Introduction

Hello and thank you for downloading our long-term sickness absence policies and procedures.

These have been written by employment lawyers in conjunction with occupational health and absence management specialists and are designed to be used as a template for your organisation.

**Before using this document**

This template has been made available to you for free.

Whilst you are welcome to use the documentation as you see fit, we recommend taking specific advice from the team at [Primed](https://primed.co.uk/) to ensure the policy and procedure is appropriate for your business and its particular set of circumstances. We promise we are very friendly!

In the event that you do use the documentation without first taking our advice, we need to be clear that in those circumstances, no relationship is created between you and any of the Outset Group Companies.

You may wish to add, remove or amend sections of this document in line with your company requirements.

# Employment law and HR

If you require any assistance with employment law or HR, please contact the Primed team using:

Email: info@primed.co.uk

Tel: 01622 47 41 49

# Occupational health and employee wellbeing

If you require any assistance with occupational health, please contact the Smart Clinic team using:

Email: hello@smartclinic.com

Tel: 0800 862 0142

Short-term sickness absence policy & procedure

# Purpose

This policy and the associated procedure are designed to clarify and provide guidance on managing short-term sickness absence. The policy will describe the standards, laws and guidelines whilst the procedure will describe the tasks and actions required. A summary of areas covered by this policy is detailed below:

* General Principles of the Policy and Procedure
* Absence Management
* Accidents at Work
* Short-Term Sickness Absence Management Procedure

Should you have any questions in relation to this document please speak to your Line Manager.

# General Principles

The Company aims to encourage all employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work for various reasons.

It is the Company’s approach that:

* Employees who may be absent from work from time to time will be supported; however, the Company needs to strike a reasonable balance between the pursuit of its business needs and the genuine needs of employees to take occasional periods of time off
* Short-term absence has a detrimental effect on the running of the business and team dynamics and managers are expected to address absence concerns in a timely manner
* Employees with underlying or on-going conditions will have any associated absence treated fairly and consistently taking into account individual circumstances
* Where an employee’s attendance at work is a cause for concern this may be addressed utilising appropriate procedures including the Short-Term Sickness Absence Policy and Procedure and the Long-Term Ill-Health Capability Policy and Procedure, as appropriate to the circumstances, in a fair and consistent manner
* The Company will fulfil its legal obligations when dealing with absence
* Whether an absence is short or long-term, the Company will actively consider at all material times whether a referral to Occupational Health would be of significant benefit for both the Employer and the Employee

The objective of both the Short-Term Sickness Absence Policy and Procedure (and the Long-Term Ill-Health Capability Policy and Procedure) is to achieve fairness and consistency, and to allow all employees to understand what constitutes acceptable and unacceptable levels of absence. When deciding upon formal steps under either policy or procedure, the Company will consider the history of attendance as managed in accordance with either policy.

# Absence Management

Unauthorised absence or lateness may be dealt with under the Disciplinary Procedure. Failure to contact the Company regarding an absence will result in the absence being unauthorised and therefore disciplinary action may be taken. Any spell of unauthorised absence will not be paid.

Frequent spells of short-term absence will be dealt with in accordance with the Short-Term Sickness Absence Policy and Procedure. Pregnancy-related absences will be excluded from the Sickness Absence Procedure.

# Occupational Health

Where an employee is absent as a result of an underlying health issue (for example, one that could amount to a disability under the Equality Act 2010), the employee should be referred to Occupational Health for further advice. Where the absence(s) are wholly or partly for a disability-related reason, the trigger points referred to in the Sickness Absence Management Procedure may need to be modified to take account of the employee’s disability in accordance with the Company’s obligation to consider reasonable adjustments.

Short-term sickness absence procedure

# Absence Reporting

The following are the general principles for the reporting of all absence spells:

* It is an employee’s responsibility to inform their Line Manager of any planned or unplanned absence at the earliest opportunity
* Unplanned absence should be reported by employees as early as possible and no later than their scheduled start time on the first day of the absence
* Employees should not leave messages reporting absence with anyone other than their Line Manager
* Notification made by text message or email is not an acceptable way of notifying the Company of absence
* It is an employee’s responsibility during any period of absence to keep the Company informed as to progress and specifically the likely return to work date
* An employee who is absent from work for up to 7 days (including weekends and statutory public holidays) must fill in a self-certification form and return it to their Line Manager on their return to work stating clearly the reasons for absence
* An employee who is absent from work for more than 7 days (including weekends and statutory holidays) must provide a medical certificate (statement of fitness for work) by the 8th day of sickness or injury. For continued periods of sickness or injury, medical certificates should be provided to cover the entire period of absence

# Return to Work Interview

An employee’s Line Manager will arrange for a return to work interview on an employee’s return from any period of absence. The reasons for absence will be discussed and the implications of future absences outlined if appropriate. Employees are expected to comply with a request from management to attend such an interview.

# The Procedure

Trigger levels are set by the Company to assist in the management of sickness absence to ensure consistent application of the policy and as a clear standard to all employees.

The trigger point for initiating the Formal Sickness Absence Management Procedure, or the next stage in the Procedure, is 3 spells of short-term absence in a rolling 12-month period.

The Formal Sickness Absence Management Procedure consists of 3 stages:

* First Formal Absence Review Meeting
* Second Formal Absence Review Meeting
* Final Formal Absence Review Meeting

# First Formal Absence Review Meeting

Once an employee reaches the trigger point, the Line Manager will invite the employee, in writing, to a First Formal Absence Review Meeting and include relevant documents such as the employee’s absence history, GP or Occupational Health reports where applicable, and other correspondence relating to their absence.

The written invitation to the First Formal Absence Review Meeting should give the employee at least 48 hours' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union official. The letter should explain to the employee that the purpose of the meeting is to review the employee's unsatisfactory attendance level, and warn them that a possible outcome of the meeting is that they may be issued a Stage 1 Formal Review Period for 12 months.

The purpose of the meeting is to:

* Formally review the sickness absence levels and establish the causes for the absences
* To consider all the facts discussed relating to the continued absence levels and decide on an appropriate course of action
* Discuss whether an Occupational Health referral is of benefit, or discuss the content of any report already obtained from Occupational Health
* Consider whether there are any other ways in which the Company can facilitate or reasonably support an improved attendance record from the employee

The outcomes of the meeting can include all or some of the following:

* The employee is given clear notification that their level of absence is unacceptable and that a marked improvement is to be achieved and maintained
* Referral to Occupational Health for assessment and/or other treatment or services as available if applicable, e.g. counselling
* Stage 1 Formal Review Period for a period of 12 months

After the meeting, the Line Manager will set out, in writing as soon as is reasonably practicable, the outcome of the First Formal Absence Review Meeting, for example if the employee has been placed on a Stage 1 Formal Review Period, or if the decision is that no further action will be taken. The letter should confirm the employee’s right to appeal the decision. Where an Occupational Health referral is made the decision on the whether to issue a Stage 1 Formal Review Period may be postponed until after receipt of the report.

# Second Formal Absence Review Meeting

Where the level of an employee’s attendance continues to fall short of the targets set during their Stage 1 Formal Review Period, a Second Formal Absence Review Meeting will be held.

Once an employee reaches the trigger point, the Line Manager will invite the employee, in writing, to a Second Formal Absence Review Meeting and include relevant documents such as the employee’s absence history, GP or Occupational Health reports where applicable, and other correspondence relating to their absence.

The written invitation to the Second Formal Absence Review Meeting should give the employee at least 48 hours' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union official. The letter should explain to the employee that the purpose of the meeting is to review the employee's continued unsatisfactory attendance level while in a Stage 1 Formal Review Period, and warn them that a possible outcome of the meeting is that they may be issued a Stage 2 Formal Review Period for 12 months.

The purpose of the meeting is to review escalating absence levels and poor attendance.

The outcomes of the meeting can include all or some of the following:

* The employee is given clear notification that their continued level of absence is unacceptable and that a marked improvement is achieved and maintained
* Referral to Occupational Health for assessment and/or other treatment or services as available if applicable, e.g. counselling
* Stage 2 Formal Review Period for 12 months

After the meeting, the Line Manager will set out, in writing as soon as is reasonably practicable, the outcome of the Second Formal Absence Review Meeting, for example if the employee has been placed on a 12 month Formal Review Period, or if the decision is that no further action will be taken. The letter should confirm the employee’s right to appeal the decision. Where an Occupational Health referral is made the decision on the whether to issue a Stage 2 Formal Review Period may be postponed until after receipt of the report.

