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Sheffield Mind

SICKNESS ABSENCE POLICY

Introduction

The purpose of this policy is to outline Sheffield Mind's approach to the management of sickness and absence. Sheffield Mind acknowledges that a certain level of sickness is to be expected and that employees who are sick should be treated fairly and consistently.

Well-managed sickness absence is important for individual members of staff, for other staff and colleagues and for Sheffield Mind as an organisation. The impact of sickness absence on individuals, teams and the organisation, if not properly managed, can be destructive and demoralising for all involved. Sheffield Mind also needs to consider the impact of staff sickness on meeting workload objectives and contractual outputs and targets agreed with commissioners or funders.

A clear and coherent framework for managing sickness absence is important, as it must provide genuine support for staff and managers. As many sickness episodes are unique to the individual it is essential that managers take an appropriate, sensible and flexible approach to implementing this policy on a case by case basis.

The terms in italics used in this policy are explained in the glossary at appendix 1.

Good Practice Measures in Managing Sickness

- Contracts of employment continue throughout sickness absence
- ***Trigger points*** are clearly identified for assessing the need for ***sickness absence intervention*** and for ***sickness absence management reviews***
- Formal and informal meetings are held to facilitate ***phased return to work*** and ***full return to work***
- Support is given to staff experiencing sickness absence
- There is provision for ***treatment days***
- The policy provides for early ***sickness absence intervention***
- There are regular ***sickness absence management reviews*** for staff experiencing difficulties due to sickness absence
- Regular and appropriate contact is maintained with any staff member off sick, while the absence continues
- There are mutually agreed plans for ***phased return to work*** and ***full return to work***.

Sickness Reporting Procedure for All Staff

Employees who are unable to come into work because of sickness must contact their line manager first thing in the morning, preferably before they are due into work. If the line manager is not available, the line manager's manager should be contacted instead. Contact should ideally be made by phone, but a message may also be left. The employee should give the following information;



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- The reason for the sickness or the symptoms.
- How long it is expected to be off sick (if known) or the anticipated return to work.
- Any urgent work commitments that need re-organising.
- It should be agreed when the employee and manager will be in contact again.

Certification

Employees should complete and return a **self-certificate** which covers the period from and including the first day of their absence. See appendix 2.

After the 7th calendar day of absence, a **medical certificate** should be obtained.

Sickness Absence and Holidays

If an employee falls ill whilst on annual leave providing they submit a self certificate or medical certificate covering the days they were sick, they will be recorded as being off sick rather than on annual leave. The certificates should be submitted within 5 days of being due or within 5 days of return to the UK for those abroad.

Sickness Intervention, Monitoring and Review Procedures

Which procedure is used will depend on the severity, nature or progression of the sickness absence. The line manager, in consultation with [their manager/HR advisor] will decide the best course of action.

Procedure for dealing with a first or single *short-term period of sickness* or *medium-term sickness*

- On the return to work, the line manager will meet with the employee informally to discuss whether they are fit for a **full return to work** (e.g. after a one-off occurrence of sickness) or whether there is an ongoing health problem which may require further support. Normally this will be a face to face meeting, but it might also be by phone.
- The line manager will write notes of this discussion which both parties should agree.

Procedure for dealing with repeated *short or medium term periods of sickness* and *long-term sickness*.

Initial sickness absence management review

Where the employee has had a number of periods of sickness absence, a **sickness absence management review** will be undertaken between the line manager and the employee.

The purpose of this meeting is to discuss;

- The reasons for the sickness absence
- Any external or internal organisational issues that may be having a negative impact on the employees **capability, health** or **well-being**
- The implications of the above for the employees fitness to work
- Arrangements for covering the employee's work whilst they are off



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- What Sheffield Mind can do to support a **full return to work** for example. a **phased return to work** or any other **reasonable adjustments** you or Sheffield Mind can make

The manager will inform the employee in writing of the date, time and place of the meeting. The employee may be accompanied by a friend, a Trade Union representative or a work colleague. This person should not be a legal representative.

