

Sickness Absence Policy

This document is relevant to:	
Staff	✓

Purpose

This document, Dorset Mind's Sickness Absence Policy, provides the framework and formal guidelines within which managers and staff at Dorset Mind will address sickness absence. The policy applies to all staff once they have completed their probationary period and a copy will be supplied to existing employees and to new staff on commencement. Entitlement to sick pay remains as set out in the terms and conditions of employment.

Policy

1. General Principles and Guidelines

1.1 Aims and Objectives

1.1.1 The overall objective of this policy is to strike an effective balance between Dorset Mind's service needs and the need for the employee to be given time to recover from illness. The policy aims:

- to ensure that short and long term sickness absence at Dorset Mind are dealt with in accordance with best practice and relevant legislation to monitor the level of employee sickness absence
- to identify any action which Dorset Mind can reasonably take to improve working conditions and promote the health, safety and welfare of staff
- depending on the circumstances of the case Dorset Mind and the employee to look at practical alternatives to dismissal.

1.2 Management Responsibilities

1.2.1 Managers are required to treat all cases of staff absence due to illness in a fair, consistent and constructive manner. It will be the responsibility of each line manager to monitor the attendance record of all staff in their team.

1.2.2 When an employee returns to work from sickness absence she/he should meet with their line manager. If a meeting is not practical, then a telephone conversation may occur instead. The object of this informal meeting/conversation will be for the line manager to:

- welcome the employee back
- establish/confirm the reason for the employee's absence and ensure that a return to work form is completed and given to the line manager

- find out if the employee has a health problem and, if so, whether there is some support which it would be reasonable and practicable for Dorset Mind to provide.

1.2.3 Information relating to sickness and ill health is sensitive and unnecessary circulation can cause great distress. Managers must therefore take care to ensure that confidentiality is maintained in dealing with cases under this policy and must keep records in a secure, lockable, cabinet.

1.2.4 In certain circumstances absence can result in dismissal. However, no employee will be dismissed on grounds of sickness absence without due warning and without the appropriate procedure in this document having been followed and implemented by management. In addition, in both frequent absence and long-term ill health cases, Dorset Mind will, in consultation with the employee and their trade union or other representative, explore reasonable alternatives to dismissal.

1.2.5 Where an employee experiences sickness absence as a result of a disability it will be recorded separately.

1.2.6 If an employee becomes disabled or their disability worsens, Dorset Mind is under a duty to consider making reasonable adjustments if they become unable to carry out their job. This will include considering whether or not it is reasonable to make adjustments to working conditions or the workplace environment. It will also include considering whether it is reasonable to transfer the disabled person to another vacant post.

1.3 Grievance and Discipline

1.3.1 Any employee who feels aggrieved at the way their sickness absence has been dealt with may invoke Dorset Mind's Grievance Procedure. Where an employee abuses the sickness regulations (e.g. not providing certificates, being absent without permission, refusing to comply with this policy, etc) it will be dealt with under the Disciplinary Procedure.

1.4 Notification Procedure

1.4.1 When employees are absent due to sickness they must do the following:

- i) On the first day of sickness absence: contact their line manager (or other Senior Manager or Chief Executive if the line manager is not available) by 10.00 am; give the reason for their absence; and indicate the likely date of their return to work.
- ii) Keep their line manager informed on a regular basis.
- iii) On the fourth day of sickness absence: contact their line manager (or other Senior Manager or Chief Executive if the line manager is not available) by 10.00 a.m. as in (i) above.
- iv) On the eighth day of illness: contact their line manager (or other Senior Manager or Chair of Trustees if the line manager is not available) by 10.00 a.m. Obtain a medical certificate (a 'fit note') from their GP or a hospital doctor and send it to their line manager within two working days.
- v) Continue to send in consecutively dated medical certificates as necessary and keep their line manager (or other Senior Manager or Chief Executive if the line manager is not available) informed on a regular basis.

- vi) If their GP provides a certificate stating that the employee 'may be fit for work taking account of advice' (such as a phased return to work, altered hours, amended duties, workplace adaptations) they should inform their line manager immediately. The manager shall discuss with the employee whether there are any additional measures that may be needed to facilitate their return to work, taking into account the GP's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, the employee will remain on sick leave and a date will be set to review the situation.

1.5 Contacting Employees who are at Home on Sick Leave

1.5.1 Employees on short-term sickness who have followed the reporting procedure should generally not be contacted at home unless the line manager (or Chief Executive) can demonstrate urgent or extraordinary circumstances justifying the contact.

1.6 Medical Reports

1.6.1 Where concerns over health arise, and with the agreement of the employee, Dorset Mind may seek a medical report from the employee's GP, Consultant or refer the employee for an independent medical assessment or to an occupational health unit (OHU) or physician of Dorset Mind's choice.

1.6.2 If it is agreed that a medical report will be sought from the employee's GP or Consultant, written permission will be gained from the employee first. Employees have a right under the 'Access to Medical Reports Act 1988' to see any medical report prepared by their own doctor before it is given to the employer and to query items in it.

1.6.3 Further to the receipt of the medical report, a meeting will be arranged between the line manager, employee (and, if appropriate, their representative). The purpose of this meeting is to discuss the response from the employee's GP, Consultant or OHU and for all parties to consider options available to the employee.

1.6.4 Generally, where the formal sickness absence procedure (from Stage 1 below) is followed, a medical report should be sought at every stage.

2. Frequent Absence

2.1 Introduction

2.1.1. Frequent absence refers to cases where an employee is frequently absent from work for relatively short periods due to sickness. Most employees will have some short-term sickness absence. However, it is essential that frequent absence is dealt with promptly and consistently and managers are responsible for deciding when to initiate action.

2.2 Seeking Solutions at the Informal Stage

2.2.2 Dorset Mind believes that it is in everyone's interest for cases of frequent absence to be dealt with quickly and informally. Where a manager becomes concerned about an employee's level of sickness absence, every effort must be made to resolve the matter informally. The manager should raise any concerns during supervision meetings and have a two-way discussion with the employee. Both parties should discuss the matter positively, with a view to identifying the reasons for the absences, ways in which the situation might be improved and what, if anything, Dorset Mind can do to support the employee.

2.2.3 The employee should make the manager aware of any relevant factors, such as whether the absence is related to an accident, disability, pregnancy or some medical condition and

whether it is likely to be temporary, on-going or long term. The manager should look positively to see if there is anything that Dorset Mind can reasonably do to assist the employee. The manager should also make the employee aware that if the situation does not improve it might need to be dealt with under the formal process.

2.2.4 Where the situation does not improve and the manager assesses that formal action is required the matter will be raised at Stage 1 of the formal process. Where the sickness absence is clearly of a long-term nature, it should be dealt with under Section 3, Long Term Sickness Absence, below.

2.2.5 Pregnancy-related absences will not be dealt with through the formal procedures. The line manager will maintain contact with a worker who is absent with a pregnancy related illness and will conduct a return to work interview. Absence due to pregnancy-related illness will trigger the start of maternity leave if within four weeks of the expected week of childbirth (EWC).

2.3 STAGE 1: First Formal Meeting

2.3.1 In arranging this meeting the line manager should:

- put the reason for the meeting in writing to the employee;
- arrange the meeting at a time that is convenient for both parties, including the employee's companion;
- give the employee reasonable advance notice of the date, time and place of the meeting;
- inform the employee that the meeting will be attended by a Senior Manager or a member of the Board of Trustees who can act as adviser on points of information and personnel procedure;
- inform the employee that s/he may be accompanied at the meeting by a trade union or other work colleague.

2.3.2 At the meeting, the employee will be given an opportunity to explain any circumstances which might be contributing to their level of absence, or any other matter which they feel ought to be taken into account. The manager will consider the employee's submission and do the following:

(a) decide that no further action is necessary; or

(b1) specify what, if any, assistance Dorset Mind can give the employee; and/or

(b2) issue a First Written Warning and give the employee a specified review period (one to three months) during which the level of attendance should improve.

2.3.3 Within five working days of the meeting, the manager will make a written record of the meeting and give a copy to the employee. If the employee disagrees with the written record s/he should, within a further five working days, write this down and give a copy to the line manager. Both documents will be placed on the employee's personnel file.

2.3.4 At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

- a) If there has been an improvement, no further action will be taken.

- b) Where there has been no/insufficient improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists, the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will progress the matter to Stage 2 and arrange a further formal meeting with the employee.

2.4 STAGE 2: Second Formal Meeting

2.4.1 In arranging this meeting the line manager should follow the procedure as set out in paragraphs 2.3.1- 2.3.3 above.

2.4.2 At the end of the specified review period the employee's level of attendance will be assessed by the line manager as follows:

- a) If there has been an improvement, no further action will be taken.
- b) Where there has been no/insufficient improvement the line manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists, the line manager will decide whether to institute a further period of review. Where such evidence does not exist the line manager will issue a Final Written Warning, progress the matter to Stage 3 and arrange a further formal meeting with the employee.

2.5 STAGE 3: Third Formal Meeting

2.5.1 The employee must be informed in writing of the purpose of the meeting and given reasonable notice of its date, time and place. The meeting will be chaired by the Chief Executive (or Chair of Trustees) and attended by the relevant line manager and by another Senior Manager or Trustee in an advisory capacity. Where the Chief Executive (or Chair of Trustees) is the line manager, the meeting will be chaired by a member of the Board of Trustees. The employee must be informed that s/he may be accompanied at the meeting by a trade union or work colleague

2.5.2 At this meeting the line manager will present a historical record of the employee's attendance. The employee will be given the opportunity to explain the reasons for her/his absence and any mitigating circumstances, and provide medical evidence. The Chief Executive (or Chair of Trustees) will consider the case carefully including any alternatives to dismissal such as redeployment and will decide whether or not the employee's employment contract should be terminated on the grounds of incapability due to ill health or poor attendance. The Chief Executive (or Board member) will inform the parties of the decision and confirm it in writing to all relevant parties within five working days.

2.5.3 If it is decided to terminate the employee's contract, the Chief Executive (or Chair of Trustees) must inform the employee at the meeting of her/his right of appeal against dismissal in accordance with paragraph 4.3 below. The employee will have ten working days from the date of being informed in which to make an appeal.

3. Long Term Sickness Absence

3.1 Introduction

3.1.1 Sickness absence of one month or more is generally considered to be long-term absence.

3.1.2 Individuals may be absent on long term sick leave for a variety of reasons (e.g., injury, operation, convalescence from illness, diagnosis of a long term disability, terminal illness, etc.) and any action taken will vary according to the circumstances of the particular case. This section gives broad guidance and establishes standards of good practice.

3.1.3 When a disabled employee is on long-term sick leave because of a delay in implementing a reasonable adjustment that would enable them to return to work, Dorset Mind would be expected to maintain full pay for the period of absence unless Dorset Mind can show that it would be unreasonable to do so.

3.2 First Meeting

3.2.1 Where an employee has been absent for more than one month and there is no identified return date in the near future, the line manager will contact the member of staff to arrange a meeting to discuss their current situation and when a return to work can reasonably be expected. The employee will have the right to be accompanied by a trade union representative or work colleague. The response will determine the next stage in the process, as the options will depend on the individual circumstances. In the event that the employee is too ill to attend the meeting, the manager will seek to obtain the necessary information from them in an appropriate manner, e.g. by home visit or via their trade union or other representative.

3.3 Referral to the Agreed Occupational Health Unit

3.3.1 If a date for return to work cannot be established, the employee will be asked to attend, at Dorset Mind's expense, a medical examination at an Occupational Health Unit or a physician of Dorset Mind's choice to obtain an expert assessment of her/his fitness for work. The employee will be provided with a copy of the letter of referral and a copy of the medical report. On the basis of the medical report, the options are likely to be one of those outlined below.

