



Bournemouth CVS

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SICKNESS POLICY

- 1.0** Whilst Bournemouth CVS (BCVS) recognises that a certain level of absence due to illness or injury is unavoidable, it is BCVS's policy to offer security of employment during periods of illness or injury, subject to operational requirements. This policy is designed to inform employees of their responsibilities in relation to attendance, notification and certification of absence.

We respect the confidentiality of all information relating to an employee's sickness. This policy will be implemented in line with all data protection legislation, BCVS's Data Protection Policy and the Access to Medical Records Act 1988.

2.0 Certificates

- 2.1 All sickness absence must be covered by a certificate. This will be a) a medical certificate (FIT Note) issued by a medical practitioner for absences in excess of seven calendar days. This must be sent in within 3 days of issue.
b) a self-certificate - to be completed for full and half day's absences, up to 7 days, immediately on return to work.

- 2.2 A FIT Note may also be issued by a medical professional stating that you are 'fit for some work'. In these circumstances, it is your responsibility to inform your manager without delay to discuss arrangements for your return to work. Unreasonably delaying, or failing to contact your manager may be dealt with under the Disciplinary Procedure.

- 2.3 Return to work interviews will be held with all staff by their line manager following all periods of absence. Provision of false information on a self-certificate will be treated as serious misconduct and will be dealt with under the Disciplinary Policy.

3.0 Occupational Sick Pay (OSP) Entitlements

- 3.1 As long as employees follow the procedures detailed in this Sickness Procedure, in addition to the entitlements under the statutory provisions employees will receive in any twelve month period running from the initial date of appointment and subsequent anniversaries the following entitlement to occupational sick pay.

- No entitlement in the first four months of service

- During the first two years of service (after completing the first four months of service) one month's full pay (less any Statutory Sick Pay or N.I. benefits) and two month's half pay
- During the third year of service two months full pay (less any Statutory Sick Pay or N.I. benefits) and two months half pay;
- During the fourth and subsequent years three months full pay and three months half pay.

All absences are deducted from that allowance. For clarity, one month is the equivalent of 22 working days (based on 260 working days per annum).

- 3.2 Where an employee returns to work following a period of absence then any subsequent period of absence beginning before they have returned to their full contractual duties for a period of eight full weeks is regarded as a continuation of the earlier period of absence. This is referred to in paragraph 3.3 as a 'linked period'.
- 3.3 Should a single period of absence, or two or more linked periods as per paragraph 3.2, span the anniversary date of appointment then for the purposes of calculating the amount of sick pay to which an employee is entitled this is regarded to be entirely within the year on which the period of absence, or first linked period, began and the entitlement is that to which the employee was entitled as of the first day of the period(s) of sickness.
- 3.4 Any periods of sickness associated with maternity or disability will be recorded separately, however any such periods of absence will be counted against OSP entitlements.
- 3.5 BCVS reserves the right to investigate all absence further and obtain independent medical opinion

4.0 Sickness Absence Definitions

There are two types of absence within this policy

Short term absence Absence due to minor ailments of 7 days or less

Long term absence Any continuous period of absence greater than 4 weeks.

5.0 Sickness Procedure

Employees who are away from work due to sickness or accident must follow the following procedure

- 5.1 You must report sickness to your line manager by 10.00am on the first working day. Unless it is not practicable this report should be made by the employee by telephone and not by a relative or friend. Sickness reports should not be made by e-mail, text or voice mail messages. If you are unable to speak to your line manager you must speak to another manager. If no manager is available you should leave a message with another member of staff.

- 5.2 Where absence continues for more than two days you must contact your line manager on a regular basis. Regular contact must be maintained throughout any long term absences. The frequency of such contact will be determined by the circumstances of the individual case but is likely to be more frequent where the probable length of absence is difficult to assess.
- 5.3 Self-certificates must be completed for periods of absence which are for 7 days or less and must include any part or half days. This is a condition of employment and of entitlement to OSP. Self certificates should be completed on the morning of your return to work and must be given to your line manager.
- 5.4 For absences of over seven calendar days a medical certificate (FIT note) must be provided within 3 days of issue.
- 5.5 The manager will meet with the employee on their return to work after any sickness absence; this return to work interview will usually take place on the first day back. This interview is helpful in clarifying reasons for absence, the effect on work and any future potential problems. It can also assist in identifying any workplace issues which may have contributed to the absence, and also helps to ensure the employee is fit enough to be at work.
- 5.6 A medical certificate indicating fitness to return to work may be required before employees are allowed to return to work after serious illness, infectious disease or any long term illness, the cost of any such certificate or letter will be paid for by the organisation.
- 5.7 It is the employee's responsibility to ensure all periods of sickness are covered by appropriate certificates and that the proper reporting procedure is followed. Absence not covered in this way, or failure to follow the procedure may be treated as unauthorised absence and dealt with under the disciplinary policy and may result in suspension of Occupational Sick Pay.
- 5.8 If absence is the result of an accident at work, travelling to or from work or in the course of travelling for work, the accident book must be completed. Any accidents which need reporting under RIDDOR (The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995) must be reported to the relevant manager who will be responsible for complying with RIDDOR.
- 5.9 If an employee falls sick during the period of their annual leave, on provision of a medical certificate, they will be regarded as being on sick leave from the date of the medical certificate. If an employee is unable to take their accrued annual leave during the leave year due to sickness they are entitled to carry it over up to a maximum of 18 months after the end of the leave year.

6.0 Repeated short term absence

- 6.1 If an employee has had more than seven days absence or more than 3 episodes of sickness in any 6 month period, there should be a more detailed discussion between the manager and member of staff. This should take place whether or not the sickness has been covered by a FIT note.

Usually the validity of the reasons for the absence will not be in question; what is of concern to the manager is the employee's ability to attend for work regularly.

As part of the discussion the manager will look at the employee's absence record with them. Failure to attend regularly for work may be dealt with under the Performance Improvement Procedure. The manager should explain this to the member of staff and advise them that a continued unacceptable level of absence will result in further action being taken.

- 6.2 Where it appears that there may be an underlying medical reason for the absences the manager may wish to obtain a medical report from the employee's GP/specialist or an independent occupational health specialist.
- 6.3 Where there is no subsequent improvement in attendance the manager should seek the advice of the CEO to discuss further steps to be taken. The CEO may wish to take advice from a Human Resources professional at this stage. In some circumstances it may be appropriate to consider a change in duties, redeployment into an alternative post or dismissal on the grounds of capability where there is an underlying medical condition causing absence (see relevant paragraphs under long term absence). In other circumstances there may be no alternative to dealing with the repeated absences than to initiate the Performance Improvement Procedure.

7.0 Long term absence

- 7.1 Long term absence needs to be assessed individually in each case. For example, where an employee has had elective surgery and a period of convalescence, and this and the timetable for return to work has been planned with the manager, there may be no need for further action.
- 7.2 It is important for the manager and the employee to keep in regular contact during the absence, in order to make appropriate arrangements for support during sick leave and on return to work. Employees are required to co-operate with this contact and a failure to respond to efforts to contact them by a manager without good reason may result in disciplinary action and suspension of OSP. It is important to consider other alternatives such as a shorter working week or

alternative employment or working at home if this would enable the employee to return to work.

Any such considerations will be done in consultation with the advice of a medical professional, be that the employee's GP or an independent occupational health specialist.

7.3 In cases of long term sickness the following steps may be taken:

The manager should seek written agreement to contact the employee's GP or specialist to seek appropriate medical advice on the impact of the illness. The GP or specialist should be provided with the following information:

- list of main duties ie a current job description
- absences over the past year and reasons given
- background information given by the employee
- any other relevant information

The precise nature of the employee's condition will be kept confidential unless the employee indicates otherwise.

7.4 Subject to paragraph 7.5 the manager should, where practicable, arrange a meeting with the employee to discuss the outcome of the medical evidence and to consider a date by which the individual is expected to be back at work with a clear agreement of alternatives if this is not possible. This meeting should discuss the support that will be available in assisting the employee to return to work if appropriate. Outcomes agreed at this meeting should be confirmed in writing. A home visit may be appropriate depending on the nature of the employee's medical condition.

7.5 Medical advice may indicate that the employee may not be able to return to work at all or, considering it in relation to the employee's post and taking into account the needs of the service, within an acceptable timescale. Evidence may also suggest that they may be unable to carry out the duties of the post to the required standard. In this situation managers should consult the CEO who will consider invoking dismissal proceedings on the grounds of capability as set out in the Performance Improvement Procedure.

7.6 If the CEO believes that dismissal or redeployment at a lower grade, salary or fewer hours may be necessary a meeting will be held to discuss the matter with the member of staff, who may be accompanied by a trade union representative or fellow employee if they wish. Whilst absence due to genuine illness is not a disciplinary matter formal written notice stating the purpose of the meeting and the possible outcome must be given as it would in a disciplinary case. At this meeting it is important to consider all available options. These may include:

- a period of rehabilitation

- redeployment
- termination of employment on grounds of capability as set out in the Performance Improvement Procedure.

Rehabilitation

Where a member of staff is fit to return to work but not on full contractual hours or full range of duties (usually after long term sickness), the manager should consider returning them to work on a phased basis on pro-rata pay. This rehabilitation period is to allow an effective, sustained return to work. It should be supported by an agreed and structured programme taking into account the advice of the GP or specialist.

The rehabilitation programme will not usually last longer than 8 weeks. Where annual leave has accrued the manager and member of staff should discuss how this can best be used to support return to work

Redeployment

Where there is an underlying medical condition and the member of staff is unable to fulfil the full requirements of the post the manager, based on medical advice and in liaison with the CEO should explore the possibility of redeployment to a suitable alternative post.

Factors to be taken into account include:

- the needs of the service and the best interests of service users
- whether the job description can be amended to allow the employee to remain within a workplace with which they are familiar
- possible use of physical aids and technology to assist the employee
- an analysis of ability of the employee to undertake work of a different kind
- the availability of other suitable posts
- the views of the employee

Where a member of staff moves to a post on a lower grade or working fewer hours etc there will be no protection of salary or other conditions. The implications of this should be fully explored with the member of staff.

Terminating employment

Where a member of staff is not capable of carrying out their contractual duties, medical advice has been sought and all other reasonable options have been explored, termination of the employment of the member of staff may be necessary.

When employment is terminated on grounds of an employee's capacity, the employee will be entitled to a period of paid notice as stated in their contract. This will apply whether or not their entitlement to full or half pay under sick pay arrangements has expired. The decisions taken at this meeting will be confirmed in writing.

7.8 In relation to any of the above points, an employee who is considered to have any reasonable adjustments recommended by a medical professional will be accommodated wherever possible.

8.0 Appeals

8.1 Where a redeployment is made the employee will have a right to appeal. To do so they must put their appeal in writing to the Chair of Trustees within seven days of receiving the written notification of the outcome of the meeting at which the decision was made.

8.2 The Chair or an appointed trustee will appoint an Appeal Panel made up of three Trustees. If possible, in the interest of fairness, these will be people who have not been directly involved in the procedure at any previous stage. If necessary, the Chair may replace a Trustee with an independent external person. The Appeal Panel will meet prior to the appeal meeting to review evidence and agree who should attend the appeal meeting to give evidence.

8.3 A meeting of the panel will be convened as quickly as is reasonably practicable. The employee will be given at least two working days notice of the meeting. The employee is entitled at the appeal meeting to be accompanied by a trade union representative or fellow employee. At the appeal the decision will be reviewed. Confirmation of the decision of the meeting will be given in writing within five working days. The decision of the Appeal Panel is final.

8.4 Appeals against dismissal on grounds of capability are set out in the Performance Improvement Procedure.

Date:

Signed:

Chair of BCVS Board

Chief Executive BCVS

Policy agreed: 7 December 2018

Policy to be reviewed and amended: December 2021