**NOTE FOR EMPLOYERS**

Example sickness absence procedure

This is an example procedure and may not meet your exact needs. You should read the procedure carefully and amend it if needed. If you feel you need further advice, you could call ACAS for free advice, on 0300 123 1100. If you are contemplating termination of employment on the grounds of sickness absence from work, you are advised to seek specialist advice from a Human Resources professional or an employment lawyer.

# EXAMPLE SICKNESS ABSENCE PROCEDURE FOR xx MEETING

## This procedure does not form a part of your contract of employment and may be changed from time to time. The procedure applies to employees but not to volunteers or self-employed people.

#### 1. Sickness payments

Option 1 – occupational sick pay (please delete either option 1 or option 2 from your final procedure)

You will be eligible for paid sick leave at the levels outlined in your written statement of terms and conditions of employment.

All sickness payments will be made inclusive of any Statutory Sick Pay (SSP) to which you may be entitled. Subject to your eligibility and the current Government regulations, SSP may still be paid after contractual sick pay has expired.

Option 2 – statutory sick pay only

If you are sick, we may be able to pay you Statutory Sick Pay after the first three days of your sickness. Your eligibility for Statutory Sick Pay is subject to a number of criteria, including whether or not you earn at or above the lower earnings limit for National Insurance.

Note for employers – you can find further information about SSP from [www.gov.uk](http://www.gov.uk) – type in the search box ‘SSP employer guide.’

#### 2. Notification and certification

Employees must meet the following notification and certification requirements:

* Inform their line manager on the first day of absence, giving the reason for the absence and if possible giving an idea of the likely date of return to work.
* Remain in regular contact with the line manager during the absence, at a time interval agreed with the line manager.
* For periods of absence of 7 days or less, complete a sickness self-certificate (see attached) and pass it to the line manager on their return to work.
* For periods of absence of more than 7 days, produce a doctor’s certificate (‘fit note’).
* Forward doctor’s certificates to the line manager at regular intervals, in the case of absences of more than 14 calendar days.

Occupational sickness payments are subject to employees adhering to the above notification and certification procedures.

The line manager will keep a record of sickness absence.

#### 3. Returning to work

When an employee returns to work from sickness absence, a meeting will be held with the line manager where possible. The main purposes of this informal meeting are for the line manager to:

* welcome the employee back
* establish/confirm the reason for the employee’s absence
* find out if the employee has a health problem and, if so, whether there is some support which would be reasonable and practicable to provide.

In addition, where the doctor has provided a certificate stating that the employee "may be fit for work", the ‘return to work meeting’ will provide the opportunity to discuss any additional measures that may be needed to facilitate the return to work, taking account of the doctor's advice if reasonably practicable to do so.

Information about an employee’s medical condition will be kept confidential.

#### 4. Medical appointments

Medical appointments not associated with sick leave should where possible be arranged outside of the employee’s working hours.

#### 5. Third party claims

If any sickness absence is caused or appears to have been caused by a third party and this results in the employee claiming damages against the third party, then the employee must tell the line manager and keep the line manager informed of the progress of any resultant litigation. When the employee makes a claim, it should include a claim for loss of earnings. Any sick pay made to the employee will then be regarded as a loan, which would be repaid if and when the employee were to receive compensation for loss of earnings from the third party.

#### 6. Medical examinations

You may be required to undergo an examination by a medical practitioner such as an occupational health specialist, appointed by the employer at its expense. All information given in connection with the examination and any report resulting from the examination shall be fully disclosed to the employer. Such information will be treated as strictly confidential and the medical practitioner will only be asked to give information related to your capacity to undertake your job and related to reasonable adjustments that may assist you to undertake your job.

#### 7. Reasonable adjustments

We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure (set out below), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of the job or other aspects of working arrangements that will provide support at work and/or assist a return to work.

If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you should inform your manager.

#### 8. Unauthorised absences

Unauthorised absences will be dealt with under the Disciplinary and Capability Procedure. Absence that has not been notified according to the sickness absence reporting procedure will be treated as unpaid unauthorised absence.

If you do not report for work and have not telephoned your manager to explain the reason for your absence, your manager will try to contact you, by telephone and in writing if necessary. This is to check on your wellbeing, as well as to determine the reason for your absence from work. This should not be treated as a substitute for reporting sickness absence.

#### 9. Sickness absence meetings procedure

We may apply this procedure whenever we consider it necessary, including, for example, if you:

* Have been absent due to illness on a number of occasions;
* Have discussed matters at a return to work interview that require investigation; and/or
* Have been absent for more than 15 working days.

This procedure will not normally be used during the probationary period. In the first two years of your employment the procedural steps in this procedure may be truncated.

Unless it is impractical to do so, we will give you 5 days written notice of the date, time and place of a sickness absence meeting. We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

The meeting will be conducted by your manager who may be accompanied by another member of the Premises Committee. (note to employers, please amend this according to the roles in your Area Meeting). You may bring a companion with you to the meeting (see below).

You must take all reasonable steps to attend a meeting. If you or your companion are unable to attend at the time specified, you should immediately inform your manager, who will seek to agree an alternative time.

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

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing, normally within five working days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

If, at any time, your manager considers that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under the Disciplinary Procedure.

#### 10. Right to be accompanied at meetings

You may bring a companion to any meeting or appeal meeting under this procedure.

Your companion may be either a trade union representative or a fellow employee. Their identity must be confirmed to the person conducting the meeting, in good time before it takes place.

We may at our discretion, permit a companion who is not an employee or union representative (for example, a family member) where this will help overcome particular difficulties caused by your health condition.

A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

#### 11. The formal stages of the procedure

Depending on the circumstances, we may not follow all three stages of the procedure.

#### Stage 1: first sickness absence meeting

This will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

The areas covered in a first sickness absence meeting may include:

* Discussing the reasons for absence.
* Where you are on long-term sickness absence, determining how long the absence is likely to last.
* Where you have been absent on a number of occasions, determining the likelihood of further absences.
* Considering whether medical advice is required.
* Considering what, if any, measures which you or your employer could take, which might improve your health and/or attendance.
* Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting under the sickness absence procedure.

#### Stage 2: further sickness absence meeting(s)

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

The areas covered in further meeting(s) may include:

* Discussing the reasons for and impact of your ongoing absence(s).
* Where you are on long-term sickness absence, discussing how long your absence is likely to last.
* Where you have been absent on a number of occasions, discussing the likelihood of further absences.
* Considering what, if any, measures which you or your employer could take, which might improve your health and/or attendance.
* 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.
* Considering your ability to return to/remain in your job in view both of your capabilities and our needs and any adjustments that can reasonably be made to your job to enable you to do so.
* Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
* Where you are able to return from long-term sick leave, whether to your job or a redeployed job (if available and suitable), agreeing a return to work programme.
* Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

#### Stage 3: final sickness absence meeting

Where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out above on the arrangements for and right to be accompanied at sickness absence meetings.

The purposes of the meeting will be:

* To review the meetings that have taken place and matters discussed with you.
* Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
* To consider any further matters that you wish to raise.
* To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
* To consider the possible termination of your employment.

Termination of employment will only be taken after full consideration and with the agreement of the Convenor of the Trustees of the Area Meeting. Termination of employment will normally be with full notice or payment in lieu of notice.

#### 12. Appeals

You may appeal against the outcome of any stage of this procedure and you may bring a companion to an appeal meeting.

An appeal should be made in writing, stating the full grounds of appeal, to the Clerk to Trustees, within seven calendar days of the date on which the decision was sent to you.

Unless it is not practicable, you will be given written notice of an appeal meeting 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.

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

Where practicable, an appeal meeting will be conducted by a panel of 2 or 3 trustees, elders or overseers, who have not been previously involved in the matter.

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 10 calendar 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.

# Appendix 1

#### Confidential

#### Self-Certificate form

This form should be completed by the employee on return to work after sick leave and handed to the Line Manager.

First day of sickness (include non-working days):

Last day of sickness (include non-working days):

Number of working days absent due to sickness:

Date of return to work:

Brief details of the sickness:

Was the sickness caused by an accident at work? YES / NO

Did the employee consult a doctor? YES / NO

(Please write or attach any fit notes received)

Employee’s signature: Date:

(On return to work)

Line manager’s signature: Date: