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| Barnardo’s  |
| Sickness Absence Policy and Procedure  |

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Date: 2 August 2022

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Policy Owner: People Strategy & Projects Team

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#### **Purpose**

Barnardo's has designed this non-contractual policy and procedure to ensure that:

1. Employees are aware that Barnardo's takes its responsibility for the health, safety and welfare of staff seriously and aims to achieve equitable and fair treatment for all. Employees are expected to maintain a satisfactory record of attendance.
2. Any, sickness absence will be handled fairly, reasonably and sensitively, taking account of the needs of both the business and employee.
3. Persistent short-term and long-term sickness absence is positively managed with a degree of consistency and to facilitate a return to work as early and wherever possible.  However, if this is not possible, or if intermittent absence levels remain unacceptable, it may be necessary for the employment relationship to end.
4. Employees are aware that effective communication by line managers plays a key part in sickness absence and can help to address issues before they escalate to problems.
5. Employees understand their individual responsibilities when absent due to sickness and are aware of the eligibility criteria and possible discretionary payments under [Barnardo's Sickness Payment Schemes](http://livelink.barnardos.org.uk/livelink91/livelink.exe/fetch/2000/7542619/13115626/13376024/201376275/Barnardo_s_Sickness_Payment_Schemes.pdf?nodeid=201376276&vernum=-2).  (Any payments are made to employees to assist their recovery from ill-health and their return to work).
6. Employees understand the implications of reaching a short-term absence trigger point, the purpose of informal and formal reviews and cautions, and their right of appeal at each formal stage of the process.
7. Employees are aware of the provisions during sickness absence for [accruing and taking annual leave](http://livelink.barnardos.org.uk:80/livelink91/livelink.exe/wiki/199503525/Accruing%20and%20taking%20annual%20leave%20during%20sickness%20absence), in the event of sickness for a pregnancy-related reason in the 4 weeks before an employee's baby is due and regarding the impact of sickness absence on pensions.
8. Employees are aware of the [sources of support](http://livelink.barnardos.org.uk:80/livelink91/livelink.exe/open/201408927) available to them and their entitlement to request to be accompanied at any formal meeting.

#### Scope

The policy and procedure applies to all Barnardo's employees.

The policy does not apply to those working solely 'As and When' and sessional workers, agency workers or self-employed contractors.

#### Roles and Responsibilities

**Line Managers** are responsible for managing the sickness absence of employees in their areas of responsibility, and for ensuring that the employees who report to them are treated fairly and consistently and in accordance with Barnardo's policies and procedures. Managers can access sickness absence reports to support them in effectively undertaking their role.

**Employees** are responsible for ensuring they understand and comply with the notification and other requirements of the policy and procedure and, in the event of sickness, engaging and participating to the best of their ability in the process.

**Local People Teams** are responsible for working with managers to identify and manage cases of sickness absence, and for supporting managers and employees to understand and implement Barnardo's policies and procedures.

**People Strategy & Projects Team** is responsible for reviewing and updating this policy and procedure and associated documentations to reflect legislative changes and good practice.

#### Definitions

 **Short term absence** is absence of less than 4 weeks

**Trigger points** referred to in this policy and procedure for Short-term absence are

within a rolling 6 month period as follows:

•Two absences totalling 10 days; OR

•Regardless of the duration of absences, the third occasion of absence.

 **Long term absence** is consecutive absence of 4 weeks or more.

Some periods of absence can be discounted towards the trigger points, such as sickness absence related to gender reassignment; disability, impairment, mental or physical health condition; pregnancy or some injuries at work where the individual is not at fault. However, managers will continue to manage sickness absence and monitor such absence levels. Managers dealing with sickness absence in respect of these groups should seek advice from their Local People Team.

#### Policy

The Sickness Absence Policy and Procedures do not form a contractual entitlement and Barnardo’s reserves the right to vary these in the interests of efficiency.

Timescales provided are by way of guidance only and it may be necessary to depart from these timescales where Barnardo’s deem it discretionally reasonable to do so.  Any delay will be communicated promptly to the parties involved.

