**ABSENCE POLICY**

**1 Our Aim**

1.1 You matter to us. We chose you because we think you’re the best person to do the job that you do, which means our residents get the best services that we can deliver.

1.2 We want you to be as healthy and fit as you can be and to stay that way. We know that when you are well, you will be most positive about your work and make your best contribution to delivering excellent services for our residents.

1.3 We know that people get sick, and there will be times when you are not well enough to work. Our [sick pay scheme](#Sickness_scheme) is there to make sure you are able to get better and not worry about your pay. Our [Occupational Health Services](#occupational_health_service) are there to help you receive the right support to help you recover.

1.4 We are an inclusive employer and are fully committed to people bringing their whole selves to work. We recognise that different people have different needs and experiences. We respect this and will monitor the application of our policies to ensure that this is being carried out fairly.

1.5 If you need other support or adjustments, to help you return to work or continue working, we are committed to working with you to make these available wherever possible.

1.6 Sometimes it might be that you need a little flexibility in how you work, to see you through a difficult time, which is impacting on your general wellbeing. Where this happens, we are committed to addressing this together, to find the best way through so you can continue in your role but have the support you need to face your challenges.

1.7 There will be times where your inability to attend work impacts on your output meaning we can no longer deliver the best services to our community. Where this happens, we will need to consider the appropriate way forward and we will do this using this policy.

**2 Support**

2.1 If you would like to speak to somebody about your health or absence, you might like to contact your manager, HR, or your [Trade union](#Trade_unions).

2.2 We have an Employee Assistance programme, which is free and offers you access to a range of specialist advisors in areas such as health and well-being, counselling, finance, debt and legal matters.

2.3 Our [develop and learn website](https://lbhounslow.sharepoint.com/sites/developandlearn/SitePages/Maintaining-your-health-and-wellbeing.aspx) provides access to a number of resources that can help you maintain your health and wellbeing.

2.4 If you have a disability, we will do what we reasonably can to support you. Please discuss any needs you have, with your manager, and consider together whether there any [reasonable adjustments](#Reasonable_adjustments) that would help you in your role and/or facilitate getting you back to work.

**3 Sickness reporting and entitlement**

3.1 We will pay you [sick pay](#Sickness_scheme), in line with our sickness scheme.

3.2 When you are unable to attend work because you are unwell, you need to follow the [sickness absence reporting procedure](#Sickness_reporting_procedure). It is important that you do this; we need to know that you are not attending for work that day so that we can make sure the service you provide is not affected.

**4 Absences relating to pregnancy / disability**

4.1 If you are pregnant, any periods of absence which are related to your pregnancy (including sickness associated with a miscarriage) will not be taken into account when deciding whether formal action is required.

4.2 If you have a disability, your manager will take account of any sickness absence, related to your disability, before deciding whether formal action needs to be followed.

**5 Occupational Health Service**

5.1 We may refer you to our [Occupational Health Service](#occupational_health_service) when we need advice on your medical condition. They will talk to you and (where helpful) may get in touch with your GP / consultant to get a proper understanding of your situation.

5.2 Occupational Health will provide us with an assessment, to help us determine the right way forward. This could include making [adjustments](#Workplace_adjustments), revising your working arrangements, considering alternative opportunities or, in some cases, it might mean that we need to end your employment with us.

**6 Seeking further medical advice**

6.1 If we need to seek medical advice from someone else about your condition, e.g. your GP / consultant, we will comply with the requirements of the [Access to Medical Reports Act 1988](#Access_to_medical_records) and make sure you are aware of your rights.

6.2 If there is any disagreement between our Occupational Health and your GP about your fitness to be at work, we will follow the advice of our Occupational Health Service.

6.3 All information obtained as part of this process will be treated in strict confidence and we ask that you also observe this commitment.

**7 Returning to Work**

7.1 You should contact your manager on your first day back at work. They will have a [check in conversation](#CheckIn_conversations) with you. The aim of this is to confirm your fitness, for you or your manager to discuss any concerns about your health and / or attendance and to decide on any appropriate next steps. This could involve referring you to Occupational Health, considering adjustments or starting formal action. Your manager will update your absence records on iHounslow and record any further action which is being taken.

7.2 When you are coming back to work after a [long-term absence](#Long_term_absence), please contact your manager in advance. This will give you the opportunity to talk about any arrangements or adjustments that may need to be made in advance. When you do start work again, your manager will have a check in conversation with you, as above.

