

Sickness Absence Policy

1. Who does this policy apply to?

- 1.1 All employees of Lancaster City Council, except those who are in their probationary period (where the full procedure does not apply), casual workers, Chief Officers and the Chief Executive (to each of whom it does not apply at all).

2. What is the purpose and objective of this policy?

- 2.1 This policy and the payment of occupational sick pay exist to support our employees when they are unfit to work. LCC values the contribution of its employees in the delivery and maintenance of quality services to the community. Whilst recognising that employees may occasionally be prevented from attending work through ill-health, the Council has a duty to maintain service delivery, provide value for money and minimise disruption. LCC is therefore committed to the fair and effective management of sickness absence.

3. What roles do the employee, management, LCC and HR play in this policy?

3.1 Employee Responsibilities

- Report absence promptly and by following the Sickness Absence Reporting Procedure set out below.
- To make themselves available throughout sickness absence for meetings and/or telephone conversations with line managers, HR and Occupational Health (OH) providers.
- Seek appropriate help when suffering from ill health and ensure that medical advice and treatment is obtained as soon as possible.
- Co-operate with organisations who provide OH support, attend appointments when they have been arranged and implement the suggestions of the provider.
- Promptly raise concerns with management if they believe their role is making them ill or contributing to their illness.
- Request annual leave for holidays that will be taken during a period of sickness absence and not take such annual leave until the request is approved.
- Not to abuse the Sickness Absence Policy including by not engaging in activities (including working for other employers) whilst absent from work which are not conducive to recovery.
- If an employee has suffered an accident or injury outside of work which has led to a period of sickness absence, and they make a third-party compensation claim, the employee should notify LCC that they are making such a claim and co-operate with LCC should they decide to pursue recovery of any occupational sick pay paid.

3.2 Management Responsibilities

- Managers are actively responsible for managing and monitoring sickness absence in line with this policy and should therefore have a thorough understanding of the policy and its requirements.
- Managers should reinforce messages about good attendance throughout employment and aim to have good attendance to set a good example.

3.3 LCC Responsibilities

- To ensure that there is a consistent, supportive and fair approach to dealing with sickness absence.
- To take reasonable steps to assist employees back to work.

- ❑ To provide managers with guidance on how to follow the policy and support their employees to return back to work.
- ❑ At all times to be aware of its legislative responsibilities.

3.4 HR responsibilities

- ❑ To support each service to improve attendance by advising on the policy, attending formal meetings and ensuring that a consistent, fair and equitable approach is taken.
- ❑ To ensure the appropriate retention of documents on the employee's personnel file.

4. Occupational Sick Pay Entitlement

4.1 LCC's occupational sick pay tops up Statutory Sick Pay (SSP) and Employment Support Allowance (ESA) to maintain full contractual pay during sickness absence. Employees are entitled to the following:

	Full Pay	Half Pay
During first year of service	1-month full pay	After 4 months' service – 2 months half pay
During second year of service	2 months full pay	2 months half pay
During third year of service	4 months full pay	4 months half pay
During fourth and fifth year of service	5 months full pay	5 months half pay
After five years' service	6 months full pay	6 months half pay

4.2 In the case of half pay periods occupational sick pay will be an amount equal to half of contractual earnings plus an amount equivalent to SSP and ESA (provided the total sum does not exceed normal full contractual pay).

4.3 According to the above entitlements, the relevant period for calculating outstanding occupational sick pay entitlement is a rolling 12 months i.e. when looking at absence a manager will review all absence in the last 12- month period from the *start date* of the most recent absence.

5. Sickness Absence Reporting Procedure (and keeping in touch)

5.1 On the first day of absence, the employee should telephone their line manager no later than 30 minutes after their normal start time providing information about the reason for their absence, and the anticipated length of sickness absence. For those employees who do not have a regular start time, they must contact their line manager as soon as possible following 9am. Line managers should make employees aware of who they may contact in the event of their absence. Unless an employee is severely inhibited from making direct contact by telephone, no other method of contact is permitted by this policy.

5.2 The first 7 calendar days (pro-rated for part time employees) of sickness absence can be self-certified, but if an absence lasts longer than 7 calendar days, employees are required to get a fit note from a registered healthcare professional.

