

POLICY AND PROCEDURE



Solihull
Life
Opportunities

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Charity No. 1102297
England Company No.
5025939

Sickness Absence

Category: staff and volunteers

Introduction

Solihull Life Opportunities wishes to ensure that staff who have periods of sickness are treated fairly and that there is a process in place to enable this to happen.

Policy Statement

1. SoLO values good attendance and requires the attendance of all employees for their contracted hours of employment in order to meet its contractual arrangements for service delivery.. It does however recognise that some level of absence is unavoidable on medical grounds. High levels of attendance at work are an important element in the planning and provision of the service we provide to our members, the maintenance of staff morale and ultimately the preservation of jobs. Low levels of attendance, on the other hand, can lead to low morale, general dissatisfaction and stress amongst employees left to cover for absent colleagues and result in a reduced standard of service and high costs for the Organisation.
2. It is important to remember that managing sickness absence is about managing and communicating with people. It is not just about processing paperwork, although this is important. The primary objective of managing sickness absence is to bring the individuals' attendance back to an acceptable level. It at the end of this process, however, attendance is still unsatisfactory then SoLO may have to invoke the Capability Procedure, which may ultimately lead to dismissal.
3. It is SoLO's policy to offer security of employment, or earnings during reasonable periods of absence due to ill health by providing Company sick pay which will include Statutory Sick Pay. It should be noted, however, that Company Sick Pay is not paid as a right, but at the Organisation's discretion and this Policy details what employees must do to ensure that they are able to qualify for Company Sick Pay in the event that they are ill.

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4. It is essential that this procedure is followed across the organisation to ensure a fair and consistent approach to the management of sickness absence by all departments.
5. The terms of the Company Sick Pay Scheme may be varied from time to time as deemed appropriate by the Company, and in consultation and agreement with its workers.
6. It is SoLO's aim to ensure the continued smooth running of the organisation and the appropriate provision of support for staff who incur health difficulties.
7. Other objectives which this procedure hopes to address are:
 - the ongoing promotion of employee' health, safety and welfare;
 - the identification of changes necessary in working practices and in the working environment e.g. work-life balance initiatives
 - ensuring compliance with the Disability Discrimination Act 1995 and other relevant legislation.

Procedure for Reporting of Absence

Employees who are absent from work due to ill health must conform to the following procedure:

- They must contact their immediate line manager by 10.00am on the first day of absence to give details of their absence. If they are too incapacitated, they may authorise a friend or relative to do so on their behalf. The employee should indicate the reason for and the likely period of absence. If the line manager is not available the employee should leave a message with reception.
- Employees should report absences personally where at all possible.
- The Line Manager must inform the Finance Administrator on the first day of absence, and record the sickness on the employee's personnel record.
- Employees who return to work within five working days' absence must complete a self-certification form.
- An employee who is absent for more than one week must provide a medical certificate from a GP/ hospital doctor. The certificate must be sent to the Line manager when received. Medical certificates must be provided to cover the continuous period until the employee returns to work.
- Before returning to work after an absence of more than five days, a final certificate must be obtained from the GP confirming the employee's fitness to return to work. If consent is not obtained from the employee to do this, then the organisation can only act in the light of information given.

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- Whilst absent the employee has responsibility for keeping in touch with the Company and updating their Line Manager of the anticipated duration of their illness. In the case of serious illness, the Line Manager will contact the employee to establish their situation.

It is essential that all sickness absence is reported to ensure that it is recorded on the employee's personal record.

Categories of Absence

The responsibility for the control of sickness absence is shared between individuals and their line manager. It is unrealistic to lay down rigid standards of attendance for everyone and every case will be treated on an individual basis taking all relevant circumstances into account. There is no simple metric to determine when the Organisation decides someone's attendance record becomes unsatisfactory. This will vary on an individual basis and will depend on the number of days absence; the frequency and pattern of absence; the nature of the absences; and any other relevant personal circumstances.

Sickness absence falls into several categories and each demands a different management response.

- a one-off absence (e.g. minor operation)
- a series of absences due to one diagnosed cause
- serious long-term illness
- intermittent absences due to minor and apparently unrelated illnesses

The approach adopted will differ according to the nature of the absence(s).

1. In the first case, for example, a minor operation will have usually remedied an employee's ill health and no further action will be necessary.
2. Absences falling into the second category may require an exploration of the possibility of redeployment of an employee into another job or job re-design or a variation to the working hours. Other alterations may be appropriate depending on the circumstances of each case. SoLO's Capability Procedure may also be invoked and this could lead to termination of employment on grounds of capability.
3. Absence cases falling into the third category, may undergo an examination to identify if any adaptation of job duties or redeployment is possible, however if this proves unsuccessful this may ultimately lead to the SoLO's Capability Procedure being invoked and to termination of employment on grounds of capability.
4. For intermittent/ frequent absences, again, reference may be made to the Capability Procedure and to termination of employment on grounds of capability.
5. In any of the above situations SoLO may want to satisfy itself that the problem will not recur, or what adaptations may be required. In such cases it is likely that

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the employee would be referred to his or her GP. It is possible that such a referral will provide the Company with recommendations for adaptations which may be required for the employee, or may give the employee additional health and welfare advice that they are not already aware of. Any such referral will only be undertaken with the employee's prior written consent.

6. Managers and Team Leaders should share concerns with an employee about their level of sickness absence where there have been a number of absences due to minor and apparently unrelated illnesses i.e. the fourth category above (paragraph 11 refers). In some cases, where there is no improvement as a result of this, this could lead to the Capability Procedure being invoked. In no case however would SoLO take such action without first discussing the matter with the employee concerned and, where appropriate, referring them for medical opinion.
7. It should also be stressed that the aim of any counselling or warning associated with absence would not be to cast doubt on the legitimacy of absences, but to indicate that the individual's non-attendance at work is having adverse operational effects and that the Organisation requires an improvement. Any absences which are not for legitimate reasons will be treated as unauthorised, and will be dealt with under SoLO's Disciplinary Policy.

Monitoring Procedures

1. In dealing with sickness absence, SoLO seeks to ensure a consistent approach between departments and various categories of staff, it is however recognised that there will be exceptional cases from time to time where the Manager/Team Leader concerned will require to use their discretion.
2. The Board will therefore provide guidance to Line Managers, on an individual basis, on how to manage such cases to ensure that a consistent approach is applied across the Organisation.
3. Sickness records of employees will be reviewed on a regular basis.. Cases should be addressed when they fall into the undernoted categories:
 - 3 or more spells of absence in the previous twelve months (on a rolling basis);
 - 10 or more cumulative working days' absence in the previous twelve months (on a rolling basis)
4. Cases that fall consistently just outside one or more of these criteria should also be scrutinised.
5. Possible actions within this informal procedure may include:
 - agreement to continue to monitor the situation and keep the case under review;
 - counselling of employee regarding unacceptable levels of absence;

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- action to make work safe/healthy e.g. to undertake a work station assessment
6. It should be emphasised that not all cases that meet the criteria will demand action. Equally, if Line Managers are concerned about any case that does not meet the criteria, the matter should be referred to the Board for guidance and to ensure a consistent approach is taken across the Organisation.

Return to Work Interviews

1. When an employee returns to work following a period of sickness absence, no matter how long or short the period of absence, a Return to Work Interview should be conducted in all cases by their Line Manager. This interview should be documented on the Return to Work Interview Pro Forma.
2. The interview should be carried out as soon as is reasonably possible on the employee's return to work and will be in a confidential setting. The purpose of the interview is:
 - To welcome the employee back and discuss the reason for absence to ensure that the correct details relating to the absence are recorded.
 - To establish that they are fully recovered and that there are no residual symptoms that may affect their ability to work normally in the short term, and if so if any adjustments are required. To ascertain whether any medication prescribed may give side effects which would impact on work, or health and safety.
 - To consider if the cause of absence is work-related, and if so what action is necessary.
 - To make it clear to all employees that sickness absence is an issue which the Organisation takes seriously and to ensure that the employee understands the details of the sickness absence procedure and their own responsibilities.
 - To confirm to the employee if any further action is being considered.
 - To provide an update on the employee's work and how it has been dealt with during the period of absence
 - To enable the employee to ask for information, advice and help.
3. It is emphasised that medical information and the personal details relating to a person's sickness absence must be treated in the strictest confidence by the Line Manager. They will be charged with the responsibility of ensuring that any confidential matters discussed with them are not disclosed to a third party except with the employee's consent. They must also ensure that basic medical information provided for sickness absence recording purposes will be treated as confidential and access to it strictly limited.
4. On occasions it may be appropriate for a Line Manager of the employee to conduct the Return to Work interview and to discuss a particular health problem with the employee concerned. However, the nature of any discussion should always focus on the effect of the medical condition on the employee's ability to

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carry out their duties rather than on consideration of confidential medical details. Managers and Team Leaders should be aware of the need to avoid causing undue embarrassment to an employee and to make alternative arrangements, for example, for a Manager of the same gender or a Board Member to interview the employee.

Informal Reviews

1. The purpose of informal reviews is to advise the individual that they have hit a trigger point and as such their sickness absence is becoming a cause for concern.
2. It should be explained to the member of staff that neither the Line Manager nor the Organisation aims to intrude into their personal health/life. However, the Company does have a vested interest in their health, and has an obligation to monitor and review.
3. The particular purpose of an Informal Review, therefore, is to suggest the individual member of staff should take stock of their own health. This can essentially be done by requesting the employee to consider what assistance/advice they might seek or actions they could undertake to avoid similar episodes of illness in the future.
4. Although this Informal Review meeting is part of the Informal Stages of the process, given that there is now a definite cause for concern, which could lead to formal proceedings, there is a need to confirm the outcome of the meeting in writing. A copy of any such correspondence should be placed on the employee's personal file, and given to the individual.
5. In such cases it should be reviewed on a monthly basis.

Long Term Absence Procedure

1. If an employee is absent due to long term illness, he or she must be treated fairly and sympathetically with all factors relating to their illness being considered on an individual case by case basis.
2. The Line Manager should ensure regular contact with the person concerned throughout their absence. The purpose of contact is to keep the employee up to date with Company events, demonstrate concern; ensure that the employee complies with sickness reporting procedures; that correct sickness payments are made; help plan cover during absence, and provide any assistance as appropriate. The wishes of the employee with regard to who should be the preferred contact will be respected, wherever practicable, if they notify the Organisation that they have specific reasons why they do not wish this to be their line manager.

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3. Where a member of staff has been continuously absent owing to ill health for a period of 4 to 6 weeks, a home visit may be arranged by their Line Manager. The purpose of this visit should be to attempt to obtain an indication from the employee regarding their likely return to work, and to gauge whether medical referral is required and/ or whether the Organisation can assist the employee with their return. Home visits will only be made with prior notice given and consent from the employee.
4. A medical referral is generally required where the employee or their medical practitioner cannot provide some indication of when he/she is able to return to work, or where the nature of the illness could impact on the employee's ability to return to their previous post. Under the terms of the Disability Discrimination Act it is appropriate to explore all options available. Any such referral will only be undertaken with the employee's prior written consent.
5. After identifying any underlying trends, and making any appropriate alternative arrangements for the employee if this is deemed appropriate, if an agreed improvement is not seen then the matter may be considered under the formal Capability Procedure.

Rehabilitation & Support

SoLO complies with the DDA and would make reasonable adjustments to ensure that a worker could continue in their role.

1. Where it is determined that due to medical reasons it is not possible for an employee to return to their existing role following a prolonged period of sickness absence, all practicable efforts will be made to rehabilitate them into a different role within the Organisation or to make the necessary adjustments, where practical, to their existing role.
2. The advice and guidance of the employee's own GP/Consultant will be sought prior to any such rehabilitation programme being agreed, and will only be implemented with the employee's agreement. However, failure to agree to rehabilitation may ultimately leave the Company with no option other than to terminate employment after following the Capability procedure.

Sick Pay Administration

Payments

1. Statutory Sick Pay (SSP) will be paid to all qualifying employees in accordance with statutory requirements. In addition, employees may be entitled to receive Company Sick Pay after they have completed the necessary service within the Company, as specified in their terms and conditions of employment. Company Sick Pay will be paid at the Company's discretion, in line with the employee's contract of employment.

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2. The Company's Sick Pay will include SSP and the total sickness pay will be subject to the normal PAYE, income tax and national insurance, contributions, etc, and will not amount to more than an employee's normal basic salary.

Definition of a Day's Sickness

If a full time employee has been at work for two hours or more from their normal start time any subsequent absence in that day will not be counted as a day's absence. For a part time employee, the two hour period will be reduced proportionally to their daily contracted hours i.e. if an employee is contracted to work 50% of a full time employee on the day they attend work from their normal start time and subsequently go home ill, they would require to work 50% i.e. one hour for the day not to be counted as a day's absence.

Sickness During Holidays

An employee who falls ill during the course of annual leave is regarded as being on sick leave from the date advised by the employee, provided this is confirmed by and specified on their medical certificate.

Only days that are covered by a Doctor's medical certificate will be reimbursed or alternative holiday days re-arranged by agreement with both parties.

Annual Leave Accrual

Employees who are absent from work on long term sickness will accrue holiday entitlement (up to the minimum stated in the Working Time Regulations) during absence, but will only be able to take that entitlement should they return to work within the holiday year.

Employees Serving Notice of Termination

Employees who have resigned from the Company and are serving their due notice of termination of their contract will only be entitled to receive payment, under the Organisation's Sick Pay Scheme, for any period of sickness absence which is covered by a Doctor's medical certificate.

Access to Medical Records

Under the Access to Medical Records Act 1988 and the Access to Health Records Act 1990, employees have certain statutory rights of access to their medical and health records.

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Abuse of Scheme

An employee who fails to comply with the notification procedure or who otherwise abuses the company's rules on absence claiming sick pay where sickness is not the reason for absence will not be paid Sick Pay and will be dealt with under the Disciplinary Procedure.

Formal Capability Procedure

When an employee has undergone the informal procedure outlined above, and their attendance is still deemed to be at an unacceptable level, or where in the opinion of the Organisation this procedure is deemed inappropriate, the formal Capability Procedure will be invoked – this may ultimately lead to dismissal.

When reference is made to the Capability Procedure in such cases it should be noted that in this context “capability” does not refer to the competence, in terms of knowledge and skill of the individual to carry out the duties and responsibilities of a post. It refers to the capability of the employee to fulfil his/her contractual duties through actual attendance at the workplace.

Linked with:

- Return to Work Discussion – Appendix to this Policy
- Grievance & Disciplinary Procedures

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