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**Introduction**

Habbibi cares about the welfare of its employees and recognises the value of the contribution they make to the business. It recognises that there will be occasions where employees will be unfit to attend work on the grounds of medical reasons.

Employees who are unwell will be treated sympathetically and every effort will be made to support their recovery, return to work and where necessary safeguard their employment. The Organisation will be sensitive to the needs of long-term and chronically sick employees.

The purpose of this Sickness Absence Policy and Procedure is to provide a process for the monitoring and managing of sickness absence and to offer guidance for managers on how to support staff when dealing with sickness, particularly significant levels of intermittent absences and prolonged chronic illness.

This policy aims to maximise attendance levels across Habbibi, while also providing support to those absent for acceptable reasons to enable them to return to work at the earliest opportunity.

This policy applies to full and part-time employees. It does not apply to workers, agency workers or the self-employed.

This policy and procedure does not form part of any employee's contract of employment and it may be amended at any time. We may also vary the procedures set out below, including any time limits, as appropriate and upon review or guidance on a case-by-case basis.

**General Principles**

The overall principles to adopt when using this policy are:

* Absence matters will be handled consistently, fairly, without discrimination and, as each is unique, with careful consideration and application of procedure being given to each case.
* Throughout any process those involved will respect the confidentiality of the issues and individuals involved. Health data will be managed in line with GDPR.
* Any formal action will always offer the employee the option to be accompanied, and once an outcome or stage has been applied, the option to appeal.

**Managers Responsibilities**

Sickness management on a day-to-day basis is the responsibility of line managers. Part of this responsibility is knowing who in their team is absent and the reason why. This will enable:

* Employees being proactively supported and managed
* Pattern identification when it comes to absence short and long term
* Identifying any work-related causes of absence
* Management of unacceptable sickness/attendance absence
* The organising of cover for absent individuals
* Accurate record keeping through our Human Resource Information Management (HRIM) system

Essential tasks, for a manager, while a team member is off sick:

* Regular contact, via phone, using sensitivity, and a coaching approach to enquiry/support.
* Recording the absence appropriately on systems such as HRIM system
* Written recording of all contact with absent team members
* Keep the team member updated on developments from within the team, service and organisation, especially when the individual is on long term sickness absence
* Discussing, considering and implementing any reasonable adjustments before a team members return to work (if known)
* Remaining in contact with the HR department

**Definitions**

For the purpose of this policy and its procedure, the following definitions of absence will be used:

*Short Term/Intermittent Sickness* – a number of relatively short periods of absence which occur, all absences will be below 2 weeks.

*Long Term Sickness*- A period of absence of 2 weeks or more, usually due to a single health problem, e.g., illness, operation, or caused by a combination of health issues. Periods may not be continuous if they are linked, last more than 4 days and are 8 weeks or less apart.

*Unauthorised Absence* – Absence that is taken but cannot be authorised by the business (usually due to business demands). The absence may or may not have followed due process but will have been communicated by the employee. This may be considered as a conduct issue.

*AWOL (Absent Without Leave)* - This is considered a conduct issue and occurs when an employee does not provide an explanation for their absence, does not follow procedure, does not inform a manager/ HR, or is non responsive to various forms of communication.

*Industrial Injury* - This is where an employee has sustained an injury during the course of their duties.

*Suspension on Medical Grounds* – An employee may be suspended from work (on full pay) if their health and/or safety is considered to be in danger, or there is deemed to a risk to others by the employer.

**Compliance with Data Protection law (GDPR)**

We respect the confidentiality of all information relating to an employee’s sickness. Please consult the data protection policy and the Privacy Notice to see how we use, store and delete data.

**Medical and Dental Appointments**

Where possible, employees are required to arrange any medical or dental appointments outside working hours. When this is not possible, employees must obtain permission from their line manager before making arrangements, offering as much notice as possible so that cover can be appropriately arranged. In keeping with our commitment to our employee’s wellbeing we would encourage line managers to be flexible where possible, and to work with individuals to reasonably support the management of appointments and contractual hours or unpaid break.

**Notification,** **Self-Certification, Medical Certificates and sick pay**

If an employee is taken ill whilst at work, they should inform their Line Manager that they are unfit to continue their shift, and that they will need to leave for the day. Employees will need to share their concerns or issues with their line manager so that they can best support the employee, understand their needs and those of the business, and also arrange appropriate cover where required. If employees are in need of immediate medical assistance, a colleague will accompany the employee from the work place and seek to contact the employees next of kin to then accompany them.

Open lines of communication should be maintained between the employee and their line manager. Where they are not comfortable with this, or discussing the nature of their absence/illness they should contact the HR department. If they cannot attend work because they are ill, then they should telephone their Line Manager as early as possible before their normal expected start time. Contact by text or e-mail will not be deemed acceptable.

If an employee cannot speak to their line manager, then they should speak to another manager within that site. The following details should be provided:

* The nature of their illness or injury, or what they suspect it to be, not just “sick” or “do not feel well”
* The expected length of their absence from work
* If it is due to a work place accident
* Contact details
* Any outstanding or urgent work that requires attention

Discussions about keeping in touch should also take place at this point

An employee can self-certify their absence for a period of up to 7 days. They will need to fill in a Self-Certification form if they have been sick for 4 or more days in a row in order to claim SSP. The completed form needs to be provided to the Line Manager.

For absences of more than 7 working days, employees must obtain a certificate from their doctor stating that they are not fit for work and the reason(s) why. This needs to be forwarded to their Line Manager as soon as you are going over 7 day’s absence unless there are circumstances that prevent this. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

During longer periods of absence, contact should be maintained between the Organisation and the employee with daily phone calls. The employee may, periodically, be asked to attend meetings on work premises or another mutually convenient off-site location for the purpose of facilitating an effective return to work. During any period of leave due to ill-health, employees will be expected to continue to comply with the conditions of employment as imposed by the Organisation and are not permitted to undertake any other work for any other party or on a self-employed basis without first receiving express written permission being granted by the Organisation. If the employee is too unwell to attend the Organisation reserves the right to visit the employee at their home.

Habbibi does not pay enhanced sick pay. In order for Statutory Sick Pay (SSP) to be paid to employees, notification and appropriate certification of sickness absence must be received. Failure to follow this process may result in sick pay being delayed or disallowed and may lead to action being taken under the Disciplinary Policy.

The Organisation reserves the right to contact an employee's GP or medical specialist. The employee will be requested to sign a consent form permitting the Organisation to gain a medical report on the employee's current condition or to seek clarification on any relevant medical issues. The Organisation may also require an employee to be examined by a medical practitioner of its choice and/or Organisation appointed Occupational Health Advisor.

A refusal to allow the Organisation access to medical opinion (whether that is from the employee's GP or an Organisation nominated medical specialist) may lead to disciplinary action against the employee. In the absence of medical advice, the Organisation will act on the information it has at its disposal.

**Return to Work Interview**

Following an absence of any duration, upon returning to work, the employee must attend a Return-to-Work Interview with their manager or with HR if the manager is not available for any reason. The meeting will seek to identify any support the Organisation can offer the employee. It will look at any underlying medical conditions as well as any work-related or personal issues.

Return to Work Interviews are conducted for the following reasons:

* to express the Organisation's concern for the employee and their health and well-being and to assess whether they are fit to return to work;
* to identify the cause of the absence and ensure that the reasons for the absence are consistent with other evidence;
* to indicate to the employee that their absence was noticed and that they were missed. All employees are key players of the team;
* to demonstrate that absence is a high priority to the Organisation and that attendance policies are put into practise and acted upon.

Return to Work Interviews are an essential part of supporting employees and managing absence levels. They are informal and as such will not be used to caution individuals regarding their level of sickness absence. The original copy of every Return-to-Work Interview form must be sent by the line manager to the HR department for filing and monitoring. A copy of the form will be retained by the employee.

**Occupational Health**

In order to support the welfare of its employees the Organisation may employ an Occupational Health Advisor or seek to obtain a medical from an employee’s GP. The Organisation's appointed Occupational Health Advisor and / or the GP provide independent advice to both management and employees. The advice provided is intended to promote and protect the health of employees.

Any report provided by the employee’s GP or the Organisation's appointed Occupational Health Advisor will be treated as a sensitive document under the Data Protection Act 2018 and the GDPR 2016 and will be stored in the employee's personnel file.

**Unauthorised Absence**

Failure to follow the reporting procedure and/or failure to provide appropriate certification or explanation to cover the entire period of absence may lead to the absence being classed as unauthorised, pay being suspended, or the leave not being paid. Disciplinary action may also be taken. Unauthorised absence will also be noted when requested leave is taken that has not been authorised due to business demands, or the formal request for leave postdates the leave taken.

**Managing Unauthorised Absence and Lateness**

Unauthorised absence and lateness are costly to the organisation because of their unpredictability and the extra pressure at short notice it puts on staff and the service. Poor time-keeping can be equally disruptive.

Such issues cannot be ignored and Line Managers must monitor and talk to their staff to establish the reasons for their behaviour. If there is no improvement in the behaviour or where you don’t get a satisfactory explanation for the absence/lateness/lack of notification further action may be taken via the organisation’s Capability or Disciplinary Policy.

Line Managers should try to keep a view on the overall performance of the employee, as such absence may be one of several indications that the employee is generally not coping, and that there may be an issue of capability/competence. This may need to be dealt with using the appropriate policy and Procedure. Managers must discuss concerns with the HR department at the earliest opportunity so that support can be given to appropriately manage on a case-by-case basis.

If an employee is late for duty, their hours worked should be adjusted so that they are paid for the hours actually worked, not the full shift.

**Absence Without Leave (AWOL)**

If an employee is absent and fails to report their absence then their absence will be recorded as unauthorised and they will not receive payment (if eligible) for that shift. If the absence continues, and contact cannot be established to the employee or their next of kin within the time period of 3 missed shifts, the employee will be considered as AWOL. If the employee does not respond within the expected timeframe the process will be managed through the organisation’s Disciplinary policy.

Managers must inform HR upon the third missed shift where contact has not been established so that support can be given to appropriately manage. By this time the absence will be noted as AWOL.

**Right to be accompanied at formal meetings**

Employees are entitled to bring a companion to any formal absence stage meeting or appeal/hearing under this procedure.

A companion may be either a trade union representative or a fellow member of staff. Their identity must be confirmed to HR or the manager conducting the meeting in good time before it takes place. It is the employee’s responsibility to make all necessary arrangements.

Members of staff are allowed reasonable time off from duties without loss of pay to act as a companion with prior agreement from their line manager. However, they are not obliged to act as a companion and may decline a request if they so wish.

Some companions may not be allowed: for example, anyone who may have a conflict of interest, or whose presence may prejudice a meeting. Companions should not normally work at another site, unless no-one reasonably suitable is available at the site at which you work.

A companion may make representations and ask questions but will not be allowed to answer questions on an employee’s behalf. Meetings may be reasonably adjourned by all parties.

**Recording Formal Meetings**

Audio recordings of formal meetings are prohibited, unless prior agreement from all involved.

Written notes should be taken of the meetings, however, and these notes should be typed and then sent to the employee for agreement that they are a true record of the meeting. They should then be saved to the employees personnel file held by HR.

These notes should provide an accurate reflection of the meeting. This said, they do not have to be verbatim – word for word. They should provide a general overview of the meeting and be written in the third person.

**Covert Surveillance**

Surveillance will only be used after careful consideration. It may be used in cases where the organisation has reasonable grounds to suspect that the employee has been disingenuous about their circumstances such as misleading the organisation on their current health.

**Procedure for managing short-term absence**

Line management have the responsibility for absence control, with the HR Department providing the necessary support and advice.

**Bradford Factor**

Absence will be monitored using the Bradford Factor. The Bradford factor is a simple formula which is used to manage sickness specifically for short, frequent absences. The calculation is worked using the number of occasions off sick and total number of days absent, this is reviewed over a 12-month period.

Excessive or persistent absences may trigger an investigation to monitor unreasonable and unsatisfactory attendance that has a significant impact upon the running of the business. Such absences will be treated as a performance issue under the remit of the disciplinary policy.

**Absence Triggers**

The below are triggers for the Bradford factor calculation. When an individual falls under one of the below triggers this does not mean they are automatically given the warning, they are all entitled to a review meeting before the warning is given. This is to ensure we are looking at each individual and their circumstances. We should be intervening at each trigger point to ensure we are always adhering to organisation policy. Some absences may not warrant a warning, absences will be judged on a case-by-case basis. Persistent unsatisfactory attendance may lead to disciplinary action being instituted against the employee.

**0-51** – No Action Required

**52- 201**- 1st stage disciplinary/ First Absence Review meeting

**202- 401** 2nd stage disciplinary/ Second Absence Review meeting

**402+** 3rd stage disciplinary/ Final Absence Review meeting

**450+** Dismissal

**Calculation**

The calculation should include all absences over the past 12 months.

Number of separate absences x by total number of days absent

The Bradford factor is calculated using the Bradford Formula **S2 x D = B**

**S** is the total number of separate absences by an individual

**D** is the total number of days of absence of that individual

**B** is the Bradford Factor score

An employee may be dismissed by the Organisation for an unsatisfactory sickness record even though they are not absent from work when the decision is taken. Employees have the right to appeal against their dismissal and details of how and when to appeal will be set out in the dismissal letter.

**Long-term absences**

Long-term absences are those that last for two or more consecutive weeks. Long-term ill health will be treated in a sympathetic manner but will balance the needs of the employee and those of the department affected and Organisation as a whole. Every case will be judged on its circumstances on a case-by-case basis.

**Considerations**

When considering the continued employment of an employee on long-term sickness absence, consideration will be given to the prognosis, previous sickness record, the feasibility of making reasonable adjustments to the workplace and the needs of the business. A welfare meeting may be called with the employee with the purposes of gaining the information required, the employee will be expected to make a reasonable attempt to attend this meeting which may be held in person or virtually. Failure to attend will result in the Organisation proceeding with only the information it holds. Following these considerations and those of any medical reports that have been sought and/or occupational health report the Organisation will:

* advise the employee in writing as soon as it is established that termination of employment on the grounds of capability has become a possibility;
* meet with the employee to discuss any options and consider the employee's view on continuing employment;
* review whether there are any other suitable jobs available prior to taking any decision

to dismiss;

* allow a right of appeal against any decision to dismiss on the grounds of capability;
* where necessary arrange a further meeting to hear and determine the appeal,

inform the employee in writing of the final decision.