

REPORT TO: Policy and Resources Committee - 28 June 2010
REPORT ON: Procedure for Managing Sickness Absence
REPORT BY: Head of Personnel
REPORT NO.: 312-2010

1 PURPOSE OF REPORT

- 1.1 To seek approval of a revised Procedure for Managing Sickness Absence.

2 RECOMMENDATIONS

It is recommended that the Committee approve:-

- 2.1 the revised Procedure for Managing Sickness Absence attached as Appendix 1 to be implemented with effect from 1 September 2010;
- 2.2 the measures to assist in managing absence outlined in paragraph 4.7.

3 FINANCIAL IMPLICATIONS

- 3.1 It is estimated that the cost of sickness absence to the Council is approximately £6m per annum. A reduction in sickness absence levels would, therefore, result in savings for the Council.

4 MAIN TEXT

- 4.1 The Council Plan 2010-2012 details as a priority 'review and update annually the Council's policies and strategies to prevent and reduce the level of employee absence and accidents'. Accordingly, the Head of Personnel has undertaken a review of the Procedure for Managing Sickness Absence, with a view to assessing the effectiveness of the procedure and identifying areas of improvement.

- 4.2 Based on its 2009 annual absence survey, the Chartered Institute of Personnel and Development found that the average level of sickness absence remains highest in the public sector, at 9.7 days per employee per year, compared to 6.4 days in private sector services. The cost of absence was also highest in the public sector, at £784 per employee per year.

The average number of days sickness absence for Dundee City Council at 31 March 2010 was 13.65 days. This level of absence is a significant cost to the Council and may also impact on service delivery and the workload and morale of colleagues.

- 4.3 Whilst it is acknowledged that employees will be absent due to sickness, it is essential that an effective policy is in place to allow managers to support employees and manage absence to ensure levels are at an acceptable level.

- 4.4 In 2005, the Council's Procedure of Managing Sickness Absence was reviewed and amended, with a major change being the removal of management discretion in deciding whether to convene a formal sickness absence meeting where an employee's absence level hits a short term absence trigger. This change was made to establish a consistent approach across all Council departments.
- 4.5 In 2008, a progress report, agreed by the Council Management Team on 28 May 2008, recommended that the policy be subject to a further review in 2009.
- 4.6 This review has now been undertaken, consisting of questionnaires seeking the views of Chief Officers and managers, focus groups to which both managers and trade unions were invited, an analysis of other local authority policies and discussion of key issues at the Council Management Team.

The review found that management view consistency of approach to be a key factor and that early intervention is crucial. In light of this, the Procedure for Managing Sickness Absence (attached as Appendix 1) has been amended to reflect these views.

- 4.7 It is also proposed that the following measures are adopted to monitor and support the management of absence:-
- the development of an audit tool for use by departments and/or the Personnel Department, with responsibility for the audit to be agreed at the Council Management Team following consideration of absence statistics;
 - the continuing development of accurate and comprehensive management information using the Resourcelink Personnel and Payroll system;
 - training for managers
 - departmental targets set as part of the Chief Officer appraisal process;
 - the continuation of support to employees through the confidential counselling service and physiotherapy provision;
 - continued corporate commitment to the Healthy Working Lives initiative.

- 4.8 In summary, the Council requires to ensure the proposed policy is implemented to ensure a fair and consistent approach to managing absence and the promotion of employee health and wellbeing.

5 **POLICY IMPLICATIONS**

- 5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6 CONSULTATIONS

- 6.1 The Chief Executive, Depute Chief Executive (Support Services), Director of Finance and the trade unions have been consulted in the preparation of this report.

7 BACKGROUND PAPERS

- 7.1 None.

I Martin
Head of Personnel

18 June 2010

Appendix 1**DUNDEE CITY COUNCIL****SICKNESS ABSENCE REPORTING PROCEDURE**

In the event of sickness absence, you must report your inability to attend work in accordance with the following procedure. Please note that 'line manager' may include any other person identified as a contact by management.

On the first day of sickness absence - notify your line manager as soon as practicable but, in any event, by no later than one hour after normal starting time, and advise of reasons for and estimated length of absence. If sickness begins on a non working day, notification should be as soon as practicable but, in any event, by no later than one hour after normal starting time of the next working day. If you are a shift worker, you should notify your line manager as soon as possible and at least one hour before your normal starting time. The first day of sickness is regarded as the first day of sickness absence.

If sickness absence continues beyond one day and up to seven days, you are required to notify your line manager, as above on every working day unless an alternative arrangement is agreed with your line manager.

On return to work up to seven days of absence - obtain and fill in a Self Certified Absence Report form and return to your line manager.

