

## **Sickness Absence Policy for Employees**

At Action 21, we need to measure and record sickness absence and to know when and why we need to do something about it. This is why we record and keep all records relating to absence, in line with our Data Protection Policy and Privacy Notice. As an employee, you need to know that you work for someone who cares about your health and welfare.

The following absence policy has been drawn up to meet these needs and must always be followed.

### **Your responsibilities**

You must take responsibility for your own attendance at work and, if you are ill, your recovery and return to work. It is a requirement that you:

- Comply in a timely manner with our notification and certification procedures, whether set out in this Policy or as notified from time to time and maintain communication with us while you are absent from work.
- Co-operate with a reasonable request for a medical and/or Occupational Health report to be obtained from your general practitioner and/or another doctor nominated by us and/or an Occupational Health adviser (where appropriate), and for that purpose to undergo any medical and/or Occupational Health examination as per advice/guidance from our HR advisers.
- Provide sufficient information to us, as and when required, to keep us informed of your condition and prognosis.
- Co-operate with us to implement any advice from our HR advisers, medical and/or Occupational Health Practitioners in order to facilitate a timely return to work.
- Adhere to the Policy and do nothing to aggravate or delay recovery such as working for another employer or taking part in inappropriate social or sporting activities.

### **Disability**

Where any employee has a condition that would be classified as a disability they have a duty to inform Action 21. Any information will be treated in the strictest confidence but will allow Action 21 to support and make any reasonable adjustments necessary.

### **Reporting**

All unauthorised absence must be reported to the General Manager at the earliest possible opportunity and at least by your normal starting time on the first day or absence. Contact should be made directly by you, not text message, and only in exceptional circumstances should partners, parents or friends ring on your behalf.

If you are ill or need to leave part way through the working day, you must ensure you inform your manager prior to leaving the premises.

You will be asked to give the reason for your absence and an indication of when you may return and details of any outstanding work that needs to be attended to in your absence.

If your absence continues for more than one day you must keep the General Manager informed on every subsequent day for the first seven days. And then as agreed with the General Manager, but as a minimum on a weekly basis until you return.

If the absence is due to sickness and continues for seven days or fewer (Saturday and Sunday included) you must complete a SC2 self-certification form and give it to your General Manager. (A copy of the self-certification form is annexed to this policy.)

If the absence continues for more than seven days (Saturday and Sunday included) a “statement of fitness for work” (also known as a “Fit Note”) signed by your doctor or other treating doctor must be sent immediately to the General Manager, and thereafter at weekly intervals for as long as the absence continues.

During all periods of absence the General Manager will maintain contact with you.

Time off for absence due to any medical intervention that you have chosen to undertake (rather than being medically advised), will not be treated as sickness absence. However, any time off sick resulting from such medical intervention will be treated as sickness absence in accordance with the reporting and absence procedures.

During periods of long term absence holiday will accrue in line with the statutory allowance.

### **Statement of Fitness to Work (Fit Note)**

Where a Fit Note indicates that you may be partially fit for work, the doctor may have suggested ways of helping you get back to work. These could include:

- a phased return to work;
- altered hours;
- amended duties;
- workplace adaptations.

Your manager will discuss the advice on the doctor’s certificate with you and will consider any comments made by the doctor, any of the return to work tick boxes and any other action that could help you return to work despite your illness. If you return to reduced hours your pay would reflect this. If Action 21 is not able to make any adaptations or adjustments to help you return to work, the General Manager will explain the reasons to you and will set a date for review. You may then use the doctor’s certificate as if the doctor had advised ‘not fit for work’.

### **Statutory Sick Pay (SSP)**

Subject to certain exceptions including your average weekly pay, you will be entitled to receive Statutory Sick Pay (‘SSP’) for a maximum of 28 weeks in any period of entitlement (the maximum such period being three years) in accordance with, and subject to, the prevailing regulations. Payment of discretionary Occupational Sick Pay, if any, discharges any obligation to pay SSP (i.e. SSP is not in addition to discretionary Occupational Sick Pay but is included in it).

SSP is not payable for the first three days of absence (called waiting days). The rate of SSP will vary depending on your normal weekly earnings and the rate prescribed by the prevailing regulations. You will only receive SSP when there is a period of four or more days’ sickness. SSP will only be paid on days on which you would normally be working.

The main requirements in order to qualify for SSP are that you must:

- Have four or more consecutive days of sickness (which may include Saturdays, Sundays and holidays) during which you are too ill to be capable of doing your work.
- Follow the sickness absence reporting procedures as detailed above.
- Supply evidence of incapacity, namely a self-certificate for periods of less than 28 calendar days and a statement of fitness for work (also known as a Fit Note) for any period after the first 28 calendar days.

### **Discretionary Occupational Sick Pay**

If you are absent from work due to sickness or injury, provided that you have fully complied with your obligations set out in this contract relating to sickness absence reporting and at the absolute discretion of Action 21, we may continue to pay you discretionary Occupational Sick Pay as follows:

Length of service	Occupational Sick Pay entitlement
Less than 26 weeks service	Statutory sick pay only
More than 26 weeks service	Four weeks full pay, followed by four weeks half pay

For clarity, if you exhaust your entitlement to discretionary Occupational Sick Pay, you will not become entitled to any further Occupational Sick Pay until a full period of 12 months following your last payment of discretionary Occupational Sick Pay has passed.

Any further payments of Occupational Sick Pay is at the absolute discretion of the Board of Trustees.

Action 21 shall set off its liability to pay SSP against salary paid to you and Action 21 may also deduct from any salary paid to you the amount of any other State benefits to which you are entitled (whether claimed or not). You must inform Action 21 concerning such payments.

You will not be entitled to discretionary Occupational Sick Pay if:

- You have failed to comply with the notification of sickness absence and certification requirements set out in this contract or as notified by Action 21 from time to time.
- Your incapacity has been caused by your participation in dangerous sports or activities.
- You refuse to attend a medical examination or to agree to your doctor preparing a medical report when reasonably requested to do so by Action 21.
- Disciplinary proceedings are pending against you.
- You make any false or misleading statement about your fitness to work.
- You are discovered to be working elsewhere during your period of sickness absence, whether or not this is during your normal hours of work.
- You have not been employed by Action 21 for at least 26 weeks prior to the commencement of the period of incapacity for work.

If any sickness or injury is caused by the actionable negligence of a third party in respect of which compensation is or may be recoverable, you must notify the General Manager immediately. You must also inform them of any claim that you pursue. Should any settlement, award or judgment be made in connection with the sickness or injury, you must give your manager such particulars as soon as possible. Any sick pay over and above SSP paid to you during a period of sickness absence shall be treated as a loan only if compensation is subsequently recovered by you from the third party. It is a condition of the discretionary Occupational Sick Pay scheme that any payments made under it are repaid in full if compensation is later recovered from a third party. Action 21 reserves the right to deduct the amount of any such payments made to you and subsequently recovered from a third party from your future ongoing salary payments.

## **Holiday during absence**

If you wish to take holiday whilst absent (in receipt of discretionary Occupational Sick Pay or SSP) you should book leave, and have it authorised in the usual way, and this must be approved by your GP. Sick Pay (discretionary Occupational Sick Pay or SSP) will not be paid in respect of any period that is taken as holiday.

The normal restrictions on carrying over holiday entitlement will apply. As such, any holiday accrued but not taken by the end of the holiday year will be lost. The exception to this is if you have not had the opportunity to take your minimum statutory holiday entitlement due to being absent for the whole or part of the holiday year. If this is the case, please speak to the General Manager.

## **Returning to Work and Absence Meetings**

When you return to work following any period of absence, the General Manager will usually conduct a return to work interview. This is to establish the reason for, and cause of your absence, that you are in fact fit to return to work and whether we can do anything to assist you.

If you are taking any medication that may impact on your ability to work safely, please discuss this with the General Manager.

Our disciplinary procedures will be used if an explanation for absence is not forthcoming or is not thought to be satisfactory.

Where the General Manager is concerned about the level or pattern of absence, they may conduct an informal guidance meeting with you, and/or monitor your attendance and/or deal with the situation under our disciplinary procedure.

## **Long-term Absence or Absences**

In cases of long-term absence, we will normally keep in regular contact with you in order to keep up-to-date with your state of health and when you might be expected to return. The contact will usually be with the General Manager. The frequency of such contact will vary according to the particular circumstances and may, for example, be weekly, fortnightly or monthly.

We may seek to understand your medical condition by obtaining a medical report. We will then seek to meet with you to discuss the terms of the medical report(s) obtained and any recommendations made (including whether any measures can be taken by us to assist you in returning to work) and your own view on the situation.

## **Termination of Employment**

Whilst we will endeavour to support you throughout periods of prolonged sickness, a heavy burden is thrown onto colleagues and Action 21 is unable to plan work effectively. It may therefore be necessary to terminate employment so that a replacement may be recruited.

## SELF-CERTIFICATION OF ABSENCE FORM

### TO BE COMPLETED FOR ABSENCES OF UP TO 7 CONSECUTIVE DAYS

Employee name: \_\_\_\_\_

### PERIOD OF ABSENCE

I hereby certify that I was absent from work:

First day sickness: \_\_\_\_\_ Last day sickness: \_\_\_\_\_ Total days absent: \_\_\_\_\_

Record ALL days of sickness including weekends or non-working days.

Give brief details of the reason for absence which prevented you from attending work. (If off sick, words like ILL or UNWELL are not enough, please be specific.)

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Did you visit your Doctor \*YES/NO. Date of visit: \_\_\_\_\_

Did you obtain a Doctor's Certificate \*YES/NO. Attached herewith \*YES/NO

Doctor's name and address: \_\_\_\_\_

I declare that the above information is complete and accurate and that I am now fit to return to work.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Countersigned: \_\_\_\_\_ General Manager

No payment for any period of Sick Leave will be authorised unless this form is completed to the Action 21's satisfaction. Any false declaration on this form will be regarded as an act of misconduct.

### AUTHORISATION FOR PAYMENT

Pay as entitled \*should/should not be paid

Reasons if pay should not be paid:

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Signed: \_\_\_\_\_ Date: \_\_\_\_\_