3.4 Fit to Continue in Present Job

3.4.1 If the manager is advised that the employee is fit to continue in her/his current job in the near future, the recommendation should be discussed with the employee as soon as possible. This should be done at a formal meeting attended by the line manager, a member of the Board of Trustees, the employee and, if s/he wishes, their companion. The outcome of the meeting must be confirmed in writing by the line manager and placed on the employee's personnel file.

3.5 Unfit to Continue in Present Job - Consider Adjustments or Alternative Employment

3.5.1 Whilst Dorset Mind is under no obligation to create a specific job for an employee who becomes permanently unfit to undertake her/his contractual duties, every effort will be made to make reasonable adjustments or to find alternative employment which is compatible with the medical limitations of the employee. The employee should be asked to attend a formal meeting with the Chief Executive and Chair of Trustees and the employee's companion so that possible reasonable adjustments or alternative employment can be explored. The meeting will attempt to identify which type of adjustments or jobs at Dorset Mind would be suitable for the employee and the feasibility of redeployment. Thereafter, either adjustments will be carried out or an alternative job will be offered. If neither is possible, it may be necessary to proceed to dismissal on grounds of capability.

3.6 Incapable of Any Work for the Foreseeable Future

3.6.1 Where the medical report advises that the employee is incapable of carrying out her/his current job description for the foreseeable future and where suitable alternative employment cannot be offered, the employee should be asked to attend a formal meeting with the Chief Executive and Chair of Trustees and the employee's companion to discuss the situation and the content of the medical report. The outcome of this meeting will be dismissal on grounds of ill-health and the employee will be entitled to fully paid contractual notice.

3.7 Terminal Illness

3.7.1 Dorset Mind will approach cases of terminal illness with as much sensitivity and flexibility as possible. Where a line manager becomes aware that s/he is dealing with an employee whose absence is due to a terminal illness, they should seek confidential advice from the Chief Executive and, where appropriate, from the employee's GP, Consultant or an Occupational Health Unit. Each case needs to be dealt with separately depending, in particular, on the medical prognosis and the possible effect on the employee of terminating her/his employment. If the affected employee wishes, Dorset Mind will make every effort to facilitate her/him in continuing to work for as long as possible, either on a full or part time basis, or with periods of absence to take rests from work. In such cases, the Board of Trustees may use its discretion to extend any sick pay, as appropriate.

4. Appeals

4.1 Appeal Against Formal Warnings

4.1.1 The employee will be entitled to appeal against any formal warning. Appeals must be made in writing to the Chief Executive within ten working days of the date of the warning.

4.2 Appeal Against Decision to Terminate Employment

4.2.1 All employees may appeal to the Board of Trustees against the decision to terminate their employment. Appeals must be made within ten working days of the date on which the employee was informed of the dismissal, by writing to the Chair of Trustees.

4.3 Format of the Appeal Hearing

4.3.1 Appeal hearings will have the following format:

- a) the employee or her/his companion will present their case for the appeal;
- b) the manager will then present the case against the appeal;
- c) member/s of the panel can question both parties in turn;
- d) both parties will be invited to sum up, with the manager summing up first.

4.3.2 The Board member/s who form the Appeals Panel will hear and consider the case. The employee will be informed of the decision in writing generally within five working days of the appeal being heard. If further medical evidence is required, the employee will be notified. The decision of the Panel is final.

Responsibilities

The Chief Executive is responsible for managing this policy and overseeing its implementation. Managers are responsible for implementing the policy within their areas of work, and for overseeing adherence by staff. Every member of staff should take personal responsibility for conforming to it.

Associated Policies and Procedures

- Grievance Procedure
- Disciplinary Procedure

The equality impact of this policy has been considered and Dorset Mind believes that it complies with its commitment to equality as stated in its Equality Policy

Policy Ownership

Policy Name	Version	Doc ref
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Policy Owner	Chair of Trustees
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Consult the Dorset Mind website for the latest version of this policy.

Document Control

Reviewers

Name	Position
Chris Price	Chair of Trustees
Mandy Nicholson	Staff
Carmel Davies-McCluskie	Staff
Jackie Lillywhite	Service Delivery Manager

Change History

Issue	Date	Author	Reason
1.0	Dec 15	Chris Price	New policy