If sickness absence continues for eight days or more - by no later than the eighth day, obtain a medical certificate from your doctor, obtain and fill in a Self Certified Absence Report form and send both certificates to your line manager. Submit further medical certificates to cover any continued absence. In addition, where the illness extends beyond seven days, you should notify the line manager/office of the position at that time, and thereafter at intervals of no more than 14 days.

NOTE

- 1 All seven days of the week count when calculating sickness absence for payment purposes, including non working days, eg if the first day of sickness absence is Friday, the fourth day will be the following Monday.
- 2 Failure to comply with the requirements for reporting may result in the cessation of sickness allowance and disciplinary action.

Should you be absent through sickness or injury for a continuous period exceeding three months during the leave year, your entitlement to leave will be limited to an amount proportionate to the period of actual service given during the leave year, subject to the provisions of the Working Time Regulations.

If sick during a period of annual leave

An employee falling sick during a period of annual leave should report the sickness in the normal way and submit a doctor's statement to the Line Manager, by the earliest practicable date. The period of sickness absence will be treated as sick leave and not as annual leave.

DUNDEE CITY COUNCIL

PROCEDURE FOR MANAGING SICKNESS ABSENCE

INTRODUCTION

High levels of sickness absence have a detrimental effect on the Council's effective operation. The Council's aim is to reduce the impact of employees' sickness absence on its service provision. However, it also recognises that, at times, employees may be unable to perform their jobs to an adequate standard because of the state of their health.

Council Policy

- To monitor and control sickness absence in a consistent and equitable manner and ensure that employees are treated sympathetically and fairly;
- To minimise any effect such absenteeism may have on service standards;
- To minimise any effect such absenteeism may have on other employees at work;
- To ensure that employees and management operate within the agreed procedures for reporting, recording, monitoring and, where appropriate, taking action on sickness absence.

Management Responsibilities

- To maintain effective procedures for sickness absence management, including the reporting, monitoring and control of employees' sickness absence, and to ensure employees are aware of procedures adopted;
- To ensure employees are aware of their responsibilities and the consequences of not complying with the procedure for managing sickness absence;
- To ensure that working methods, procedures and workload do not cause employees sickness, injury or undue stress;
- To ensure that all sickness absence is recorded promptly and accurately;
- To maintain regular communication with employees who are absent on long term sick leave and provide appropriate support;
- To address concerns with employees where necessary, regarding their ability to fulfil the duties of the post;
- To explore with employees what tasks they are capable of undertaking, taking account of factors such as disability, in order to consider reasonable adjustments to the post in order to facilitate an early return;
- To provide supervisors and managers with appropriate training in relation to their roles in the procedures adopted;
- To acknowledge good attendance.

Employee Responsibilities

- To maintain good attendance at work;

- To co-operate fully with the terms of the procedure for managing absence including attendance at Occupational Health and other services that provide support to the Council and its employees;
- To advise manager of any reason which affects their ability to undertake the duties of their post to a satisfactory level;
- To follow the sickness absence reporting procedure;
- To ensure that medical advice and treatment, where appropriate, is received and followed in order to facilitate a return to work;
- To be responsible for ensuring that, so far as is reasonably possible, they protect themselves and other employees from the risk of infection, injury or undue stress whilst at work;
- To co-operate with measures to ensure promotion of good health and the minimisation of sickness and absence levels.
- To consider and discuss with manager what tasks they are capable of, to allow the manager to explore reasonable adjustments to their post in order to facilitate an early return to work in conjunction with advice from Occupational Health.

Role of Personnel Adviser

- To provide support and guidance to managers and employees in dealing with sickness absence and other health related matters;
- Arrange referrals to Council Medical Adviser and Counselling service where applicable.
- Provide training to managers on managing absence and dealing with stress.

1 **PROCEDURE**

1.1 The sickness absence record of all employees will be monitored and assessed on a continuous basis.

1.2 An employee will have a return to work discussion with a Line Manager on return to work after each sickness absence, to ensure that:-

- i) the employee is fit to return;
- ii) the appropriate certification forms are completed/submitted;
- iii) the employee is advised of what has been happening in the workplace during their absence.

Return to work discussions should be conducted face to face. However, in certain circumstances it may be appropriate to conduct the return to work discussion by telephone eg where the manager is responsible for multiple locations, or is managing shift working.

1.3 An assessment of an employee's absence record, will determine whether the absence record is short term, long term or a combination of both and will be dealt with thereafter in accordance with the appropriate guidance detailed in the procedure.

2 **SHORT TERM ABSENCE**

2.1 An employee will be called to a formal interview to discuss his/her absence record:-

- i) when the employee has been absent on 3 or more separate occasions, or for a total of 6 working days, over a rolling 6 month period;
- ii) when the employee has been absent on 4 or more separate occasions, or for a total of 10 working days, over a rolling 12 month period.

