

Black Sluice Internal Drainage Board

Policy No: 50

Sickness Absence Management

Review Dates:

Reviewed	25 th April 2023
Board Approved	13 th June 2023

1. INTRODUCTION

Employees may need to be absent from work, from time to time, due to sickness. This policy provides guidance for employees and their line managers in handling time off from work where the reason for absence is sickness.

2. POLICY AIMS & OBJECTIVES

- Provide a framework to support employees who are unable to work due to illness and assist them back to work as quickly as possible.
- Reduce the impact on other work colleagues when covering for colleagues who are absent.
- Secure the attendance of employees in order to minimise the cost and effects of sickness absence and to maximise operational efficiency in all areas.

3. EXPECTATIONS

- Line Managers are responsible for implementing this policy to ensure objectives are met.
- Line Managers have a structured framework to assist in managing sickness absence, with the aim of supporting employees back to work. This includes conducting return to work interviews after every period of absence, monitoring employee sickness in accordance with sickness triggers (it is the Board's right to adjust these trigger points annually to reflect sickness absence results) and referring staff to Occupational Health (OH) where appropriate.
- Line Managers will implement reasonable adjustments for employees, where applicable and appropriate, to enable/sustain attendance at work.
- Employees will be treated fairly, consistently, and sensitively during times of sickness and will be encouraged to use support mechanisms available to them.
- Employees understand their responsibilities and follow sickness reporting arrangements.
- The procedure aims to support an employee's return to work. Where employees are absent from work for a considerable amount of time they will be guided and supported whilst they are not at work, with the aim of supporting their return to work. All employees will have awareness that following application of policy and procedure, the outcome may be dismissal where a return to work is not practicable.

- Employees who are either underperforming or are no longer able to carry out the duties of their role due to their medical condition(s) will be managed through the Capability Policy and Procedure.

4. LINE MANAGER RESPONSIBILITIES

Line managers are responsible for managing absence issues sensitively and compassionately, ensuring they follow the procedure contained in this policy and associated documents; including:

- Ensuring employee sickness absence is notified to the Human Resource / Administration function to ensure information for the employee is accurate.
- Absences for dental / medical appointments / maternity leave or parental leave should not be recorded as sickness absence.
- Recording and monitoring all activities associated with managing the employee's absences. The record will be used by managers to evidence all support and communication, related to the absence, between the employee and themselves in a chronological order.
- Where absence results from a work-related accident or disease, this will be recorded in line with relevant requirements like RIDDOR and other HSE requirements.

5. EMPLOYEE RESPONSIBILITIES

Employees have a duty under their terms and conditions of employment to adhere to their responsibilities, including:

- Reporting and certification of sickness absence as per the procedure outlined within this policy.
- Employees must ensure medical advice and treatment is received as quickly as possible and are encouraged to follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
- Employees are encouraged to attend any OH appointments, in accordance with their conditions of service. If employees do not attend these appointments or fail to give consent to release any completed OH assessment report, any decisions made regarding their absence from work will be made without the benefit of this information.
- Employees must ensure they are contactable and available to attend absence management meetings and respond in a timely manner to any communications from the Board. This will usually be at the employee's usual place of work, but if a home visit is necessary or more appropriate due to serious ill health or the employee being physically unable to attend work, this can be accommodated.
- Employees must advise their line manager of any changes to contact details occurring during an absence.
- Employees must advise their line manager of any concerns with their job/workplace, which they feel are making them ill or contributing to illness/absence.
- Employees wishing to take time off work who are not sick, must use annual or special leave or other approved leave. All leave of absence must be approved by their line manager. Other types of leave must not be used to avoid sickness absence.

- Employees may request to take accrued annual leave whilst on long term sickness. Employees are not expected to go away on holiday when absent due to sickness unless this is supported by a GP.
- Employees either at work or absent due to sickness should not undertake activities that could hinder or affect recovery. If it is found that employees are undertaking activities that would prevent recovery, this may be managed under the Disciplinary Policy.
- Employees are responsible for managing their sickness and for taking appropriate action, as determined by any health professional, to minimise any reoccurrence of the sickness.

