



SICKNESS ABSENCE POLICY AND PROCEDURE

Introduction

Mind in Croydon aims for the full attendance of all employees throughout the working week. However, the health and wellbeing of our employees is extremely important to us. The organisation understands that employees will sometimes become unwell and need time off to recover.

This policy has been developed to provide:

- consistency and fairness in Mind in Croydon's response to the absence from work of employees through sickness or accident;
- employees with the information they need to report an absence and understand what the organisation will do when managing absence;
- manager with a consistent framework to deal with employee sickness absence;
- a consistent approach to monitoring absence.

Sickness absence is defined as any absence from work caused by illness, accident, surgery and absence from work required to recover from these. It includes planned surgery/treatment (see procedure, section 7). It is different from special leave, which is leave agreed between a Manager and employee for reasons other than sickness (e.g. bereavement, caring responsibilities).

The policy should be read in conjunction with the Contract of Employment and with the following policies and procedures: Disciplinary Procedure, Stress at Work and Health and Safety.

1. Scope of the policy

This policy applies to all employees, including those who work full-time, part-time or on fixed-term contracts.

2. Guiding Principles

2.1 Level of absence

There will be a certain level of absence through sickness in any organisation and Mind in Croydon will endeavour to take account of this in the number of people employed to run projects. An employee's level of sickness absence will cause concern if it is significantly higher than the average absence level for similar employees and/or it is impacting on the organisation.

2.2 Mind in Croydon's response

Mind in Croydon will respond sympathetically to an employee's need to take sufficient time away from work to recover from illness or incapacity. However, when an employee's level of sickness absence is causing particular concern and/or is considered to have reached an unacceptable level Mind in Croydon will take action in accordance with this policy and procedure.

2.3 Consistency and flexibility

While the overall aim is for employees to be treated in a consistent way there is also room for flexibility. Nothing in this policy should prevent managers, with the approval of the leadership team, paying regard to an employee's length of service

with Mind in Croydon and previous good sickness record when dealing with a problem of sickness absence.

2.4 Mind in Croydon's Responsibility to Employees

Mind in Croydon has a responsibility to:

- To take reasonable care to ensure that the health of employees is not placed at risk through their work.
- To protect the legal rights of employees as regards sick pay entitlement and absence from work.
- To respect the rights of particular groups of employees who have a condition, disability and/or pregnant employees.
- To investigate fully the reasons for absence in every case.
- To maintain confidentiality as far as possible.
- Within the boundaries laid down by this policy to treat each case according to the individual circumstances.
- To ensure fairness to all employees by taking action if it is apparent after investigation that an employee has abused their rights.

2.5 Responsibility of Employees

Employees also have responsibilities:

- To do everything they can to safeguard their own health and to ensure that they are fit to do their job.
- To come to work unless they are not well enough to do their job and/or their attendance would be detrimental to clients or colleagues (e.g. through risk of infection).
- To follow procedures for reporting sickness absence. Failure to do so may impede the payment of Mind in Croydon sick pay and Statutory Sickness Benefit and may result in disciplinary action.

Procedure for Dealing with Sickness Absence

1. Types of absence

An authorised absence can be both a planned and unplanned period of absence and is when:

- an employee self-certifies or is medically certified as being unwell, and
- confirms an absence from work using the process outlined in this policy.

If an employee comes to work and feels unwell and goes home, this will be recorded as half day sick leave even if the total hours worked that day equates to less than half day work. If the total hours worked whilst still feeling unwell is more than half a day worked, the total number of **hours** not worked will be recorded as sick leave absence.

An unauthorised absence is when an employee is absent from work and:

- is not on a pre-arranged period of leave such as annual leave or
- has not reported the absence using the process outlined in this policy

Unauthorised absences may lead to disciplinary action, including a possible dismissal for gross misconduct.

Short-term sickness absence is when an employee is unwell and can't work for a period of time that lasts for less than 4 weeks.

Long-term sickness absence is:

- prolonged or continuous absence (usually 4 weeks or more) due to a single illness, condition, operation, or
- frequent spells of absence caused by a single underlying illness or condition

2. Entitlement to Paid Sick Leave

Provided you have followed all provisions within the charities, **Sickness Absence Policy and Procedure**, the Charity will pay **Occupational Sick Pay** during any absence(s) through sickness, injury, or incapacity (whether continuous or intermittent). The Occupational Sick Pay will be as follows:

- during your first 3 months' employment: a total of one week's full pay (7 days)
- during the period from 3 months to 12 months employment: a total of three weeks' full pay (21 days)
- thereafter a total of four weeks' full pay (28 days) during any 12-month period

If you are ill for longer than these periods you are entitled only to Statutory Sick Pay (SSP) – 28 weeks.