If the employee is still off sick when this meeting is to take place, the line manager may phone the individual at home first inform them they will be receiving a notice of a review meeting.

The meeting should take place either in the Sheffield Mind office or, if the employee is still off sick and does not wish to come to the office, at another venue of their choice.

Any discussion that takes place at this meeting will be treated in confidence by all those present.

A factual report of the meeting will be written up by the line manager. If the employee disagrees with anything that is in the report, they should record on the report which items or aspects they disagree with.

The report will be kept in the employee's personnel file. It will be treated as confidential and will not be discussed with anyone not directly involved in the case.

During the three months following this meeting, the employee may be asked to attend informal meetings with the line manager to monitor progress.

If the meeting agrees that Sheffield Mind needs a medical report, the **explicit consent** of the employee will be sought. Sheffield Mind will bear the cost of any medical report.

Options that may be available as reasonable adjustments to support the employees continued attendance at or return to work include (not an exhaustive list):

- **Phased return to work**
- Change in working patterns or hours
- Re-training if appropriate
- Change of workplace or work location
- Change or reduction of duties within the job description
- Change of job role – i.e. a different job within Sheffield Mind
- Provision of specialist equipment or other adaptations
- **Treatment days**
- Further medical advice

The line manager will write up any agreed **reasonable** adjustments or other actions in the form of an action plan which all parties, who will each have a copy, will sign.



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Second Sickness Absence Management Review

This is the procedure to use if the initial review has not resulted in the agreed outcomes or other demonstrable improvements within or during the next 3 months.

The purposes of this meeting are to:

- Discuss the reasons for the employees continued sickness absence. The employee will be given a copy of their absence record at the meeting
- Discuss any improvements or progress since the initial review meeting and explain why Sheffield Mind management still has cause for concern
- Ascertain whether there may be an underlying medical condition, referring to any medical reports available
- Ascertain whether there is some other underlying problem and whether Sheffield Mind can provide any support to address it.

The procedures outlined for the first sickness absence management review will be followed in relation to this second review meeting.

The line manager will conduct a regular monitoring of progress in the three months following this meeting. How often the monitoring takes place will depend on the nature of the sickness absence, any other relevant circumstances and whether significant and sustained improvements are being achieved. The line manager will record the results of this monitoring on the report and action plan.

Final sickness absence management review

This procedure will only be used in the following cases:

- Where the employee has had unacceptably frequent **short-term periods of sickness** or **medium-term sickness** and
- Reviews have not resulted in agreed action or improvements
- The employees GP or other consultant advises there is no underlying medical reason for the sickness or
- There is a genuine medical reason but the absences are having a serious negative impact on Sheffield Mind's ability to achieve its objectives or deliver services.
- Where the employee has been on **long-term sickness** and either there is no likelihood of them returning to work within a reasonable or foreseeable period or following a **phased return to work** and/or implementation of **reasonable adjustments** after review meetings the employee is still unable to carry out their duties as agreed and no further **reasonable adjustments** can be made to enable them to remain at work.

The purpose of this meeting is to discuss the situation and come to a decision on whether or not to terminate the employee's contract of employment on the grounds of lack of **capability**.



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The procedure for this meeting will be as outlined for the sickness absence management review with the following exceptions:

- The employee may be accompanied by a friend, a Trade Union representative or a work colleague.
- The Chief Executive, or where this is not appropriate, the Chair of Sheffield Mind's Board of Trustees will be present at this meeting.

If the decision of the meeting is for the employee to continue in employment, the sickness absence will continue to be monitored and reviewed for a further six months.

If the decision of the meeting is to terminate employment, it will be terminated as from the date of this meeting, but the employee will be notified of their contractual rights of appeal – see below.

If the employment is terminated, the employee will receive their notice in writing stating the reasons for termination. The employee will receive payment in lieu of their contractual notice.

If the decision of the meeting is to terminate employment under a **compromise agreement**, then Sheffield Mind will arrange for this to be drawn up.