6. TRIGGER POINTS

The Board operates the below trigger points:

- 4 or more episodes of absence in a rolling 12-month period and/or
- Equivalent of 2 working weeks of absence in a rolling 12-month period and/or
- Absences in a short period warranting immediate action, e.g., 3 episodes or 6 working days in 6 months.
- A pattern of absence causing concern, e.g., regular Friday or Monday absences or absences regularly occurring on a day/week, pre or post annual leave, school holidays, public holidays, pay day.

Only one of the triggers needs to be reached for the line manager to be required to review the employee's sickness records.

The line manager should meet informally with the employee to discuss the fact that an absence trigger has been reached and to discuss necessary actions, such as considering a referral to Occupational Health, implementing any possible reasonable adjustments that may be necessary in relation to disability, or any possible formal disciplinary action. The line manager may establish that there is an underlying medical condition, and it may be that HR advice is sought as to the best course of action to take. Disciplinary procedures may not be necessary or appropriate in those circumstances. A summary of the meeting should be kept for the employee's personnel file and a copy given to the employee.

7. NOTIFICATION & CERTIFICATION

As per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service 'White Book':

An Employee obliged by illness or accident to be absent from duty must, by their normal start time on the first day of absence, inform the appropriate supervising officer by telephone only, of the nature of the illness or injury, the first day of sickness and the probable duration of the absence. 'Days of absence' are days when the Employee would normally have been at work.

If the absence continues beyond three days the Employee must, by no later than the fourth day, telephone the appropriate supervising officer again and confirm the probable duration of the absence.

To meet the requirements of the Statutory Sick Pay Regulations where the sickness lasts from four to seven days the Employee will complete and sign a sickness absence form on return to work covering the period from the fourth day of the sickness.

(‘Days of sickness’ include normal working days, Saturdays, Sundays, public and extra-statutory holidays, and rest days).

Where the sickness continues beyond seven days the Employee will then submit a doctor's fit note by no later than the eighth calendar day.

Subsequent doctor's fit notes must also be submitted by the Employee, covering the whole period of the sickness. The employer may in a particular case require doctor's fit notes and sickness absence forms to be submitted at more frequent intervals.

Employees are expected to keep their line manager regularly updated with their health and expected date of returning to work.

Employees must continue to send in Fit Notes for the duration of the absence and keep line managers advised of their health and progress towards returning to work. When a Fit Note expires, employees not returning to work must ensure a new Fit Note is sent to their line manager immediately.

If the employee is unable to notify their line manager due to their sickness, then the recorded next of kin is permitted to notify the individual's line manager of the absence. The employee is required to follow up that contact at the earliest opportunity. It is recognised there may be instances where employees or recorded next of kin are unable to contact line managers personally (e.g., admittance to hospital). In these exceptional circumstances the individual who contacts the line manager will leave a contact name and number.

Failure to follow the certification process outlined above may be considered misconduct and may be dealt with under the Board's disciplinary process. Sick pay paid by the Board may be withheld during this time, Statutory Sick Pay would be paid as required by law on submission of the SC2 self-certification form for the first seven days (including non-working days) and a fit note for any period after 7 days, even if it was submitted late.

8. PRIVATE CERTIFICATION

An employee may be required by the Board, at any time during their employment, to submit to examination by a registered medical practitioner nominated by the Board. A registered medical practitioner or private fit note may be considered necessary by the Board if there is a history of unusual absences or if the line manager believes the employee may benefit from an intervention by a medical practitioner. The cost of obtaining a private fit note will be reimbursed by the Board. A private fit note may be requested by the Board, regardless of the duration of the actual period of sickness absence.

9. RETURNING TO WORK

In all circumstances, a return to work interview will be arranged by the line manager for the employee.

A fit note may make a recommendation for temporary changes to be made to an employee's working environment or conditions to facilitate a return to work. The Board may require the employee to meet with a medical practitioner, of the Boards' choosing, to have the fitness to work arrangements of the employee assessed and confirmed.

Where the fit note contains recommendations for changes to be made to working conditions or practices, the Board will consider those recommendations and try as far as possible to accommodate those changes, where permissible in accordance with the needs of the Board.

Where a fit note is marked as “may be fit for work” by the employee’s General Practitioner (GP), the GP usually sets out the possible alterations or amendments that could be made to the employee’s working practices to facilitate their fitness for work. Examples of the options available are:

- phased return to work
- amended duties
- altered hours
- workplace adaptations

A meeting will be arranged for the employee to meet with their line manager to discuss the arrangements recommended in their fit note and how best the Board can facilitate a return to work.