- 5.3 How much contact there is between line manager and employee will depend upon the reason for and the expected length of absence. The level of contact can be agreed between the line manager and employee during the first conversation where sickness is notified but it is important that regular contact is maintained between the manager and the employee.
- 5.4 Failure to inform the line manager of absence will lead to the absence from work being unauthorised and will result in the loss of occupational sick pay and may lead to disciplinary action.

6. Sickness Absence Indicator Points

- 6.1 LCC uses the Bradford Factor Index as a way of monitoring levels of absence. The below calculation weights the number of instances of absences and is an indicator of the disruption caused by absence.

$$\text{(Periods of absence)}^2 \times \text{Total number of days lost}$$

- 6.2 The relevant period for calculating Absence Indicator Points is a rolling 12 months i.e. when looking at absence a manager will review all absence in the last 12- month period from the *start date* of the most recent absence.
- 6.3 According to the number of days an employee works, LCC's absence Trigger Points are as follows:

$$5 \text{ days} = 60, 4 \text{ days} = 48, 3 \text{ days} = 36, 2 \text{ days} = 24, 1 \text{ day} = 12$$

- 6.4 Where an employee's Absence Indicator Points reach or exceed the above, the line manager will be required to commence the formal process.

Absence Management

7. Informal Sickness Absence Management (Return-to-Work)

- 7.1 The line manager is *required* to meet informally with the employee to conduct a return-to-work meeting. This should be conducted as soon as possible following their return; ideally on the first day, but by no later than the third working day.
- 7.2 During a return-to-work a manager will express concern for the employee's welfare and balance this against concerns for service delivery and impact to other team members (if appropriate). The manager will inform the employee of their accumulated absence indicator points total and explain the implications of further absence. It will also be an opportunity to reflect on whether there are any reasonable steps that could be taken to assist the employee in achieving improved attendance.
- 7.3 A record of the meeting will be taken, and employees should be given the opportunity to review the return-to-work form and add comments to it if necessary. Simply add "no comment" if there is nothing further to add, but employees are encouraged to annotate the form. This should be signed and passed back to the manager and the manager *must* send the completed form to HR and the employee within 5 days of the discussion.

8. Formal Sickness Absence Management

Stages 1 – 3 – Capability Review Meetings

- 8.1 The first formal meeting will be triggered when the Absence Indicator Points above are met or exceeded. The second, third and fourth stage will be triggered if the attendance targets set at the preceding meeting are exceeded. The fourth and final stage of the formal sickness absence management process could lead to an employee's dismissal on the grounds of capability.
- 8.2 Unlike with informal meetings (return-to-works), employees are entitled to be accompanied to formal meetings by a trade union representative or work colleague. In the majority of cases, Stages 1-3 of the process will be led by the employee's line manager, however at Stage 3, it may be more appropriate in the circumstances for a more senior manager (if applicable) to lead the meeting. This will be a matter for local management in consultation with HR to decide.
- 8.3 All formal meetings will be scheduled with five working days' notice. LCC will seek to accommodate a request to rearrange a formal meeting on one occasion, provided the re-scheduled meeting is within five working days of the original date. Where any documents are provided ahead of a formal meeting for consideration, these will typically accompany an invite letter. HR will attend formal meetings from Stage 3 onwards to advise on the policy and to record a note, but HR *must* be notified if formal absence management is taking place.
- 8.4 Stages 1 – 3 of the formal process require the line manager to discuss the sickness absences leading up to the meeting (reviewing the reason for the absence, the Absence Indicator Points and pattern of absences) and to set some attendance targets and a target review period. The employee and line manager should explore whether any adjustments or support are required, and the manager must inform the employee of the implications of failing to meet the targets (i.e. being referred to the next stage of the process).
- 8.5 Further guidance is provided to managers on the suitability of attendance targets, but to promote sustained improvement, the target review period will be 12 months. To ensure employees fully understand the attendance target, the target will be expressed as days and/or occasions of sickness absence during the target review period.
- 8.6 Written confirmation of the outcome of the formal meeting will be provided to the employee and the employee will have the right to appeal against the outcome. Please see the LCC Appeals Policy for further information on how to submit an appeal.
- 8.7 Following any sickness absence during the target review period set during any stage of the formal sickness absence process, a return to work must be completed as above. If the target is exceeded during the target review period, the employee will be advised at that return-to-work meeting that they will be called to the next stage of the formal process and shortly after will receive an invitation to the next stage.
- 8.8 A review meeting will be convened where absence has remained below or equal to the target set, and during this meeting the line manager will make the employee aware of their current Absence Indicator Points and the consequences of that increasing further i.e. if in the following 12 months, they hit absence triggers again, they will be automatically called to the next stage in the formal absence management process. This will be followed up in writing.

