Policy 2: Sickness Absence Management

Last updated by: SH /JH

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Policy 2: Sickness Absence Management V1
1. Introduction

a) There are three policies concerned with leave arrangements for employees of Age UK York (AUKY):
   - Policy 37, Family Leave and Pay Policy, deals with the legislative protection concerning maternity, paternity and adoption leave and pay;
   - Policy 2, Sickness Absence Management Policy, deals with short and long term sickness absence and return to work arrangements. It also covers compassionate and bereavement leave and dental and GP appointments;
   - Policy 4, Special and Annual Leave Policy covers annual leave (for further details of which, employees should consult their own contracts of employment) as well as a range of ad hoc leave needs such as jury service and study leave;

b) In any case of doubt concerning eligibility for leave, employees should consult their own line manager or supervisor;

c) Employees must not take any leave without prior permission from their line manager or supervisor or, in particular emergencies, must speak to their line manager, supervisor or other senior manager. Messages by text are not acceptable;

d) In any queries or cases of doubt regarding sick pay, employees should consult the Finance Manager.

2. General

a) Age UK York (AUKY) has developed this policy to ensure the smooth running of AUKY and to provide optimum support for employees with health difficulties;

b) The Trustees of AUKY have overall responsibility for the health, well-being and smooth running of AUKY. They have vested day to day responsibility with the Chief Officer;

c) AUKY works within the relevant legislation including the Working Time Directive regarding sickness and will not discriminate against any employee who experiences sickness;

d) Policies 4 on general leave; 37 on family leave; 15 on the disciplinary procedure; and 57 on the particulars of employment (which has reference to sick pay) should be read with reference to this Policy;

e) AUKY will regularly monitor the level of sickness of each employee to ensure awareness of health problems and to offer help and assistance where needed. Return to work interviews will be conducted with employees where there appear to be patterns of sickness, or for any other reason where the relevant line manager/supervisor has cause for concern;

f) Monitoring will be carried out to ensure that everybody is able to do their job effectively and without putting themselves or others at risk;

g) It is not the intention of AUKY to penalise the genuinely sick. However, it must be recognised that an employee who is medically unfit to carry out their job may not be able to be retained in employment. Decisions regarding retention in employment in cases of sickness will be taken in accordance with current legislation;

h) Volunteers have their own policy (Policy 63) and some parts of this Policy, Policy 2, as regards their rights and the disciplinary process are not relevant to them. However, the general tenor of this Policy, as
it affects the health of all AUKY workers and their service users is relevant and will be discussed at Induction.

2. Overview

a) If employees are unable to come to work for reasons of sickness:

   • Employees must inform their line manager, supervisor or other senior staff member within an hour of their normal starting time. Only in extreme situations should a message be left with another worker such as a receptionist and the caller should request that the message about sickness be passed on to the relevant supervisor as soon as possible;
   • This information must be by phone conversation to allow for possible discussion. Thus a text message or e-mail is not adequate. Where necessary, a relative or friend may make the call;
   • Failure to make this phone call may result in loss of earnings/and or disciplinary action;
   • This phone call should if possible advise the nature of the problem and when the employee hopes to be able to return to work, the nature of the sickness and whether a GP appointment has been made;
   • If a phone message has to be left, the employee or someone calling on their behalf, should leave a contact phone number for call back to discuss the employee's sickness as above.

b) Employees who are unable to come to work due to sickness will be treated sympathetically; but in the interests of service provision they will be asked about any work that needs to be covered or meetings rearranged etc.;

c) For the first seven working days of sickness, a valid, completed, self-certification form, of which a copy appears at the end of this Policy, must be submitted. The employee’s line manager/supervisor may send a blank self-certification form to the employee if requested;

d) For periods of absence of more than seven working days, a doctor's certificate must be provided at the earliest possible time;

e) An employee must continue to provide doctor's certificates and keep in touch with their line manager/supervisor to advise of progress and potential return to work date;

f) On their return to work from any period of sickness, the employer will have a return to work interview with their line manager/supervisor who will also check the existence of any self-certification form or doctor's certificates and file them in the employee's personal file.