In the event that adjustments and amendments cannot be made, the employee will not be able to return to work and will need to remain on sickness absence. However, where adjustments and amendments can be facilitated, regular reviews will be undertaken with the employee to confirm that the changes made continue to be adequate. The changes should be temporary and should not be considered permanent changes to the terms and conditions of employment.

10. RETURN TO WORK INTERVIEWS

Return to work discussions will be conducted with employees after every episode of sickness absence. The return to work discussion should be recorded on a form (Return to Work Form), which will be maintained on the individual’s personnel record.

The return to work discussion may include:

- Identify any support mechanisms which will prove beneficial following a return to work. Discuss any issues which may be affecting the employee's ability to attend work.
- Monitor absence levels and where an employee absence(s) reaches the identified trigger points, to manage them accordingly.
- Consider reasonable adjustments for employees (where applicable), including discussing with the employee any advice given on a Fit Note. Managers will ensure they investigate any possible reasonable adjustments and undertake a risk assessment.
- Consider a phased return to work (where appropriate), following long term sickness absence.

11. EXCLUSION FROM BENEFITS IN SICKNESS NOT ARISING OUT OF EMPLOYMENT

As per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service ‘White Book’:

An Employee suffering from sickness or incapacity due or attributable to:-

- (a) His own negligence or misconduct,*
- (b) An accident not arising out of nor in the course of their employment with the employer, and sustained in circumstances in which they have exposed themselves to undue risk of injury,*

shall not be entitled to any sick pay under this Sick Pay Scheme, except at the discretion of the employer.

12. EXCLUSION FROM BENEFIT WHEN OTHERWISE GAINFULLY OCCUPIED

As per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service 'White Book':

An Employee who, at any time during any period for which they would otherwise be entitled to a sick pay under paragraph 7 (ADA White Book Section 6), is employed in another gainful occupation other than the occupation to which this Sick Pay Scheme applies, shall not be entitled to payment of sick pay for the period in which they are employed in that other occupation.

13. ACCIDENT - THIRD PARTY CLAIM

As per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service 'White Book':

An Employee who is absent as a result of an accident shall not be entitled to any sickness allowance if damages may be receivable from a third party in respect of the accident. In this event the employer may, having regard to the circumstances of the case, advance to the Employee a sum not exceeding the sickness allowance provided under this Scheme, subject to the Employee's undertaking to refund to the employer the total amount of such allowance or the proportion of such allowance equivalent to the amount of the damages received. Where, in the opinion of the employer or Employee, the proportion of the advance required to be refunded is inequitable, the amount to be refunded shall be determined by mutual agreement; failure to reach agreement shall be dealt with under the local grievance or disputes procedure. Any period of absence in a case in which a refund of the monies advanced is made in full shall not be recorded for the purposes of this Scheme. Where, however, the refund is made in part only the employer may, at their discretion, decide to what extent, if any, the period of absence may be so recorded.

14. SICK PAY

As per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service 'White Book':

Employees shall be entitled to receive contractual sick pay. Contractual sick pay is inclusive of any SSP that may be due for the same period. Contractual sick pay will be paid for any period of twenty-four consecutive months in accordance with the following scale:

Period of Continuous Service	Period of sick pay entitlement in Months	
	Full allowance	Half allowance
<i>Less than 4 months</i>	1	0
<i>4 months to 1 year</i>	1	2
<i>=1 to 2 years</i>	2	2
<i>2 to 3 years</i>	3	3
<i>3 to 4 years</i>	4	4
<i>4 years or more</i>	6	6

For the purpose of calculating the period of sick pay entitlement, a month shall be deemed to be 26 days excluding Sundays.

A week's pay for the purposes of calculating contractual sick pay shall include the Employee's basic pay and any compulsory overtime (guaranteed and non-guaranteed overtime) only averaged over a period of the preceding 52 weeks. It shall not include any payments for voluntary overtime, allowances, bonuses or otherwise.