# Final Formal Absence Review Meeting

Where the level of an employee’s attendance continues to fall short of the targets set during their Stage 2 Formal Review Period, a Final Formal Absence Review Meeting will be held.

Once an employee reaches the trigger point, the Line Manager will invite the employee, in writing, to a Final Formal Absence Review Meeting and include relevant documents such as the employee’s absence history, GP or Occupational Health report where applicable, and other correspondence relating to their absence.

The written invitation to the Final Formal Absence Review Meeting should give the employee at least 48 hours' notice of the meeting. The letter should advise the employee who will be present and that the employee can be accompanied by a fellow worker or trade union official. The letter should explain to the employee that the purpose of the meeting is to review the employee's continued unsatisfactory attendance level while on a Stage 2 Formal Review Period, and warn them that a possible outcome of the meeting is termination of their contract of employment.

The purpose of the meeting is to allow the employee the opportunity to fully explain their reasons for failing to improve their attendance record to a satisfactory standard before the Line Manager decides upon the next course of action.

An outcome of the meeting could include terminating the employee’s contract of employment on the grounds that they have failed to maintain a satisfactory level of attendance

After the meeting, the Line Manager will set out, in writing as soon as is reasonably practicable, the outcome of the Final Formal Absence Review Meeting, for example if the employee’s contract of employment has been terminated. The letter should confirm the employee’s right to appeal the decision.

# Appeal

If the employee wishes to appeal, they must:

* Write to the person named in the letter of outcome within the time frame specified in the written decision (normally within 5 working days from receipt of the outcome)
* State the grounds on which the employee believes that the decision was flawed or unfair

The Company will invite the employee to a meeting to discuss the appeal setting out:

* The date, location and time for the hearing
* The person who will hear the appeal
* The right to be accompanied

At the Appeal Hearing the employee will be allowed to explain their case and the Company will respond accordingly.

The employee will be informed in writing of the decision and of the fact that the appeal was the last stage and that the process has been exhausted.

# Work Adjustments

Either a certificate from an employee’s GP regarding sickness absence, or an Occupational Health opinion, may contain advice that an employee ‘may be fit for work with adjustments’. On receipt of such documentation, the Line Manager must discuss with the employee the comments and as part of that discussion seek to explore with the employee what adjustments to the role are required, and whether they are short or long-term.

The Line Manager should make a note of the conversation and consider how the proposed adjustments will affect the employee’s ability to carry out the job, the impact on the rest of the team and whether or not it would be possible for the employee to perform the role with the adjustments or any alternative proposal. Examples of possible adjustments include altering work hours, adapting duties and providing equipment that will help the employee carry out their job. The Line Manager may also consider (further) referral to Occupational Health to gather more information in relation to adjustments.

If the employee agrees to return to work in line with the Line Manager’s proposal to them the Line Manager will document the meeting and produce a plan for the employee. The plan should include details of:

* The date on which employee is due to return to work
* The adjustments that will be made - including any appropriate work or salary changes and what support will be provided as a result of changes
* The period during which the adjustments and support will be effective from and to
* A review date and, if necessary, any interim review dates

The employee should confirm in writing that they agree to the plan, before returning to work. Failure to reach agreement or the Line Manager not being able to make the proposed adjustments may result in the employee remaining off sick for the duration of the fit note as ‘unable to work’. The Line Manager should explain to the employee, with reasons given, where adjustments proposed by the employee and/or the employee’s doctor cannot be made.

Long-term ill-health capability policy & procedure

# Purpose

This policy and the associated procedure are designed to clarify and provide guidance on supporting employees who are sick, unable to attend work and, where an employee’s absence is for a prolonged period, to actively manage the absence as a capability concern. A summary of areas covered by this policy is detailed below:

* General Principles of the Policy and Procedure
* Capability due to Ill Health
* Managing Ill Health
* Returning to Work
* Obtaining Medical Information/Advice
* Termination due to Ill Health
* Long-Term Ill-Health Capability Procedure

Should you have any questions in relation to this document please speak to your Line Manager.