3. Medical certificates

a) The first 7 days/one week of absence are ‘self-certificated’, and the line manager or supervisor will complete a form with the employee on return to work;

b) If the absence continues, or is likely to continue, beyond 7 calendar days, the employee must obtain a Fit Note (a doctor’s note) from their GP or Hospital Consultant. The FIT note should be effective on or before the 8th day of absence, i.e. to be continuous with the date the self-certification period ended.

c) When the employee has the fitness note, s/he must:
   • Tell their line manager/supervisor of the contents of the Fit Note, and let them know when the FIT Note will be provided;
   • Ensure that the Fit Note is received by the line manager/supervisor by the 10th day of absence. This will result in entitlement to continue to receive occupational sick pay;
   • Ensure that any successive Fit Notes are continuous. If there is an unavoidable gap i.e. because the GP could not be seen as required, the line manager/supervisor must be
4. Long-term Absence

If an employee is absent from work for longer than four weeks, this will be considered to be a long-term absence and the following procedure applies:

a) Maintaining contact: During the first four weeks of absence, the employee's line manager/supervisor will maintain contact with the employee by telephone to ascertain progress, offer any possible assistance and discuss the likely duration of absence. This contact will not be more than once every working week unless the employee makes the contact or requests more frequent contact. Every effort will be made to ensure that the employee feels supported but not harrassed or made to feel that s/he should make an earlier return to work than advised by the doctor;

b) Home or other visit: After a period of four weeks’ absence, the line manager/supervisor will contact the employee and arrange a home visit to discuss the absence, the progress of the illness and establish the likely length of time before the employee can return to work. The employee may request that a work colleague or trade union representative accompanies the line manager/supervisor at this meeting. If the employee would prefer a visit away from his/her home this will be arranged. AUKY recognises that there may be cases of long term illness and/or where a diagnosis has already been made. In such instances the line manager/supervisor will adjust the discussion appropriately;

c) Contact to and from work friends: Such contacts do not fall within AUKY’s policies and procedures but contacts on these occasions should not dwell on work situations. Staff on sick leave are not expected to be au fait with work situations and contacts with friends and colleagues on work situations may lead to increased distress;

d) Report from employee's doctor: AUKY may request a report from the employee’s doctor or a specialist as appropriate. Any request for such a report will be dealt with according to the provisions of the Access to Medical Records Act 1988 and the employee has the following rights:

- They must give their written permission;
- They are permitted to see the doctor’s report either before it is submitted to the AUKY or at the same time that it is submitted.

This report would normally request confirmation of the illness suffered, the length of time the employee is likely to be away from work and what steps, if any, the organisation can take to help facilitate a return to work. AUKY will meet any expenses incurred in obtaining any report. The contents of the report will be discussed in detail with the employee. If the report indicates a potential return to work in the near future, a Return to Work plan will be drawn up in accordance with section 4, below;

e) Report by an independent doctor: AUKY may ask the employee to undergo an examination by an independent doctor acting on its behalf. This would normally be a doctor who specialises in occupational health but may, in appropriate circumstances, be a specialist in the particular area of ill-health being experienced. Any such independent doctor or specialist will not offer the employee any prognosis or treatment and will simply provide a report about the illness, progress and implications. Any request for such a report will be dealt with under the provisions of the Access to Medical Records Act 1988, as above, and the employee has the following rights:

- They must give their written permission;
- They are permitted to see the doctor's or specialist's report either before it is submitted to AUKY or at the same time that it is submitted.

