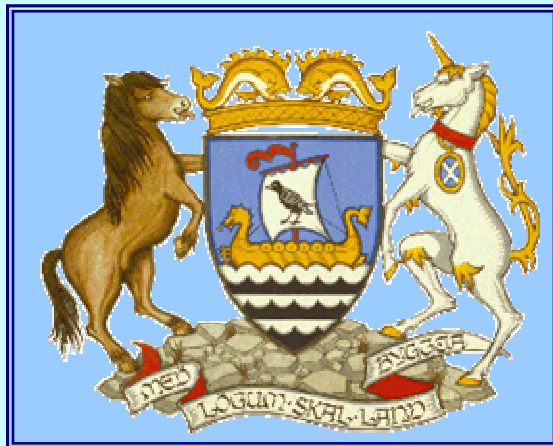


SHETLAND ISLANDS COUNCIL

ABSENCE MANAGEMENT POLICY



Applies to: All Staff except School based Teachers
Effective from: September 2004

Shetland Island Council

ABSENCE MANAGEMENT POLICY

Operational Date: September 2004

Review Date: September 2007

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1 INTRODUCTION

- 1.1 Effective management of absence is crucial to the effective and efficient delivery of Council Services. High levels of sickness within the Council may have a detrimental effect on the quality of service provided and place an added burden on employees remaining at work, with additional costs faced by the Council through increased overtime working, higher duties payments and other hidden costs.

2 POLICY STATEMENT

- 2.1 Best attendance results are likely to be achieved where employees, unions and local management are committed to promoting the wellbeing of all employees and occupational health.
- 2.2 Employees are entitled to expect fair treatment; managers and supervisors are equally entitled to take appropriate action in respect of unacceptable levels of absence and be firm in dealing with abuse of the system.
- 2.3 The basis for good management practice is prompt and comprehensive information about actual absence levels, trends and problem areas and a thorough understanding by employees of the Council's policies and procedures.
- 2.4 Once new procedures are in place, have been tested and have the commitment of all concerned, managers and supervisors must be allowed to monitor their staff absence levels and allow for targeted responses and solutions to be applied on a consistent basis. All managers will receive training in dealing with sickness absence and return to work interviews.
- 2.5 The achievement of the aim of full attendance and the use of procedures to ensure that goal.

Advice on the terms of this policy and procedure is available from Personnel.

3 LEGISLATION

- 3.1 This policy and procedure aims to achieve a consistent approach in order to comply with employment legislation and recognised best practice.

The main pieces of legislation that impinge on this policy and procedure are:

- Data Protection Act 1998 as amended
- Data Protection Order 2000
- Disability Discrimination Act 1995
- Human Rights Act 1998

Legislation is pending which relates to the Code of Practice – information about workers' health, which is due July 2004.

4 LINKS TO OTHER POLICIES

4.1 There are a number of existing Council policies which impact on the absence management policy. These are:-

- Recruitment and Selection Policy
- Annual Leave Policy
- Adoption Leave Policy
- Substance Misuse Policy
- Compassionate Leave Policy
- Code of Conduct Policy
- Strategy for the Prevention and Detection of Fraud and Corruption
- Data Protection Policy
- Disciplinary Procedures Policy
- Employment of Disabled People Policy
- Ill Health Retirement Policy
- Parental Leave and Time Off for Dependents Policy
- Special Leave Policy
- Phased Return to Work Policy

Copies of these policies are available from your departmental administration staff, the Personnel intranet site and are available in booklet form from Personnel.

It is important that advice is sought from Personnel at the earliest stage of possible action as a result of sickness absence.

5 MONITORING

5.1 To ensure that the Council's policy is applied effectively it is essential that effective monitoring procedures exist. The Council's monitoring procedure is outlined in Appendix A.

5.2 Any analysis should provide usable information which will enable trends to be identified and can be used to establish internal or external comparisons. Information collected should demonstrate not only the total extent of absence but also individual patterns of absence. Statistics by themselves do not achieve anything, and action needs to be taken to assess what the problems are and how best to rectify them. Council-wide monitoring procedures will be established to provide regular absence information, analysis and targeted action at service and/or departmental level. As part of the Occupational Health Service, advice can be provided on how to reduce absence.

