



**Policy Review**

<b>POLICY NAME</b>	<b>Sickness &amp; Absence Policy</b>	<b>VERSION NO.</b>	<i>1</i>
<b>Date Written</b>	14 <sup>th</sup> July 2023	<b>Date Signed Off</b>	<i>23<sup>rd</sup> August 2023</i>
<b>Owner (s)</b>	Head of HR	<b>Next Review Date</b>	<i>23<sup>rd</sup> August 2026</i>

**Revision History (Version Controlled)**

<b>Version</b>	<b>Date</b>	<b>Page Number</b>	<b>Details of Change</b>	<b>Author</b>

**Contact Information**

Head of HR

- **The Purpose of this Policy Guideline is:**

To confirm Milewood's approach to the management of sickness and absence throughout the organisation, applying a process which will seek to minimise employee sickness absence levels within a supportive employment environment.

- **Policy Statement:**

It is the intention of Milewood to implement a fair, sensitive and consistent application of this policy to all employees. All cases will be treated individually being mindful of the employee's particular circumstances.

Milewood aims to provide a healthy employment environment which promotes the well-being of all employees and reduces levels of absence, thereby ensuring effective service planning and delivery to our residents.

- **Roles and responsibilities for Sickness and Absence policy:**

**Employee Responsibilities**

- To maintain regular and punctual attendance at work
- To maintain a lifestyle which allows them to fulfil their duties under their contract of employment
- To follow the absence reporting procedures laid out in the policy
- To advise their manager as soon as they are aware of any health issue that may have an impact on their ability to fulfil their duties, leading to absence or not
- To maintain contact during a period of sickness absence as agreed with the relevant manager
- To submit self-certification and/or medical certification (fit notes) promptly
- To notify their manager when they are/will be fit to return to work
- To attend and engage with Occupational Health appointments and attendance management meetings arranged by their manager
- To refrain from paid or unpaid work for another employer or organisation during any period of sickness absence
- To refrain from participating in any activity inconsistent with their illness or which might aggravate it
- To actively engage in working with their manager to keep well at work and contribute to and participate in return to work plans

**Manager Responsibilities**

- To understand and observe their responsibilities detailed in the Sickness & Absence Policy
- To proactively support and monitor the health and wellbeing of employees
- To ensure clear absence reporting arrangements are in place which fulfil the needs of this policy
- To ensure employees are aware of and observe their responsibilities regarding sickness notification and reporting procedures
- To conduct return to work meetings as appropriate, undertaking associated risk assessments where required
- Keep accurate records of any sickness or actions in relation to sickness absence
- To submit sickness absence documentation to HR & Payroll promptly but no later than the payroll deadline
- Monitor trends in sickness absence and discuss with HR where there is cause for concern
- Manage sickness absence equitably, consistently and sensitively, treating employees with respect
- Maintain agreed contact with employees when absent due to sickness

- Respond supportively to any health conditions, implementing any reasonable adjustments in the short or longer term to enable an employee to undertake their role/attend work, specifically for those with a disability under the Equality Act 2010
- To seek advice from HR as appropriate

### **Human Resources (HR) Responsibilities**

- To maintain the Sickness & Absence policy and update as appropriate to reflect legislative and best practice changes
- To ensure employees and managers understand their responsibilities in the context of the policy
- To work in partnership with managers in the pro-active management of sickness absence and to ensure a fair and consistent approach has been adopted
- To provide managers with training and guidance to be able to effectively manage their employees through the attendance management procedures
- To support managers as and when appropriate at formal meetings under this policy
- To liaise with Medical Professionals and Occupational Health providers as required
- To provide reports and statistics as required

### **Types of Absence**

Short Term Intermittent Absence - This can be very disruptive to a service and can severely affect the performance of the organisation and the services we provide. Short term absence can also put adverse pressure on colleagues as it can be unpredictable. Repeated short term absences can also be the symptom of a more serious health, work-related issue (e.g stress or bullying) or personal problem. Short term absence is defined as absences of a duration up to 4 weeks

Long Term Absence - Milewood defines long term absence as one continuous period of absence of 4 weeks or more

Repetitive Pattern of Sickness Absence - This is defined as recurrent sickness absence which may include a combination of both short-term and long-term episodes

### **Incidents of Sickness Absence which may warrant Discretion**

There may be occasion when it is reasonable in all the circumstances to exercise discretion. Examples of this may include:

- Where an employee (and his/her manager) know in advance that a number of incidences will occur due to, for example, a series of out-patient appointments/planned surgery and recovery time
- Where an employee is absent immediately following an injury whilst at work
- Pregnancy related absence
- Any absence related to a disability under the Equality Act 2010
- Where an underlying health condition has been identified and is currently being investigated
- Absence following bereavement
- Please note that absences not relating to sickness should not be dealt with under this policy

### **Sickness & Absence Reporting Procedure**

If taken ill or injured while at work the employee should report or be taken to their line manager and if necessary be given permission to leave work.