AUKY will meet any expenses incurred in obtaining any report. The contents of the report will be discussed in detail with the employee. If the report indicates a potential return to work in the near future, a Return to Work plan will be drawn up in accordance with section 4, below;

f) Refusal to agree to a doctor's report: Should an employee refuse to give permission for a report to be obtained, either from their own doctor or specialist, or from a doctor or specialist acting on behalf of AUKY, AUKY will take any management decision on the basis of any evidence without the benefit of
medical advice;

g) Continued employment: As both a relatively small organisation and a charity, any long-term absence may have an adverse effect on service provision and the work of other employees. AUKY will always work within current legislation and make every effort to keep a sick employee’s job open during long-term absence. However, AUKY will always seek to achieve a return to work, using the Return to Work plan, if at all possible and in discussion with the employee.

If it is not considered viable to continue to hold a job open during a long-term absence, this situation will be made clear to the employee. A meeting will be held between the employee and the line manager/supervisor at a location convenient to both parties. The employee can be accompanied by a work colleague or trade union representative if so wished.

If the decision is taken to terminate employment, the employee will be given the contractual notice to which s/he is entitled. The employee has the right of appeal and this will be clearly explained in the letter of termination.

5. Sickness absence and holiday entitlement

a) Employees who are sick during annual leave must provide a FIT Note or other medical certificate from a doctor or hospital consultant in order to be eligible to claim back that portion of annual leave;

b) Employees who cannot use all their annual leave entitlement in a leave year as a result of a lengthy period of sickness absence may only carry over into the next leave year any untaken pro rata statutory entitlement;

Statutory entitlement under the Working Time Directive for the purposes of accrual during long term absence or for carry-over is limited to 20 days and excludes bank holidays.

6. Occupational Sick Pay Entitlement

a) Employees have responsibilities for reporting sickness absence in order to qualify for Occupational Sick Pay (OSP) over and above Statutory Sick Pay (SSP);

b) OSP is as follows:

- During the first 6 months: 5 days;
- 6 months to one years service: one month full pay and one month half pay;
- During the 2nd year of employment: two months full pay and two months half pay;
- In each subsequent anniversary year: three months full pay and three months half pay;

c) Employees who have exhausted their occupational sick pay entitlement during a year will be entitled to SSP only. SSP applies for continuous absences lasting up to 28 weeks;

d) When sickness absence results from an accident and damages are recovered from a third party (e.g. insurance company/law suit) employees are required to repay all sick pay up to the amount of any damages for loss of earnings received following settlement of a claim.
7. Return to work

a) After any period of long-term absence, AU KY will:

- Recognise that a long period of absence can pose problems on return to work;
- Work closely with the employee to facilitate an organised return to work;
- Ensure that everything is done to facilitate that return;
- Provide briefings and updates from colleagues on workplace activities and events;

b) The line manager or supervisor will:

- Take due note of the FIT Note and arrange a Return to Work plan. This plan may include:
  - Phased or part-time return to duties;
  - Alteration of contract to part-time work (if appropriate to the role);
  - Alternative work;
  - Reasonable adjustments to the way the role is carried out;
  - Physical adjustments to the workplace or work station;

c) If a doctor advises reduced hours for a set period (a "Phased Return-to-Work Plan") the employee will receive normal pay for a period of up to 4 weeks;

d) Where a phased-return-to-work plan goes beyond 4 weeks, time not worked will either be unpaid, or require the use of any flexi-time balance and/or annual leave entitlement, as agreed with the employee.

8. Short-term intermittent absences

Levels of absenteeism will be regularly monitored and where the absence record of an individual employee gives cause for concern for a period of two months, the following procedure will be carried out:

a) Stage 1: The Informal Interview

The line manager/supervisor of any such employee will:

- Carry out an informal interview and advise the employee that the interview is informal and will not be recorded;
- Raise the reasons for concern. These may be, for example, a pattern of persistent, frequent absence or absence on particular days;
- Invite the employee to explain or describe any health concerns which are causing the absences;
- Encourage the employee to seek, or seek further, medical advice on any health concerns;
- Emphasise that whilst the reasons for absence are not necessarily in dispute, high levels of persistent short-term absence are disruptive to the service provision and to other employees;
- Inform the employee that AU KY is looking for an improvement in attendance over the next two months, failing which a first formal interview will be carried out.