Stage 4 – Case Review Hearing

- 8.9 Employees will be required to attend a Stage 4 – Case Review Hearing, which will be led by a Chief Officer where there are continuing concerns regarding an employee's level of sickness absence and attendance targets have not been met. The employee's line manager will also be required to attend to explain the previous stages of the process and respond to any questions raised by the employee and/or Chief Officer.

- 8.10 It will be for the Chief Officer to decide on the basis of the procedure followed and the evidence provided, whether they consider the previous decision maker(s) is required to be present at the Case Review Hearing. If *either* the Chief Officer or the employee requests the previous decision maker(s) be present, they will be *required* to attend to answer questions.
- 8.11 The purpose of a Stage 4 – Case Review Hearing is for the Chief Officer appointed to consider whether, having reviewed all of the evidence presented (which is made up of all the documents associated with informal and formal sickness absence management and representations made by all parties to the Case Review Hearing), there are any further actions that LCC can take to assist the employee in improving their attendance and thereby continuing in employment.
- 8.12 It therefore also falls to the Chief Officer to consider whether employment should be terminated on the grounds of capability i.e. an inability to attend work to an acceptable level.
- 8.13 When reaching a decision about whether or not to terminate employment, the Chief Officer will consider issues such as the operational needs of the service, the impact of the employee's absence/ill-health on service delivery and other colleagues, the employee's absence record, financial and cost implications, representations made by the employee or their representative, what actions have been taken to attempt to enable the employee to continue in employment, and any medical advice received. The Chief Officer will always give due consideration to alternatives to dismissal, such as alternative duties or redeployment.
- 8.14 If the decision to dismiss is taken, the employee will be dismissed with contractual notice at full pay. Consideration may be given to the option of paying in lieu of the employee's notice period and it is expected that employees will take the remainder of their annual leave during the notice period if it is required to be worked.
- 8.15 Typically at a Case Review Hearing, the employee will be informed verbally of the outcome at the conclusion of the Hearing, and the decision will be confirmed in writing within 5 working days. If it is not possible to communicate the outcome verbally, either because there is no time left the same day, or the Chief Officer needs more time to reflect on the decision, the outcome will be communicated within 5 working days in writing.
- 8.16 An employee will have the right of appeal against a decision to dismiss, and attention is drawn to the LCC Appeal Policy for the correct procedure to follow.
- 8.17 If the Chief Officer decides that dismissal is not appropriate in the circumstances, it will fall to them to define any further review period or attendance targets. For persistent short-term absences, it would be expected that the employee would be moved back to Stage 3 of the procedure for further monitoring and support. This will be confirmed in writing with 5 working days.

9. Disabilities and reasonable adjustments

- 9.1 In cases where an employee has a disability, which means that they have a physical or mental impairment which has a substantial impact on their ability to do day to day tasks (including work) which may have already lasted or could be likely to last 12 months or longer, advice must be sought from HR. There can be no one size fits all approach to the adjustments that are required for our employees with disabilities, but HR will support managers to ensure that LCC's obligations under the Equality Act are met and employees with disabilities are not disadvantaged.
- 9.2 Employees are not required to disclose their disabilities, but where they are shared, they should be treated sensitively and confidentially, and any support they require (whether or not this leads to or has been disclosed as a result of sickness absence) should be addressed with them in a supportive manner.

10. Occupational Health

- 10.1 At all stages of sickness absence management, it will be appropriate to reflect on whether it may be necessary and beneficial to seek advice from LCC's OH Advisor however it is *essential* that a referral is made if an employee is referred to a Stage 3 Capability Review Meeting and where an employee is suffering from work related stress.
- 10.2 Occupational health advice is not just applicable where a colleague has a disability, but certainly where an employee has a disability or an illness which has an impact on their ability to perform their role or attend work, it is a useful tool to understand whether any reasonable adjustments might be required to enable an employee to meet attendance targets more easily. These could be changes to workload, working practices or working patterns on a temporary or permanent basis, or additional training. Such changes can be implemented without an OH referral, but where it has been considered appropriate to instruct one, it will be necessary to discuss the report with the employee during the process of ongoing absence management.

Long Term Sickness (LTS) Absence Management

11. Informal LTS management

- 11.1 Long term absence is considered any one period of sickness absence that is or is likely to result in the employee being away from work for 20 working days/4 weeks or more (pro-rated for part-time employees).
- 11.2 As soon as a line manager knows that an employee has been, or will be, absent for four weeks, they will contact HR and arrange for an OH referral to be made if appropriate. It is important that managers prioritise early intervention in cases of LTS, as that may increase the likelihood of a successful return to work.
- 11.3 With employees on LTS, a welfare meeting should take place during the third or fourth week of absence. Following the initial welfare meeting, the manager should ensure that further review meetings take place at regular intervals and that regular weekly contact is maintained with the employee.

12. Formal LTS Management

- 12.1 The commencement of the formal process ensures appropriate consideration is given to supporting the employee and assisting in their return to work, as soon as is possible. Except in exceptional circumstances (i.e. where the employee has confirmed they are not able to return to their post and where redeployment or ill-health retirement are not available), prior to an LTA – Case Review Hearing, a minimum of two Long-Term Absence (LTA) Review Meetings *must* have taken place. It is likely that in many cases, depending upon the nature of the absence, there will be more than two LTA Review Meetings.
- 12.2 Unlike with informal meetings (welfare meetings), employees are entitled to be accompanied to formal LTA Review Meetings by a trade union representative or work colleague. In the majority of cases, the employee's line manager will lead the review meetings.
- 12.3 All formal meetings will be scheduled with five working days' notice. LCC will seek to accommodate a request to rearrange a formal meeting on one occasion, provided the re-scheduled meeting is within five working days of the original date. Where any documents are provided ahead of a formal meeting for consideration, these will typically accompany an invite letter. HR's attendance at the first LTA Review Meeting will be optional, however at subsequent LTA Review Meetings HR will attend to advise on the policy and to record a note. HR *must* be notified if formal absence management is taking place.

- 12.4 An (LTA) Review Meeting is an opportunity for the manager and employee to maintain regular contact, to discuss the absence, any available options to assist the employee back to work and the timescale within which that is likely to happen. It is important that an open discussion takes place so that the Council understands any health issues or perceived barriers that may prevent an early return to work.
- 12.5 During an LTA Review Meeting the line manager will review the employee's absence to date, review what steps are being taken to assist the employee back to work, what steps the employee and their medical advisors are taking to facilitate a return, review recent OH advice (as appropriate), consider opportunities to temporarily or permanently amend hours of duties, consider opportunities to introduce other workplace adjustments, reflect on likely timescale within which the employee will return to work and explore next steps and potential outcomes if the employee's absence continues.
- 12.6 If during any stage of the formal LTS management procedure it becomes clear that the employee can no longer undertake their duties and there are no adjustments that can be made, consideration will be given to any opportunities for redeployment and/or ill-health retirement.
- 12.7 LTA Review Meetings will take place throughout the employee's absence. Such meetings will normally take place on a 4–6-week basis throughout the duration of the absence.
- 12.8 The timing of the **First LTA Review Meeting** will depend on the absence, but it will typically be between week 6 and week 10.
- 12.9 If the employee remains absent, a **Second LTA Review Meeting** will normally take place between week 10 and week 14.
- 12.10 After each formal LTA Review Meeting, the manager will write to the employee summarising the main points covered during the discussion.
- 12.11 Should an employee return to work, and in the majority of cases LCC expects that there will be a successful return to work prior to a referral to an LTA – Case Review Hearing, the line manager is required to hold a return-to-work meeting with the employee. Even though there have been regular welfare meetings throughout the absence, an informal discussion must take place.
- 12.12 If the employee's recent absence has resulted in them exceeding the absence indicator trigger point, it will be necessary to refer them to the relevant stage of the formal absence management process. If the employee has not in the preceding 12 months been subject to formal absence management, they will be referred to Stage 1. Employees who were already on a formal attendance target, will be referred to the next stage of the formal process.