In order to minimise the disruption that sickness absence can cause, employees are expected to take due care in deciding whether or not they are well enough to attend work and to follow medical advice as appropriate.

#### Procedures

# Notification of sickness absence

* 1. **Day 1 and ongoing[[1]](#footnote-1)**:  To qualify for sick pay, employees **themselves** must notify their line manager by phone **within one hour of their scheduled start time** (unless local rules require otherwise) with the nature and likely duration of the illness.  It is not sufficient to leave a voicemail message or send a text/email. If the line manager is unavailable, a message may be left with another staff member.  The line manager may return the employee’s call later.
	2. The line manager should ask about the likely duration of the absence. If the absence is likely to last a week or longer, the manager and employee should agree a contact schedule so that the employee is regularly updating their manager on progress. As a minimum, they must be contacted the day before any medical certificate is due to expire to confirm when a return to work can be expected.
	3. A sickness absence record must be created in Dynamics 365 by the Manager/ Employee on the day the absence was reported. A user-guide is available on Inside.Barnardo’s for absence records entered via Dynamics 365.
	4. **Self certification**:  For all sickness absences, employees must complete the return to work process via Dynamics 365 – guidance on completing the Return to Work form is available on Inside.Barnardo’s.
	5. **Medical certificates:** Are required for all absences **exceeding 7 calendar days** (i.e. including weekends).  Receipt of sick pay is dependent upon these being submitted promptly (i.e. no later than the 8th day of absence and, where the absence continues, 2 days after any previous certificate expires).  Barnardo’s reserves the right to request medical certificates for absences of less than 7 calendar days’ duration and will reimburse any associated costs in this instance.

# Maintaining contact during sickness absence

* 1. When it is known that an absence will last longer than a week, Line managers (or the Local People Team) will agree a contact schedule with employees to enquire about health and progress during absences.  It is recommended that the manager and employee agree a contact schedule that includes: frequency of contact, regular times or dates and who will make contact. Contact will usually be by telephone (including text to a Barnardo’s mobile phone and in writing) or home visit. It may also be appropriate to agree what work issues may be helpful to discuss to keep the employee updated, and which may not, whether regular visits to the workplace may be helpful and invitations to team social events, training etc. This is particularly relevant for long term absences and mental health problems where continued absence from the workplace can be isolating and impact on the employee’s ability and confidence to return. All contact must be reasonable and sensitive.
	2. In addition, while every effort will be made to cover workloads during absence,
	managers may have to contact employees regarding essential work-related queries which cannot otherwise be delegated.

# Disability, impairment, mental or physical health condition

* 1. Managers may make appropriate reasonable adjustments to the procedure and arrangements to ensure that a disability, impairment, mental or physical health condition are not a barrier to fair access and the application of this policy and procedure. For example, discounting an amount of disability related absence from the trigger points. However, Managers will continue to manage sickness absence, monitor such absence levels and may review reasonable adjustments/support arrangements to ensure that they are still appropriate. Managers dealing with disability related sickness absence should seek advice from their Local People Team before taking action.
	2. To help support the health, safety and wellbeing of a worker, an individual ‘Accessibility Passport’ should be completed by the manager at the point a disability, impairment, mental or physical health condition is identified, or as soon as there are changes in circumstances that might affect the existing form’s validity.
	3. Detailed guidance on disability, impairment, mental or physical health conditions including guidance on reasonable adjustments and Access to Work is available on Inside.Barnardo’s. A template Accessibility Passport is also available, as well as ‘Wellness Action Plans’ (WAPs) which can be used as a further resource to monitor and manage an individual’s mental health.

# Use of Personal Data and Data Protection

* 1. All information relating to staff health or absence is regarded as sensitive data and MUST be held confidentially.

# Medical reports and use of Occupational Health

* 1. In some cases it may be helpful to gather further information about an employee’s medical conditions.  This will normally include requesting a report from a GP or Consultant (which may be done via the Occupational Health provider, particularly in respect of long term sickness).  Permission will always be sought before requesting any reports and employees can request copies of these.
	2. Any medical reports obtained will be used positively to assist return to work at the
	appropriate time.  They can provide an opinion on the likelihood of further
	absences and guidance on whether reasonable adjustments to jobs, working
	environment or patterns would be helpful.  This is essential when ill-health
	retirement is being considered and may also identify any underlying conditions at
	the root of unconnected frequent short-term absence.
	3. When referred, employees should expect to attend appointments with the
	Occupational Health provider.  If an employee refuses to attend an appointment,
	this may limit the information available when deciding upon future capability for
	work.
	4. If an employee has agreed to attend a meeting with Occupational Health but fails to attend without giving the required cancellation time, they may be required to reimburse their service/department/store for the cost incurred and a deduction via payroll can be made for this cost.
	5. Should an employee disagree with a report from the Barnardo’s Occupational
	Health provider, they may wish to provide an alternative report at their own
	expense.  This report will be duly considered, however, Barnardo’s reserves the
	right to rely upon information provided by its Occupational Health provider.

# Procedures for Managing Sickness Absence Accompaniment

* 1. Employees are entitled to request to be accompanied at formal meetings held under this procedure. A companion may normally be a UNISON/other trade union representative or a Barnardo’s colleague. To exercise the right of accompaniment, employees should make a reasonable request in good time before the meeting. What is reasonable will depend on the circumstances of each individual case and will be considered by the manager. For further details, please see the additional information sheet on Accompaniment.
	2. In exceptional cases, such as home visits or case of prolonged absence, where the employee is no longer in contact with colleagues and is not a trade union member, it may be appropriate for the companion to be another person not listed above. Such requests will be given due consideration by the manager.

**Return to work discussion and GP Fit Notes**

* 1. Manager holds return to work discussion with employee upon return from any sickness absence and enters the relevant information, including return date, on the appropriate absence record in Dynamics D365 – further guidance is available on Inside.Barnardo’s.
	2. The purpose of the discussion is to ensure fitness to return to work and to establish if any assistance or support is needed.  This should include consideration of the reason(s) for absence, in relation to the context of the job, and whether there are any implications for health, safety and welfare, food safety, or general infection control.
	3. This discussion will also indicate whether further review is necessary either because a trigger point has been reached or if a pattern of absence has been established which requires additional information.
	4. If the employee submits a Fit Note the Manager/DI Administrator should ensure all the relevant information is entered onto the appropriate absence record. The Note should be scanned and saved to the employee’s electronic staff file, and a link sent to the Local People Team, within 7 working days. The original Fit Note must be returned to the employee.

# Short Term Absence

* 1. Short-term absence refers to any period less than 4 continuous weeks.  The procedure includes informal and formal stages - see [Management of Short-Term Absence Flowchart](http://livelink.barnardos.org.uk:80/livelink91/livelink.exe/open/89389237).

**Informal review**

* 1. If a trigger point has been reached, manager arranges an informal review promptly after the return of the employee from the last occasion of absence. (It may be appropriate to hold this meeting immediately following the return to work contact meeting).   There is no automatic entitlement to request to be accompanied to such meetings.
	2. The purpose of the meeting is to explore into further detail about the periods of sickness absence. Manager arranges a further (update) meeting, at a time agreed with the employee as part of the first informal review meeting.
	3. If the employee's attendance has sufficiently improved, then no further action beyond normal monitoring will be required.
	4. If the employee's attendance has not improved following informal review or where informal review is not appropriate, the manager will commence the formal review process.