5.3 It will be important to ensure individual confidentiality when processing the information provided through monitoring procedures, communicating and acting upon its contents.

5.4 Heads of Department will be responsible for maximising attendance in areas of the Council's operation under their control. In this respect a system of proper documentation and absence statistics must be maintained by departmental administrative staff.

- 5.5 There is a statutory requirement for ill health monitoring through the Health and Safety at Work etc Act 1974 (H&SAWA) and the Reporting on Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

6 RECRUITMENT

- 6.1 When recruiting new staff the Council will seek information during the normal reference process on their sickness record from work. Any offer of employment may be conditional upon medical information if the references indicate a poor absence record. This is in line with the Recruitment and Selection policy that refers to medical screening where, if deemed necessary, appointments will be subject to pre-employment medical screening through the Council's Occupational Health Service. All information is provided in confidence to Occupational Health.

7 OCCUPATIONAL HEALTH PHYSICIAN

- 7.1 The Council has a contract with an Occupational Health Service Provider, which seeks to promote a sense of caring and well being between the Council and its employees to assist in managing absence and deter excessive or frequent sickness absence.

The Occupational Health Service provides a range of services to assist managers and employees to do their job. Managers should be made aware of the Occupational Health Service and the benefits in referring employees at an early stage in their absence, further details on the Occupational Health Service can be gained from Personnel. Information on the Occupational Health Service, including the Council's Occupational Health Guidance Note and Procedures, is available on the Personnel Intranet site. There are legal obligations through the Disability Discrimination Act and national Conditions of Service.

8 SICKNESS ABSENCE MANAGEMENT PROCEDURES

- 8.1 The initial stage of any procedure dealing with absence should be the notification by employees that they will be absent from their place of employment.

The notification procedure must be clearly defined and understood by employees and management. Advice on the procedure is available from Personnel.

- 8.2 Entitlement and Notification

In accordance with the Schemes of Pay and Conditions of Service an employee will be entitled to Statutory Sick Pay (SSP) and sickness allowance (unless otherwise specified).

To receive that entitlement an employee must fulfil all of the stipulated requirements as follows:

Stage 1

The employee must notify their employing department within 1 hour of expected start time of day/shift (it may be appropriate for staff who are not office based to contact their line manager directly). However, this practice can vary across service areas according to the needs of the business. Each employee is responsible for making sure they know what the notification procedure is for their place of work, for example 2 hours before a scheduled start time in areas where relief staff are needed to provide cover. It is the responsibility of the employee to contact the department, however, if this is not possible, some other person acting on the employee's behalf shall notify the Council immediately, for example spouse, partner, relative or friend.

It is appreciated that special circumstances may arise where it is not possible to meet this deadline, eg emergency admission to hospital.

Stage 2

Where the absence continues to a fourth day, at that time the employee or some other person acting on the employee's behalf shall notify the employing department within 1 hour of expected start time of day/shift, of the continuing absence and whether the period of absence is likely to continue beyond a seventh day. Where this is the case the self-certificate should be sent to the employee by the Council for completion in accordance with Stage 4.

Stage 3

The employee should telephone absence to the employing department if still unfit on day 7 of the sickness episode as per the above time limit.

Where the absence is for 7 days or less of incapacity for work or 7 days or less of sickness, the employee shall on his/her return to work complete a self-certificate form.

Stage 4

Where the absence extends beyond 7 days of incapacity for work or 7 days of sickness, the employee must submit to his/her employing department, the National Insurance doctors' statements to cover the period of absence beyond 7 days.

Where an employee has been absent for more than 7 days, the first doctor's statement shall be submitted as well as a self-certificate to cover the first 7 days of absence.

The Doctors statement must be received within 2 working days of day 8 of the sickness episode.

The employee must additionally notify the line manager at intervals of no more than 7 days of the position where the absence extends beyond 7 days unless certification covering a longer period provided by a doctor has been submitted to the authority. Medical certification should be sent to the employing department.

8.2.1 It should be noted that where an employee fails to comply with the requirements of the Scheme in respect of any day of sickness or a day of incapacity for work, entitlement in respect of that day to either SSP or sickness allowance may cease. Failure to adhere to this could be considered as misconduct and may also result in incorrect payment.

8.3 Maintaining Contact with Sick Employees

8.3.1 Managers have a clear obligation placed on them to identify and address problems in the work environment, which may be contributing to employee absence. As part of good management practice it is essential that contact be maintained with absent employees whether on short or long term sickness absence. In respect of cases of long-term sick leave this will enable up to date decisions to be made in the best interests of the employee and the service, which the authority is providing. In the case of persistent short-term absence this may act as a reminder of the procedures and the priority placed on good attendance.

8.3.2 Maintaining contact with employees away from their place of work must be handled sensitively and with due consideration for the nature of the employee's illness. A mutual understanding of the reason for absence should be identified and, where possible, assistance offered to the individual, including referral to Occupational Health.

8.3.3 The Council's Welfare Officer monitors sickness absence and will liaise with managers and Personnel to ensure appropriate contact is maintained (see also Appendix B).

8.4 Measures to Deal With Frequent and Persistent Sickness Absence

8.4.1 As part of the general absence management mechanisms the Council will apply the following arrangements when an employee's frequent and persistent short-term absences give cause for concern:-

In any 6 month period, frequent and persistent short-term absence will normally be defined as:

- 3 or more periods of self certificated absence or
- a total of 10 days absence or more.

Where appropriate, Personnel advice should be sought.

8.4.2 This attendance standard is recognised as good practice and is designed to be used as a trigger point that initiates a formal return to work interview. This should be held in the form of a discussion aimed at facilitating the employees' resumption of duties and clarifying any outstanding aspects of his/her sickness absence. See Form A, Appendix C.

8.4.3 The main purposes served by the return-to-work interview are:

- to welcome the employee back to work and provide an update about any developments which have occurred during the absence;
- to check that employees are fully recovered and capable of performing their duties;
- to see whether the organisation can provide any additional support – e.g. counselling – to help the rehabilitation; Occupational Health referral;
- to review the employee's absence record and discuss any patterns of absence which are apparent and which cause concern;
- to remind employees about the effects of absence on the organisation, and that their attendance is important.
- to confirm the manager's role in operating the absence management policy and welfare of the employee.
- to raise the profile of the absence management policy and procedures, highlighting the section/service view regarding good attendance.

8.4.4 The return to work interview should be conducted sensitively and in private by an appropriate supervisor/line manager. Where the immediate supervisor/line manager is unavailable, a more senior manager or nominated person will carry out the interview.

8.4.5 Where an employee raises any concern about the interview, advice should be sought from Personnel before the interview proceeds.

8.4.6 The line manager will, taking account of all the circumstances, discuss with the employee the acceptable level of attendance at work, the employee's level of sickness absence and the reasons for the absence. The line manager should indicate clearly to the employee the improvement in attendance required and set targets accordingly to assist the employee in making a satisfactory improvement with a review date.

8.4.7 At each stage in the procedures the employee shall be reminded that he/she may choose to be accompanied by a Trade Union

representative or colleague, also Personnel if requested by the employee and/or line manager.

8.4.8 In the circumstances where there is an identifiable health problem or a decision is made for the employee to be referred to the Occupational Health Physician refer to section (10) - Medical Examinations.

8.4.9 Following the review of the absence record at the end of the monitoring period, if the employee is unable to achieve and maintain the agreed acceptable level of attendance at work the matter may be dealt with in accordance with the Council's disciplinary procedure (for further guidance see sections 11 – 13)

8.4.10 Where an employee achieves and maintains an acceptable level of attendance at work for a period of six months following this interview normal monitoring will apply.

9 MEASURES TO DEAL WITH PROLONGED/LONG TERM SICKNESS ABSENCE

9.1 Long term sickness absence will normally be regarded as a continuous absence from work for ill health of at least four weeks, when applying these measures.

