

NFNPA RAPC 350/17

NEW FOREST NATIONAL PARK AUTHORITY

RESOURCES, AUDIT AND PERFORMANCE COMMITTEE - 13 NOVEMBER 2017

SICKNESS ABSENCE AND ILL HEALTH POLICY

Report by: Karen Warner, HR Advisor (NFDC)

Summary:

The current Sickness Absence and Ill Health Policy has been in existence for many years. The policy has been updated and amended with the aim of providing more clarity on the stages within the procedure and the fact that sickness is now logged onto a gresso. It also highlights the importance of conducting return to work meetings after each period of sickness absence. Templates for such meetings will also be made available for managers to complete.

The policy (reproduced below) still contains the proposed text within the current policy in an attempt to highlight the suggested amendments, including union feedback.

A “clean” copy with all the changes incorporated is attached as Annex A.

In May the NFDC HR advisory team delivered a short training session for Authority managers on the importance of sickness management and how best to manage sickness situations.

The main changes/amendments are as follows:

- Introduction of return to work meetings after each period of sickness absence. Using a standard proforma will enable managers to conduct these in a uniform manner.
- Updating the procedure with correct terminology as a result of enhancements in methods of working, ie introduction of online forms.
- Advising staff early on in the process that if other alternatives are exhausted this could lead to dismissal.
- If the procedure is stopped and the staff member hits the sickness trigger the procedure could be reopened at the step it ended up.

Unison have been consulted on the proposed changes and have provided valuable feedback. This has been reproduced below.

As the recognised trade union representing staff at the New Forest National Park Authority, UNISON would support the Authority in its ambition to manage absences positively seeking to ensure staff are well enough to return to work and that returns are well managed. The Authority Branch of UNISON can assist processes by providing opportunities for staff to engage with policy formulation and raising awareness of roles and responsibilities within procedures.

Representatives of UNISON within the New Forest Park Authority were pleased to be consulted as part of the changes to the Sickness Policies, as required by the Recognition

Agreement. UNISON has provided written comments and has subsequently had the opportunity of a positive meeting with representatives of HR to discuss approaches and agree relevant changes, the majority of which are accepted and welcomed. In particular UNISON would support proposals outside of the policies for providing training to line managers in applying the procedures as feedback from members suggests there is a demand and need for advice and guidance. We would suggest that the adoption of the changes is subject to a commitment to providing such training in a realistic timescale.

Whilst UNISON has expressed some concerns regarding the procedure's timelines for long term absence management, and in particular the reactivation of formal procedures at the same level up to two years following an incidence, local representatives understand that these mirror the approach used and approved previously at the District Council which was the subject of consultation with unions. Whilst local UNISON continue to have concern in regard to the procedure, and would ask Authority Members to reflect whether such measures are strictly required in an organisation with a such a positive attendance culture, the local membership would not object to the provision but will take a keen interest in the application of the policy in respect of any cases involving its members. In respect of some more minor amendments to the Return to Work Form and guidance, we would suggest that there would be benefit in setting a review date up to a year from the commencement of use to enable line managers and staff to give feedback on its operation and to allow suggestions for any improvements to be made.

We therefore would accept the adoption of the policy and procedures subject to the Authority giving due regard to the above recommendations.

RECOMMENDATION

That the proposed amendments to the Sickness Absence and Ill Health Policy are adopted and that return to work meetings are conducted after each period of sickness absence.

INTRODUCTION

Sickness Absence and Ill health Policy

1 Policy Statement

- 1.1 The New Forest National Park Authority recognises that its staff members are its most valuable resource and the Authority is mindful of its obligations to ensure the health, safety and welfare of staff. The Authority also has to provide a service and meet operational objectives achieving and maintaining appropriate of attendance is important. The Authority aims to ensure and encourage the regular attendance at work of its staff through adopting a fair and effective procedure for dealing with non attendance whether through short term or long term sickness.
- 1.2 In order to support staff members health and well being the Authority has implemented annual voluntary Lifestyle Medicals for all staff every two years. This is an opportunity for a staff member to have dedicated 1:1 time with an Occupational Health Advisor to discuss health issues and support they may need.