Case Review Hearing

- 12.13 An LTA – Case Review Hearing will consider whether an employee is able to continue in employment and therefore all reasonable alternatives to retain the employee in work should be considered prior to referral to a Case Review Hearing.
- 12.13 The principal factor in deciding whether to refer to a Case Review Hearing is, whether there is any realistic likelihood of the employee returning to work in the near future, having considered all reasonable options to assist the employee to return to work.
- 12.14 In some cases, employees will be referred to a Case Review Hearing prior to them having reduced to half pay. It is not a requirement of the policy that an employee should have exhausted all their entitlement to Occupational Sick pay before their employment can be terminated.

- 12.15 Some employees may also have had previously high levels of short-term absence and have been within the formal stages of the Short-Term Absence management process at the point that their long-term absence commenced. Managers are obliged to take account of the employee's general levels of attendance when considering when to refer them to an LTA – Case Review Hearing.
- 12.16 Employees are entitled to be accompanied to the Case Review Hearing by a trade union representative or work colleague. It will be for the Chief Officer to decide on the basis of the procedure followed and the evidence provided, whether they consider the previous decision maker(s) is required to be present at the Case Review Hearing. If *either* the Chief Officer or the employee requests the previous decision maker(s) be present, they will be *required* to attend to answer questions.
- 12.17 The Chief Officer will consider: how long the employee has been absent, the nature of the incapacity, the likelihood of a return to work in the near future, the operational needs of the service and the need for the work to be undertaken, the impact of the employee's absence and ill health on other employees and service delivery, financial and cost implications, representations made by the employee and/or their representative, what steps have been taken to attempt to enable the employee to continue in employment, what consideration has been given to alternative duties on either a temporary or permanent basis and the medical advice received.
- 12.18 Following due consideration of the information provided at the LTA – Case Review Hearing, the Chief Officer may consider any of the following actions:
- A period of review whilst the employee's absence continues to be support/managed before the convening of another Case Review Hearing; or
 - Retirement on the grounds of ill health (which can only be considered if supported/recommended by an Occupational Health Physician; or
 - Dismissal on the grounds of capability.
- 12.19 If the Chief Officer decides that dismissal is not appropriate, they will be responsible for defining any further review periods, and what if any further support should be made available or considered. The Chief Officer may determine that further LTA Review Meetings should be held and/or that, after a defined period, the employee's case should be referred back to an LTA Case Review Hearing.
- 12.20 Normally the employee will be informed verbally of the outcome at the conclusion of the hearing, but in any event, the Chief Officer will write to the employee within 5 working days setting out their decision. If an employee is dismissed, they will be served with contractual notice and consideration may be given to the option of payment in lieu of notice. Contractual notice will be paid at full pay.
- 12.21 Where a decision is made to terminate employment, the employee will have the right of appeal against the decision. Please refer to the LCC Appeal Policy for further information on the appeals process.

13. Repeated LTS

- 13.1 Where an employee has had 2 or more periods of long-term absence in the preceding 24- month period (counting back from the start date of the third and most recent LTS absence), they may be referred to a Stage 3 – Capability Review Meeting.
- 13.2 Referral to a Stage 3 – Capability Review Meeting will *not* apply in the following situations:
- When the absence is connected to an underlying disability (unless it is not the underlying disability which prompted the most recent LTS absence); and
 - Where the employee has a work-related injury.

14. Ill-Health Retirement

- 14.1 Where an employee is no longer able to perform their duties and it is not possible to redeploy them into another role, ill-health retirement is to be considered. An employees' eligibility for ill-health retirement *must* be assessed by an independent Physician.
- 14.2 To qualify for ill health retirement, the Pension Scheme requires that the employee is *permanently incapable of discharging the duties of their current employment and has a reduced likelihood of any gainful employment before normal retirement age*.
- 14.3 Consideration must be given to the possibility of reasonable adjustments to the employee's role and to the option of suitable alternative employment within LCC, before the Physician will be able to advise LCC that the employee is eligible for release of pension benefits, and which of the 3 Tiers within the Pension Scheme Regulations the employee satisfies.
- 14.4 Employees have a right of appeal against any decision to refuse ill-health retirement benefits under the Local Government Pension Scheme Internal Dispute Resolution Procedure.
- 14.5 Where an employee is granted ill-health retirement, they will be referred straight to a case review hearing.

15. When will this policy be reviewed?

- 15.1 This policy will be reviewed annually or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	October 1998	New policy document	
2.0	08.04.2003	Revisions agreed by Personnel Committee	
3.0	July 2004	Revisions agreed by Personnel Committee	
4.0	February 2006	Revisions agreed by Personnel Committee	
5.0	01.09.2012	Revisions agreed by Personnel Committee	
6.0	02.02.2016	Revisions agreed by Personnel Committee	
7.0	TBC	TBC	

FAQS

Do I get time off for appointments?

Attendance at doctors, dentists and hospital appointments are not classed as sick leave and they will not be recorded as such. It is expected that appointments are booked in an employee's own time. The Flexible Working

Hours Scheme allows a great deal of discretion for booking appointments, and for those who are not able to avail themselves of that, we would ask that appointments are booked with least disruption and arrangements are made locally with line management on how the absence will be dealt with i.e. annual leave or working the time back.

In cases of cancer screening (specifically, national screening programmes, individual screening and follow-up screening), reasonable paid time off will be granted. A line manager may request proof of the appointment.

What if my illness/injury is work-related?

If you or your manager believe that an illness/injury has been caused by work, you should fill out an Accident/Incident Electronic Report Form at the time or as close to the time of the incident as possible. If it isn't filled out at the time, but the employee believes that their illness/injury is attributable to work, they should inform their manager in writing setting out the circumstances of the incident.

The Chief Officer will review the report and may apply their discretion to award six months full pay and six months half pay, based on the circumstances in question. Please note, however, that should any additional sick pay be offered to an employee, this is not an admission of liability on the part of Lancaster City Council.

What if I am in my probationary period?

Whilst the formal procedural steps will not be followed in the case of probation, the occupational sick pay entitlement and sickness reporting procedure do apply during your probationary period. Return to works will be completed and Absence Indicator Points calculated.

Good attendance is important to demonstrate suitability for a role with LCC and managers will have due regard for levels of attendance when deciding whether or not to confirm the appointment of an employee on probation.

I recently left my employment with LCC but have now returned. Does my old absence count now?

If an employee is re-employed within a 12-month period, any absences they had in the last 12 months when employed by LCC will be counted towards Absence Indicator Points.

What happens with sickness absence and annual leave?

Annual leave continues to accrue during sickness absence. Where a period of long-term sickness absence straddles two leave years only the statutory element (i.e. the first 20 days) of annual leave will transfer to the next leave year. Any leave actually taken will be deducted from the statutory holidays before being carried over.

An employee who falls sick during annual leave should follow the sickness absence reporting procedure and an employee wishing to take annual leave during a period of sickness absence should request this in the usual way.

Where an employee is receiving occupational sick pay, this should continue if a public, extra statutory or extra local holiday falls during the sickness absence. No substitute public, extra statutory or extra local holiday will be given.

Will anything affect my occupational sick pay?

LCC reserves the right to **withdraw occupational sick pay** in certain circumstances.

The payment of occupational sick pay is dependent upon the employee complying with the requirements of this policy. An employee will not automatically be entitled to Occupational Sick Pay where they:

1. Have abused the sickness scheme;
2. Submit a fit note after being invited to any formal meeting in conjunction with a potential disciplinary matter (which delays the disciplinary process);
3. Fail to submit a fit note in good time and without reasonable explanation;
4. Fail to attend a scheduled OH appointment.

Where Occupational Sick Pay is withdrawn, the employee will be advised of the reasons, the length of time sick pay will be withdrawn and their right of appeal for reinstatement of sick pay to the Chief Executive. In these circumstances, the employee will be asked to enter their grounds for appeal in writing, and their appeal will be considered as part of a desk top review by the Chief Executive (whose decision is final).

Where any part of sick pay is reinstated this will be reimbursed to the employee at their next normal salary payment date.