Termination of Employment

Before terminating an individual's employment the line manager must demonstrate that they have acted reasonably and have;

- Consulted with the employee
- Advised him/her of the likely consequences to Sheffield Mind of continued absences due to ill health
- Sought medical advice, particularly in relation to possible disability issues
- Considered alternative employment or any other reasonable adjustments by the organisation
- Considered the nature, length and effect of the illness and be of the opinion that it was unreasonable to wait for the employee to return to work

A decision to terminate employment must be seen to be fair and decisions must be based on up to date medical opinion and other facts. The above procedures must be followed and it is advisable for Sheffield Mind to seek legal advice first to ensure there is no breach of the Disability Discrimination Act, or a basis for a claim for unfair dismissal.

Appeal Against Termination Of Employment

Any employee who wishes to appeal against a decision to terminate employment on health grounds is entitled to use the Sheffield Mind appeals process.

Staff Grievances In Relation To This Policy Or Its Procedures

If an employee considers that this policy or its procedures are not being carried out in a fair and reasonable way, then they should use the grievance procedure.



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Misconduct

An allegation of misconduct can arise in relation to this policy and its procedures if:

- The employee fails to provide a **self-certificate** for their sickness absence or
- The employee does not provide a **medical certificate** when it is required or
- The employees line manager suspects that the employee is submitting a **self-certificate** or a **medical certificate** when they are not genuinely sick.

An allegation of misconduct will be dealt with under the disciplinary procedure.

All new and existing staff should be made aware of this policy on commencement of their employment. It is the responsibility of line managers to ensure that all staff who report to them are aware of and adhere to the policy framework within which Sheffield Mind operates and to keep them abreast of updated and new policies as soon as practicable.

Policy agreed by Directors on 13th January 2009

Policy due to be reviewed on January 2009



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APPENDIX 1

GLOSSARY OF TERMS

TERM	DEFINITION
capability	Skill, aptitude, health or any other physical or mental quality in relation to employment or work
compromise agreement	A mutual agreement to terminate an employment contract under the Employment Rights Act where the employee has had independent legal advice before signing it.
explicit consent	The consent required by law from an employee to enable the employer to obtain medical information or advice about her/him. It must be in writing and in a form that complies with the Access to Medical Records Act. It is also needed if the employer wishes the employee to be medically examined or a medical report on diagnosis, prognosis, capability or fitness to work or return to work. An employee can refuse consent in which case, the employer can make judgments based on her/his refusal to co-operate in obtaining medical information or advice.
'fit for return to work' statement	A certificate from your doctor stating the date on which you are or will be fit for a full return to work . Your original GP's sick note which states the return to work date on it will normally be sufficient information. The HRM will discuss any further information if required with the staff member as appropriate (e.g. Information needed following significant or substantial sickness that requires sickness management review as agreed under sections 6.3, 6.4 and 6.5 of the VAS Policy procedure).
full return to work	Return to work at your normal hours and for your normal duties
health assessment	A questionnaire completed with you by your line manager as part of your induction and in liaison with the HR manager. Its purpose is to identify whether there are any concerns about your health or well-being for which you will need support from VAS.



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<i>long-term sickness</i>	A continuous period of sickness lasting or likely to last more than four weeks (pro-rata for part-time staff)
<i>medical certificate</i>	A certificate from your GP stating the period(s) for which you are/will be signed off sick from work. You will need this for a period of illness lasting or likely to last more than 7 calendar days.
<i>medical report</i>	A written report from either your GP or your consultant or (with your agreement) an independent doctor or occupational health officer.
<i>medium-term sickness</i>	A continuous period of sickness lasting or likely to last between 2 and 4 weeks (pro rata for part-time staff)
<i>phased return to work</i>	A pattern of returning to work after a period of <i>medium- or long-term sickness</i> or after <i>short-term period(s) of sickness</i> due to recurring or chronic illness. A phased return is agreed between you, your GP or consultant and the HR manager and may mean working shorter hours per week and/or on reduced or different duties and lasts as long as is necessary until all concerned agree you are ready for a <i>full return to work</i>
<i>phased return to work statement</i>	A certificate from your doctor stating that you are commencing a <i>phased return to work</i> and the date this will begin.
<i>reasonable adjustments</i>	A legal duty placed upon employers under the Disability Discrimination Act. Employers must make these in order to avoid any less favourable treatment of disabled people, to help to preserve their <i>well-being</i> and to enable to do their jobs as effectively as possible. VAS applies it as a matter of principle to any member of staff who has had periods of sickness absence and may require such adjustments.
<i>self-certificate</i>	A certificate that you get from the HR manager for <i>short periods of sickness</i> lasting up to seven calendar days each or if you are taking <i>treatment days</i> .
<i>short period of sickness</i>	A period of sickness lasting up to 2 weeks.