# General Principles

The Company recognises the difference between:

* Capability due to illness or disability that results in irregular and frequent amounts of short-term absence, in which case the Company may use the Short-Term Sickness Absence Policy and Procedure
* Capability due to illness or disability that renders the employee unable to fulfil their role as required by the business, in which case the Company will use this Long-Term Ill-Health Capability Policy

The objective of both the Short-Term Sickness Absence Policy and the Long-Term Ill-Health Capability Policy is to achieve fairness and consistency, and to allow all employees to understand what constitutes acceptable and unacceptable levels of absence.

# Capability due to Ill Health

Capability in this context is defined as any period of ill-health absence generally lasting 4 weeks or more, or where an underlying illness, health condition or disability is having a significant effect on the ability to carry out the role as required by the business.

It is the Company’s policy to support employees who are sick and unable to come to work and, where an employee's absence is four weeks or more, to actively manage their absence and subsequent return to work.

The Company is aware that sickness absence may, in some circumstances, result from a disability. Particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If the employee considers that they are affected by a disability or any medical condition which affects the ability to undertake their work, the employee should inform their Line Manager at the earliest opportunity.

# Managing Ill Health

The Company will adopt a case management approach when managing capability under this policy. This means regularly reviewing an employee's absence and state of health or fitness to see whether there is any improvement and if the Company can do anything to facilitate the employee's recovery and return to work in the case of long-term absence or assist the employee in fulfilling their role. Case reviews will be held as reasonably required, and these will normally involve the employee's Line Manager and Occupational Health.

Part of the case management will be for the Company to keep in touch with the employee. The employee will be consulted about how contact will be maintained, for example by telephone, e-mail and/or visits to the employee's home, in the case of long-term absence, at agreed times.

# Returning to Work

When an absent employee is well enough to return to work, or where the employee has provided a fit note from their GP saying “may be fit for work”, the Company will normally meet with the employee to discuss the terms of their return and any measures that maybe needed to facilitate the employees return to work, taking into account the medical advice.

During the return-to-work interview issues that may be discussed include:

* The employee’s opinion about their capabilities, for example whether the employee is confident that they are capable of full job performance or only partial performance
* What, if anything, the employee’s GP has advised regarding their fitness to undertake their full job role
* Whether the employee’s return should be on a full-time basis or whether a phased return increasing hours gradually would be beneficial
* Whether the employee will be taking any medication after their return to work that might have side effects, for example tiredness
* Any special arrangements (as may have been recommended by Occupational Health, additional support or adjustments to the employee’s duties, working conditions or environment that would help the employee to reintegrate into the workplace or fulfil their role

# Obtaining Medical Information/Occupational Health Advice

Employees may be requested by the Company to consent to be examined by Occupational Health (at the Company’s expense).

# Post Return to Work

Following the employee’s return to work, the Company will:

* Monitor the employee’s progress over the first few weeks (or agreed phased return to work period) to ensure that they are coping with the work and the day-to-day pressures of working life
* Make sure that the employee is not ‘thrown in the deep end’, for example is not required to deal with a huge backlog of work caused by the period of absence
* Take all reasonable steps to facilitate the employee’s reintegration into the workplace

Long-term ill-health procedure

The Company will follow the procedure below as far as is reasonably practicable when managing long-term ill-health.

# Initial Review Meeting

The employee's Line Manager will first investigate the employee's health issues by gathering information on absence to date, Occupational Health reports, GP reports, minutes and notes from any previous discussions, for example, return to work discussions or home visits. This meeting is referred to as an Initial Review Meeting.

This meeting may be held at a venue that is suitable for the employee due to health reasons. The Line Manager may be accompanied by a note taker.

The manager carrying out this initial meeting will give the employee all the information relating to the absence/ill health issues that is available (if the information has not already been provided to the employee in advance) and clarify the effect of those issues on the employee’s role and the business. The employee will be given the opportunity to respond to the information, update and expand upon it as necessary. The meeting is very much a consultation meeting and a two way process. The following should be discussed at the meeting:

* The reasons for absence, progress, treatments or recovery
* Medical reports, GP information and advice from Occupational Health
* The effect the condition or disability is having on the role and how medication/treatment is likely to improve/affect the employee’s ability to work going forward
* Likely length of recovery in light of future treatments etc.
* Any reasonable adjustments to be considered for the employee’s existing role
* Whether there are any suitable alternative roles available
* Possible retraining issues for current or an alternative role
* Any reasonable adjustments that could be made to the employee’s existing role
* Sickness payments
* A way forward and action that will be taken

If the employee remains on long-term sickness then, in addition, the following will be discussed:

* Possible timescales for a recovery
* Possible restrictions on the employee’s ability to carry out their job in the future
* An appropriate rehabilitation programme via GP, specialist or OH
* Business and site updates

If it is identified that there is a lack of support staff, tools, or other resources, or facilities that limit a return to work or the employee’s ability to undertake their work; attention should be paid to this and assistance provided if appropriate.

Notes should be taken of the meeting and following the meeting, a letter confirming what was discussed and details of any identified adjustments or considerations should be sent to the employee.

Further Occupational Health involvement may then be required to consider any further reasonable adjustments in line with the Equality Act 2010.

The employee needs to be made aware in writing that their employment is at risk if no reasonable adjustments to allow the employee to return to work or fulfil the role can be established in a reasonable time.

A date should be set for a further review meeting allowing a reasonable amount of time to monitor progress towards recovery and to allow research and consideration of all the issues raised and discussed at the Initial Review Meeting.

# Interim Review Meeting

There must be continued communication between the employee and the manager in order to ensure that all the points discussed in the Initial Review Meeting and any information required or requested is communicated. Therefore, a further face-to-face meeting – referred to as Interim Review Meeting may be arranged.

The purpose of this meeting (or meetings if more than one is conducted) is to continue the discussions regarding the issues raised at the Initial Review Meeting and to:

* Carry out a review of the employee’s absence record
* Obtain up-to-date Occupational Health advice
* Discuss options and consider the employee’s views on continuing employment
* Consider any reasonable adjustments as appropriate
* Review whether there are any other suitable job roles that the employee could do
* Consider the effect of the employee’s absence or health condition on the business

# Formal Review Meeting

If there has been no return from absence or recovery following the Initial Review Meeting and any Interim Review Meetings, or if absence or the health condition continues to affect the employee’s ability to undertake their work, the employee's manager will invite the employee to a Formal Review Meeting, in writing and at which, the employee may be accompanied by a colleague or accredited trade union official.

This meeting will be held at a venue that is suitable for the employee due to health reasons. The letter of invitation should clearly explain that the Company is considering termination of employment due to ill health.

The meeting should cover all those points discussed in the Initial Review Meeting and Interim Review Meeting(s) and progress on any of those items discussed including further Occupational Health information or assessments.

The manager needs to provide feedback on any research or outcomes of the reasonable adjustments or other roles that were mentioned in the previous meeting(s).

If there are new options identified at the Formal Review Meeting and/or there is a need for further research, the meeting should be adjourned and reconvened at a suitable time in the future to allow these items to be considered. Any agreed reasonable adjustments should be confirmed in writing to the employee.

# Dismissal due to Ill Health

If following this meeting there are no further reasonable adjustments that can be made or considered in relation to the employee, no alternatives and all reasonable options for return or improvements have been discussed and reviewed with no solution having been agreed, the employee may be dismissed with notice.

Alternative work elsewhere in the Company should have been considered and offered to the employee if any suitable posts are available.

Notes should be taken of the meeting(s) and issued to the employee alongside any written confirmation.

# Appeals

An employee may appeal against a decision to dismiss. An appeal must be made in writing within 5 working days of receipt of the dismissal meeting decision. The appeal must state the reasons for the appeal.

# Right to be accompanied

Employees may be accompanied by a work colleague or trade union representative at the Formal Meeting(s) held to discuss the employee’s capability. There is no legal right to be accompanied at the Initial Review Meeting, Interim Review Meeting(s) or any other discussions. However, bearing in mind the employee’s ill health it may be appropriate to permit accompaniment.

# Further Information

The Company will review policies and procedures periodically to reflect changes in legislation and good practice.