If you are not, or cease to be, eligible for Statutory Sick Pay from the Organisation, you will be issued with an SS1 form which you can use to apply for Employment and Support Allowance (ESA).

3. Statutory Sick Pay (SSP)

By law, employers must pay Statutory Sick Pay (SSP) to employees and workers when they meet eligibility conditions, including when:

been off sick for at least 4 days in a row, including non-working days

earning on average at least £120 a week, before tax

they have told their Manager within any deadline the employer has agreed or within 7 days.

Agency and casual workers can get SSP if they meet the eligibility conditions.

For further details on SSP and your eligibility please visit:

[Statutory Sick Pay \(SSP\) - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

4. Reporting Sickness Absence

See **Appendix A** - Procedure for Reporting Sickness Absence.

5. Return to Work Interviews

Regardless of length of absence, the employee and the Manager must arrange and hold a return-to-work discussion as soon as possible following the absence. The purpose of this discussion is to:

- Welcome the employee back to work,
- Make sure the employee is well enough to resume work,
- To identify and provide any necessary support,
- Identify if the absence is work related,
- Discuss the employee's general attendance record,
- Update the employee on any issues that they may have missed whilst absent from work,
- Ensure the sickness absence form is completed.

It is Managers responsibility to write a brief note of the meeting and ensure the Sickness Self-Certificate Form is completed and signed. This should be sent to HR to be kept on an employee's personal file. All information given as a result of this procedure will be held and handled in the strictest of confidence.

6. Long Term/Chronic Illness/Incapacity

Following notification of incapacity, chronic illness etc. Mind in Croydon will generally keep in contact with the employee by letter, telephone or in person. This should not be seen as pressure to return to work; Mind in Croydon as employer has a responsibility to keep in touch with an employee, especially if their employment is likely to be at risk.

As an employee you may be asked, at Mind in Croydon's expense, to require you to have an occupational health assessment during or after any absence due to sickness or injury and through prolonged or repeated absence.

At any time during your employment, you may, at our request, submit yourself to a medical examination by your medical practitioner(s) or a medical practitioner we nominate. This could be an Occupational Health Assessment. We will usually also ask you to authorise the medical practitioner, as required by law and/or professional guidance, to disclose the results of any such examination and/or any medical report to us, including your prognosis, your likely recovery time and/or fitness to return to work and any recommended treatment, and to discuss these matters with us. We will pay the reasonable expenses associated with taking these steps. We reserve the right to postpone your return to work after a period of absence until we have received confirmation from a medical practitioner whom we consider appropriate that you are fit to do so. Mind in Croydon will decide whether the job can be left open until the employee's return, or whether alternative work can be offered or adjustments can be made to hours or working conditions. If not, dismissal on grounds of incapacity may be the outcome. The employee will have the right to state their case during this period. Without the employee's consent to medical reports, managers will have to make this judgement on the basis of available information.

7. Planned Surgery/Treatment

Mind in Croydon recognises that in most cases an employee will have very limited or no control over the timing of elective surgery or other planned treatment. The employee should discuss with their Manager as early as possible the timing of the surgery or treatment so that minimum inconvenience is caused. Depending on severity of the surgery or treatment, senior management, on a case-by-case, may grant extra occupational sick pay for a period of time agreed.

For non-essential surgery/treatment where an employee will be absent from work, as a result of choosing to receive surgery/treatment, arrangements for Annual Leave or Unpaid Leave (where approved) must be made in advance.

8. Light/Alternative work

Where appropriate and where possible Mind in Croydon will undertake to offer an employee, who is recovering from sickness or injury alternative or light duties or shorter working hours for an agreed period of time. The employee's rate of pay may be affected.

9. Keep in Touch Meetings and Welfare Meetings

During any absence it is important that the employee keeps in touch so that their Manager is kept fully informed of the employee's state of health and likely return-to-work date. If long term sick leave an employee will be periodically asked to attend a meeting with their Manager, via Teams or Zoom, for providing information and

facilitating an effective return to work.

If an employee has a condition, or there are concerns about the person's health, attendance at work the Manager with the support of HR Manager will invite the person to a Welfare meeting to understand the situation and a wellbeing plan may be put in place. Notes of these meetings will be put on the employee's file.

If a member of staff has a medical condition that is long term, it will be necessary for the Manager to do a **Risk Assessment – Disability Support Plan and Assessment** (Appendix C) to understand if reasonable adjustments need to be made, the member of staff feels supported and colleagues may need to be communicated to about the condition.