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<i>sickness absence intervention</i>	Action taken by your line manager and/or the HR manager to manage repeated <i>short-term periods of sickness</i> or <i>medium-term sickness</i> or <i>long-term sickness</i> – i.e. by meeting with you to discuss any concerns and (if necessary) agree any support mechanisms you will need to regain your health or well-being .
<i>sickness absence management review(s)</i>	A meeting or series of formal meetings between you, your line manager and the HR manager to discuss the progress of a <i>sickness absence intervention</i> and take any necessary decisions.
<i>treatment day(s)</i>	Period(s) of paid time off for treatment (including medical therapies) of recurrent or chronic health problems and for which you need to supply a <i>self-certificate</i> . NB. These are not for occasional medical/dental/ophthalmic appointments: flexible working and TOIL should be used for these.
<i>trigger level(s)</i>	An event or events or information from you or your doctor which require <i>sickness absence intervention</i> or a <i>sickness absence management review</i>
<i>well-being</i>	The state of being comfortable, healthy or happy (2) free or recovered from sickness



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APPENDIX 2

Sheffield Mind ABSENCE SELF-CERTIFICATION

TO BE USED FOR ALL ABSENCES (including sickness of 1-7 days)

NAME:
TEAM:
PAYROLL NUMBER (if known):
DATE ABSENCE STARTED:
LAST DATE OF THIS ABSENCE:

TYPE OF LEAVE (PLEASE TICK)

SICKNESS*	
ONGOING MEDICAL TREATMENT	
SPECIAL/COMPASSIONATE	
DEPENDENT CARER	

*SICKNESS LEAVE (Days 1-7)

REASON FOR SICKNESS (PLEASE TICK):			
Back pain		Stress	
Diarrhoea and Vomiting		Surgery	
Depression		Viral infection	
Flu symptoms		Other*	
*If other, please give details			

IS YOUR SICKNESS WORK RELATED? (PLEASE CIRCLE)	Yes*	No
*If yes, please give details		

SIGNATURE:	DATE:



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HRM SIGNATURE:	DATE:

NB: Self-certification for sickness is required for days 1-7 of sickness absence.

- From day 7, a Doctor's certificate will be needed.
- This includes non-working days off in between sickness at the end of one working week followed by sickness at the beginning of the next working week
- Statutory Sick Pay is paid for sickness of more than three of your normal *working* days (excluding days off in between working days)
- Please return this form to the HR office



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APPENDIX 3

Sheffield Mind contractual sick pay

The following scale details your entitlement to contractual sick pay.

During 1 st year of service:	1 month's full pay and (after completing 4 month's service) 2 month's half pay.
During 2 nd year of service:	2 month's full pay and 12 month's half pay.
During 3 rd year of service:	4 month's full pay and 4 month's half pay.
During 4 th and 5 th years of service:	6 month's full pay and 6 month's half pay.
After 5 years of service:	6 month's full pay and 6 month's half pay.

Damages

Where absence results from an occurrence where damages may be recoverable from a third party, for example a road accident, employees must undertake to repay sick pay up to the amount of any damages for loss of earnings received.

Discretion

Continuation of sick pay beyond these limits is at the discretion of the Directors.