**Formal review**

* 1. Manager will provide the employee with advance written notice of formal review meetings, including their entitlement to request to be accompanied at the meeting.
	2. If at the second or third formal review meeting, it is established that sufficient improvement has taken place, normal monitoring will be returned to.
	3. If the employee has further sickness absence, without satisfactory explanation in the subsequent 6 months, it is not necessary to return to the beginning of the process - see [Management of Short-Term Absence Flowchart](http://livelink.barnardos.org.uk:80/livelink91/livelink.exe/open/89389237).
	4. Depending on individual circumstances, formal reviews may result in dismissal, but this will always be preceded by at least two formal written cautions.
	5. Employees are entitled to appeal each formal stage of the review.
	6. Managers should note this is different from disciplinary action, including dismissal, which arises from abuse of the policy and procedure, e.g. if sickness is not genuine or it is unauthorised absence.

# Long-term absence

* 1. Long-term absence is that which has been, or is likely to be, continuous for 4 weeks or more.  The procedure includes informal and formal stages - see Management of Long-Term Absence Flowchart.

**Facilitating a return to work after Long Term Sickness Absence**

* 1. Wherever practicable and appropriate, phased return to work arrangements may be agreed with employees to assist their rehabilitation and transition back in to work after a period of sickness. This phasing is typically over a period of up to 4 weeks in discussion with the individual taking into consideration any medical advice. Information about pay during a phased return to work, see Barnardo's Sickness Payment Schemes.

**Informal review**

* 1. In the early stages of absence, the line manager and/or the relevant People team will contact the employee regarding support options during their sickness and upon return to work.  This may involve a meeting which can be a home visit with a companion attending if appropriate and/or a referral to Barnardo’s Occupational Health provider.  A medical report may also be requested to assist with this.  This should take place within the first 4 weeks of sickness absence.
	2. If an employee’s absence is work related or due to an accident at work, then a referral to Barnardo’s Occupational Health provider should be made straight away.
	3. Should the informal review suggest that a return to work in the near future is unlikely, but that this will not cause operational difficulties, a further informal review will be arranged.  This will normally be within 8 weeks from the start of the absence period.
	4. It is expected that regular contact and reviews will continue to take place, on average twice per month, throughout the period of continued sickness absence.

**Formal review**

* 1. Where continued absence will cause unreasonable operational difficulties and/or further time or recommended medical treatment will not increase the likelihood of the employee returning, a formal review meeting will be arranged to follow on from the informal review(s).
	2. Manager will provide the employee with advance written notice of formal review meetings, including their entitlement to request to be accompanied at the meeting.  Where appropriate, the meeting may take place via a home visit.
	3. The review will explore available options such as additional treatment, phased return, redeployment, job/workplace adjustments, ill-health retirement, before considering dismissal.
	4. Employees have the right to appeal each formal stage of the review process, up to and including dismissal.

# Appeals

* 1. An appeal against a (formal written caution) can be lodged in writing to the immediate manager of the manager who issued the caution.
	2. An appeal against dismissal should be sent to the appropriate Director.
	3. The appeal letter should be submitted without undue delay, usually within 10 working days of the caution/dismissal, stating the grounds and reasons for those grounds, examples of which may include:
* New evidence which was not available at the time of the formal review meeting.
* The sickness absence procedure was not followed.
* Demonstration that the level of action taken was not reasonable (i.e. that the level of action taken was inappropriate to the issue).
* The decision, based on the evidence presented at the formal meeting, was unfair.

	1. Barnardo’s will determine who should hear the appeal and a meeting will be convened, without undue delay, usually within 20 working days of receipt of the request. The employee has the right to request to be accompanied to the meeting and further details can be found on the Accompaniment information sheet.
	2. Following an adjournment and consideration of the facts, the outcome of the appeal hearing will either be confirmed on the day (and then in writing) or confirmed in writing following the meeting, usually within 5 working days, unless otherwise agreed. This decision will be final with no further stage of appeal.

# Sickness absence during pregnancy:

* 1. If an employee is absent from work for a pregnancy related reason in the 4 weeks before the week her baby is due, her maternity leave will be triggered and commence on the first day of her pregnancy related sickness absence. Prior to that, pregnancy related absence will not count towards trigger level points so long as the manager is aware of the employee’s pregnancy.
	2. Additional provisions may apply where eligibility for sick pay has been affected by pregnancy related absence. The Local People Team will advise the staff member when these are applicable.

# Sickness absence during annual leave

* 1. Should employees become unwell during annual leave, the same notification procedures will apply, but a medical certificate must be provided even for absences of less than 7 calendar days.  The period from the date of the medical certificate will be regarded as sick leave and the outstanding balance of the holiday may be taken at a later date, subject to line manager approval and consideration of any further medical advice requested.  Unless there are exceptional circumstances, this should normally be in the same leave year. This provision does not apply to school staff entitled to normal school holidays or non-school based staff on Term Time Only contracts.

# Accruing and taking leave during sickness absence

12.1 Annual leave (contractual and statutory) will continue to accrue during periods of sickness absence. It is possible for annual leave to be taken during long term sickness absence, provided the request is submitted in writing with sufficient notice in accordance with usual policy. Annual leave should not be used instead of short term sickness absence.

12.2 Annual leave for employees who have had short term sickness absence must be taken in the current holiday year unless permission to carry over leave is sought in writing before the leave year ends on 31st March. Permission to carry over leave in excess of 1 week’s contractual hours will only be given in exceptional circumstances. Where permission has been granted to carry forward annual leave, the employee and manager will agree a plan for using up the excess leave.

12.3 Employees whose long term sickness absence has prevented them from using their annual leave will be able to carry forward their unused statutory holiday entitlement (up to 20 days) from one leave year to the next.

# Travelling (in the UK or abroad) during sickness absence

* 1. During sickness absence employees are required to advise Barnardo's before travelling within the UK or abroad.

# Impact upon discretionary sickness payments

* 1. If employees do not keep in contact with Barnardo’s as required, or travel without agreement, this can impact upon discretionary sickness payments and may result in payments being withheld.

# Impact of sickness absence on pensions

* 1. Members of the Barnardo’s stakeholder pension scheme will pay pro rata pension contributions during any periods of sickness absence that are on reduced pay or no pay and Barnardo’s will do the same.

#### Associated guidance and documents

1. Self/GP certification return to work form
2. Short term absence flowchart
3. Long term absence flowchart
4. Sickness payment schemes
5. Accompaniment (additional information sheet)
6. Equality & Diversity Good Practices Guides in relation to Transgender and a Disability, Impairment, Mental or Physical Health Condition including – Guidance on the Access to Work Scheme
7. Mental health at work - a range of resources and websites related to mental health at work

#### References

Social Security Administration Act 1992

Employment Rights Act 1996

Working Time Regulations 1998

Equality Act 2010

#### Compliance

Region/ Nation/ Business Line/ Department performance against Sickness Absence Key Performance Indicators.

#### Document History

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| **Version** | **Date** | **Author** | **Status** | **Comment** |
| 1. | 1 Dec 2015 | Policy and Advice Team | Agreed by Everton Bryan  | Approved 02.11.15  |
| 2. | 09 Aug 2016 | Policy and Advice Team | Agreed by Toni Court 28.07.16 | Minor amendment - recording part day absences |
| 3. | 03 Nov 2016 | Policy & Advice Team  | Agreed by Toni Court 03.11.16 | Minor amendment – change of wording (risk assessment to Accessibility Passport) & ref to WRAPs added |
| 4. | 06 July | Policy & Advice Team  | Agreed | Update to reflect MyPlace process and change to retention of Fit Note |
| 5. | 22 March 2021 | People Strategy & Projects Team | Agreed | Update to clarify the carry forward of annual leave  |
| 6. | 2 August 2022 | People Strategy & Projects Team | Agreed | Updated to reflect agreed review date |
| 7. | 07 July 2023 | People Strategy & Projects Team | Agreed | Policy updated to reflect revised review date in accordance with planned schedule agreed by CLT |

1. For part day sickness absence the following applies - if less than half of the staff member’s normal daily hours are worked before going sick this will be recorded as a half day sickness absence. If more than half of the staff member’s normal daily hours are worked no absence will be recorded for that day. [↑](#footnote-ref-1)