**8 Medical Suspension**

8.1 We have a duty of care to you, and our community, to make sure that you are fit to work. If we think you are not well enough to be working, we will discuss this with you. If we continue to have doubts about your wellbeing, it may be necessary for us to place you on [medical suspension](#Medical_suspensions), while we look into this. During our investigations, you will need to stay at home and will receive full pay.

**9 Formal Action**

9.1 We expect managers to monitor their people’s sickness absence. Your manager will be notified when your absence level exceeds either:

* 10 working days’ absence (pro-rata if part time) in a rolling 12 month period; or
* an unacceptable level of absence, where a combination of one or two-day absences, or patterns of absence gives cause for concern

9.2 When a review takes place, your manager will consider whether formal action is appropriate, taking into account the circumstances surrounding your absence(s). If your manager is concerned about, or needs to understand better, the reasons for your absence they will have a conversation with you.

9.3 Where formal action is to be taken, we will follow the process set out in Appendix 1. We will apply this procedure fairly and reasonably at all stages and will ensure you are aware of your entitlements, as set out in our Formal Meetings Protocol.

**10 Confidentiality**

10.1 We all have personal responsibility for ensuring that information we receive is kept confidential, whether it is written or verbal, or received directly or indirectly. This is particularly so when dealing with medical/sickness details where the need to maintain confidentiality is of paramount importance.

**11 Monitoring**

11.1 We are committed to improving employment practices and will monitor the application of this policy. To do this we will gather sickness data on absence levels, reasons for absences, and the application of this process on employees.

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**Appendix A**

**ABSENCE POLICY - FORMAL ACTION**

Throughout the formal stages of this procedure we will make sure that you know why, where and when a meeting is being held, that you have any documentation you need to prepare for that meeting and you are aware of your right to be accompanied. This is all set out in our formal meetings protocol.

**Stage 1 – First Absence Meeting**

1.1 This is a first formal meeting and will be held with your manager. Your manager may refer you to Occupational Health if they think a medical opinion on your fitness is required.

Review Period

1.2 Your manager will set a suitable review period (normally up to 3 months), making clear the level of improvement that is required. Jointly you will agree any support that might be needed to achieve that improvement.

1.3 During the review period, your manager will monitor and discuss all absences with you. If you are not at work, they will maintain regular contact with you.

1.4 At the end of the review period, or at an earlier stage if circumstances have changed (e.g. new information has come to light about your condition or your attendance record has deteriorated), your manager will determine whether satisfactory improvement has been achieved.

Improvement achieved

1.5 If improvement has been achieved, no further formal action will be taken at that stage.

1.6 You will need to maintain this improvement over the next 12-month ‘monitoring period’. This can be extended if a longer period is needed to establish that the improvement has been sustained.

1.7 Should your absence levels deteriorate in the monitoring period, action under stage 2 of the procedure may begin.

Improvement not achieved

1.8 If improvement has not been achieved, the process will move to stage 2.

**Stage 2 – Second Absence Meeting**

2.1 This second formal meeting and will be held with your manager and an HR adviser.

2.2 Your manager will ensure that recent advice from Occupational Health is available before holding this meeting. At the meeting, your manager will review your situation and decide either:

* that your attendance can still improve, in which case they will clearly set out what is expected, by when and any support that is being put in place to assist you. A further review period will be agreed during which you will need to demonstrate you have met the identified improvement in attendance. If that improvement is not achieved, the case will proceed to Stage 3, where a hearing will take place, which could decide to terminate your contract.

Or

* that there is no prospect of an improvement in your attendance, and so the case will proceed to Stage 3 where a hearing will take place. You should be aware that a hearing may result in the termination of your contract.

**Stage 3 - Hearing**

3.1 The hearing will be heard by a Chief Officer, and HR will be present in an advisory capacity.

3.2 The Chief Officer will have been provided with a report, prepared by your manager, setting out the details of your case. This will include a medical opinion, obtained within the last 3 months. You will receive a copy of this report prior to the hearing.

3.3 At the hearing you will be asked to present your case to the Chief Officer, setting out your reasons or explanations as to why your contract should not be terminated.

3.4 The Chief Officer will ensure they are satisfied that they have enough information on which to make their decision. They should also be satisfied that all the appropriate procedures have been followed, that reasonable adjustments have been considered (where appropriate) and that you had previously been advised that your employment could be terminated.

3.5 If the Chief Officer considers that dismissal is not appropriate, they will indicate what further action needs to be taken and how this will be monitored and assessed.

3.6 If the Chief Officer determines that dismissal is appropriate, you will be issued with notice of dismissal and informed of your right of appeal.

**Appeals**

4.1 If you wish to appeal against your dismissal, the process and your rights are set out in our Formal Meetings Protocol.

**Appendix B**

**Linked/Additional Information**

The following are either referenced in the Absence Policy and further linked context is provided or that additional information on agreed approach to absence is being made available.

**Occupational Health Service and Referrals**

We use the services of an external Occupational Health Provider. Your manager may need to refer you to them when it is necessary to obtain their medical advice either on your condition or your ability to return to work.

This appointment may take place by telephone or in person; you will be given details as appropriate. You should note that if you do not attend your appointment(s), your manager will have to base their decisions on the available facts and without the expertise of Occupational Health.

Sometimes Occupational Health may request a report from your GP or consultant to help inform their assessment. You will be asked to give your approval before such a request is made. Should you not give your approval or if they do not receive any report from your doctor, they will provide advice to your manager based on their own assessment.

Occupational Health will provide your manager with a medical assessment on your health / absence, including your fitness to work, and in some cases on adjustments that would either facilitate a return to work or support you in the performance of your role.

Your manager will then decide whether action under the Absence Policy is appropriate, taking into account Occupational Health’s advice

**Trade Unions**

Trade Unions support and represent employees throughout their working lives. We recognise several different Trade Unions at Hounslow, that we consult and negotiate with and who represent our staff. You need to be a member of a union to access their services. To find out more about joining a trade union, contact the staff side secretary.

**Reasonable Adjustments**

If you have a disability we will carefully consider, and where possible, make reasonable adjustments necessary to address any disadvantage arising from your disability, to enable you to carry out your duties.

If your absence is related to your disability, your manager will consider the most appropriate means of managing the situation. This may include providing further support or making a reasonable adjustment, see Guide to Workplace Adjustments.

It may be an appropriate adjustment for a period of disability related sickness to be disregarded for the purposes of formal management action. Other reasonable adjustments may include (though this list is not exhaustive) treating periods of absence for rehabilitation, assessment, or treatment, which are disability related, as reasonable adjustment(s) rather than sickness.

In assessing whether an adjustment is “reasonable”, your manager will need to consider not only the impact on you, but also the effect it may have on others in the team e.g. workloads, resources and service delivery.

**Sickness Scheme**

You will receive occupational sick pay in accordance with the terms and conditions of the relevant National Body set out in your contract of employment. Any misuse of the sickness scheme may lead to the suspension of sick pay and could also result in disciplinary action being taken.

Most of us are covered by the JNC for LGS staff terms and conditions, commonly known as the Green Book. The sickness allowance for Green Book employees is (subject to certain regulations and appropriate procedures) payable based on your length of service and details are set out in the table below:

**Maximum payment period**

|  |  |  |
| --- | --- | --- |
| **Service** | **Full pay** | **Half pay** |
| Up to 4 months | 1 month |  |
| Over 4 and up to 12 months | 1 month then | 2 months |
| Over 12 months and up to 2 years | 2 months then | 2 months |
| Over 2 and up to 3 years | 4 months then | 4 months |
| Over 3 and up to 5 years | 5 months then | 5 months |
| Over 5 years | 6 months then | 6 months |

Under exceptional circumstances chief officers may extend payment for up to six weeks at a time.  Advice on such extension should be taken from Human Resources.

**Sickness Reporting Procedure**

We understand that there will be occasions when you will be absent due to ill health. When this happens, we ask that you comply with the following reporting procedure. This is very important as your manager needs to know if you’re not attending for work; it will allow them to make any arrangements to cover your absence and to let your colleagues as appropriate.

1st day of absence

You must contact your manager (or if they’re unavailable another appropriate manager) before your normal start time, or latest within 2 hours of normal start time, to inform them of your absence and the reason. If necessary, comply with the contact arrangements set out locally by your management. Your manager will enter sickness and the reason provided via People Manager on iHounslow.

Contact between 3rd and 7th day of absence

In some services more regular contact may be necessary. If so, your manager will let you know if you need to contact them, for example, on the 3rd or 4th day of absence. This is to receive an update, in order to plan staff rotas and possible cover. If you are part-time or don’t work a standard working week, this notification includes your non-working days. This means if you work Monday to Wednesday each week and ring in sick on Monday, you may be asked to ring your manager on the 4th day of absence, you will be expected to ring in on Thursday (4th day of absence) even though this is a non-working day. Should the reason behind your absence have changed, your manager will note this on iHounslow.

No later than the 8th day of absence

If you continue to be unwell, you should contact your GP and obtain a Fitness to Work (FTW) certificate. You’ll need to submit this certificate to your manager by the 8th day of absence. If you work part time or do not work a standard working week you still need to do this by the 8th day after you became ill e.g. if you work Monday – Wednesday, and your 1st day of absence was Monday, the 8th day of absence will be the following Monday.

Continued absence

You’ll need to submit consecutive certificates to cover any further periods of absence and remain in contact with your manager to update them on your recovery. Remember to inform them of changes to your contact details e.g. telephone numbers, emails, addresses. You should also expect your manager to check in with you occasionally. This is to ensure that you receive support you might need to facilitate or ease your return to work and/or to update you on work matters.

When you return to work you should contact your manager on your first day back and, confirm your fitness for work.

Sickness while overseas

If you are sick whilst on leave abroad, the normal sickness reporting arrangements still apply, however you will need to forward a medical certificate covering your absence from day one of sickness to your manager. With overseas certificates we will need to confirm the validity of the certificate. In some cases, we may withhold your sick pay, while we authenticate your certificate. The same applies to a period of sickness immediately following the end of a period of authorised leave.

A decision on the payment of sick pay and reimbursement of annual leave will be taken once your absence has been verified. If the sickness absence is accepted, your annual leave will cease and any sick pay that you are entitled to will be backdated to the date of the notification.

If misuse of the sickness provisions is found, absence beyond the approved annual leave will be regarded as unpaid leave and treated as misconduct.

Absences related to an activity at work

If your absence is related to an injury, accident, illness or disease that has arisen as the result of a work activity, you MUST:

* report the incident to your manager, regardless of severity, as soon as reasonably possible but no later than 24 hours after the incident
* provide the relevant details required for recording purposes

If you do not inform your manager or provide full details ***or*** where contributory negligence on your part is proven, this may result in disciplinary action. You may also lose your entitlement to occupational sick pay.

Your manager MUST:

* input details onto the incident reporting system via “Report an Accident”.
* notify the Health and Safety team as soon as notification is received

**Workplace Adjustments**

The Guide to Workplace Adjustments provides further advice and guidance on how to request and consider workplace adjustments. It addresses requests from all employees, whether you have a disability or not.

Managers will find these guidelines useful when considering making workplace adjustments to support or facilitate your return to work.

**Access to Medical Reports**

When Occupational Health seek medical advice from a third party e.g. your GP or Consultant, they will conform to the requirements of the Access to Medical Reports Act 1988. You will therefore be advised that:

(a) your consent is required for Occupational Health to apply for a medical report from your GP/Consultant***.***

(b) with certain exceptions, you have full access to the content of the report. It is your responsibility, not the council’s, to make the necessary arrangements to see the medical report.

(c) you have the right not to agree to the medical report being requested. Decisions will, however, be made, and a report prepared giving advice on the state of your health, based on the facts known at that time.

**Returning to Work Check In**

When you return to work please contact your manager, to let them know you are back. Your manager may want to schedule a check in conversation to discuss how you are. Equally if you feel there are issues that you wish to talk to your manager about, you can schedule a check conversation with them.

If you are returning from a long-term absence, please contact your manager beforehand to let them know of your intended return date. This will allow for a discussion on arrangements or possible adjustments for your return.

**Phased Returns**

Where a phased return is agreed, the balance of your working hours will be treated as recuperative leave. Periods of recuperative leave will not be recorded as sickness and will not count towards absence warning trigger points. You will, however, receive any sick pay that you are entitled to, during the recuperative leave, rather than normal salary.

You will normally be expected to return to your full contractual hours within 4-6 weeks of starting back at work.

Arrangements for phased returns should, wherever possible, be in multiples of half days. However where other reduced hours are agreed on the recommendation of medical advice from your GP or the Occupational Health Service, the payment for these hours worked will be on basis of either a half day (if you have worked less than a half day) or full day (if you have worked more than a half day but less than a full day).

**Medical Suspensions**

Prior to any suspension, your manager will need to:

* consult HR on the situation
* discuss their concerns with you
* consider whether further advice is required from Occupational Health and/or your GP before further action is taken
* be satisfied that there is no reasonable alternative to dealing with the situation other than requiring you to stay at home
* obtain the approval of their Head of Service before proceeding.

If you are deemed not fit to return to work, you will be placed on sick leave and will receive sick pay according to your entitlement. This will be backdated to the start of the medical suspension.

**Long-term Absence**

This is a continuous period of sickness of 30 days or more. In these cases, as well as maintaining regular contact and receiving updates on your health, your manager is responsible for monitoring and addressing concerns on your absence/attendance. They will do this with sensitivity, taking a supportive approach to reintegrating you back to work.

You and your manager should also be discussing what can be done, by way of suitable support, to assist in your return to work. These discussions may take place at any time during the absence i.e. before and after the 30 days.

Support to facilitate your return to work may involve consideration of:

* phased return on reduced hours
* variation to duties
* greater use of remote working
* assistance from colleagues with particularly difficult tasks
* changes to workstation
* reasonable adjustments

**Persistent Short–term Absences**

These are unacceptable levels of absence where a combination of one- or two-day absences, or patterns of absence exist, which give cause for concern. In these situations, your manager will act promptly to address the concern.

Formal meetings will therefore be arranged without undue delay. Your manager will continue to monitor your attendance, will set clearly identified targets, and will be clear on the consequences of failing to meet those targets.

**Annual Leave during Sickness Absence**

You can take annual leave, during periods of sick absence and such requests are subject to normal management approval.

You will continue to accrue annual leave during any period of sick absence and are subject to the council’s procedures for carrying over annual leave as set out in the Authorised Leave Policy.

**Elective Treatment Overseas**

If you wish to receive medical treatment overseas, you will need to provide your manager with evidence of your medical condition and the necessary treatment. This will be forwarded to Occupational Health for review.

If Occupational Health advise that the treatment is related to sickness, the absence will be recorded as such and you will receive pay in accordance with our sickness allowance.

However, where the absence is not considered to be sickness, you will need to take annual leave or unpaid leave, which must be approved in advance. Should you fail to do so, this will be regarded as misconduct.

**Formal Action and Absence Meetings**

The formal process is applied when your sickness absence has reached the trigger points and would necessitate a first formal Absence meeting. You will have an opportunity during a review period to improve your attendance. If your attendance remains unsatisfactory then a second formal Absence meeting will be held, which in turn may lead to a dismissal hearing and the ending of your employment contract.

We recognise that during the formal stage’s further treatment and/or enquiries may be necessary, however the procedure will not be unnecessarily delayed, and decisions will continue to be made as appropriate. Similarly, any follow up action may be taken without the need to delay the formal procedure. Decisions will be made on case by case basis and will take account of medical advice received from Occupational Health.

Exceptional Circumstances

Your manager may feel that in some cases formal action is inappropriate. This would be in situations such as: emergency hospital admission, terminal illness, death of partner/child, accident at work etc. In these circumstances, your manager may delay or suspend further action and if so, should update the iHounslow absence review records accordingly. Your manager will, however, keep the situation under review and may consider further action if it is necessary to do so at a later stage.

First Absence Meeting

We know that these may be difficult conversations for you and your manager, however the purpose of the discussions particularly the first formal meeting is to be supportive and more specifically to:

(a) review your attendance record and give you the opportunity to explain the reasons for your absence

(b) clearly establish the improvement in attendance that is required

(c) review any previous efforts to assist you and to discuss any further assistance that may be helpful in achieving the required improvement. This may include a consideration of alternative duties, reasonable adjustments, working arrangements, temporary redeployment or other additional support available under the Employee Assistance programme.

(d) ensure that you are aware of the formal stages of the policy, and informed that if the required improvement is not achieved then action will escalate to the next stage, the result of which may be that you contract of employment is terminated

(e) in the case of first formal meeting, to set a review period during which your progress will be regularly monitored

(f) in the case of the hearing to consider your explanation for your absence levels and any mitigation to support your case that you should not be dismissed

Second Absence Meeting

At this meeting your manager will be accompanied by a HR Adviser. You will be invited to put forward your reasons why your attendance has not improved or been sustained. After the meeting, your manager will decide whether to proceed to a dismissal hearing.

Should they decide not to proceed to a dismissal hearing at this stage, your manager will:

* advise that an improvement is essential and that a further review will take place, the period to be determined by them based on the circumstances of the case. If you fail to achieve the required improvement, a dismissal hearing will be held which may result in your contract being ended.
* agree a programme to assist you in achieving the required standard of improvement.
* obtain an up to date report from Occupational Health, particularly if you provided new information in relation to your health or medical treatment.
* consider additional support e.g. under the Drugs and Alcohol Policy or Stress Management Policy or through the Employee Assistance Programme.
* consider whether the circumstances fall within the criteria for ill health retirement