2.2 An employee will be given sufficient notice, in writing, of a formal interview and informed of his/her right to be accompanied by a trade union rep or fellow employee at the interview. Failure by an employee to attend an interview and/or agree to be referred to a Council Medical Adviser may result in disciplinary action being taken resulting in suspension of entitlement to sickness allowance.

2.3 A formal interview will:-

- i) establish any underlying trends, the frequency of, and reason(s) for absence, and possible options to improve the level of absence;
- ii) inform the employee that the absence record has hit a trigger, as detailed in paragraph 2.1, and is having an impact upon the efficient and effective operation of the service;
- iii) advise the employee that his/her absence is subject to a period of monitoring for a period of 6 months. A longer period of monitoring may be considered where appropriate.

Where appropriate, the interview may be adjourned to enable the employee to be referred to the Council Medical Adviser, to determine whether there is an underlying medical condition and seek appropriate occupational health advice.

- 2.4 Should absence not improve to a satisfactory level and hit a further trigger, within the period of monitoring, a second interview will be arranged. This interview will follow the same format as the first interview and may result in:-
- i) the employee's absence being subject to a further period of monitoring (a maximum of 2 successive periods of monitoring may be put in place);
 - ii) the employee being granted one further and final opportunity for his/her absence record to improve to a satisfactory level over a period of 12 months and being advised that, if no such improvement is forthcoming, dismissal will be considered. The employee will have the right of appeal against a final opportunity for improvement.
- 2.5 Should absence not improve to a satisfactory level and hit a further trigger during a second period of monitoring, a formal interview will be arranged and will result in the employee being granted one further and final opportunity for his/her absence record to improve to a satisfactory level over a period of 12 months and being advised that, if no such improvement is forthcoming, dismissal will be considered. The employee will have the right of appeal against a final opportunity for improvement.

Where absence has not been of a satisfactory level over a number of years or hits a trigger following conclusion of a period of monitoring, the employee may be granted one further and final opportunity for his/her absence record to improve to a satisfactory level over a period of 12 months and be advised that, if no such improvement is forthcoming, dismissal will be considered. The employee will have the right of appeal against a final opportunity for improvement.

- 2.6 Should the absence record not improve to a satisfactory level and hit a further trigger following a final opportunity for improvement, a further interview will be arranged. This interview will follow the same format as previous interviews, and may result in the dismissal of the employee. The employee will have the right of appeal against such a decision.

Prior to any decision to dismiss, consideration will be given, if it has not already occurred earlier within the procedure, to referring the employee to a Council Medical Adviser.

3 LONG TERM ABSENCE

- 3.1 An employee will be called to a formal interview to discuss his/her absence, when the employee has been absent for a continuous period of 4 weeks or more, where possible;
- 3.2 An employee will be given sufficient notice, in writing, of a formal interview and informed of his/her right to be accompanied by a trade union rep or fellow employee at the interview. Failure by an employee to attend an interview and/or agree to be referred to a Council Medical Adviser may result in disciplinary action being taken resulting in suspension of entitlement to sickness allowance.

3.3 A formal interview will aim to:-

- i) seek to establish/confirm the reason(s) for absence and its likely duration;
- ii) inform the employee that absence record has hit a trigger, as detailed in paragraph 3.1, and is having an impact upon the efficient and effective operation of the service; and of the employer's responsibility to ensure the employee is capable of doing the job and/or that the work is not detrimental to the employee's health.

Where appropriate the interview may be adjourned to enable the employee to be referred to the Council Medical Adviser, to establish the likely length of absence and the long term effect on capability in relation to job performance and attendance at work.

3.4 The interview which may be convened following receipt of occupational health advice, may result in:-

- i) consideration of a phased return to work;
- ii) consideration of seeking alternative employment;
- iii) consideration of reasonable adjustments;
- iv) deferral of a decision pending a further review within a given timescale;
- v) the employee's absence being subject to a period of monitoring for an appropriate length of time;
- vi) the ill health retirement of the employee;
- vii) the employee being advised that his/her contract of employment may be terminated on the grounds of capability unless he/she has returned to work by a specific date, the employee will be given the right of appeal against this decision;
- viii) the dismissal of the employee - the employee will have the right of appeal against such a decision.

3.5 Where the assessment of the employee's record shows a combination of short term and a long term absence, which is not of a satisfactory level, a formal interview may be held.

3.6 Appeals Against Decisions

In all cases, an employee is entitled to appeal against the decision to dismiss him/her or against a final opportunity to improve or date to return to work. An appeal must be lodged in writing with the Head of Department within 14 days of receipt of the letter which confirms the decision to dismiss; or gives a final opportunity to improve/date to return to work.