9.2 Whenever a case of long term absence is identified through sickness absence monitoring, the circumstances of the case must be reviewed by the line manager. It is the responsibility of the immediate or line manager to ensure communication is maintained with the employee and they are contacted within four weeks of their absence. Where it is considered that the absence is likely to continue for an uncertain period of time, the supervisor/line manager or an appropriate person agreed by the manager, must arrange a meeting with the employee concerned within the four-week stage.

9.3 On some occasions the appropriate method of contact will be to either visit the employee at home or at some other mutually agreed place with her/his prior agreement. Two individuals with at least one being known to the employee should normally undertake this home visit. Where a home visit is arranged, the employee should be informed that he/she can be accompanied by his/her trade union representative or other person.

9.4 The purpose of this meeting is to consider:-

- the employee's current state of health;
- the likely duration of the sickness absence;
- the employee's expectations concerning her/his future fitness to return to work;
- any potential impediments to an early return to work.

It is also to:-

- provide an update about any developments which have occurred during their absence;
- remind the employee about the effect of absence on the department, confirming that their attendance is important;
- inform the employee of additional support available e.g. Phased Return to Work Policy, counselling services, etc – to help the rehabilitation.

9.5 A record should be made of the meeting incorporating the substance of the discussion and confirmed in writing to the employee by the line manager, a copy will be retained on the employee's personal file.

Advice and support on this meeting is available from Personnel.

10 MEDICAL EXAMINATIONS

10.1 In accordance with SIC Conditions of Service an employee may be required, as and when the line manager considers it necessary or advisable, to submit a referral to a medical officer appointed by the Council for the purpose of a medical examination. In such circumstances the employee must be advised of his/her rights under the Access to Medical Reports Act, 1988. Advice must be sought from Personnel to discuss this before any action is taken.

10.2 The examination will allow management to determine, in the best interests of the employee and having regard to the operational requirements of the service, what further course of action, if any, is considered necessary in the circumstances. Where the examination reveals an inherent medical problem the issue should be dealt with as a capability issue as outlined in section 11 below. Where no underlying health problem is identified and the employee's level of attendance gives cause for concern the matter should be treated as an attendance issue and dealt with in accordance with sections 12 and 13.

11 CAPABILITY ON GROUNDS OF ILL-HEALTH

11.1 Where the Medical Examiner's report confirms an underlying illness or medical complaint an employee is entitled to sympathetic consideration by the Council. In many cases an employee who suffers such ill-health will receive the medical treatment, remedial surgery etc. that will result in an acceptable rate of recovery being achieved. Where the prognosis is such that frequent or prolonged absence will be a continuing feature then the case would require to be treated in terms of the Disability Discrimination Act 1995.

- 11.2 An employee will satisfy the definition of disabled under the act if he or she has a “physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities”. At this point the matter should be fully discussed with the individual in the presence of his/her representative where appropriate and the various options identified.

These options could include, continuation on sickness absence, unpaid leave of absence, redeployment, part-time working, ill-health retirement if the employee is a member of the Local Government Pension Scheme or, where no other option is available, termination of the contract on the grounds of capability.

- 11.3 In cases where ill-health retiral or dismissal on the grounds of capability are being considered and the Occupational Health professional judgement is contradictory to that of the employee’s own GP then, as part of good management practice, it is expected that an independent medical examination should be carried out and a decision taken on the basis of that report, and would be dealt with in accordance with the Council’s Ill Health Retirement policy.

12 CONDUCT

- 12.1 Where the Medical Adviser’s report confirms no underlying health disorder or where the individual’s level of attendance at work gives serious cause for concern the issue may be one of conduct rather than capability and should be dealt with in accordance with the Council’s Disciplinary Procedure.

13 ABUSE OF THE SYSTEM

- 13.1 Abuse of the system will be regarded as misconduct. In accordance with sickness provisions, an employee is excluded from entitlement to sickness allowance, except at the discretion of the Council, where the absence is on account of sickness, due or attributed to:

- the employee’s own misconduct or negligence; or
- active participation in sport for payment; or
- injury whilst working in the employee’s time for private gain, or for another employer.

- 13.2 If an employee is found to be guilty of conduct which hinders recovery, the payment of sickness allowance may be suspended by the Council, provided that before doing so, the employee shall be advised of this intention and afforded an opportunity of submitting observations and making representations thereon. If the Council decides that the employee has been guilty of conduct, which hinders recovery, then the employee shall forfeit the right to any further payment of allowance in respect of that period of absence.

13.3 Additionally, misconduct should be dealt with as a disciplinary matter and the disciplinary procedures invoked.

14 EXCLUSION FROM STATUTORY SICK PAY (SSP) ENTITLEMENT

14.1 Statutory Sick Pay, SSP, cannot be paid if the employee falls into one of the categories specified within national conditions, which include employees:

- who are over pensionable age;
- who have been taken on by an employer for three months or less;
- who are involved in, or affected by, a trade dispute at work, unless they can prove that they did not take part in the strike or did not have a direct interest in it;
- who have not yet done any work for a new employer;
- who have been claiming incapacity benefit, maternity allowance or severe disablement allowance within 8 weeks before going sick. (But may qualify for other benefits);
- have already had 28 weeks of SSP, gone back to work, but have gone sick again within 8 weeks. (But may qualify for other benefits);
- who on the first day of sickness has already exhausted or subsequently exhausts sickness allowance entitlement;
- who on the first day of sickness is in legal custody or is subsequently taken into legal custody;
- fails to satisfy or to continue to satisfy the notification or certificate requirements;
- terminates or has their contract of employment terminated;
- who are outside the European Economic Area.

Details of an employee's entitlement to SSP are outlined in their Written Statement.

15 SICKNESS OR DISABLEMENT DUE TO AN ACCIDENT IN THE COURSE OF EMPLOYMENT

15.1 Where an employee is absent due to sickness or disablement as a result of an accident arising out of and in the course of employment or due to an industrial disease the employee will be entitled to a separate allowance calculated on the same basis as the sickness allowance. The allowances in respect of normal sickness, and industrial injury or disease are entirely separate and periods of absence in respect of one shall not count against the period of entitlement for the other.

15.2 An absence due to an accident shall only qualify for payment when an entry has been made in the relevant accident book and the subsequent investigation has found the recorded facts to be accurate.

16 UNAUTHORISED ABSENCES

- 16.1 Unauthorised absences should be investigated and may be treated as misconduct and consequently should be dealt with in accordance with the disciplinary procedures.

MONITORING PROCEDURE

1. Service responsibility will be to ensure that all procedures are carried out with a positive approach to monitoring absence.
2. Each Department will be responsible for recording and monitoring absence, supplying absence statistics to Executive Services monthly.
3. Each department will maintain a rolling twelve month record of employee absence.
4. Statistics will be collated by Personnel to provide a corporate information base.
5. Supervisors will be responsible for monitoring the frequency of absences and, where appropriate, reporting these to the Head of Service or Head of Department.
6. In any 6 month period, if three or more periods of self certification absence events occur or there is a total of 10 days absence, a formal return to work interview will be held by the appropriate line manager in order to ascertain the reasons for the absences and ways to improve the situation and discuss any capability issues. See Form A.
7. If further action is required, a meeting with the Head of Department or nominee will assess what steps should be taken to improve the attendance record of the employee. This assessment will include reference to the Council's policies on Absence Management, Counselling, Occupational Health, Training, and where appropriate the disciplinary procedure.
8. Each department will be responsible for placing agreed notes of Return to Work interviews in the employee's Personal File.
9. Personnel will be responsible for monitoring, and when necessary initiating a review of this procedure.
10. Personnel will provide advice on this procedure.
11. Consideration will be given to use of the Occupational Health Physician where appropriate.

Guidance Notes

Absence Management Policy and Procedures

What are Absence Management Policy and Procedures?

Absence Management Policy and Procedures are the tools which the Council wishes its Managers to use to maximise productive output and minimise time lost through absences. This is explained in the introduction to the Policy.

Advice on the Policy, Procedure or this guidance is available from Personnel.

Monitoring Procedures

Monitoring absence is important in order for managers to take appropriate timely action to improve the situation for both employees and the Council.

Absence Management Procedures

Notification

The employee has certain obligations placed upon him or her on notification of sickness.

Each department will have to define standards to suit their own circumstances but it is recommended that:

- Stage 1 The employee must notify their employing department (or line manager) within 1 hour of expected start time of day/shift.
- Stage 2 The above time limit will also apply to the 4 day notification.
- Stage 3 The employee should telephone absence if still unfit on day 7 of sickness episode.
- Stage 4 The Doctors statement should be received within 2 working days of day 8 of the sickness episode.

Maintaining contact will usually be achieved by phone however, particularly on long term sickness episodes it may be appropriate to visit the employee at home or at some other mutually agreed place. This is a matter of judgement taking all the factors into account.

Return to Work Interviews

The Council will adopt return to work interviews with **all employees**. In general this should include a discussion of the circumstances of the absence and where appropriate the general attendance record of the employee. There are occasions when it will be necessary to telephone the employee as an alternative to the return to work interview.

The return to work interview (See Form A) should be used for long term or frequent absences over a rolling 6 month period where there are:

- i) 3 or more periods of self certificated absence or**
- ii) a total of 10 days absence or more.**

The return to work interview should always include the following:

- 1 Duration of absence.
- 2 Reasons for absence.
- 3 Links to any other episode of absence.
- 4 Agreed improvements to be made by employee (if any).
- 5 Agreed improvements to be made by employer (if any).
- 6 Agreed steps to be taken jointly.

If any of the above categories are not applicable the note of the interview should include that. The note should also include any information/steps required which are unique to the individual case.

Prolonged Sickness Absence

Prolonged Sickness absence is defined as a period of sickness longer than 4 weeks.

It is the responsibility of the immediate or line manager to ensure communication is maintained with the employee and that they are contacted within four weeks of their absence. At this stage contact should be made with the employee in order to establish a likely return date, any assistance the employee needs and any prognosis of the illness, which is available.

Where the absence is likely to continue for an uncertain period of time, the appropriate line manager/supervisor or appropriate person agreed by the manager, must arrange a meeting with the employee concerned. The employee should be informed that he/she has the right to be accompanied by a Trade Union representative or colleague.

A medical examination will not normally take place until the illness is a prolonged sickness absence. When a prolonged sickness absence is established it will be the circumstances of the case, which lead to a medical, being required.

Advice should be sought, where appropriate, from Personnel.

FORM A

DETAILS OF RETURN TO WORK INTERVIEW

Date of Interview

Employee Name

Post Title

Employee's Representative

Relationship to Employee

Interview Conducted by (Name)

Post Title

	PERIODS OF ABSENCE	REASON FOR ABSENCE
1	_____	_____
2	_____	_____
3	_____	_____

MATTERS DISCUSSED		COMMENTS
1	Reason for absence(s)	
2	Duration of absence(s)	
3	Links to any other episode of absence	
4	Agreed improvements to be made by employee (if any)	
5	Agreed improvements to be made by employer (if any)	
6	Agreed actions to be taken jointly	
Other comments / information:-		

FORM A NOTES

Procedure

Return to work interviews following sickness absence can have a number of important effects. They can:

- Establish the cause of absence;
- Indicate the employer's interest in the welfare of individual employees;
- Discuss any capability issues;
- Allow discussion of the general attendance record of the individual;
- Influence the attitudes of the individual and other employees;
- Raise the profile of the absence policy and procedures;
- Reinforce the local view regarding good attendance;
- Confirm the manager's role in the control procedure and welfare of employees.

These interviews should be conducted sympathetically and in private by the line manager. It is important to ensure consistency and uniformity of approach. Advice on this is available from Personnel. There will be a need in certain individual cases for other professional counselling. *Where an employee raises any concern about the interview, advice should be sought from Personnel before the interview proceeds.*