b) Stage 2: The first formal interview

i) At the end of two months, if there is no obvious improvement in the employee's absence rate, the employee will be:

- Invited, in writing, to a meeting with the line manager/supervisor to discuss the situation;
- Given at least 5 days' prior notice of the meeting, which will take place at an appropriate time and venue;
• Told that the meeting is to discuss the absence record;
• Provided, prior to the meeting, with details of the absence record;
• Advised that a work colleague or trade union representative may accompany them to the meeting.

ii) At this formal interview, the line manager/supervisor will:

• In any case of an underlying health issue, seek an explanation of what steps the employee is taking regarding medical advice;
• Emphasise that AUKY will do what it can to help resolve any problems relating to future absence;
• Refer the employee to paragraph 3 of this Policy, regarding long-term absence and, if appropriate, ask the employee to agree to an examination by a doctor acting on behalf of AUKY;
• Explain that AUKY will meet any expenses arising from such an examination;
• Emphasise that persistent, high levels of absence are disruptive and, except where there is a health issue, unless an improvement is made, may lead to disciplinary action as set out in Policy 15;
• Agree a period of time, normally a further two months, with the employee, during which a sustained and significant improvement in attendance will be achieved;
• Confirm in writing what has taken place at this formal interview, with the agreed specific end date.

iii) On the agreed specific end date the line manager/supervisor will:

• Review the employee's attendance rate;
• Decide that the attendance rate has improved and been sustained and write to the employee informing of this decision and advising them that a future failure to maintain this attendance rate will result in the next stage of the interview process; OR
• Decide that there has not been an acceptable improvement in attendance and proceed to Stage 3.

c) Stage 3: The second formal interview

i) If the line manager/supervisor decides that there has been no sustained improvement in the employee's absence rate, the employee will be:

• Invited to a meeting with the line manager/supervisor to discuss the situation;
• Given notice of the meeting in writing, with at least 5 days' notice, which will take place at an appropriate time and venue;
• Told that the meeting is to discuss the absence record;
• Provided, prior to the meeting, with details of the absence record;
• Advised that a work colleague or trade union representative may accompany them to the meeting;

ii) At this second formal interview the line manager/supervisor will:

• Reiterate why the level of absence is unacceptable to AUKY;
• Offer a further opportunity to explain the reasons for the absences;
• Offer the opportunity for the employee to request any further reasonable assistance to help improve attendance;
• Warn that, if such opportunities for explanations or requests for reasonable assistance are not taken up then, after a further period of two months, if there is no improvement in attendance and the employee has failed to indicate any special circumstances s/he wishes to be considered, the employee will be dismissed on the grounds of incapacity and inability to meet the acceptable standards of attendance required by AUKY.

d) Right of Appeal
At any stage when an employee has been interviewed, informally or formally, about their absences, they have the right of appeal. The appeal process is as follows:

- The employee requests, in writing, an appeal hearing. This request should be made if possible within 5 working days of the action which give grounds for the appeal (either the actual informal interview, which has no written record, or the date of the letter confirming what has taken place at either of the two formal interviews);
- If the employee is unable to make the request within 5 working days, the appeal should be made anyway, explaining why the request is late. The late request will not be rejected unreasonably;
- The request should be addressed to the line manager/supervisor and copied to the next most senior manager;
- The request must state the reasons for the appeal;
- The employee will be asked to attend an appeal hearing to state their case, and they will be notified of the date of this hearing within 10 working days of receipt of their appeal request. The appeal will normally be held within 20 working days of receipt of the appeal request letter;
- The employee will be told that s/he has the right to be accompanied or represented by another member of staff or by a trade union representative. AUKY will not accept representation by any other third party;
- The appeal will be heard by a senior manager. The employee and the employee's direct line manager/supervisor will both have the right to speak and the letters confirming the outcome of any previous formal interviews will also be considered;
- If the employee is dissatisfied with the outcome of this appeal a further appeal can be made. This will be heard by the Chief Officer accompanied by two Trustees;
- Neither the Chief Officer nor either of the Trustees will have had any previous communication about the content of this further appeal or any confirmation letter. If the Chief Officer, by virtue of her role, has had any such communication, three Trustees will hold the further appeal hearing and the Chief Officer will not be present;
- The decision of any such further appeal will be final and binding.