A member of the direct care staff who cannot attend work because they are ill or injured should telephone their line manager as soon as possible or at least two hours before their shift is to begin. If the employee is an office-based member of staff they should telephone their line manager as early as possible (especially if delivering training or

attending meetings) and no later than the time when they are normally expected to start work. If their line manager is unavailable, another appropriate manager should be contacted.

The following details should be provided:

- The nature of the illness or injury
- The expected length of time of absence from work
- Most appropriate contact details
- Any outstanding or urgent work that requires attention

Managers should ensure that:

- Any sickness absence that is notified to them is recorded
- Arrangements are made, where necessary, to cover work and to inform colleagues and service users, while maintaining confidentiality
- Agree the regularity of contact with the employee during their absence as the line manager will want to enquire after their health and be advised, if possible, as to their expected return date
- Advice should be taken from HR if required

#### **Evidence of Incapacity - Medical Evidence**

- For sickness absence of up to (and including) seven calendar days a **Self Cert form** must be completed
- For absence of more than 7 days a certificate from the employee's doctor (a "Statement of Fitness for Work") stating that they are not fit for work and the reason(s) why, must be obtained. This should be forwarded to their line manager as soon as possible. If the absence continues, further medical certificates must be provided to cover the whole period of absence
- If the doctor provides a certificate stating that the employee "may be fit for work" the line manager must be informed immediately. The organisation will discuss any additional measures that may be needed to facilitate the return to work of the employee, taking account of any doctor's advice. This may take place at a return to work interview. If measures cannot be taken, the employee will remain on sick leave and the organisation will set a date to review the situation
- Failure to submit appropriate documentation in accordance with this policy may result in disciplinary action and/or action to suspend pay
- Where the organisation is concerned about the reason for absence, or frequent short-term absence, they may require a medical certificate for each absence regardless of duration. In such circumstances, any costs incurred in obtaining such medical certificates for absences of a week or less will be covered by the organisation, on production of a doctor's invoice
- The line manager will pass the documentation to payroll as soon as possible in order for it to be processed

#### **Unauthorised Absence**

Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence.

If an employee does not report for work and has not telephoned their line manager to explain the reason for their absence, their line manager will try to contact them, by telephone and in writing if necessary. This must not be treated as a substitute for reporting sickness absence.

#### **Sickness Pay**

If the employee is absent from work they are entitled to:

- Statutory Sick Pay (SSP) provided the relevant requirements are satisfied. Qualifying days for SSP purposes are Day 1 to Day 3.

#### **Keeping in Contact During Sickness Absence**

- If an employee is absent on sick leave, they will be contacted from time to time by their line manager in order to discuss their wellbeing, expected length of continued absence from work and any work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum
- If an employee has any concerns while absent on sick leave, whether about the reason for their absence or their ability to return to work, they are free to contact their line manager between 9am and 5 pm

#### **Medical Examinations**

- We may, at any time in operating this policy, ask an employee's consent to a medical examination by a doctor nominated by us at our expense
- The employee will be asked for consent that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor

#### **Return to Work Interviews**

- If an employee has been absent on sick leave for any period of time, including a series of one day and part day absences, the line manager (or delegated representative) should undertake a return-to-work interview, capturing this on **Return to Work form**, and should add a copy to the employees personnel file
- A return-to-work interview enables us to confirm the details of an employee's absence. It also gives them the opportunity to raise any concerns or questions they may have, and to bring any relevant matters to our attention
- The line manager will assess following the meeting whether a sickness absence trigger point has been met, and will then follow the appropriate guidance below under Trigger Points
- Where their doctor has provided a certificate stating that they "may be fit for work" we will usually hold a return-to-work interview to discuss any additional measures that may be needed to facilitate the return to work, taking account of the doctor's advice

