



Sickness Absence Procedure

Policy Statement

Comhairle nan Eilean Siar is committed to the establishment of a safe and healthy working environment and the promotion of occupational health and it considers high levels of attendance by its workforce as critical to the provision of high quality services, high morale among employees and the winning of contracts.

The Comhairle accordingly endorses the following statement made by COSLA as part and parcel of its policy:-

"Attendance is a vital factor in the effective and efficient operation of local authority services. High levels of attendance at work will contribute to and provide positive assistance in the planning and provision of quality services, high morale among employees and the winning of contracts. Low levels of attendance, on the other hand will produce negative effects resulting in poor service provision, low morale and lost contracts."

The principles the Scottish Council is commending in this document to those at local level are designed to encourage full attendance and the proper management of absence. The principles are:-

- best results are likely to be achieved where the employees, union and local management are committed to local procedures arrived at through proper consultation and participation and are committed to the promotion of occupational health
- employees are entitled to expect fair treatment; managers and supervisors are equally entitled to take appropriate action in respect of unacceptable levels of absence and be firm in dealing with abuse of the system
- the basis for good management practice is prompt and comprehensive information about actual absence levels, trends and problem areas and a thorough understanding by employees of local authorities' policies and procedures
- the practices of the past must not prevent the achievement of the aim of full attendance and the use of procedures to ensure that goal
- once new procedures are in place, have been tested and have the commitment of all concerned, managers and supervisors must be allowed to operate them on a consistent basis.

Unless there is a real commitment to achieve high levels of attendance and to minimise absence, contracts and jobs will be lost.

Section 1

Sickness Absence: Notification and Certification

All Comhairle Employees

- 1 If you are unable to attend work because of sickness or industrial injury you must fulfil the requirements detailed in this Section to be entitled to Statutory Sick Pay (SSP) or Sickness Allowance. If you are absent for any other reason you must contact your Department as stated at (2) below.

Any Absence from Work

- 2 If you are unable to attend work because of sickness, industrial injury or for any other reason, you must notify (or arrange for some other person to notify) your employing Department, within one hour of your normal starting time. If you are employed in a post which requires a replacement for your period of absence, you should notify your Department as soon as possible, to enable a suitable replacement to be found. If you do not notify your Department within the specified time then you must provide a reasonable explanation for not doing so.

Absence of Less than 3 Days

- 3 If you are off work for up to 3 days, you must complete a sickness absence certificate (FIN 6) on the day of return to work.

Absence of 4 to 7 Days

- 4 If your absence continues to a fourth day* you must again notify your employing Department, of your continued absence and indicated whether or not you think you will be off for more than seven days in total. If your absence is for more than seven days, your employing Department will send you a Sickness Absence Certificate (FIN 6) for completion as detailed in paragraph (5).

*Saturdays and Sundays and Public Holidays are to be included e.g. if you are absent from work from Friday to Monday then Monday is your fourth day of absence.

If your absence is for less than seven days you must complete a Sickness Absence Certificate (FIN 6) on the day of return to work.

Absence of More than 7 Days

- 5 If you are absent from work for more than seven days (including Saturdays, Sundays and Public Holidays) then you must submit a Doctor's Statement to cover your absence beyond the seven days. You must also complete and return the Sickness Absence Certificate (FIN 6) which will be issued to you by your Department when you report your fourth day of absence.

You are also required to notify your Department at intervals of seven days on the position regarding your absence (except in cases where your Doctor's Statement covers a period of more than seven days e.g. if you receive a Doctor's Statement for 28 days it will not be necessary for you to report to your Department after each period of seven days).

Prolonged sickness during school holidays

- 6 Where a teacher, owing to a certified sickness, has –
 - a) been incapacitated for a continuous period, at least four weeks which fall within the summer school vacation; or
 - b) been incapacitated for a period which, being of at least two weeks' duration, incorporates at least one full week of another school vacation,

the teacher will accrue credit of at least two days special leave entitlement in respect of each complete week of the vacation which had been lost as a result of the prolonged sickness, subject to a maximum of ten such days credit in respect of sickness periods in any one leave year.

This allowance shall be taken up by the teacher, in agreement with the authority, during the term following the vacation concerned, subject to the overriding needs of the service.

For the purposes of this paragraph a week is defined as seven consecutive days.

Non Compliance

- 7 Failure to comply with the above requirements may result in the non payment of sickness allowances.

Medical Examination

- 8 An employee may be required, as and when the Head of Department considers it necessary or advisable, to submit to an examination by the Comhairle's Independent Medical Adviser. Arrangements for such examinations will be made by Personnel Staff. In the case of a teacher he/she may be required by the Director of Education & Leisure Services to produce additional evidence of continued incapacity or to submit to an examination by the Comhairle's Independent Medical Adviser.

General Notes

- 9 If you are unable personally to notify your employing Department, then you must arrange for some other person to act on your behalf.

Saturdays, Sundays and Public Holidays are to be included as periods of absence from work.