9. Stress
   i) Introduction:

   a) AUKY and its Trustees have service provision as their principal objective;

   b) AUKY service users, by definition, are in the older age groups, tend to have care and support needs at a higher level than the overall population profile and can pose what are sometimes called challenges that can place high demands on AUKY staff. These demands can be both physical and emotional;

   c) In seeking to meet service provision requirements, the Trustees welcome volunteers who can meet the required training standards, and employ as many suitably trained staff as they can afford;

   d) The Trustees acknowledge the importance and appreciate the value and motivation that all AUKY workers bring to their various tasks, and seek to provide support wherever they can and wherever it is appropriate;

   ii) Stress management:

   a) There are instances where workers, both paid staff and volunteers, experience stress because of the above situations and are unable to manage this stress by themselves;

   b) In the first instance, no worker should be made to feel that they are incompetent or in some way
are failing to measure up to the standards they believe are expected of them. No worker should measure him or herself against any other worker and feel that they should cope because others are doing so;

c) Line managers and supervisors are the first people to speak to when workers experience stress. They should speak before this stress becomes in any way unmanageable; staff may approach managers/supervisors other than their direct manager/supervisor if they feel more comfortable with an alternative.

d) One early sign of stress is when sickness levels rise. Line managers and supervisors should take note of this and discuss it with both that worker and the CO;

e) One possible response to such early signs of stress is to seek ways to adjust work loads;

   iii) Stress counselling:

   a) If an individual worker's GP feels that the Trustees have identified qualified and experienced counsellors who can be called upon to provide counselling to AUKY workers if this route is thought appropriate and is accepted by the worker;

   b) Up to six counselling sessions will be offered to any worker in this situation, for which AUKY will pay. AUKY has an agreement with a known team of counsellors for this purpose with whom they have a Memorandum of Understanding.

   c) If the worker’s named counsellor or their GP considers that more lengthy counselling is required, then any decision for more counselling will be between that worker and their GP. However, AUKY will only fund up to 6 sessions of counselling;

      d) A worker can, of course, pay for further sessions themselves. However, in the long term, if there is no health improvement, a worker may be invited to participate in a work capability assessment with an outcome that may include dismissal.

10. Bereavement leave

i) AUKY recognises that when a close relative is lost an employee is likely to:

   • Suffer profound and emotional distress;
   • Require leave to deal with the practicalities of funeral and other arrangements following a death;

ii) It is sadly also the case that in the case of elderly relatives, the death of one individual may shortly be followed by the death of another;

iii) In any case of distress, stress counselling can be offered, see para 6, above.

   • Workers in such situations should discuss the matter with the CO who may grant up to 5 days' compassionate leave;
   • In some cases it may be appropriate for a worker to take sick leave, when the arrangements for sick leave will apply;

iv) As regards practicalities, the following arrangements can be made:

   • Up to 5 days' paid leave, known as bereavement leave, will normally be granted with an additional day to attend a funeral;
   • This leave will also be granted if the worker is the nearest relative or the one best placed to deal with the situation;
• If the individual who is lost lives at a considerable distance or abroad, additional days may be required for travelling. Such additional leave will be at the discretion of the CO;
• In all instances where leave is required, the permission of the CO must be given in advance although permission will not be unreasonably withheld;
• Other members of staff who lose a close relative but are not immediately involved with funeral arrangements, travel or other demands may be granted leave but this will be at the discretion of the CO although permission will not be unreasonably withheld;
• Workers may also choose to take some holiday entitlement at this time but each situation must be discussed with the CO first.