- 1.3 The Authority recognises that a certain level of absence may be unavoidable and will treat such cases sympathetically. However it must also be appreciated that where there is persistent repetition of absence or prolonged incapacity, a burden is placed on colleagues and management which must be positively addressed.

2 Absence procedure

- 2.1 The Authority will monitor individual absence levels against established trigger points. When a staff member reaches those trigger points, the appropriate stage of the procedure will be instigated. (Refer to paragraph 3).
- 2.2 The Authority will not take account of any absence due to pregnancy or disability when implementing this procedure. Advice can be taken from Human Resources or Occupational Health to ensure that such cases are dealt with ~~sympathetically~~ **appropriately** and fairly **in line with the Equality Act 2010**.
- 2.3 Staff who are unable through sickness to come to work must notify their line manager by phone or in exceptional circumstances, arrange for someone to do this on their behalf as soon as possible but no later than within two hours of their normal starting time. If the line manager is unavailable a message should be left with a colleague and the line manager will then contact the staff member when he/she becomes available.
- 2.4 The staff member should indicate the reason for absence and likelihood of when a return to work is anticipated. For ongoing absences the staff member should **be asked to make** ~~keep in regular~~ contact with their line manager **at a mutually agreed time to update the manager** as ~~appropriate~~.
- 2.5 **On receiving notification from the sick staff member the line manager should open the period of absence on a gross and the staff member will close the sickness period on their return to work.** ~~Staff will self-certify for the first seven calendar days of their absence on their return to work. Self-certificates can be obtained from the intranet, line managers or HR. Normally the self certificate is returned to the line manager or if it is felt inappropriate it can be returned to HR as part of a return to work interview. Any period of absence in excess of 7 days (including non work days) will require a 'fitnote' from their GP.~~
- 2.6 Whilst on sick leave staff should do all they can to facilitate a speedy recovery and should not undertake any activities which are likely to delay or impede their recovery.
- 2.7 The line manager will hold a return to work **meeting** ~~interview~~ with the staff member after every period of absence. **For guidance a return to work form is available which provides a structure to this interview for the meeting and enables it to be recorded.** ~~The Self Certification Form will be completed and sent to Human Resources after a return to work interview has taken place between the staff member and the line manager.~~

3 Absence Management Triggers

- 3.1 The triggers for further action under this policy would be when there are:
 - Four occasions of absence in a rolling 12 month period (totalling eight days or more)

- Three periods of sickness within three months
- or a demonstrable pattern of sickness which gives rise to concern (i.e. all Mondays, or Fridays)
- ~~Total sickness (including self-certified and medically certified absence) of more than 10 days in rolling 12 month period~~
- Continuous absence of 4 weeks or more.

4 Management of Short Term Absence

- 4.1 ~~The line manager will hold a return to work interview meeting with the staff member after every period of absence. A return to work proforma is available to use. The [Self Certification Form](#) will be completed and sent to Human Resources.~~

Sickness Review Meeting

- 4.2 When a staff member reaches one of the above trigger points, a Sickness Review Meeting will be arranged by their line manager. The staff member will be invited in writing, **giving three working days notice**, and will be advised that they can take a work colleague or a trade union representative. **Proforma letters are available as guidance.**
- 4.3 At that meeting the manager will discuss the absence record including any patterns to the absence and ask the staff member whether they believe there is an underlying reason for the absence. The staff member should be asked if his/her general practitioner (GP) has been consulted; the purpose of this is to identify if there are any underlying problems. **The manager may even consider making any adjustments to workload, looking at their working practices, or for example their workstation.**
- 4.4 If the staff member has not consulted their GP they should be encouraged to do so and seek any medical help, which may be appropriate. Discretion will be used in deciding the best course of action.
- 4.5 The line manager may also consider referring the staff member to Occupational Health in order to obtain the best possible advice about the situation.
- 4.6 If the staff member appears reluctant or embarrassed to discuss the matter, it may be appropriate to seek the assistance of Human Resources rather than risk creating unnecessary stress or anxiety.
- 4.7 It may be appropriate to set objectives to improve attendance and these will be agreed with the staff member. ~~Review dates will be set and the staff member will be made aware that if attendance does not reach acceptable levels, formal action may be instigated.~~ **A review date will be set. This could be between 3-6 months depending upon the case with targets relevant to the individual case and aforementioned trigger points.**
- 4.8 **A letter will be sent detailing what was discussed at the meeting. Notes will be kept of the meeting and** Two copies given to the staff member to sign (one additional copy for the trade union representative). One signed copy will be returned to the line manager as a record of the meeting. **The letter should also contain reference to the next stage of the procedure and advised as in para 4.10 that a possible consequence if targets are not achieved could be dismissal if all other alternatives**

are exhausted. This letter will be needed to be referred to at the review meeting in order for progress to be discussed and monitored. ~~f the matter has to progress to more formal stages.~~ Standard letters are available for guidance.

- 4.9 If, at the end of the review ~~meeting period~~ the targets ~~have been met then the manager may decide to stop the process.~~ However if the staff member has not reached the agreed targets, the line manager will explain that the process will continue. A further review period set, between 3-6 months (depending upon individual circumstances) and at this point it may be appropriate to contact Occupational Health. ~~Human Resources in order to discuss the appropriate course of action which may include moving to the Disciplinary or Capability procedure.~~ will also be involved at this stage.
- 4.10 If targets ~~have not been~~ ~~are not~~ met a second meeting will be held, and new targets will be set. The staff member should be advised that failure to meet these new targets ~~could~~ will lead to dismissal. ~~As previously stated~~ the staff member should be invited in writing, ~~giving three working days notice~~, and be advised that they can take a work colleague or trade union representative. This meeting should be held with the line manager, HR and either the trade union representative or a work colleague.
- 4.11 ~~A further meeting of the case would be held if the staff member has failed to meet the targets at the second review meeting. If not previously sought, Occupational Health would need to be consulted at this stage and the meeting held once this report has been received. This meeting would be chaired by a member of the Executive Leadership Team. The outcome of such a meeting could lead to dismissal or possible redeployment. Human Resources in order to discuss the appropriate course of action which may include moving to the Disciplinary or Capability procedure.~~ will also be involved at this stage.
- 4.12 ~~If the procedure is ended the staff member must be aware that any further absence that hits the trigger within 1 year (for step 1) or 2 years (for step 2 and 3) would mean that they are put back on the formal process at the step it ended at.~~

5 Management of Long Term Absence

- 5.1 Long Term Absence is deemed to be any continuous absence over 4 weeks. In the case of long-term sickness absences, it is important to:
- maintain contact every two weeks by visiting / speaking to the staff member to see how they are progressing and to ensure he/she is kept informed of Authority events;
 - actively review progress at least every month and seek medical advice if appropriate from the Authority's occupational health adviser or the staff member's GP or consultant (with the staff member's permission) or;
 - visit staff as appropriate
- 5.2 In all cases after 4 weeks of continuous absence a Sickness Review Meeting will be arranged by their line manager. The staff member will be invited in writing, giving three working days notice, and will be advised that they can take a work colleague or a trade union representative. Standard letters are available for guidance.

- 5.3 Discretion should be exercised in making such arrangements as home visits and the line manager should have regard to the preferences of the staff member concerned and seek advice from HR if necessary.
- 5.4 At that meeting the manager will discuss the staff member's absence, any updates on recovery, appointments. If the staff member is fit to return it may also be appropriate to discuss plans for their return. OH can assist with guidance on a phased return. May need to consider other options such as part-time working, phased return, or alternative employment within the Authority either temporarily or permanently. If a return date at this stage is unlikely then it may be appropriate to send them to Occupational Health for an **assessment prognosis** on the likelihood of a return.
- 5.5 The outcome of the meeting will be recorded in the form of a letter which will include targets discussed at the meeting and a review date set. Two copies given to the staff member to sign (one additional copy for the trade union representative). One signed copy will be returned to the line manager as a record of the meeting. **The letter should also contain reference that a possible consequence if targets are not achieved, could be dismissal if all other suitable alternatives are exhausted. This letter will be needed and referred to at the review meeting in order for progress to be discussed and monitored. ~~f the matter has to progress to more formal stages.~~ Proforma letters are available for guidance.**
- 5.6 At the review meeting it may be appropriate to discuss the results from Occupational Health or to discuss a phased return. If targets **are** met, procedure may be ended.
- 5.7 If targets are not met a second meeting will be held. The manager may need to discuss, possible redeployment, ill health retirement, phased return, changes to duties. **As previously stated** the staff member should be invited in writing, **giving three working days notice**, and be advised that they can take a work colleague or trade union representative. This meeting should be held with the line manager, HR and either the trade union representative or a work colleague.
- 5.8 **A further meeting of the case would be held if the staff member has failed to meet the targets. If not previously sought, Occupational Health would need to be consulted at this stage and the meeting held once this report has been received. This meeting would be chaired by a member of the Executive Leadership Team. The outcome of such a meeting could lead to dismissal, redeployment or ill health retirement. ~~Human Resources in order to discuss the appropriate course of action which may include moving to the Disciplinary or Capability procedure.~~ will also be involved at this stage.**
- 5.9 If the staff member is considered to be disabled within the meaning of the **Equality Act 2010 Disability Discrimination**, the Authority will consult with its occupational health adviser and will make reasonable adjustments to enable the staff member to return to or remain in employment. Examples of reasonable adjustments are: adjustments to the working environment, offering alternative work, if this is available either to a similar post and salary, or a reduction in working hours (with a pro rata reduction in salary).

5.10 If the procedure is ended the staff member must be aware that any further absence that hits the trigger within 1 year (for step 1) or 2 years (for step 2 and 3) would mean that they are put back on the formal process at the step it ended at.

Dismissal

5.11 If it appears that there is no prospect of a staff member on long term sick leave returning to work in the foreseeable future and this is confirmed by the Authority's occupational health adviser, the line manager will seek advice from Human Resources. The staff member will then be invited in writing to a meeting (at an appropriate location agreed with the staff member, colleague, management and HR) and be advised that they can take a work colleague or trade union representative with the appropriate line manager and HR. This meeting will consider options, appropriate to the individual's case but could be the ~~, who will confirm whether there is a possibility of early retirement or ill-health retirement within the pension scheme rules. This meeting will be agreed with the staff member in terms of most appropriate time and location.~~ If early retirement or ill-health retirement within the pension scheme rules is not possible, then the staff member will be informed that termination of employment will take place with the appropriate contractual notice. A note of the proceedings will be taken and a copy will be supplied to the staff member (one additional copy for the trade union representative).

Appeal

5.12 In the event that the staff member is dismissed with contractual notice, the staff member will be advised in writing that there is a right to appeal against the decision normally within seven days of receipt of the written notification of the decision. An appeal meeting will be arranged within fourteen days or a later date if agreed with both parties. The appeal will be chaired by a senior manager/director no less senior than the person who dismissed who may be accompanied by another manager/HR or alternatively an appeal panel set up by the Authority. At this meeting, the staff member may be accompanied by a work colleague or a trade union representative.

5.13 As part of the appeal process the notes taken at the meeting in 5.8 will be made available prior to the meeting and the staff member will be given the opportunity to explain why he/she believes that dismissal should not have taken place and/or any mitigating factors. At the conclusion of the meeting, a decision will be given verbally or the staff member will be advised if there is likely to be a delay in making the decision. In either case the decision, when made, will be notified to the staff member in writing within seven days of the meeting with a copy of the letter for the trade union representative. If the appeal is upheld the staff member will be re-instated or re-engaged.

6. Sick pay

6.1 The Authority's occupational Sick Pay Scheme is:

Up to 4 months' service	- 1 mth's full pay	
during 1st year of service	- 1 mth's full pay	+ after 4 mth's service 2
mth's half pay		

- during 2nd year's service - 2 mth's full pay + 2 mth's half pay
 - during 3rd year's service - 4 mth's full pay + 4 mth's half pay
 - during 4th & 5th year's service - 5 mth's full pay + 5 mth's half pay
 - after 5 year's service - 6 mth's full pay + 6 mth's half pay
- 6.2 Qualifying service will be based upon commencement of employment with the Authority and any additional service granted under the Authority's policy on continuous service.
- 6.3 All staff both full-time and part-time shall have seven qualifying days in each week for statutory sick pay purposes.

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Papers: Annex A Sickness Absence and Ill Health Policy
Return to Work Form

Equality Impact Assessment: The proposed changes will impact on staff and managers within the Authority. The aim is positive to improve understanding of those involved within the procedure. There is no increased financial impact.

Resources: -