

# Absence management policy

*Drafted November 2013  
To be adopted January 2014*

All members of staff as Peer Managers can act as the nominated liaison with an absent employee.

It is the obligation of the absent employee to not just notify of the absence (see section 1.2) but also to indicate who they would like to nominate as liaison.

It is the obligation of the nominated member of staff to ensure:

- self certification form is completed
- record and review sickness monitoring form
- maintain communication to wider staff team and manage/delegate any workload for the absent staff member
- return to work interview

## **1. General**

### **1.1. General principles**

Oblong is committed to the health and welfare of its employees. However, Oblong has very limited resources for covering staff absence. This policy is designed to ensure that all staff absent from work due to sickness are managed compassionately and fairly and that the organisation is able, as far as possible, to maintain staff effectiveness.

Sickness absence from work will be assumed to be genuine. Oblong will strive to ensure that sick employees are managed in a sensitive and caring manner.

Oblong recognises that the ill health of one member of staff may affect the well-being of other staff members by imposing additional burdens of work or by disrupting peer management and support structures. Oblong will attempt to take account of the needs of the whole organisation in resolving health problems.

High levels of staff sickness will be investigated to ascertain if there are any underlying workplace issues which will then be addressed.

The Peer manager will keep up to date through frequent contact on progress during absence and arrange home visits and support as appropriate.

Absence from work through sickness or because of injury does not affect continuity of employment.

Nor does it exclude an employee from the right to be involved in any consultations with management that are relevant to their future employment and would, had they not been absent, have involved her/him. Staff who are absent because of sickness or injury will not, however, be required to participate in any kind of work or consultation.

Oblong will endeavour to promote and develop policies that lead to a healthy workforce.

The Board of Trustees, as the employers, have a general duty to provide a safe working environment for staff. Each employee also has a duty of care to him/herself and to others, including the responsibility to observe safety procedures, report accidents, to follow fire procedures and all health and safety training.

### **Sickness and annual leave.**

If staff are sick during holiday periods they are entitled to take this as sick leave and take their holidays at a later date, subject to usual sickness recording and reporting procedures.

If an employee is sick during annual leave they can convert the days annual leave into sickness with medical evidence.

Holiday will continue to accrue during any period that an employee is off sick.

All staff dealing with employees who have been absent and who have access to absence records must have due regard to the need for confidentiality.

### **Communication**

Oblong will provide each employee with a copy of this statement as part of his/her induction. Peer managers and employees should aim to discuss informally, as early as possible, any health matters which are of concern either to the staff team or the employee him/herself.

### **Rehabilitation and health records**

Because Oblong is a small organisation in terms of staff numbers, finances and other resources, there is likely to be only limited opportunity for rehabilitation, redeployment or counselling. However, where existing employees are found to be incapable of continuing their current duties due to ill health, these options will be carefully considered.

The policy requires that reports from an employee's GP and/or other independent medical practitioners may be requested. Employees will be asked for their permission to gain access to medical records prior to any request for a report or examination being submitted. Employees have the right to see such a report, to add their own comments if they wish, and then decide whether or not it can be released to Oblong. Where a report is not released, or where an employee does not give permission to a request for a GP report/ independent medical examination, Oblong will need to make decisions relating to possible future action under this policy on the basis of the medical evidence available to them.

### **Concurrent issues**

Where an employee is (or becomes) involved in other matters, or other issues are brought to light during an absence management procedure, the sickness procedures may be superseded by the disciplinary or other procedure such as capability or redundancy.

## **1.2 Notification and certification**

The following procedure must be followed to ensure staff are paid accurately. If this procedure is not adhered to it may affect accurate payment of salaries.

### **Notification**

The employee **wherever possible**, or someone acting on their behalf, must contact all staff working that day by 9am, and never later than 10:30 am, giving an indication of the likely length of absence if known. This contact should include the Peer manager, noting the first day of absence, and the expected date of return. If the illness continues beyond the expected date of return, the employee must contact the Peer manager again giving the new expected date of return.

During the period of sickness the Peer manager may contact the employee by phone, email, letter or in person, either to enquire about wellbeing, to offer support, to discuss a phased return to work or reasonable adjustments or for some other reasonable purpose.

If an employee is not contactable during sickness absence, the organisation reserves the right to cease sick pay until lack of contact can be satisfactorily explained.

An employee who prefers not to discuss his/her medical condition with the Peer manager because of the sensitive or personal nature of the information, may choose instead discuss with their supervisor first and leave the operational liaison to the Peer manager.

### **Certification**

Any illness of 7 days or less must be self-certified on return to work on the form provided. For illness of more than 7 days (including weekends) a doctor's certificate is required.

If an employee is given a 'fit note' by a doctor (i.e. a medical certificate which recommends a supported and/or conditional return to work), Peer manager will meet with the employee as soon as possible to explore the possibilities of facilitating a return to work within the doctor's recommended guidelines and to establish the nature and time scale of any supportive measures that might be appropriate. If Oblong is unable to implement the doctor's suggested conditions or has not yet met with the employee, the fit note will be treated as a sick note and the employee will receive their contractual sick pay entitlement.

### **1.3 Sickness monitoring**

Peer manager should ensure that individual sickness records are kept for each employee, showing details of absences, reason, and whether they are self certified or medically certified. Where possible, and where the employee concerned explicitly agrees, records should also note if the sickness absence is the direct result of a recognised disability.

On returning to work, all staff must countersign their sickness records kept by the Peer manager. Individual records should be updated after each absence and reviewed by the Peer manager on a regular basis. Sickness records are confidential. They should be kept

for three years and then destroyed.

### **Monitoring disability leave.**

Depending on the circumstances, 'disability leave' (as opposed to 'sickness leave') may be dealt with separately when responding to trigger points. Disability leave should never be seen as a disciplinary issue, though it may require consideration of alternative strategies for ensuring that necessary work gets done.

### **1.4 Return to work contact**

After each period of sickness absence the Peer manager should see (or talk to by phone) the employee who has been absent in private, either on their return to work or as soon as possible thereafter. Employees will also need to countersign their sickness record ('self-certify'). The aim of this contact is to ascertain that employees are fit for work and to check whether there are any continuing health problems or if they need support in any way. It is not to give any sort of disciplinary or other warning or threat or to treat the case as suspicious. It is, rather, an opportunity to express concern.

### **1.5 Employees with disabilities**

In all cases of sickness absence the Peer manager must ascertain if the physical or mental health of the employee comes under the definition of disability (as defined within the Equality Act 2010), note this on the sickness absence record if the employee concerned explicitly agrees and act accordingly. In general this will mean considering whether 'reasonable adjustments' can be made to the employee's working environment or to their job description in order to accommodate the disability. It should also mean that 'trigger points' are used to consider such adjustments and not as disciplinary concerns when conducting the review procedures outlined below. It may also involve seeking specialist advice from an appropriate employment / disability agency. Where no reasonable adjustment is identified or where the resources of the organisation make such an adjustment impossible or impracticable, the procedures will proceed as described below.

## **2. Short term or intermittent absence**

Short term sickness absences from work are defined as those lasting up to one working week. While Oblong understands there will inevitably be some short-term sickness among employees, it must also pay due regard to the needs of the organisation. If an employee is frequently and persistently absent from work, this can damage efficiency and productivity, and place an additional burden of work on the employee's colleagues.

By implementing this policy, Oblong aims to strike a reasonable balance between the running of the organisation and the genuine needs of employees to take occasional short periods of time off work because of sickness.

### **2.1 Intervention levels - trigger points**

The following trigger points will operate for formal First formal review meeting intervention in cases of short term sickness absence:

**either:**

where the employee has had four separate absences lasting a working week or less within a twelve month period

**or:**

where an employee has had two working weeks cumulative of 'self-certified' absence within a twelve month period

**or:**

where any unacceptable trend is identified (e.g. repeated absences linked to weekends or other breaks).

## **2.2 First formal review meeting**

Where an employee has reached one or more of these trigger points, the Peer manager will carry out a review of the record at the first available opportunity and will formally discuss the issue with the employee. The employee's supervisor (or other trustee) can be present at the meeting at the request of the employee or the Peer manager. The extent of the trustee's involvement at this stage will depend on a number of factors, including the pattern of absence, the employee's record and general sickness absence levels within the team. This meeting will primarily aim to resolve difficulties, from both the perspective of the organisation and the individual employee. Since this is a formal meeting, the employee will be advised of their right to be accompanied by a trade union official or other mutually acceptable companion of their choice and will be given sufficient prior notification of the meeting to make any necessary arrangements.

Following the review of the sickness record, the Trustee and Peer manager will need to agree with the employee an appropriate course of action. Some of the options for consideration are:

- agree there is no need for immediate action
- agree to continue to monitor the situation over a specified timescale (maximum one year)
- attempt to resolve any working difficulties, especially (but not exclusively) by making 'reasonable adjustments' to facilitate continued working. If the absences are related to a disability this is mandatory.
- advise the employee to consult his/her GP
- seek a medical opinion from the employee's GP or another nominated medical practitioner

Any report on an employee's health will relate to her/his absence from work and fitness for her/his employment. As required by law, Oblong will always seek the written permission of the employee concerned before contacting their GP or another medical practitioner.

The agreed outcomes of this meeting will be minuted, and minutes agreed by all participants.

### **2.3 Review period**

In the period following the initial meeting the Peer manager may undertake follow-up action and discuss the matter further with the employee as necessary. The sickness record will be kept under review and if there is no satisfactory improvement within the specified timescale as determined at the initial meeting, a second formal meeting may take place.

### **2.4 Second formal review meeting**

Where absences continue at an unsatisfactory level, for example when time off for sickness continues at levels similar to those set out in section 2 above, the employee may again be required to meet formally with the Peer manager and the Chair of the Board of Trustees to explore reasons for continuing absence. The Chair **must** be involved at this stage.

The employee will be told in writing that the purpose of the meeting is to formally express concern about the continuing level of absence with an outline of the details causing concern. He or she will be given the opportunity to be accompanied/ represented by a trade union official or other mutually acceptable companion of his or her choice and will be given sufficient notice of the meeting to make necessary arrangements (at least three working days). At the meeting, the Chair will again outline the cause for concern and the employee (or his/her representative) will be given a chance to respond.

Before deciding on any action, the Chair should consider:

- the overall sickness record
- any medical evidence, including any factors relating to a recognised disability
- any mitigating factors/explanations presented by the employee
- the degree of disruption caused by the absence
- the likelihood of improvement
- the employee's length of service and past work record

The Chair may choose one or more of the following options:

- Agree, and confirm in writing, that there is no need for immediate action but to keep the sickness record under review for a specified period (maximum of one year).
- Attempt to resolve any working difficulties especially (but not exclusively) by making 'reasonable adjustments' if the absences are related to a disability.
- Defer a decision pending further medical reports or other evidence concerning the employee's health as it relates to her/his absence from work and fitness for her/his employment. As required by law, Oblong will always seek the written permission of the employee concerned before contacting their GP or another medical practitioner.

Also you may wish to:

- consider other roles available within Oblong
- formally notify the employee in writing that their attendance is unacceptable and that this is having a detrimental effect on the performance of their duties and set a timescale for improvement (maximum of one year)
- formally notify the employee in writing that their employment is liable to be terminated due to incapability on grounds of ill-health unless an acceptable standard is reached within a given timescale
- notify the employee in writing that the reason(s) for their absence is unacceptable and you are invoking the disciplinary procedure and issuing a formal warning with appeal

## **2.5 Final review meeting**

If another review period has been stipulated at the second formal meeting, and it is apparent that the desired improvement has not taken place, and there are no acceptable mitigating circumstances identified, then a further review meeting may be held on the same terms as the second meeting. The Chair of the Board of Trustees and a further Trustee must also be involved at this stage . The employee will be notified in writing that this meeting could result in the termination of her/his employment due to incapability on grounds of ill-health. The employee must always be given the opportunity to be represented/ accompanied when termination of employment is a possibility.

Any decision to terminate employment will be made by the Peer manager, Chair and an additional member of the Board of Trustees.

This will be confirmed in writing and within three working days of the decision.

## **2.6 Appeal**

The employee will have a right of appeal against a decision to terminate employment to a panel of up to three people selected from the remaining members of the Board of Trustees. Such an appeal will be held as soon as practicable and without any unnecessary delay.

## **2.7 Non-attendance at review meetings**

Where an employee fails to attend a sickness absence review meeting without evidence or good reason for non-attendance, then the Chair and Peer manager (and Board of Trustees' Chair or other representative at Stage 3) will decide how to proceed. If the meeting goes ahead without the employee, he/she will be informed of this and then the decision made at the meeting. Both will be in writing and within three working days of the decision.

### **3. Long term sickness absence**

Long term sickness is regarded as a continuous absence of four consecutive weeks or more.

It is important to recognise that dealing with long-term sickness is not usually a disciplinary issue. Warnings to genuinely sick employees on grounds of ill health are inappropriate.

However, when capability issues arise, it is essential that employees understand that their future employment is at risk due to ill health through proper warnings and have support either from Oblong or a family member. In such circumstances every effort will be made to avoid termination by exploring with the employee and their supporter alternative options.

Many cases of long-term sickness involve substantial personal and medical confidentiality and all staff & trustees involved in the monitoring procedures must respect this.

A key element in the management of long term sickness is to maintain regular agreed contact with employees. This contact is important both to ensure that the employee feels supported/informed during their absence and to assess the likely duration of the absence for operational purposes. Contact should, if possible, be two-way and may be achieved by post, by telephoning the employee at home, arranging for the employee to visit the office or by visiting the employee at home (with prior agreement and notification). The purpose of the contact is to:

- provide appropriate support
- enquire into the medical position
- establish whenever possible when the employee will be able to resume work
- ascertain what steps the employee and/or employer can take to aid recovery
- determine what action, if any, to take

### **3.1 Initial review**

Where an employee has been absent for a continuous period of four weeks or longer, the Peer manager and Chair of the Board of Trustees will meet, together with the employee if appropriate and if they wish to be present, to determine future action. The employee need not be present if this would cause stress or anxiety or if the situation is clear. The Peer manager following the meeting will report back to the employee to confirm the substance of any options or decisions. These could include:

- no further action
- offering support to the employee, both in relation to the medical condition and also with regard to any working difficulties and any personal or emotional difficulties. This could, for instance, involve changes in hours, location, duties or physical aids/adaptations.
- considering a phased return to work
- consider other roles available within Oblong
- determining if and when further review meetings will be held to consider developments

### **3.2 Further review meetings/ seeking medical reports**

The nature of further review meetings to reconsider the above options will depend on the circumstances of the case. It is important that the situation is monitored and regularly reconsidered in the light of medical or other developments, so that both the employee and the organisation can be helped to manage the situation and to make informed decisions. However, it is also important to treat the matter sensitively and with due regard to the effects of stress and anxiety on an employee who is genuinely sick. Reviews should be approached in the spirit of offering support. Further review meetings may thus be more or less formal.

In some cases, where it is possible that termination of employment may become an option, the employee should be made aware of this and invited to bring a companion/representative to any meetings. Written notice should be given of meetings and the outcome should be recorded and agreed. If appropriate, these review meetings may involve the Chair of the Board of Trustees.

Further reviews may also decide to seek a medical report from the employee's GP for information about her/his health as it relates to her/his absence from work and fitness for her/his employment. As required by law, Oblong will always seek the written permission of the employee concerned before contacting their GP or another medical practitioner. Seeking medical reports should not be done without good reason, for instance to get a diagnosis of the operational implications of the absence and to identify any appropriate support measures. To ensure that a relevant report is prepared, as much background information should be given as possible (e.g. current duties, job description, sickness record) together with a clear indication of the advice required. In particular Oblong will enquire about the relevance of the Equality Act and any reasonable adjustments that would facilitate a return to work. Oblong will pay any necessary doctor's charges for supplying this information.

### **3.3 Support for those returning after long term absence**

It is important to recognise that for some employees a return to work can be stressful and that anxiety can build up around this time. Prior to the employee's return the Peer manager must meet with them / make contact and find out what sort of support will help their re-introduction to the workplace e.g. reduced hours, reallocated duties (temporary or permanent), re-training, supervisory support or other reasonable adjustments. It is vital that a re-entry strategy is developed for employees returning after a period of long-term absence. However, the level of support offered must be realistic within the resource constraints of Oblong.

### **3.4 Final review meeting**

Unless there are exceptional circumstances, no employee will be dismissed on medical grounds where medical reports indicate that they are likely to return in the foreseeable medium term.

However, if the medical prognosis warrants it, a final review meeting may be held with the Chair of the Board of Trustees to consider medical retirement or termination of employment on the basis of ill health incapability. This meeting may make the decision to terminate employment.

The employee must be advised of this meeting in advance and be given plenty of opportunity to be represented/ accompanied by a Trade Union representative or mutually acceptable person of their choice. Any decision made must be communicated to the employee in writing within three working days.

### **3.5 Appeal**

The employee will have a right of appeal against a decision to terminate employment to a panel of up to three people selected from the remaining members of the Board of Trustees. Such an appeal will be heard as soon as is practicable and without any unnecessary delay.

### **Example pay schemes**

When your appointment has been confirmed you will be entitled to company sickness payments. The maximum number of weeks for which sickness payments are paid in a 12-month period is:

- after the first year of service, 2 weeks full pay and 2 weeks half pay
- after the second year of service, 1 months full pay and 1 months half pay
- after the third year of service, 6 weeks full pay and 6 weeks half pay
- after the fourth year of service, 2 months full pay and 2 months half pay

Any periods of paid sickness absence (including self - certified absence) in the 52 weeks immediately preceding the commencement of a new period of sickness absence will count against the above entitlement (i.e. a 'rolling year').

Date Agreed by Board of Trustees

13/1/14  
A. D. M.

Review date: November 2015

**Relevant legislation:**

The Equality Act 2010

The Data Protection Act 1998

The Social Security Contributions and Benefits Act 1992

Access to Medical Reports Act 1988

This policy was based on the Pay and Employment Rights Service (PERS) (Absence management policy), model policy, dated July 2013.

2