11. Epidemics

a) AUKY:

• Is committed to protecting the health, safety and welfare of all its workers;
• Acknowledges its direct involvement with older people who are more vulnerable to epidemics;
• Recognises the need to be ready and prepared for future epidemics;
• Recognises, in addition, that exponential spread of infection could lead to diminution of an able Age UK York workforce due to staff succumbing to illness but an increasing demand from clients.

b) Responsibilities:

• AUKY acknowledges its duty to ensure that service organisers and all workers are fully briefed with regard to NHS advice on any health emergency affecting the UK and will make available to them the relevant health and safety information leaflets provided by the NHS from time to time;
• AUKY's induction and training programmes will draw attention to each worker's responsibility towards themselves, service users and anyone else with whom they are in contact as regards health and safety and in particular when an epidemic has been declared;
• In the event of an epidemic, all workers will be alerted by their line manager/supervisor;
• However, all AUKY's workers will be on the alert for any symptoms they or their families experience when the organisation advises them of any particular virus which seems likely to reach epidemic proportions;
• Even when there is no epidemic, workers will take precautions to guard against the transfer of diseases to each other and their service users. This will include the maintenance of good hygiene arrangements at all times, washing hands, wiping surfaces, safely disposing of all used cleaning materials etc.
• No worker will visit a person who has contracted or is suspected of contracting a virus considered to be of epidemic proportions unless such workers are appropriately protected by current vaccination;
• In accordance with Public Health/WHO advice on vaccination, all workers should be vaccinated unless there are medical or religious reasons to decline. In such instances, workers will carry out work where they are not in contact with vulnerable or infected clients/animals;
• AUKY will follow best practice and will strongly advise all workers in contact with vulnerable elderly to have annual flu jabs in the interests of protecting themselves and also reducing the risk of passing on a virus;
• In cases where there is an actual epidemic, workers with direct service user contact may be eligible for NHS jabs. In the event that a payment is required, this will be met by AUKY;
• Where contact must be made with service users it should be by phone, text or e-mail;
• All workers must follow the guidance list within the Staff handbook on Sickness Notification and Health and Safety reporting and be aware of the Health and Safety Policy document and the section on reporting of diseases;
• Workers who may have been in contact with individuals, both colleagues and service users, showing signs of relevant symptoms manifested by a specific viral epidemic must stay at
home and immediately contact the Chief Officer and make use of the out of hours emergency contact numbers, with which they should be familiar;

- Workers must immediately seek medical advice by telephone.

c) Action to be taken in the event of an epidemic:

- In any health emergency including the outbreak of an epidemic, AUKY will:
- Contact and keep informed all workers, including by distributing specific information leaflets;
- Contact all service users, suppliers and service organisations that may be affected by worker activity;
- Arrange emergency work cover which may include cancelling leave or cancelling services, informing anyone affected by such arrangements;
- Review its insurance policies to ascertain if any claims can be made;
- Act in accordance with legislation, health and safety requirements, the NHS and any other appropriate body;
- Proceed according to Policy 16, the Emergency Plan.

12. Other medical appointments

Employees who require medical or dental appointments are asked to arrange these in their own time or at the beginning or end of the working day as far as possible to avoid service disruption. Time taken during work hours will not normally result in salary deductions if an appointment card is shown to the line manager or supervisor.
AGE UK YORK

SELF-CERTIFICATION FORM

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On return to work the member of staff should be seen, and the remainder of the form should be completed by the member of staff:

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Did you visit your Doctor? Yes ☐ No ☐

Date of visit to Doctor

Please provide the following information:

Date of return to work: ____________________________

Date of last period of sickness: ____________________________

**Note:** It is a disciplinary offence to knowingly give false information on a self-certification form, and could result in disciplinary action, including dismissal.

Signed: ____________________________

Date: ____________________________