Subject to the provisions of paragraph 5 (ADA White Book Section 6) an Employee who for any period is incapable of work due to an industrial accident or disease arising out of and/or in the course of their employment with their employer, and which is not due to their own negligence or misconduct, shall be entitled to payment of sick pay during that period whether or not they have attained the relevant period of Continuous Service (as defined in ADA White Book Section 1). Any sick pay paid to an Employee in this regard shall not be taken into account for the purposes of sub-paragraph (b) of paragraph 7 (ADA White Book Section 6).

The employee shall give their employer such information as the employer may reasonably require to enable them to determine the sum to be paid to the employee.

15. MEDICAL SUSPENSION

As per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service 'White Book':

The provisions of this Section shall not have effect in the case of an Employee who is suspended on medical grounds where the terms of Sections 19 to 22 of the Employment Protection (Consolidation) Act 1978 apply.

Having regard to Public Health and the nature of the work, the provisions of this Section (ADA White Book Section 6) shall not apply to an Employee who is required by the employer, or on medical advice, to absent themselves from duty following contact with a case of notifiable disease. Such absence shall be regarded as special leave with pay, provided that it shall be inclusive of any Statutory Sick Pay that is payable during such absence.

16. ACCESS TO MEDICAL RECORDS

The Board may need to request a copy of an employee's medical reports or medical records to assist in the assessment of the employee's medical condition. The employee's consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to the Board contacting their GP. The employee is entitled to see a copy of the documentation provided. In line with data protection legislation, employees will also be given details on the reason for the examination, what the Board intends to do with the data obtained and the lawful basis for processing the data.

17. LONG TERM SICKNESS

Employees should be aware that the Board is sympathetic towards genuine illnesses and will support employees. However, it is not realistic for the sickness-related absence to continue forever.

The Board will be eager to get the employee back into the workplace as appropriately and effectively as possible, but the employment may need to be reviewed if this cannot be achieved.

There will be full consultation with the employee, together with a medical investigation and consideration of redeployment or alternative employment.

If there is regular or persistent absence due to long term sickness, injuries etc, the situation is unlikely to be able to continue forever. Ultimately, employment may be terminated after full compliance with the Board's termination procedures in these circumstances. See the relevant section in relation to dismissal for more information on this aspect.

The Board will usually require employees who have been absent for one month or more or who are expected to be absent for one month or more, to return some or all of the Board's equipment. This may be requested so that the equipment can be redeployed to other employees.

Should a return to work be possible, the Board may require the employee's current fitness to be determined and confirmed by a medical practitioner, of the Boards' choosing.

18. DISABILITY

The Board has a duty to make reasonable adjustments where an employee has a disability (Equality Act 2010), as a means of enabling the employee to continue to carry out their role and to support any identified disadvantage being removed.

Whilst adjustments are unique to the individual's situation some examples include:

- Acquiring or modifying equipment – e.g. adapted keyboards or telephone
- Providing training – to use specialist equipment
- Changing location to a more accessible office
- Altering hours of work i.e. to assist with travelling
- Reduced hours
- Providing reasonable adjustment to role responsibilities
- Reasonable adjustments to premises

The employee will be consulted fully on these.

The duty to make the adjustments is 'reasonable' so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible to facilitate a return to work. There may be no alternative roles or employment available and if there is no prospect of the employee being able to return to work in the near future, it may be inevitable that a decision to dismiss is the final and only option.

19. DISMISSAL

If long term sickness absence leads to dismissal, the employee will be provided with the reasons for the dismissal in writing. The reasons for dismissal should set out the circumstances that led to the decision to dismiss.

Employees have the right to appeal the decision, to the Chief Executive, setting out the reasons for their appeal as per the Association of Drainage Authorities Lincolnshire Branch, Wages and Salaries and Conditions of Service 'White Book'; *If you wish to appeal you should do so in writing, stating your full grounds of appeal, to the Chief Officer within one week of the date on which you were informed of the decision.*



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Return to Work

This form must be completed after any period of absence other than holiday.

Name	
Job title	
Date	

First date of absence:		Total days of absence:	
Last date of absence:		Was the correct absence reporting procedure followed?	

What was the possible cause of your sickness absence and is there any action you have taken to avoid any future occurrence?

How are you now and are you able to carry out normal hours and duties? (E.g., are you on any medication that would make it unsafe to be driving / using machinery?)

What support do you need from the Board – are there any reasonable adjustments you would like us to consider?

Signed (Employer) Date:

Signed (Employee) Date: