

## **DEVON AND CORNWALL POLICE AUTHORITY**

### **SICKNESS MANAGEMENT AND ILLHEALTH PROCEDURE**

#### **Policy**

The Authority recognises the importance of the contribution made by its staff to the delivery of its objectives and priorities. It also recognises that staff may from time to time be prevented from attending work through sickness and ill health and it does not wish employees to attend work when they are not fit so to do. It is the policy of the Authority to seek to strike a reasonable balance between, on the one hand, the needs of staff who are genuinely sick and unable to come to work and, on the other, ensuring that disruption to work is minimised. If an employee is frequently and persistently absent from work, efficiency and effectiveness can be damaged and place an additional burden of work on the employee's colleagues. The Authority is therefore committed to managing attendance and sickness absence through the procedures set out below.

Some absence due to sickness is short term and/or recurring, but from time to time, staff may be off work for longer periods of time through sickness. This procedure covers both situations.

The sickness provisions set out in Section 4 of the Pay & Conditions of Service handbook of the Police Staff Council govern the basis on which sick pay is paid.

#### **General Principles**

In applying this procedure the Authority will seek to apply the following general principles:

- Encouraging openness of communication between employees and managers, while respecting confidentiality and having regard to the requirements of the Data Protection Act and Access to Medical Reports Act;
- Dealing with employees consistently so that the procedures are applied fairly across the Authority and in a non-discriminatory way;
- Adopting a sensitive and supportive approach to those suffering from ill health, which may include giving staff time off with pay to receive essential treatment where it is not reasonable to arrange this out of office hours;
- Not implying any distrust of staff or concerns about their conduct when enquiring about an employee's attendance, unless there are reasonable grounds for believing that there might be abuse of the sickness absence system;
- Monitoring the application of the procedure so that improvements can be made to it in the light of experience and outcomes.

Employees are expected to:

- Report sickness absence promptly and not abuse the procedures or the sick pay scheme;
- Ensure appropriate certifications are completed in accordance with the procedure;
- Maintain contact with and/or respond to their manager during periods of sickness absence;
- Communicate effectively with their manager about any sickness absence and raise any concerns that they have if they believe that their job is contributing to illness;
- Co-operate fully with the Authority's Occupational Health and other relevant Advisers who provide support to the Authority and its staff.

### **Notifying Absence**

In order to facilitate the effective working of the Authority, it is essential that managers know when a member of staff is unable to attend work due to illness. Failure to notify the Authority of absence may lead to an absence being considered as unauthorised, which could result in loss of pay and/or disciplinary action.

The following notification procedure should therefore be followed even for an absence of a day or less:

1. The employee should telephone their line manager on the first day of absence before 9 a.m. or as soon as reasonably practicable thereafter during the day. If the line manager is not available, the employee should advise the Office Manager or a member of her staff.
2. The employee should provide details of their illnesses or injury, their anticipated length of absence and any work commitments that may need re-arranging;
3. If the employee believes that their absence may have been caused by something that happened at work they should inform the line manager of this and arrange for an Accident Report Form to be completed;
4. It is the responsibility of the person receiving the notification of absence to advise the Office Manager so that she can ensure that the appropriate notification is made to the Constabulary's Payroll Section and, if appropriate, Accident Report Form is completed;
5. Exceptionally, if an employee is unable in person to notify their line manager or the office of their absence, they must arrange for someone else to do it on their behalf. They must however make direct contact with their line manager as soon as practicable thereafter if the absence lasts more than one day;
6. In the event that the absence lasts for more than one day, the employee should notify their line manager again on the fourth day of absence (unless the line manager requires notification earlier) and thereafter as determined by the line manager.

### **Certification**

In order to ensure that the sick pay provisions set out in statute and supplemented by provisions of the Pay & Conditions of Service handbook as agreed by the Police Staff

Council can be correctly applied, all sickness absence has to be certified in accordance with the following:

1. The employee must complete a Sickness Reporting Form in respect of all sickness absences, including a half or single day. If the absence is for less than seven days including weekends or statutory holidays, the form can be completed on return to work. However, if the absence continues for a longer period the form should normally be sent to the employee to complete and return;
2. If the absence continues for more than seven consecutive days (including weekends and statutory holidays), the employee must consult a doctor (if they have not already so done) and obtain a medical certificate, which must be forwarded immediately to the Office Manager. [Note: in this context, if the illness which caused the absence was the subject of referral to a doctor before the first day of absence from work, the seven day period commences on the day on which the doctor was first consulted];
3. Where there is continuing sickness absence, the employee must submit to the Office Manager concurrent medical certificates to cover the whole period of sickness absence.
4. The Office Manager should check that certificates are being received in accordance with the procedure and ensure that:
  - (a) The employee is reminded of their obligations if certificates are not received in a timely manner;
  - (b) Payroll is notified of the absence;
  - (c) The Authority's monitoring systems for sickness absence are updated appropriately;
  - (d) The relevant line manager is advised where action may need to be taken in accordance with the provisions of this procedure relating to frequent short-term absence or long term absence (see below)
5. When a period of absence exceeds twenty one days, the employee, on their return to work, must submit to their manager a medical certificate or statement of fitness to resume work from their doctor.

NOTE: If the Authority is concerned at the frequency of an employee's absence or their reasons for absence, the employee may be required to submit medical certificates (rather than self certificates) from the first day of absence. In accordance with the provisions of Section 4 paragraph 4.2 of the Pay & Conditions of Service handbook as agreed by the Police Staff Council, the Authority will meet the cost of any fee charged.

### **Maintaining contact**

When an employee is absent from work, it is important that contact is maintained between the Authority and the employee. Consequently:

1. The employee and his or her line manager should maintain regular telephone contact during all stages of sickness absence.

2. If the employee is absent from work for more than twenty eight days, the line manager should arrange with the employee to visit them at home, if he or she has not visited earlier.
3. To avoid an employee feeling isolated during long periods of absence, regular contact whether by phone or in person should be maintained.

### **Monitoring Sickness Absence**

The Authority will maintain records of all sickness absence among employees, which may be used for monitoring purposes in respect of the Authority as whole and of individual employees.

### **Return to work**

On an employee's return to work, even following a short sickness absence, the line manager should arrange (normally on the first day back and generally within three days) to meet privately with the employee. The purpose of the meeting is:

1. To ensure that there is an accurate record of the absence, including appropriate certification;
2. To update the employee on work issues;
3. To check whether absences are in any way work related. If the problem is work related, the manager should consider promptly what steps might reasonably be taken to remove or reduce the factor that is causing the employee's problem..
4. To check whether there are any other issues underlying the absence which it may be helpful for the manager to be aware of that are causing problems with the employee's health (e.g. personal or family problems).

A record of the meeting as set out on the reverse of the Sickness Reporting Form should be made and placed on the employee's personal file.

### **Frequent short term absence**

Frequent short term absence is normally defined by the Authority as:

- Three or more instances of sickness absence in any three month period;
- A recurring and recognisable pattern of absence in a shorter period than three months, such as frequent absence either before or after a weekend.

[Note: Managers may exercise discretion in the application of this definition when it is known, for example as a result on continuing contact with the employee during periods of absence, that there are particular reasons for the absence, which do not require immediate review. Managers may also instigate the procedure associated with frequent short term absence when the above definition is not met but when there are patterns of absence, which, while not frequent, are regular when considered over a longer period than three months]

In these instances the manager should hold an initial review meeting with the employee, the purpose of which is to:

1. Discuss and confirm the absence record, so that the employee is aware of the pattern;
2. Explore the reasons for absence;
3. Identify whether there are areas of support that the Authority can give;
4. Check whether there are any risks inherent in the job or the working environment that need to be taken into account;
5. Set targets for improvement (including timescales) and clarify what further action might be taken if targets are not met and/or there is a recurrence of frequent short term absences;
6. Establish any particular actions that need to be taken. These may include:
  - (a) Requiring the employee to submit a medical certificate from his or her doctor for every sickness absence;
  - (b) Seeking the advice of the Authority's Occupational Health Adviser;
  - (c) Adjusting workload or the working environment.

At such a meeting the employee may be accompanied by a fellow employee or trade union official of their choice.

A record of the meeting will be kept on the employee's personal file and the manager will write to the employee within five working days of the meeting outlining the key points raised and discussed at the meeting and the action to be taken/improvements required.

Further meetings may be held to review progress towards meeting the improvements required and the effectiveness of any actions agreed. The Authority's HR Adviser or other appropriate person may be present at the initial review meeting or any subsequent meetings (including formal Absence Review meetings – see below) to give advice and/or facilitate support.

If the necessary improvements are not achieved and/or there is a subsequent recurrence of the frequent absences, the manager should convene a formal Absence Review Meeting with the employee to consider what formal action might be taken. At such a meeting the employee may be accompanied by a fellow employee or trade union official of their choice. The employee should be given a minimum of three working days advance notice of the meeting. At the meeting the manager should:

1. Reaffirm what was discussed and required at the previous meeting(s);
2. Examine the extent to which the actions identified at that meeting have been taken;
3. Consider whether any additional support to the employee is appropriate and reasonable;
4. Commission advice, if not already received, from the Authority's Occupational Health Adviser so that the medical position and any medical reason for the absence is clearly established;

5. Set targets for the employee and, if appropriate, formally warn him or her that the consequence of either further failure to meet the targets or recurrence of the unacceptable level/pattern of absence will be a final written warning under the terms of the Authority's Disciplinary Procedure.

The outcome of the formal Absence Review Meeting and, in particular, any formal warning that is given, will be confirmed in writing to the employee within five working days of the meeting. A copy of the letter will be placed on the employee's personal file.

If there is insufficient improvement following the formal Absence Review Meeting and/or a recurrence of the pattern of unacceptable absences, the matter will be referred to the Chief Executive for consideration of action under the terms of the Authority's Disciplinary Procedure. For that purpose it will be deemed that any warning given at the Review Meeting is a First Written Warning.

All further action in such cases, including proposed dismissal and appeal, will be conducted in accordance with the Authority's Disciplinary procedure.

### **Long term Sickness Absence**

Absences of more than twenty eight days are considered long term. After this length of absence, if not earlier, the line manager should arrange to visit the employee at their home and thereafter meet with the employee on a regular basis in order to:

- keep up to date with progress;
- identify areas of support
- determine whether any other action should be taken

Where it is evident that it will continue for more than three months, consideration should be given to referring the absence to the Authority's Occupational Health Adviser in accordance with the final section of this procedure in order to provide an indication of the likely duration of the employee's absence and whether any steps can be taken to help the employee's return to work. In some instances it may not be necessary to refer the matter at an early stage to the Occupational Health Adviser (e.g. when the prognosis is clear from information received from the employee or his or her doctor).

In any event, the absence should be reviewed with the employee after three months and referred to the Authority's Occupational Health Adviser. Depending upon the advice received from the Occupational Health Adviser one or more of the following actions may be taken:

- A further date(s) for review may be set with advice from the Occupational Health Adviser;
- Reasonable adjustments such as changes to workload or working practices/patterns/hours may be identified and implemented either as part of phasing back to work or on a more permanent basis;

- Consideration as to whether the employee's employment can continue, leading to a decision to dismiss the employee on grounds of their incapability to undertake their job due to ill health. This consideration may include enquiries as to whether the employee may be eligible for ill health retirement benefits.

These and any other proposed actions will be discussed with the employee before any action is taken.

In the event that the action proposed is that the employee's contract of employment should be terminated, the Chief Executive will formally notify the employee in writing of the proposal (and the reasons for it) and arrange for a meeting to be convened with the employee to discuss the proposal and consider any representations from the employee. At such a meeting the employee may be accompanied by a fellow employee or trade union official of their choice. The meeting should be arranged at a time that enables the employee reasonable opportunity to consider his or her response to the proposal. If the employee unreasonably and/or persistently fails to attend such a meeting, the Chief Executive may deal with the matter taking into account any written representation that may be received from the employee and/or any representations made on behalf of the employee by his or her nominated representative.

If, after the meeting, the decision of the Chief Executive is that the employee's contract of employment should be terminated on grounds of their incapability to undertake their job due to ill health, the employee should be notified in writing and given notice of termination in accordance with their contractual entitlement. The employee should also be advised of their right of appeal against the decision, which should be lodged in writing with the Chief Executive within five working days of being informed of the decision to terminate the contract of employment.

The appeal will be heard by a panel of Members of the Remuneration Committee Authority and will take the form of a review of the issues before and evidence presented to the Chief Executive before he made his original decision to terminate the contract of employment. Representations may be made to the panel by the employee and/or by the employee's fellow employee or trade union official on their behalf. Those hearing the appeal must decide on the basis of both sets of representations, together with any subsequent facts that may have come to light and which were not reasonably practicable to have evidenced at the time of the original meeting with the Chief Executive, whether to uphold his decision.

The panel may be accompanied by an Adviser, whose role is to give advice on issues of procedure, conditions of employment and employment legislation. The Adviser is not part of the decision making process, but may take notes of the meeting.

The Panel's decision, which will be confirmed in writing within five working days of being made, is final.

### **Occupational Health Referral**

In making any referral to the Authority's Occupational Health Adviser the following should be noted:

1. The employee should be requested to give their consent to the referral, which may include the Occupational Health Adviser seeking information from the employee's doctor.
2. The manager should provide as much information as possible to the Occupational Health Adviser about both the employee's medical condition and the nature of the work that the employee undertakes together with any specific questions to which answers are required from or advice given by the Occupational Health Adviser. The employee should be made aware of the information provided.
3. The employee must be made aware of their rights under the Access to Medical Reports Act in relation to the Authority's request to seek a report from the employee's doctor.
4. In the event that an employee refuses to give his or her consent to a referral and to the Occupational Health Adviser seeking information from the employee's doctor, the Authority's HR Adviser should be asked to discuss the implications with the line manager and, if appropriate, with the employee. Those implications should, in any event, be discussed with the employee and confirmed in writing.

October 2004