Section 2

Monitoring

Absence Records

- 1 In order to pick up potential absence problems, Managers need effective monitoring systems. Managers should ensure that appropriate records of employee sickness absence are kept and that absenteeism (see Section 3) below) is reviewed on a regular basis.
- 2 It is vital that records are accurate and that different types of absence are identifiable, i.e. uncertificated, sickness supported by a Doctor's Statement, absences of more than a week, industrial injury etc. All such records of sickness absence should be kept confidential at all times.
- 3 Absences for any reason other than sickness or injury should be covered by appropriate authorisation. Application forms for consideration for special leave are available from the Personnel Section, Chief Executive's Office and will be dealt with in accordance with the Comhairle's local conditions.

Maintaining Contact with Sick Employees

- 4 As part of good management practice contact should be maintained with absent employees whether on long or short term sickness absence. In respect of cases of long term sick leave this will enable up to date decisions to be made in the best interests of the employee and the service which the authority is providing.
- 5 It is proposed, therefore, that visits to employees are arranged via Personnel staff ***in all cases*** when the employee has been absent for nine weeks. The purpose of such a visit is to show proper concern for the welfare of the employee, to obtain information on the current position and the likelihood or otherwise of a return to work for the information of the Department and to be available to offer the employee advice if required. A standard form relating to such a visit will be supplied by the Personnel Section, Chief Executive's Office. In appropriate cases, the Personnel Officer will arrange a medical examination to obtain a medical prognosis from the Comhairle's Independent Medical Adviser.

In the case of persistent short term absence a visit or telephone contact may be appropriate to remind employees of the procedures and the priority placed on good attendance but this situation should be picked up at the '*Return to work Interview*' dealt with below.

- 6 In cases of persistent short term absence, Departments should consult Personnel staff to agree appropriate action.

Return to Work Interview

- 7 As part of the general absence mechanisms the Education Department recommends 'return to work' interviews be conducted. All aspects of 'return to work' interviews must be treated by the Head Teacher with sensitivity.

Return to work interviews following sickness absence can have a number of important effects. They can:-

- establish the cause of absence;
- indicate the employer's interest in the welfare of individual employees;
- allow discussion of the general attendance record of the individual;
- influence the attitudes of the individual and other employees;
- raise the profile of absence policy and procedures;
- reinforce the authorities view regarding good attendance;
- confirm the manager's role in the control procedure and welfare of employees.

Return to work interviews should be conducted sympathetically and in private by the appropriate Manager. Should a pattern of absence be observed that is unsatisfactory in relation to work continuity, the Manager should request the attendance of a Personnel Officer.

Recording

On the day of return to work, Managers should instruct the employee to:-

- (a) Complete a Self Certification form
- (b) Attend a Return to Work Interview with the nominated Department Officer/Immediate Manager

Section 3

Sickness Absence Problems - Procedure

- 1 You should raise your concern about an employee's level of absence when an employee's absence matches the following described pattern/level. That is where:-
 - there is a pattern of part day absences; or
 - the employee has been absent for a whole day or more on three or more occasions in a three month period; or
 - after the employee has been continuously absent for fifteen working days; or
 - if the employee has had fifteen working days absence in a rolling year.

If you intend to take up an employee's sickness record with them and their absence record is not covered by the criteria above you should consult your Personnel Officer first.

- 2 Unless you are already fully aware of the particular circumstances giving rise to the absence and are satisfied that no action needs to be taken you should arrange a meeting with the employee at an early stage, in accordance with procedure below, to ensure that you are not seen to be condoning the level of absence as acceptable. Failure to do so will only lead to problems in the future.
- 3 Throughout any interviews arranged in accordance with this procedure the employee should be made aware that their level of absence is causing concern and that every opportunity will be given for improvement and this should always be done in a supportive way. However, it should be made clear that where the accepted level of attendance is not achieved further action will be taken in accordance with the stages below. Ultimately this may lead to dismissal.
- 4 Disciplinary action will need to be considered for repetitive failure to comply with sickness absence reporting instructions.

Formal Interview

- 5 Where an employee's level of absence matches that detailed in 1 above you should arrange a separate meeting with the employee to discuss their absence record. The employee should be given at least three working days written notice of the interview and advised of their right to be accompanied by a trade union representative or a colleague. This interview should be conducted by the Head Teacher.
- 6 The objectives of this meeting will be:-
 - (i) To review the employee's attendance record
 - (ii) To ensure that information on the medical record is up-to-date and accurate and that the employee agrees with the facts
 - (iii) To give the employee the opportunity to discuss the reasons for their period of absence
 - (iv) To review any previous efforts to assist the employee
 - (v) To explain to the employee the difficulties for colleagues and for management, arising from the employee's absence, in providing cover.
- 7 Consideration should be given to the following:-
 - The employee's past sickness record and length of service
 - The nature and length of the illness
 - The likelihood of recurrence or some other illness arising
 - The spaces between absences
 - The type of work and indirect factors such as reorganisation in the work place.

- 8 After taking all the information into consideration you should, where necessary, request that for all further absences during a specified period, a Doctor's Certificate is produced and or:-
 - (i) inform the employee that an improvement is required, that further monitoring will take place every three months for a period specified in accordance with the circumstances of the case and that failure to improve will result in a further formal interview;
 - (ii) discuss with the Personnel Staff whether the employee should be referred to the Comhairle's Independent Medical Adviser. This should be considered particularly where the employee suggests that an underlying medical problem is or may be a contributory factor.
 - (iii) to consider whether action would more appropriately be taken under the Comhairle's Policy on Alcohol Related Problems.
- 9 The outcome of the meeting should be recorded and communicated in writing to the employee, a review date arranged and a copy of the letter placed on the employee's personal file held in the Personnel Section, Corporate Services Department or, in the case of teaching staff, in the Education & Leisure Services Department.
- 10 In cases where there has been no improvement in attendance and the level of absence is disruptive to the work of the Department a further formal interview should be arranged. If the situation warrants it this may be in the form of a disciplinary interview under the terms of the Comhairle's Disciplinary Procedure.

Section 4

Measures to Deal with Frequent or Prolonged Sickness Absence

Reference has been made to the importance of maintaining contact with sick employees and the measures below would be used, as appropriate, following consultation with employees and the employing Department.

In operating the authority's policy covering attendance and the management of absence and achieving its aims it will be essential that the local procedures ensure fair and consistent treatment of individuals and take account of the operational requirements of the services being provided. At each stage in these procedures the employee shall be reminded that he/she may be accompanied by his/her trade union representative or any other suitable person if the employee so wishes.

In dealing with sickness absence procedures should include a reference to:-

(i) ***Medical Examinations***

An employee may be required, as and when the Head of Department considers it necessary or advisable, to submit to an examination by the Comhairle's Independent Medical Adviser appointed by the authority for this purpose. In such circumstances the employee must be advised of his/her rights under the Access to Medical Reports Act 1988.

The examination will allow management to determine, in the best interests of the employee and having regard to the operational requirements of the service what further course of action, if any, is considered necessary in the circumstances. Where the examination reveals an inherent medical problem the issue should be dealt with as a capability issue in accordance with sub-paragraph (ii) below. Where no underlying health problem is identified and the employee's level of attendance gives cause for concern the matter should be treated as an attendance issue and dealt with in accordance with sub-paragraph (iii) below.

(ii) ***Capability on Grounds of Ill Health***

Where the Medical Examiner's report confirms an underlying illness or medical complaint an employee is entitled to sympathetic consideration by the authority. In many cases an employee who suffers such ill health will receive the medical treatment, remedial surgery etc. which will result in an acceptable rate of recovery being achieved. Where the prognosis is such that frequent or prolonged absence will be a continuing feature then the case would require to be treated as one of capability. At this point the matter should be fully discussed with the individual in the presence of his/her representative where appropriate and the various options identified. These options could include continuation on sickness absence, unpaid leave or absence, redeployment, part-time working, ill health retirement or where no other option is available dismissal on the grounds of incapacity.

In cases where ill health retirement/dismissal on the grounds of incapacity are being considered and the medical opinion is contradictory to that of the employee's own GP then, as part of good management practice, it is expected that an independent medical examination should be carried out and a decision taken on the basis of that report.

(iii) ***Conduct***

Where the Medical Adviser's report confirms no underlying health disorder or where the individual's level of attendance at work gives serious cause for concern the issue may be one of conduct rather than capability and should be dealt with in accordance with the appropriate Disciplinary Procedure. The Disciplinary Procedure provides that where an employee's conduct is such as to warrant admonition then the appropriate supervisor will give a warning to the employee, which will indicate that the further commission of a similar act may result in a further warning which may be a final warning. It further states

that repeated instances of misconduct will lead to further disciplinary action and may result in dismissal.

Other Absences

(i) *Sickness or Disablement due to an Accident in the Course of Employment*

Where an employee is absent due to sickness or disablement as a result of an accident arising out of and in the course of employment or due to an industrial disease the employee will be entitled to a separate allowance calculated on the same basis as the sickness allowance. The allowances in respect of (1) normal sickness, and (2) industrial injury or disease are entirely separate and periods of absence in respect of one shall not count against the period of entitlement of the other. ***"An absence due to an accident shall only qualify for payment when an entry has been made in the relevant accident book and the subsequent investigation has found the recorded facts to be accurate."***

(ii) *Other Authorised Absences*

All other absences must be authorised in accordance with the relevant clause(s) in the Scheme of Pay and Conditions of Service for Teaching Staff or with local arrangements. Whilst not an exhaustive list, such absences will generally fall within one of the following categories:-

- Annual Leave
- Maternity Leave
- Special Leave

(iii) *Unauthorised Absences*

Unauthorised absences should be treated as misconduct and consequently should be dealt with in accordance with the disciplinary procedures.