

PO166 SICKNESS POLICY AND PROCEDURE

Policy

Introduction

The employee is responsible as follows:

Day 1 – the employee (or a friend, relative or other adult) must telephone the office before 9.30 am and speak to your line manager, or if they are not available the CEO or another member of staff, and state the nature of your illness and suspected duration. Do not leave a message on Voicemail, or send a text or email.

Days 4 and 7 (or nearest workday if these fall on a weekend) telephone again as above with an update.

If the period of absence last less than 7 calendar days, the employee must complete a Self-Certificate and pass this to their line manager immediately on their return. If the period of absence is more than 7 calendar days, (including days you would not normally work) you must telephone as above at least once a week.

If absence continues into an eighth day, you must obtain a medical certificate (Fit Note) from your GP. These are obtained at the employees expense, and should be posted in to you line manager immediately.

It is the employee's responsibility to ensure that all days of absence are covered by the appropriate certificates. Any days not so covered will be deemed as unauthorised absence, and may be unpaid.

If the illness extends beyond 20 working days (pro-rata for part time employees) in one continuous episode, or over several smaller episodes, the organisation may, at the sole discretion of the CEO, refer the employee to Occupational Health. Costs of this referral will be met by the organisation.

Non-compliance with the above process may result in disciplinary action being taken.

Guidance

Supporting Return To Work

Where an employee has been absent from work for a period of 7 calendar days or more, or where there is persistent absenteeism, a Return To Work interview will be conducted with your line manager.

The purpose of this is to determine if there is any underlying cause that can be alleviated or eliminated. We are concerned for staff welfare, so we will use this information to see if there are ways we can support your return to work. Examples of support could include:

- Flexible working options
- Adaptations to the work environment
- Purchase of specialist equipment
- Phased return to work

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Phased Return to Work

A phased return to work is at the sole discretion of the CEO, and is not a right. It will only be considered where an employee has been absent for a continuous period of more than 4 weeks, and the period of phased return will not exceed the length of the period of absence. Any period of phased return to work will be agreed in writing, and monitored with your line manager on a weekly basis, to ensure it is actually beneficial to the wellbeing of the employee.

Absence due to accident or illness at work

Any period of absence due to industrial injury, criminal injury or exclusion by the Medical Officer of Health will not be counted as part of your sick leave entitlement, but will otherwise be treated as above.

Employees are reminded that all such incidents must be reported according to our Accidents Policy.

Short Term Persistent Absence

Where an employee has a high number of relatively short apparently unrelated spells of sickness absence, and it can be shown that these are at an unacceptable level, an employee can be dismissed. In law, what is required where there is an unacceptable level of sickness absence is:

- A fair review of the attendance record and the reasons for sickness absence and the likelihood of improvement
- An opportunity for the employee to make representations
- Appropriate warnings of dismissal if things do not improve

Pregnancy-related illnesses are excluded from this procedure. In accordance with the Disability Discrimination Act 1995, managers have a responsibility to ensure that certain criteria are fulfilled for disabled employees before this procedure can be used to deal with sickness.

Managers must ensure that reasonable adjustments have been made to the workplace/job to accommodate the employee's long-term and short-term requirements. This may include allowing time off or considering a change of job or flexible working or reduced hours etc. However the code of practice states that severely disabled employees who are unable to perform the essential requirements of their job and who cannot be given alternative employment may be dismissed. Prompt levels, taking into account good practice, are:

- 3 or more instances within a 12 week period
- 5 or more instances/10 days (excluding long term sickness of 20 days or more) over a 52 week period.

There is a 4 stage process which will be followed in these cases, as outlined below.

- Employees will be invited to all formal stages in writing giving a minimum of 5 working days' notice and informing them of their right to be accompanied.

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- The outcome of all formal stages will be confirmed in writing within 2 working days informing the employee of the right of appeal.
- Meetings will be well documented by a note taker.
- Line managers will ensure that employees going through the process are aware of the consequences of 'no improvement'.
- Mitigating circumstances will be noted and investigated where necessary.
- Occupational Health referrals will be made at Stage 3 if not already initiated at Stage 2.
- HR advice will be sought throughout the process.
- Only the CEO can carry out dismissals.
- We reserve the right to place any employee back on the stage they left the procedure if, within 6 months of completing a 52 week cycle they return to unsatisfactory levels of attendance.

Stage 1 – Informal Interview conducted by Line Manager or other appropriate manager

- This stage can be held alongside a one-to-one Support and Supervision session and recorded on the same form.
- Seek an explanation for the absences and look for underlying causes of any apparent unrelated spells of absence
- Warn that the level of absence has given rise to concern, that they should maintain their fitness for work, and that their absences will be closely monitored
- Explain how the process works, and that formal action (moving to Stage 2) will be taken if there is no improvement in the next 12 weeks

Stage 2 – Written Warning given by Line Manager

If there is no improvement in the 12 week period following Stage 1:

- Arrange a formal interview giving as much notice as possible (no less than 5 working days) and informing them of their right to be accompanied by a colleague or a trade union representative of their choice
- Remind the employee of the procedure and go through the Stage 1 notes
- Seek explanation for the absences and explore possible ways of reducing it
- Referral to Occupational Health must be considered at this stage.
- If such a referral is made, put in place any mechanism that will help ease the condition the employee is complaining of eg offer lighter duties, a different working pattern, review of equipment etc.
- If a referral to Occupational Health is made, the meeting must be adjourned until the medical report is received, in which case the employee will be interviewed and appropriate further action decided.
- If no referral is made at this stage and a warning is issued, this will be confirmed in writing within 2 working days. The employee must also be warned that if no improvements are made, it could result in dismissal.

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Stage 3 – Final Warning given by Line Manager

- If no improvements are shown following the outcome of the medical referral stating that the employee has no underlying medical condition, a meeting will again be arranged straightaway to discuss the situation.
- Where an underlying condition is discovered, the decision as to when a final warning will be issued should take into account the nature of the illness and the recommendations in the medical report. However, where no improvements are made within a period of no less than 16 weeks, it would be deemed reasonable to issue a final warning. At this stage enquire whether any of the circumstances recorded during the above stages have changed during the last monitoring period, such as mitigating factors which may warrant going back one stage in the procedure.
- Occupational Health referral may need to be made again at this stage.
- At the Stage 3 interview, unless there is reason to doubt the appropriateness of further action, a final warning will be given. The employee will be told that unless their attendance improves their Contract of Employment will be terminated. The discussion must be documented and the employee advised in writing accordingly.

Stage 4 – Dismissal carried out by the CEO

The employee should be called for a Stage 4 interview if their subsequent record proves to be unsatisfactory any time in the next 52 weeks.

At this interview, the employee must be advised that their attendance record is unsatisfactory and warrants the termination of their Contract of Employment. Again, enquire whether any of the circumstances recorded during the above stages have changed during the last monitoring period, such as mitigating factors, which may warrant going back one step in the procedure. Bear in mind the purpose is to reduce future absences, not punish past absences.

If there are no new developments in the employee's circumstances then the services of the employee will be terminated. The decision of the CEO is final, and there is no further right of appeal.

Sick Pay Guidelines

You are entitled to Statutory Sick Pay (SSP) during authorised sickness absence, provided you meet the criteria laid down in the Government SSP regulations. When you are sick for more than 4 days you will automatically be paid SSP by the organisation if you are eligible. This is treated like wages, and subject to normal tax and National Insurance deductions.

We operate an Occupational Sick Pay scheme which is intended to supplement the SSP provision so as to maintain normal pay during defined periods of absence on account of sickness, disease accident or assault.

Employees will be notified as to their entitlements under the scheme accordingly.

Sick pay entitlement is calculated as follows:

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For employees who started service after 1st December 2016:

Period of Service	Full Pay (weeks)	Half Pay (weeks)
Less than 1 year	0	0
1 year but less than 2	3	3
2 years but less than 3	4	4
3 years or more	6	6

For employees who started service before 30th November 2016, they are 'grandfathered' across from a pre-existing scheme, and the rules for that are different, as below:

Period of Service	Full Pay (weeks)	Half Pay (weeks)
Less than 1 year	5	5
1 year but less than 2	9	9
2 years but less than 3	18	18
3 years but less than 4	22	22
4 years or more	26	26

The CVS Falkirk Board may, at their absolute discretion and without precedent, may permit the continuation of sickness allowance beyond these entitlements if cases are regarded as exceptional or deserving of particular compassionate treatment.

If an employee returns to work for fewer hours than their normal contracted time, full pay is restricted to a maximum of 4 weeks, subject to the other terms of this Policy, and thereafter they will be paid only for actual hours worked.

Entitlement to sick pay is normally calculated over a 12 month rolling period, however in any 4 year period an employee will receive a maximum of 6 months full pay and 6 months half pay. In the case of full pay periods, pay will be an amount that when added to SSP and Incapacity Benefit receivable will be the equivalent of normal pay. Half pay periods will be an amount equal to half normal pay plus an amount equal to SSP and Incapacity Benefit receivable, subject to a maximum sum equivalent to normal pay.

An employee who is prevented from attending work because of their contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account will not be reckoned against the employee's entitlements under this scheme. Any period of absence occasioned by industrial injury or criminal injury incurred in the course of your work, or exclusion by the Medical Officer of Health shall not be counted as part of the sickness leave period to which the employee is entitled, but will in all other respects be treated the same way.

An employee who abuses the sickness scheme, where sickness is as a result of non-CVS Falkirk activities during a period where the employee should have been employed on CVS Falkirk business, may be suspended. In such circumstances the employee shall forfeit the right to any further payment in respect of the period of absence, and may also be subject to a disciplinary process.

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Entitlement to Occupational Sick Pay – Process

An employee shall not be entitled to claim sick pay under the scheme unless:

- Notifications are made in accordance with the reporting procedure outlined in the policy
- Any further notifications as requested by CVS Falkirk are made
- A doctor's certificate is submitted to CVS Falkirk no later than the 10th calendar day of absence
- Subsequent doctor's certificates are submitted as necessary
- In cases where a doctor's certificate covers a period exceeding 14 days or where more than 1 doctor's certificate has been issued, the employee must, before returning to work, submit a final statement from their GP as to their fitness to resume work
- Any earlier period of absence not covered by a doctor's certificate is covered by an employee's self-certificate.
- Costs of obtaining doctor's notes will be met by the employee.

Where CVS Falkirk deems it appropriate, the employee will agree to examination by Occupational Health. Costs of this will be met by the organisation.

An employee producing a satisfactory medical certificate to the effect that they have been unfit while on holiday will be deemed to be on sick leave and will retain any holiday entitlement until after the expiry of that sick leave.

Where an employee is receiving sick pay under the scheme, sick pay will continue if a public or extra holiday falls during such sickness absence. No substitute public or extra holiday will be given.

Related Policies:	PO181 Support and Supervision	
Related Documents:	Self Certification/ Doctor's Fit to Work	
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