**Absence Management Policy**

# Part I: Policy Details

## What does this policy cover?

When employees are absent from work due to sickness, this policy covers how they must report their sickness absence. It also sets out what pay they may be entitled to during any sickness absence.

While the majority of this policy covers sickness absence, you’ll also find here our policy position on absences from work for other reasons, such as jury service and family-related absences. You can find these in Part III.

## Who does it apply to?

All employees and workers. It does not apply to self-employed contractors.

## It is not part of your employment contract

This policy is not part of your employment contract. We, [name of business], may amend this policy at any time.

## Your right to be accompanied at meetings

During any meeting that takes place under this policy, you may bring someone with you. That person is generally a work colleague or, if relevant, a trade union representative.

We will remind you of this entitlement when we sent you a meeting invite. You must then let us know if you intend to invite someone to accompany you and who that person is, as well as their relationship to you, if this is not known to us. You will be responsible for making their attendance (including any travel) arrangements and costs.

You are entirely free to choose a work colleague to accompany you. If you do choose a work colleague, please be aware that, on occasion, we may need to adjust scheduled meeting timings to ensure that we can ensure your colleague’s attendance (and absence from their usual work duties) does not cause any operational challenges.

## Speaking on your behalf

If you would prefer them to do so, your companion may present the key points of your grievance and they may also speak openly on your behalf at the meeting. You should feel free to seek their views and confer with the during the meeting and you are entitled to leave the room for reasonable periods of time to do so.

Your companion is not permitted, however, to answer questions put directly to you or try to prevent us asking questions or outlining our views.

# Part II: Our procedure for requesting, reporting and managing sickness absence

Please follow this procedure.

## If you know you’re going to be absent (for health and/or sickness-related matters)

Please do your best to arrange medical appointments outside working hours. If your appointment may involve you being absent for most of the working day, please try to use a day’s holiday instead (referring to our Holiday policy).

Please tell [specify contact person], by phone [or email] at your earliest opportunity, if you know you need time off work – for a medical appointment, for example – and get their permission.

[We will normally pay you for this time, if it is reasonable and you have provided us with adequate notice and explanation of your need to take it.]

OR

[We will not normally pay you for this time. However, you do have the right to ask us to treat this type of time off as paid holiday, and if you choose to do this, you should follow the procedure set out in our Holiday policy.]

## Falling sick or suffering an injury

If either of these things happen and they prevent you from being able to come into work, please inform [specify contact person] as soon as possible, so they know not to expect you at work. We expect you to have notified [specify contact person] [specify your preferred deadline].

You must speak to your manager yourself unless you are medically unfit to do so, in which case we may agree to allow you to ask somebody else to make contact for you.

Notifying [specify contact person] must be done by telephone and not email or text unless there is a good reason not to telephone. The reason we have this rule is to enable [specify contact person] to support you in your absence, including by helping with the assignment to someone competent of any immediate tasks for which you are responsible, and so that they are able to ask you questions about your absence and how long you expect it to last.

[specify contact person] may also need to contact you for updates on your absence or to ask work-related questions (where these are not reasonably avoidable). We aim never to disturb sickness absence unless it is for important reasons, especially if you have told us that you do not want to be contacted while you are off.

For every day of sickness absence that follows this first day, you must repeat this notification arrangement. The only exception to this will be where you have obtained and provided to [specify contact person], a doctor’s certificate, Fit for Work return-to-work plan (see the section below that explains what this is), or alternatively, you have agreed something different with [specify contact person].

You will be asked for evidence of your sickness or injury when you return to work.

If you have been absent for less than a week, you must complete a simple sickness absence self-certification form, which you can obtain from [specify location/person] and it must be given to [specify contact person].

An absence of longer than a week will require you to provide us with:

* 1. Your self-certification form for the first 7 (calendar) days that you are off work; and
  2. a doctor’s certificate (called a MED3 certificate). This document provides the official doctor’s certification that you are unfit for work due to reasons that the certificate identifies, and it will usually indicate the period of time for which the doctor anticipates you will be absent.

You must provide us with both your self-certification form and your MED3 certificate on the 7 day of your absence, or the next working day following that absence, in order to qualify for Statutory Sick Pay (if you are eligible for it).

You will need to provide us with further doctor’s certificates if you are off work for longer than the date on the first doctor’s certificate.

## Sick pay

## [We will pay you Statutory Sick Pay (SSP) instead of your salary, while you are absent because of sickness or injury.

## Your first 3 days of sickness absence will be unpaid.

## SSP entitlement starts on the 4 day of your sickness absence, and it can be paid for up to 28 weeks. The amount that you get is set by the government, not [Name of business].

## To qualify for this pay, you must:

## be eligible for payment of National Insurance contributions

## be under the State Pension age

## have been sick for 4 or more calendar days in a row (including non-working days) and

## have notified us that you are sick in line with your reporting obligations under this policy.

## If you do qualify, then remember that this pay is still eligible for tax and National Insurance contributions and these will be deducted from your payments in the usual way.]

## OR

[You’ll be eligible for Company Sick Pay after you have worked for us continuously for [number] of weeks. We will pay this to you provided that you comply with the requirements of this policy and all other contractual obligations. [We will not pay this for the first 3 consecutive days that you are off sick.]]

## OR

## [You’ll be eligible for Company Sick Pay after you have successfully passed your probation period. We will pay this to you provided that you comply with the requirements of this policy and all other contractual obligations. [We will not pay this for the first 3 consecutive days that you are off sick.]]

## OR

## [For a maximum of [28] weeks, you will be paid your full basic salary (in which includes your SSP entitlement) if you are off work sick. After these [28] weeks, you will not be entitled to further sick pay (SSP or other sick pay) until you have returned to work and you have worked continuously without any further sickness absence, for a period of 8 weeks.]

## OR

## [We will pay you sick pay on the following basis: [specify details of your company sick pay arrangements.]]

If you are off work for more than 7 calendar days and you do not provide us with the doctor’s MED3 certificate, you may lose your right to sick pay.

[We will not normally pay you sick pay, other than SSP (provided that you are eligible for SSP), if:

* Your injury or illness is self-inflicted and irresponsible (e.g. you have taken illegal drugs or misused another substance; or you’ve willingly engaged in hazardous activities, such as extreme sports)
* Your absence is due to surgery or medical treatment that you have elected to undergo (e.g. a cosmetic procedure); unless that treatment has been medically advised by a qualified medical practitioner, and you co-operate with any request we might make for evidence of that medical advice or necessity, (including if need be, agreeing to examination by any doctor appointed by [name of business]).
* We do not believe, in our reasonable opinion, that your absence is due to a genuine sickness or injury (e.g. we have grounds to believe that your absence is in response to a grievance or disciplinary matter)
* You haven’t followed our policy rules for notifying us and reporting your absence
* Your injury has been caused by other paid work
* The absence is as a result of surgery or medical treatment that you have elected to have, unless undertaken upon the advice of a registered medical practitioner and confirmed as necessary by any doctor appointed by the Company]

## The Fit for Work scheme

Where an employee is off work due to sickness or injury for more than 4 weeks, their doctor or [Name of business] may refer them to this scheme. Sometimes, doctors may make the referral earlier than that.

The government set up the Fit for Work scheme to help employees who have been off sick for a period of time to get back to work. It involves an occupational assessment, paid for by the government, the outcome of which might be the production of a plan called a ‘return-to-work plan’.

If your doctor refers to you this scheme, we’d ask you to let us know at the earliest opportunity. Often, your Fit for Work case manager will want to speak with someone working for us. If that is the case, please ask them to speak directly with [specify contact person].

## Getting back to work

Please let [specify contact person] know if you’ve been off work for a period of time that has required a doctor’s certificate, and you’re then declared fit for work by your doctor, who will normally have given you a certificate to evidence this sign off. [specify contact person] must be provided with a copy of that certificate immediately.

We might ask you to come to a return-to-work interview after you have been off work due to sickness or injury. At the interview, we will discuss why you were off work, check you are fit to return and consider any advice from your doctor.

Sometimes, an employee might feel they’re ready to come back to work, but we have concerns and might not agree. If this situation arises, we might obtain our own medical evidence and you will be asked to co-operate with this assessment before we can agree to you returning to work and resuming duties.

## Long-term sickness or repeat sickness absences

We have formal procedures that you and we will need to follow if you are absent for a long time because of sickness or injury, or if we are concerned about the number of times and days you’re taking off for these reasons.

The process that we follow will depend considerably on the sickness or injury that you’re suffering and, if relevant, the pattern and frequency of any absences.

We will aim to discuss this with you informally, so that we can get a clear view of all the facts affecting you. We may also seek medical advice ourselves, so that we can better understand your situation and what we can do to.

If these informal meetings leave questions outstanding or we require medical evidence to better understand your situation, we may want to invite you to more formal meetings where we will review your absence in more detail, which could include assessing whether we can make any reasonable adjustments to help you either return to work or to be able to continue in work for longer periods.

Medical evidence or assessments that we require will usually be conducted, at our cost) by an occupational health expert or another relevant specialist of our choice.

All reports that we obtain will remain confidential. We will ask for your consent for us to have full access to medical reports that we obtain and for us to discuss their contents with the relevant medical practitioner. You do not have to consent; but if you do not, we will be entitled to make decisions based on existing medical and other information.

We want to support you through any period of long-term sickness absence and we will always consider how we can make reasonable adjustments to your role and/or work space if you are found to have a disability. It is for us to work out how we can balance the needs of our business with your position, and we would not want for you to feel pressured to return to work before you are able to do so. However, no business can continue employing people indefinitely if they are unable to work. So, we will keep you informed of our deliberations around this balancing need and ensure that any outcome that we might ultimately feel obliged to decide, (including perhaps eventually terminating your employment with us), does not come to you unexpectedly and without due warning.

## Long-term sickness: our formal procedure

The steps below set out our formal procedure in the event of you being off work for a long period of time. The first step is a formal meeting.

Before we hold any formal meetings, we will write to you, inviting you to attend the meeting and giving you the details of where, when and why it has been arranged. If you cannot attend on our proposed date, we will reschedule to accommodate a mutually acceptable alternative date.

During the meeting, we will:

* 1. Discuss why you are off work
  2. Discuss how long you expect to remain off work
  3. Explore whether this is likely to be a recurring situation, meaning that you are likely to need more time off for the same reason in the near future
  4. Review medical evidence and explore whether further reports are needed
  5. Consider with you whether there is anything that we can do to support your progression back to health and/or to make it easier for you to return to work
  6. If appropriate suggest that you take part in a return-to-work scheme
  7. Depending on the circumstances, set you targets for improving attendance if you’re persistently absent
  8. Depending on the circumstances, warn you that you may face dismissal if your attendance does not improve.

As with all meetings that we invite you to under our any of our policies, you may invite someone else to accompany you to this and any subsequent meetings. The usual rules about who you can invite and what role they can play at the meeting will apply (as described in Part I of this policy).

If you’re not able to return to work, or if you do not meet any targets and deadlines set for improved attendance following that meeting, then we will arrange a further meeting with you.

Our objective at this further meeting will be to assess what has happened during the period since the first formal meeting and to consider with you whether the position is capable of improvement.

At the conclusion of this meeting and during our deliberations immediately after it, if it is apparent to us that you are not likely to be able to come back to work, or that considering all factors and experience to date, your attendance is unlikely to improve, we may decide to give you notice of dismissal.

Whatever we decide is appropriate, we will normally aim to set this out in writing to you within 2 weeks of this further meeting taking place, though we might take longer in particular circumstances, for example, where the injury or illness is especially severe.

If we do decide to terminate your employment with us, we will never take this step lightly. Before we give you any notice of dismissal, we will examine whether we can offer you a role elsewhere in the business (if any suitable roles may be available) and we will give you chance to raise anything that you want us to hear and to consider.

We will only deploy our disciplinary procedures it is seems clear to us that you are not off work for a medical reason and you are not able to provide a reasonable explanation about why you have been/remain absent and/or you have falsely claimed sick pay. Where we deploy this procedure, you may face dismissal for misconduct or gross misconduct.

## Appeals and final decision

If you are not happy with our decision to dismiss you, or redeploy you elsewhere in the business, you are entitled to appeal against our decision.

You must do so within one week of us giving you our decision. Your appeal must be set out in writing and:

* 1. addressed to the relevant person identified as the correct recipient for an appeal in our written decision
  2. clearly set out why you are appealing against our decision
  3. provide any new information or evidence on which you wish to rely since our earlier investigations were completed.

Usually within two weeks of you notifying us of your appeal, we will invite you to attend a further meeting with us. Wherever possible, the manager who held the original meetings will not lead this appeal meeting. As before, you are entitled to ask someone to accompany you.

Following this meeting, we will provide you with our written, final decision. We aim wherever we can, for you to receive this decision within two weeks of the appeal hearing.

This concludes our process. We do not consider any further appeals.

# Part III: Absence from work for other reasons

You may have reason to be absent from work for other reasons. Those that we recognise as reasonable, and our position in relation to them, are set out below.

## Jury service

You may be called for jury service. If/when this happens, you must inform [specify contact person] as soon as possible, so that we can make plans to cover your absence and arrange a temporary handover of any duties that someone else will need to cover while you are away from work.

While you are on jury service, [you will receive full pay and benefits, minus any allowances paid by the court] OR [not be paid and should therefore claim all allowances made available by the court].

## Other public duties

There may be other public duties that, from time to time, you might wish to carry out and that may affect your normal working hours. These duties might include acting as a magistrate or school governor, for example.

As soon as you become aware that any such duties are scheduled to conflict with your working hours, you must inform [specify contact person], so that we can consider whether we can accommodate your absence and if we conclude that we can, we must have adequate time to make plans to cover your absence.

While carrying out these duties, we [will pay you your normal wage] OR [will not pay you for time taken off work].

## Emergency time off to look after dependents

If you have a family emergency involving someone dependent on you, you may take reasonable time off work to deal with that emergency.

‘Dependents’ are your spouse, civil partner, children (including adopted children), or a parent. Also included are other people who live in your household or anyone else who relies on you – for example, an elderly family member.

To take this time off work, you must follow the same procedure as for sickness leave and contact your manager as soon as you know you will be taking time off.

We ask you to be reasonable in the time you take. It must be necessary also for you to deal with something immediately or that is an emergency. This generally means that you might need somewhere between a few hours or, at most, a couple of days. Anything longer would not be considered ‘emergency time off’. Care over the longer term is not classified as an emergency, for example.

This type of leave is treated as unpaid leave. [If we do decide to pay you, during this emergency period, it is at our discretion and will not set any precedent for you or for any other employee.]

This emergency leave does not cover general home issues, like wanting time off to deal with a problem with your boiler or a flood.

## Other family-related absences

These other types of time off for family-related matters are covered under our separate Maternity and Family-Friendly policy.

## Trade Union duties

If you are elected as a trade union official, you are legally entitled to reasonable time off to fulfil your obligations. Where this happens, we will pay your full basic rate for all related absences during working hours.

We will not pay you for duties carried out outside working hours.