10. Disability

If the employee has or contracts a condition that means they might be considered disabled within the meaning of the Equality Act 2010, Mind in Croydon will endeavour to make reasonable adjustments to their job to accommodate short-term or long-term requirements. This will be decided on a case-by-case basis and continuously reviewed.

The employee will always be fully consulted. If reasonable adjustments or alternative employment prove not to be viable options, and there is no likelihood of a return to work soon, a decision to dismiss may be the inevitable outcome.

11. Sickness During Annual Leave

If an employee falls sick whilst on annual leave, they should report the absence as soon as reasonably practicable and by no later than their return-to-work date. Normal reporting procedures will then apply.

Annual leave may be reclaimed for the days the employee is sick provided that a medical certificate is supplied to cover these days before the employee returns to work.

An employee on long term sickness will continue to accrue annual leave entitlement. If unable to take annual leave due to long term sickness absence, will continue to accrue 4 weeks paid statutory leave under the Working Time Directive. As a result of this, the 4 weeks can only be carried over for a total of 18 months. Mind in Croydon will encourage those on long term sick leave, if they can, to take their annual leave or give sufficient notice to do so. Employees are required to get approval of all annual leave dates in accordance with the normal procedures. If employment is terminated before an employee returns from sick leave, they will receive payment in lieu of any accrued but untaken annual leave within that leave year.

12. Persistent Short-Term Absence

Short-term sickness absence is broadly defined as frequent, recurring periods of sickness absence which do not relate to an underlying health issue. Short-term absences are likely to be self-certified; however, they can also be covered by a Doctor's certificate.

Managers may well be concerned by employees suffering from many apparently unconnected minor illnesses even if these are covered by medical certificates. This is also to ensure everything is being done to provide support and improve the situation. A case will be triggered for review where an employee is absent for:

3 or more separate occasions of absence in a rolling 6 months (irrelevant of length of absence)

Or

3% or more absent hours in relation to the contracted hours in a 6 month period

For example, you were absent 4 hours in 1 week, 4 divided by 36 (Hours) = 0.11 x 100 = 11.11% absent.

We would work out how many hours should have been worked across the previous 6 months, so an average of 4.3 weeks in a month. 6 months with 4.3 weeks per month gives 25.8 weeks. 25.8 weeks at 36 hours = 928.8 hours in a rolling 6 months. If in the 6 months absent hours were 25 it would be 25 divided by 928.8 = 0.0269 x 100 = 2.69% absence.

Where an employee's sickness absence reaches or exceeds any of the above, the Manager in liaison with HR will take the following steps.

STEP ONE – Absence Meeting

- The Manager/HR will invite the employee, in writing to an Absence meeting to advise that the level of absence is causing concern and must be improved. The HR Manager will also be present and take notes. The Manager will discuss the absences and reasons for them and urge the employee, where appropriate, to see their doctor. They will also discuss any management, work environment or motivation issues which might be contributing to the situation in an effort to see if there is any help Mind in Croydon could provide in dealing with the illnesses. The Manager will outline any difficulties the absences might be causing for other employees and for the Mind in Croydon project concerned.
- The level of absence will be calculated to identify if an absence trigger has been met. A further absence meeting will be conducted as appropriate.
- The HR Manager keeps a record of the meeting, and a copy is retained on the employee's file which should confirm a record of the discussion and agreed action plan.
- If you receive an absence warning and further absences occur, this may result in further disciplinary action against you. If there are further absences within the rolling 6 months period then the matter could be dealt with under stage two of the procedure.

STEP TWO – Absence Meeting

- The Manager/HR will invite the employee, in writing to an Absence meeting to advise that the level of absence is causing concern and must be improved. The HR Manager will also be present to take notes. During the discussion practical steps should be considered to improve attendance including redeployment. Any medical advice (through an occupational health report) should be reviewed at this session. If the occupational report indicates a long-term condition or a problem needing immediate medical attention, it will need to be followed up and a plan put in place.
- The level of absence will be calculated to identify if an absence trigger has been met. A further absence meeting will be conducted as appropriate.

