main purpose of the interview is to

- Welcome the employee back.
- Explain to the employee that the purpose of the return to work interview is to manage and monitor employees' absences so that any problem areas can be identified and support offered where appropriate.
- Ask the reason for the employee's absence, ensuring that the question is asked in a supportive way. Avoid asking any intrusive medical questions, while at the same time seeking to establish the cause of the absence.
- Check that the employee is fit to return to work.
- Check whether the employee consulted a doctor or hospital and whether they are taking any medication that may affect their ability to undertake their duties. Ask the employee whether there is likely to be a reoccurrence of the symptoms.
- Check that the employee has any necessary medical documentation.
- Complete the return to work interview form/self certificate. Ensure that the employee has signed the form. Managers should countersign the form. It is important that this form is completed for both the employee's pay situation but also in case the information is required later on in the procedure.
- Check whether there are any work related issues contributing to the absence. Facts may emerge which suggest that changing working hours, job sharing, or allowing other flexible working options, etc may be a solution if there are background factors. If adjustments are made they should be clearly documented so it is clear whether it is a permanent or temporary issue and whether a review date has been set.
- Consider whether the employee's illness could be regarded as a disability under the Disability Discrimination Act 1995.
- Review the employee's absence record and feed that back to the employee. Inform the employee if they are near to hitting a trigger point under the Managing Sickness Absence Procedure.
- Consider referral to Occupational Health.
- Advise the employee of the help available through the Council's Employee Assistance Programme.
- Explain to the employee that their absence level is causing concern (if appropriate) and that it is their responsibility to find ways to improve their absence level. .

- Remind the employee of the need for good attendance in order to maintain service provision and the financial effect that the absence has on the Service Area.
- Inform the employee of any work related issues/developments that have developed whilst they have been absent. This is important as things sometimes move on very quickly when an employee is away from the workplace.

In the interview itself, it is important to listen to the employee in terms of the cause of absence. If there is any discrepancy between the employee's stated reason for absence and the information given when the notification of the absence was made, ask the employee to explain the discrepancy. If a Manager has any grounds on which reasonably to conclude that the employee's absence was not for the reason given, they should put the evidence to the employee directly so that they have the opportunity to respond and provide an explanation.

It may be possible as a result of the interview to initiate an action plan to address any immediate matters. Any action agreed must be documented and signed by both the Manager and the employee. All information obtained must be treated as confidential.

A key advantage of conducting return to work interviews on a regular and consistent basis is that they give Managers an opportunity to identify the possible underlying cause of frequent absences at an early stage. Return to work interviews also

- Provide a forum for frank discussions about any relevant issues that may be contributing to the employee's absences.
- Help to pinpoint any underlying pattern of absence or cause of absence, which can then be discussed and tackled.
- Allow Managers to establish as accurately as possible the reasons for absence.
- Demonstrate to employees that they Manager notices their absences and consistently implements a policy of monitoring and recording all absences and
- Makes it difficult for employees to be evasive about the reasons for their absence, thus discouraging casual absence. Until proven otherwise all absences will be deemed to be genuine.

Return to work interviews are normally informal and employees are not allowed representation at the interview. However, they should be held in private, taken seriously, be structured and factual. Managers should make it clear that the interview is not part of the Council's/School's Disciplinary Procedure. However, on the other hand, the interview should be more than just a casual chat and should be taken seriously.

In terms of long-term sickness absence, the return to work interview will need to look at work related issues/developments that have taken place, whether the employee is able to undertake all the duties of their post, etc.

Employees have the right to request to undertake the return to work interview with someone of the same gender and this should be facilitated wherever possible.

RESPONSIBILITIES UNDER THE MANAGING SICKNESS ABSENCE PROCEDURE

EMPLOYEES' RESPONSIBILITIES UNDER THIS PROCEDURE

Employees must

- Report in as per the reporting procedures outlined by this procedure.
- Whilst on a period of sickness absence or absence due to an injury, employees will not work elsewhere without the prior approval of their Head of Service or engage in any activities that are detrimental to their recovery.
- Attend any Occupational Health appointments as directed by their Manager and/or Directorate Personnel Unit.
- Attend any meetings arranged to discuss their periods of sickness absence.
- Keep in touch with their Manager on a regular basis to update them on progress on their health.
- Where the absence is relating to a third party accident/claim, reclaim all payments received for occupational sick pay and repay that amount back to the Council out of the claim compensation.
- Provide a medical certificate to cover any absences prior to or following annual leave.
- Seek prior approval from their Manager in order to take annual leave during a period of sickness absence.

LINE MANAGERS' RESPONSIBILITIES

Managers must

- Ensure that Return to Work interviews are undertaken every time an employee is absent from work through sickness absence.
- Record every absence.
- Send all sickness documentation, including self-certificate/return to work form, medical certificate, absence returns, etc to the Managing Sickness Absence Team as soon as they are received and/or due.
- Contact their Directorate Personnel Unit for every occasion of unauthorised absence (e.g. sickness not supported by notification or a medical certificate.)
- Follow this procedure in a consistent manner and where appropriate seek advice from their Directorate Personnel Unit. Failure to adhere to this procedure may result in disciplinary action being taken against the Manager.
- Maintain contact with the employee during the period of sickness absence to ensure that everything is being done to help the employee. The Manager should update employees on work related issues, if appropriate.
- Follow the Managing Stress and Pressure policy for any employees who are absent through stress, anxiety or depression.
- Arrange to refer employees to Occupational Health, in line with the guidelines in the procedure.
- Manage sickness absence levels within their Service Area and provide their Head of Service and/or Director with information on the levels within their Service Area.
- Make reasonable adjustments for employees with disabilities and to facilitate a return to work for employees on long-term sickness absence.

ABUSE OF THE MANAGING SICKNESS ABSENCE PROCEDURE/SICK PAY SCHEME

If an employee abuses the Sick Pay Scheme for any of the following reasons, occupational sick pay may be suspended: -

- Absence on account of sickness absence due to or attributable to deliberate conduct prejudicial to recovery.
- The employee's own misconduct or neglect.
- Active participation in sporting activities.
- Injury while working in the employee's own time on their own account for private gain or another employer.
- Non-production of the relevant documentation.
- Tamper with the dates on medical certificates.
- Failure to seek permission in respect of taking a holiday.
- Failure to attend meetings with their Manager or Occupational Health for no justifiable reason.

The above list is not exclusive or exhaustive.

Where an employee is believed by the Manager to have abused the Managing Sickness Absence Procedure, the Disciplinary Procedure will apply. Likewise, if an employee behaves in such a way that in the opinion of the Manager they bring their conduct or genuineness of the absence into question, this may also be dealt with as a disciplinary matter. Managers must contact the Directorate Personnel Unit for advice on such matters before embarking on any action.

Examples of behaviour, which may lead to disciplinary action, are: -

- Failure to follow reporting procedures or maintaining contact during absence.
- Failure to follow Health and Safety procedures and/or advice.
- Inappropriate behaviour whilst absent through sickness absence, such as sports or social activities and/or working outside the Council.
- Frequent short-term absence where the absence appears fraudulent or exaggerated i.e. without a plausible explanation.
- Unacceptable patterns of absence that indicate there are no genuine sickness absence, e.g. regular Fridays/Mondays or linked to holidays or Bank Holidays.
- Failure to attend meetings and maintain contact with their Manager.
- Carrying out work for another employer (paid or unpaid) during the period of absence.

ACTION IN PARTICULAR CASES

SICKNESS DURING ANNUAL LEAVE

If an employee has the misfortune to become ill during a period of annual leave, they are required to submit a medical certificate to cover this period if they wish to have the leave reinstated.

If an employee's sickness spans two leave years, they will only be allowed to carry a maximum of five days forward to the new leave year.

ABSENCES RESULTING FROM INDUSTRIAL INJURIES

Where employees are injured as a result of an industrial injury, the incident will be investigated and the appropriate action taken to ensure that the problem, as far as is reasonably practicable, does not happen again. Managers will undertake a risk assessment to ensure that any reasonable changes are made to working practices. Statistics on industrial injuries are to be kept separately from an employee's normal sickness record. Further advice on undertaking risk assessments or making changes to working practices can be obtained from your Directorate Safety Officer.

ABSENCES RESULTING FROM ASSAULTS OUTSIDE WORK

Where employees are injured as a result of an assault outside of work, including domestic abuse, sick pay will be paid in the first instance but employees must be advised to make a claim against the third party or to the Criminal Injuries Compensation Authority. Before an employee can make a claim to the Criminal Injuries Compensation authority, they must be absent from work for 28 weeks. Any employee who is absent from work for such a length of time should make a claim for compensation. Once the claim is settled, the element that the employee receives for wages/salary should be paid back to the Council and the period of absence removed from the employee's sickness record for pay purposes. Managers will inform employees of the need to make the claim and repay the money to the Council.

For the procedure to follow if an employee is assaulted in the course of their work, please see the Council's Violence at Work Policy.

INDUSTRIAL ACTION

If an employee becomes ill during a period of industrial action, they are required to submit a medical certificate to cover the period if they wish to be classed as not having taken part in the industrial action.

TERMINALLY ILL EMPLOYEES

If an employee is diagnosed with a terminal illness, there is a need to consider the employee's situation and their continued employment in a particularly sensitive and understanding way.

Contact with the employee is an important part of the process to determine their wishes and provide them with information on all the options available.

SUBSTANCE MISUSE

Where the reason for the absence is related to substance misuse issues, the Council will ensure that it assists its employees to seek appropriate help to overcome the problems they face. Managers should seek to utilise the provisions of the Council's Substance Misuse Policy in conjunction with the Managing Attendance Procedure.

Addiction to, or dependency, on alcohol, drugs or solvents are not covered by the Disability Discrimination Act 1995. However, any ailments that are caused as a result of the addiction are covered by the Act.

For further information on dealing with substance misuse issues please refer to the Notes of Guidance for Managers/Supervisors.

MENTAL ILLNESS

Where it is known that an employee suffers from a mental illness, Managers and employees should be wary of the effect of any actions on the employee, their colleagues and others. In most circumstances, specialist advice may be required.

STRESS

Managers are under a managerial, as well as a legal, obligation to ensure their employee's health, safety and welfare whilst they are in work. There have been a number of recent court actions, which have shown that stressful working conditions can be detrimental to an employee's mental health, and this can be a breach of an employer's duty of care.

It is imperative that Managers are aware of their obligations and as far as possible ensure the welfare of their employees. As a result of this, risk assessments for stress have been developed and should be used by Managers to assess the risks that their employees may be under.

Managers should use the provisions of the Council's Stress and Pressure Management Policy when dealing with any employee who is suffering from stress.

When an employee has been absent for a stress related illness, Managers should undertake a risk assessment, if one has not previously been undertaken, and agree a course of action with the employee to help alleviate these problems. This may include a referral to the Council's Counselling Service and/or Occupational Health.