#### **Referrals to Fit for Work Assessment**

For details on when referrals to the Fit for Work assessment can be made please visit: [www.gov.uk/government/collections/fit-for-work-guidance](http://www.gov.uk/government/collections/fit-for-work-guidance)

There is an employer's advice line 08000326235. There is also an online "Ask a Question Service". The helpline is an expert and impartial advice service delivered by a team of Occupational Health Professionals

#### **Short Term and Persistent Absence**

**Sickness Absence Trigger Points** (Pregnancy related absence will be excluded when calculating absence triggers)

Absence triggers are an important way of managing attendance and we have set a number of absence triggers to help us identify absences that give us cause for concern, these are any of the following:

- 3 episodes of sickness absence, of any length, in any rolling 12 month period
- 10 days of absence irrespective if it is the first period of sickness (pro rata if part-time)
- Where any matters discussed at a return to work interview that require investigation

- Any trend or concerns are identified e.g repeated absences linked to weekends, annual leave or school holidays

### **Informal Sickness Absence Meeting if Trigger has been met**

The manager will arrange a meeting with the employee. The meeting is a two-way discussion between the employee and the manager. The manager will discuss the reasons and dates of absences along with the following:

- Next steps from any previous attendance review meetings (if applicable)
- Whether a GP or Occupational Health report is required (if applicable)
- What, if any, adjustments and/or support is in place, and if this needs to be reviewed
- Additional adjustments and/or support that is needed

After the meeting, the manager will write to confirm the outcome. This may be a **letter of concern** which is an informal warning that sets out areas that need to improve, and it may include new absence triggers and a number of actions which if not adhered to could result in moving to a formal process

### **Formal Sickness Absence**

If following an informal meeting and letter of concern the agreed required improvement hasn't been met or a trigger has been hit, then the manager will write to and invite the employee to a formal meeting. We will usually give 5 days' written notice of the date, and will put any concerns about the sickness absence and the basis for those concerns in the invite letter. A reasonable opportunity for the employee to consider this information before a meeting will be provided.

The meeting will be conducted by the line manager wherever possible and may be attended by any other member of the management staff. As this is a formal meeting, the employee may bring a companion who may be either a trade union representative or a fellow employee with them to the meeting. It is intended to be a two way communication to discuss the absences.

The employee must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If either the employee or their companion is unable to attend at the time specified, they should immediately inform their line manager who will seek to agree an alternative time.

A meeting may be adjourned if the line manager is awaiting receipt of information, needs to gather any further information or consider matters discussed at a previous meeting. Reasonable opportunity to consider any new information obtained before the meeting is reconvened will be given.

If, at any time, the line manager considers that the employee has taken or is taking sickness absence when they are fit to work, they may refer matters to be dealt with under the organisations Disciplinary Procedure.

### **Stage 1 Meeting following Letter of Concern**

The manager will invite the employee to a Stage 1 meeting using the **Invite to Stage 1 Letter**.

The purposes of a first sickness absence meeting may include:

- Discussing the reasons for and dates of absence
- Where the employee has been absent on several occasions, determining the likelihood of further absences
- Considering whether medical advice is required
- Considering what, if any, measures might improve the health and/or attendance of the employee
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure

- Potential written permission from employee to seek information from a GP – please liaise with HR to instigate this

Following the meeting, the manager will decide on the outcome. The meeting could have one of three possible outcomes:

- No further action
- Letter of Concern with action plan and new triggers
- Formal action - First Written Warning and new absence trigger point/s – This will be held on file for 52 weeks

This will be put into writing within 5 working days of a sickness absence meeting (unless this time scale is not practicable) using template **Stage 1 Outcome** and it will include the reasons for it, and that future absences may lead to a Stage 2 meeting and of the right of appeal will be given in writing

### **Stage 2 Meeting if First Written Warning is on file**

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary.

If required, the manager will invite the employee to a Stage 2 meeting using the **Invite to Stage 2 Letter**.

The purposes of further meeting(s) may include:

- Discussing the reasons for, dates of and impact of the absence(s)
- Where there has been absence on a number of occasions, discussing the likelihood of further absences
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, including warnings that they are at risk of dismissal

Following the meeting, the manager will decide on the outcome. The meeting could have one of three possible outcomes:

- No further action
- Letter of Concern with action plan and new triggers
- Formal action - Final Written Warning and new absence trigger point/s – This will be held on file for 52 weeks

This will be put into writing within 5 working days of a sickness absence meeting (unless this time scale is not practicable) using template **Stage 2 Outcome** and it will include the reasons for it, the fact that future absence may lead to a stage 3 meeting and of the right of appeal will be given in writing

### **Stage 3 Meeting if Final Written Warning is on file**

Where the employee has been warned that they are at risk of dismissal and they have hit an absence trigger, their line manager may invite them to a Stage 3 meeting using the **Invite to Stage 3 Letter**.

The purposes of the meeting will be:

- To review the meetings that have taken place and matters discussed
- To consider any further matters that the employee may wish to raise
- To consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance going forward
- To consider the possible termination of their employment

Following the meeting, the manager will decide on the outcome. The meeting could have one of three possible outcomes:

- No further action
- Letter of Concern with action plan and new triggers
- Formal action – dismissal which will normally be with full notice or payment in lieu of notice

The manager will consult with the Head of HR before confirming the outcome into writing, which will be within 5 working days of a sickness absence meeting (unless this time scale is not practicable) and it will include the reasons for it, and of the right of appeal will be given.

### **Long Term Sickness Absence**

If the employee is unable to return after 4 weeks, the manager will arrange a review meeting with to discuss their ill health and look at the support that can be offered to help facilitate a return to work. We will work with you throughout your absence and will implement reasonable adjustments where possible. During your absence, your manager will hold review meetings with you regularly. There are no set timescales for review meetings – it depends on your medical condition and your circumstances. Your manager will arrange to meet you at appropriate times as your absence progresses. This may be for example, after receiving an Occupational Health report or if you have met with your GP or specialist. The meeting is a two-way discussion between you and your manager. Your manager will discuss the following with you:

- Your health conditions and what progress you are making
- What, if any, adjustments and/or support is in place, and if this needs to be reviewed
- Next steps from previous attendance review meetings (if applicable)
- Occupational Health report (if applicable)
- If you can return to work in the near future
- Options that may be available if you are unable to return to your role such as re-deployment

If after a prolonged period it looks unlikely that the employee will be able to return to work in a reasonable timeframe, we will invite them to a formal final review meeting using template XXXX, allowing the right of accompaniment by a trade union rep or work colleague. We will only do this if we have:

- gathered all relevant medical information
- considered reasonable adjustments, phased return and redeployment
- discussed ill-health or early retirement (if appropriate)

If having explored the above, the employee is still unable to return to work in a reasonable timeframe the outcome of the formal final review meeting is likely to be that employment will be ended on the grounds of capability.

The organisation reserves the right to invite an employee to a formal final review meeting at any point during their absence if they have had previous long-term sickness absence and have not been able to remain in work.

### **Appeals**

The employee may appeal against the outcome of any stage of this procedure and a companion may accompany them to an appeal meeting as stated above.

An appeal should be made in writing, stating the full grounds of appeal, to their line manager within 5 days of days of the date on which the decision was sent to them.

Unless it is not practicable, written notice of an appeal meeting will be given within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.

[Milewood Healthcare LTD]

The employee will be provided with written details of any new information which comes to light before an appeal meeting and also be given a reasonable opportunity to consider this information before the meeting.

Where practicable, an appeal meeting will be conducted by a manager senior to the individual who conducted the sickness absence meeting.

Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision. Following an appeal, the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible, within 5 days of the appeal meeting.

There will be no further right of appeal. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

The organisation will always ensure they follow up to date employment law and guidance in regards to this policy.

### **Related Policies**

Appraisal  
Code of Conduct for Workers  
Disciplinary  
Equal Opportunities  
Supervision

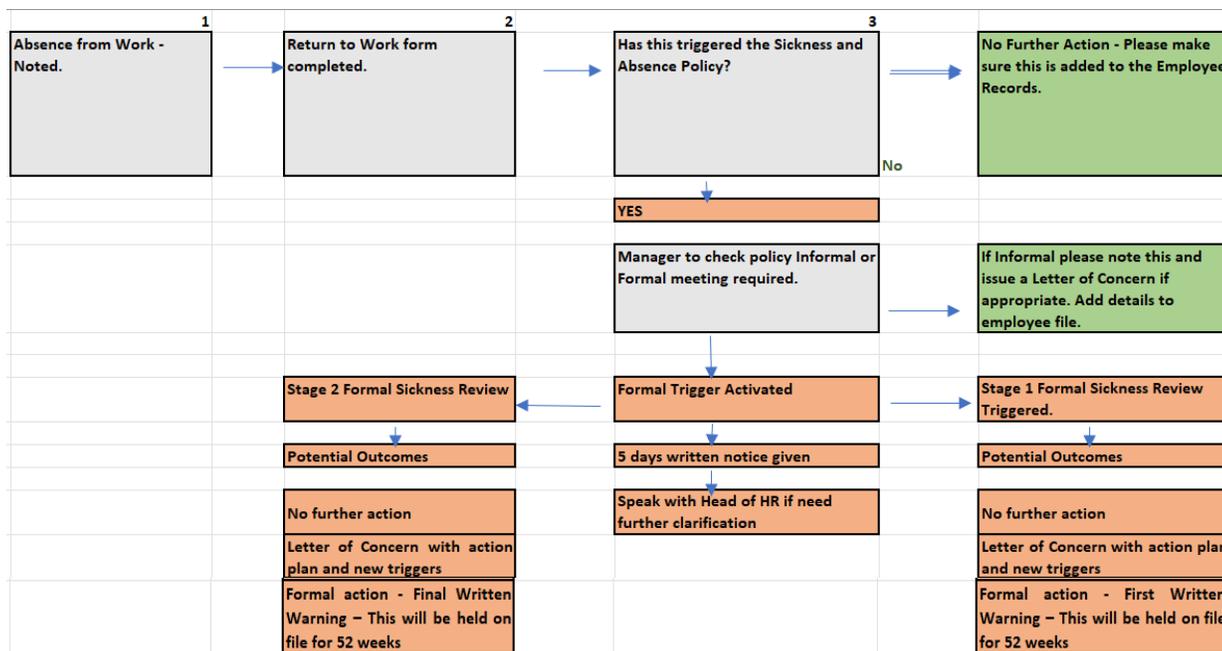
### **Related Guidance**

- ACAS - <http://www.acas.org.uk/media/pdf/q/k/Managing-attendance-and-employee-turnover-advisory-booklet.pdf>
- Fit for Work - [www.gov.uk/government/collections/fit-for-work-guidance](http://www.gov.uk/government/collections/fit-for-work-guidance)
- GOV.UK Statutory Sick Pay employer guide

### **Training Statement**

All staff, during induction are made aware of the organisations policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, on-line, workbook, group meetings, individual supervisions and external courses are sourced as required.

[Milewood Healthcare LTD]



**Stage 1 Meeting following informal Meeting.**

The purposes of a first sickness absence meeting may include:

- Discussing the reasons for absence
- Where the employee has been absent on several occasions, determining the likelihood of further absences.
- Considering whether medical advice is required.
- Considering what, if any, measures might improve the health and/or attendance of the employee.
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.
- Potential written permission from employee to seek information from doctor and letter sent to doctor as per template letter.

**Stage 2 Meeting if First Written Warning is on file.**

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary.

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of the ongoing absence(s)
- Where there has been absence on a number of occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, including warnings that they are at risk of dismissal.

**Please consult with Head of HR if Stage 3 Sickness and Absence is Triggered**

**Links to Related Legislation / Best Practice**

- Health & Social Care Act 2008 Regulations 2014: Regulation 18 – Staffing
- Health & Social Care Act 2008 Regulations 2014: Regulation 19 – Fit and proper persons employed

Ensure that we deploy enough suitably qualified, competent and experienced staff; Ensure that staff are able to properly perform tasks which are intrinsic to the work for which they are employed

This policy – this policy supports the staff, and is aimed at reducing absence and through understanding and reasonable adjustments attempting to reduce the impact sickness absence can have on staff competence and ability to fulfil their role effectively

• **Authorization and Signature**

[Milewood Healthcare LTD]

This Policy is the authorized version agreed by the Owners. The policy is also Authorized by the CEO of Milewood Health Care and their associated organizations. All employees are expected to follow this policy and failure to do so could result in disciplinary action.



Approved by CEO Signature:	
Date:	
Approved by Owner Head of HR - Signature:	
Date:	
Approved by Owner Group Operations Director - Signature:	
Date:	