- The HR Manager keeps a record of the meeting, and a copy is retained on the employee's file which should confirm a record of the discussion and agreed action plan.
- If you receive an absence warning and further absences occur, this may result in further disciplinary action against you. If there are further absences within the rolling 6 months period then the matter could be dealt with under stage three of the procedure

STEP THREE – Hearing

- If following stage two the employee has still failed to meet the standards set, a Sickness Absence Hearing should be arranged. The employee will be advised in writing that they are required to attend a hearing, and that they may be accompanied by a colleague.
- The hearing will be chaired by a Senior Manager with the HR Manager taking notes. The Manager will also be able to attend to give evidence. The hearing will consider the case based upon the evidence that is presented from the employee and the organisation and determine an appropriate outcome. The outcome of the hearing should be confirmed to the employee as soon as possible either on the day of the hearing or within five working days.
- The meeting will be recorded and retained on the employee's personal file. The level of absence will be calculated to identify if an absence trigger has been met. A further absence meeting will be conducted as appropriate.
- The HR Manager keeps a record of the meeting, and a copy is retained on the employee's file which should confirm a record of the discussion and agreed action plan.
- If you receive an absence warning and further absences occur, this may result in further disciplinary action against you, up to and including dismissal.

Possible Outcomes

Where an employee has consistently failed to meet the attendance standards required, and they have been offered a fair opportunity to improve their absence record but have failed to do so the usual outcome will be dismissal of the employee on the grounds that their attendance record is unacceptable. Other alternatives are:

- If acceptable to Mind in Croydon, arrangements may be made for reduced hours or redeployed to a less responsible role;
- The employee may be required to retire due to ill-health;
- The employee may be dismissed on the grounds of lack of capability to do the job or on the grounds that absence levels are unacceptable. (Please see Disciplinary procedure.)

Appeals

An employee dismissed on grounds of ill-health has the same right of appeal as if the dismissal were on disciplinary grounds. [See Disciplinary Procedure].

APPENDIX A

Procedure for Reporting Sickness Absence

If the employee is unable to attend work because of sickness, injury, or incapacity, they must notify their Manager or the most senior employee available within one hour of the beginning of the working day and/or the start of your shift on the first day of absence. Only in exceptional circumstances will the organisation accept notification of absence from a third party acting on behalf of the employee.

The Manager should inform HR (HR@mindincroydon.org.uk) via email that the employee is absent and give reasons for their absence.

During any period of absence due to sickness the employee must ensure their Manager is kept up to date with their progress and when they will be returning to work. Mind in Croydon reserves the right to contact employees at home if regular contact is not made and are not kept fully informed of the situation. Managers should ensure that the employee provides the reason for absence, expected date of return, to keep in contact with their Manager and follow the charities sickness absence procedure.

If the employee is absent due to sickness, injury or incapacity for seven days or less, immediately on the first day of their return to work you must obtain and complete a 'Sickness Self-Certification Form' electronically and submit it to your Manager.

If you are absent for more than seven consecutive days (including Saturdays and Sundays) due to sickness, injury or incapacity you must obtain a Doctor's medical certificate – 'Statement of Fitness for Work', send this to your Manager who will send to HR for recording purposes. If you fail to do this occupational sick pay payment or SSP may be affected and may lead to the implementation of the disciplinary procedure.

Employees who are signed off work by their GP should not return to work unless they have been certified fit to return by their GP, as premature return to work may affect their physical or mental well-being or create a risk to health and safety.



APPENDIX B - SICKNESS SELF-CERTIFICATE FORM

VERY URGENT – Please complete this form on the first day of your return to work and send to your Manager to agree and sign. Your Manager will send to HR.

Project: **Forename:** **Surname:**

REMINDERS

- 1. For purposes of Statutory Sick Pay (SSP), Mind Croydon needs to know if your period of sickness commenced on, included, or finished on Saturday, Sunday, Public Holidays and for part-timers non-working days.*
- 2. Medial Certificate is required by Mind in Croydon on the 8th calendar day of sick absence (including Saturday, Sunday and Public Holidays).*

My sickness **COMMENCED** on:

Weekday: Date/Month/Year

My sickness **FINISHED** on:

Weekday: Date/Month/Year

I **RETURNED** to work on:

Weekday: Date/Month/Year

I was unable to attend work during this period due to (please give details of illness/injury etc.):

Staff Signature:

Date Completed:

Managers Signature:

Date Manager Signed:

Any Further Information Applicable:



Appendix C - Risk Assessment - Disability Support Plan and Assessment

Name:

Role:

Assessment carried out by:

Date of Assessment:

Date of Next Review:

Place of Work:

1. Medical Condition/ Health Concern

2. How Does this Affect You?

3. What does your line manager need to be aware of in relation to this?

4. What would you like your colleagues/ team to be made aware of in relation to this?

5. Can you identify any requirements of your role which may require additional support/ adjustment to accommodate your condition?

6. Are there any specific adjustments you feel we can make to support you?

Signed by

Manager Name:

Employee Name:

Signature:

Signature:

Date:

Date:

Next Review Date: