

## **APPENDIX 13 – SICK LEAVE AND ALLOWANCES**

### **SICKNESS/ABSENCE POLICY AND PROCEDURE**

#### **Policy Statement**

NICVA recognises that a certain level of absence may occur due to sickness and ill health. Whilst being a caring and compassionate employer, NICVA aims to minimise the level of absenteeism in order to operate efficiently through controlling and monitoring absence patterns by means of consistent and fair treatment to all employees. The steps that will be taken to enable this goal to be achieved are as follows:

- (1) Absence reporting and recording process – including return to work interviews.
- (2) Training for line managers - to ensure consistent application of the policy and the clarification of responsibilities.
- (3) Briefing all employees on all aspects of the policy and procedures.
- (4) Complying with all health and safety requirements in order to provide a safe and healthy workplace.
- (5) Evaluating absenteeism levels by continuous monitoring and analysis of data and taking appropriate action.
- (6) Reviewing the policy and procedures at regular intervals to ensure their objectives are being achieved.

In all cases of sickness absence all NICVA employees will be required to respect confidentiality (refer to Section 9 - Confidentiality). An employee's personal circumstances (illness, disability, etc) should not be discussed with any other employee who does not have an explicit responsibility for dealing with the issue.

Employees may develop disabling or potentially disabling illnesses, terminal or potentially terminal illnesses and in such circumstances proper regard will be given to the provisions of the Disability Discrimination Act 1995.

#### **Management Responsibilities**

It is management's responsibility to:

- (1) Implement and monitor the sickness and absence policy.

- (2) Maintain reasonable contact with the employee especially during periods of long-term sickness. The form of this contact will be sensitive and non-intrusive in approach and the frequency of the contact will depend on mutual agreement and the nature of the illness.
- (3) Ensure that disability, disabling or terminal illness issues are adequately considered and sensitively addressed when investigating sickness absence and implementing this procedure.
- (4) Ensure that all employees understand the notification and reporting procedures including those that relate to health and safety.
- (5) Monitor the sickness and absence policy in their area and forward all sickness and absence returns to the Manager.
- (6) Try to determine whether an employee's health is in any way affected by their work and where appropriate refer to and act on NICVA's Health and Safety Policy and Procedures in consultation with the employee and the Manager.

### **Employee Responsibilities**

Employees have the responsibility:

- (1) To ensure their attendance at work, except when genuinely ill or unable to perform their work duties.
- (2) Not to undertake any task which may be adversely affecting their health.
- (3) To report any dangers or observed risks which may affect their or others' health and safety at work.
- (4) To advise the Manager if they become aware that they have a disability or illness which is likely to affect their ability to attend work or perform some of their job tasks.
- (5) To adhere to the notification procedure.

### **Absence Reporting and Recording Process**

On the first day of absence, the employee is responsible for:

- (1) Personally telephoning (as far as reasonably practicable) or ensuring contact is made with the line manager within an hour of the start of the employee's normal working day (10.00am at the latest) or if this is not possible, speaking to the Manager. Employees should not leave a message either on the answer machine or at switchboard. In the absence of the Manager or an employee's

line manager, the employee should speak to a Director or in their absence the Chief Executive. In the absence of any of the above they should speak to another Unit Head. Line managers have the responsibility of advising Human Resources of any absences.

- (2) Indicating when they expect to return or make contact.
- (3) Making contact at agreed regular intervals thereafter.

### **Sickness Certificates**

- (1) For a period of illness of up to one week, ie up to and including seven calendar days including weekends and bank holidays, employees should complete a self-certification form and return it to the Manager immediately on their return to work.
- (2) For periods of illness exceeding one week, ie over seven days including weekends and bank holidays, a Doctor's Medical Certificate is required and must be forwarded to the Manager as soon possible.
- (3) In cases where an employee's sickness absence extends beyond the period set out in their Doctor's Medical Certificate they will be required to get another Doctor's Certificate or Hospital Certificate to cover the full period of absence.
- (4) In all extended periods of illness, NICVA may request, and shall have the right to require, an independent medical examination and report on the fitness of the employee.
- (5) Employees wishing to return to work after an extended certified period of absence must obtain a Doctor's note confirming they are fit to return.
- (6) NICVA reserves the right to withhold the payment of sick pay where employees fail to provide Doctor's Certificates when required to do so or provide false documentation. Managers should seek Human Resources advice under these circumstances.

### **Unauthorised/Unnotified Absence**

When an employee is absent without following the notification and reporting procedure and without good reason, line managers will be responsible for informally investigating the absence and if appropriate referring to the disciplinary procedure. Advice must be sought from the Manager before any formal disciplinary procedure is initiated.

### **Length of Sick Leave**

Subject to the conditions of this section an employee absent from duty as a result of sickness will be entitled in any one period of 12 months, to paid sick leave in accordance with the following table:

<b>Service at Commencement</b>	<b>Full Normal Pay</b>	<b>Half Normal Pay</b>
During 1 <sup>st</sup> year	1 month	1 month
During 2 <sup>nd</sup> year	2 months	2 months
During 3 <sup>rd</sup> year	4 months	4 months
During 4 <sup>th</sup> /5 <sup>th</sup> year	5 months	5 months
During 5 <sup>th</sup> year and subsequent years	6 months	6 months

This entitlement is subject to the proviso that not more than 12 months paid sick leave shall be taken in any period of four years or less, and not more than six months at full pay in any period of 12 months.

Sickness entitlement is calculated on a rolling year basis. A rolling year is the year immediately preceding the start of a period of sickness. For example if sickness absence commenced on 4 September 2001 then sickness entitlement is calculated on the amount of sickness absence taken since 4 September 2000.

In the case of part-time staff, the entitlement to sick leave is calculated on a pro rata basis. Entitlement is derived from the hours the employee normally works in a week as a proportion of the full-time entitlement.

Employees will be given notice in writing by the Manager at least two weeks in advance of a transfer from full to half pay entitlement and of the half pay entitlement ceasing.

All periods of paid sick leave will accrue annual leave entitlement. However, where an employee is prevented from taking annual leave because they are on sick leave, a maximum of five days annual leave may be carried over to the next leave year (in addition to the normal nine days) which must be taken within the first three months of the new leave year. All other annual leave not taken during a leave year for reasons of sickness absence will be forfeited.

Although NICVA provides sick pay allowances as outlined above, it is legally obliged to maintain records of all absences due to sickness or incapacity in accordance with the Statutory Sick Pay Scheme (SSP). For this reason, it is important for staff to be aware of the need to notify all absences due to sickness or incapacity.

Any queries regarding the operation of the Statutory Sick Pay Scheme (SSP) should be addressed to the Finance Manager.

### **Referral to Occupational Health Medical Practitioner**

In order to provide managers with appropriate information about an employee's ability to perform all or part of their job tasks, and particularly in cases of long-term or excessive or persistent absence, NICVA may refer employees to an Occupational Health Practitioner. The purpose of the referral is to obtain information about an employee's condition which is necessary as part of the process of consulting with the employee and managing the absence.

Typical situations where NICVA may refer to an Occupational Health Practitioner are when a prognosis is needed in relation to an individual's ability to return to work, an employee is nearing the end of their paid sickness entitlement, where stress may be a factor and where an additional medical opinion may be useful to the employee.

All referrals will be made by the Manager and any information or correspondence relating to the case will be shared with the employee and will include NICVA obtaining consent from the employee for access to the relevant medical reports. However, by their nature, no two sickness absence cases are alike and therefore it is impossible to devise clear rules as to when referrals will take place.

### **Return to Work Meetings**

On an employee's return to work following an extended period of sickness absence, the line manager will meet with the employee to discuss the reason for the absence and the progress of work in their absence. There may be exceptional circumstances when the manager will be requested to respect the confidential nature of sickness absence which will mean the employee is unwilling/unable to discuss the reasons for the absence. In these situations the manager is required to establish as a minimum whether the absence is in any way attributed to work or a result of work related injury. This meeting is essential for a number of reasons:

- (1) To ensure that the employee is fully informed of and kept up to date on issues within their unit of work.
- (2) To enable managers to identify at an early stage and take account of any sickness absence related problem areas which could have an impact on other employees' work.
- (3) To ensure the employee has fully recovered and that appropriate steps are taken to ensure they are rehabilitated back to work.
- (4) To complete their sickness absence record form.

All details discussed during the meeting will be held in strict confidence.

Managers should be aware of the possibility that a disability or a disabling or terminal illness might be a cause for absence. If this is known or becomes apparent during a return to work meeting, the matter must be treated very sensitively and will require

preliminary discussion with the employee about action or measures NICVA might be able to take to assist in the return to work.

### **Persistent Sickness/Absence Reviews**

NICVA will monitor sickness absence on a quarterly basis against the UK average. The Manager will advise line managers when an individual employee's sickness/absence reaches a level that is considered to be unacceptable. If an employee's record involves frequent, patterned or persistent levels of absence, then the Manager or line manager will conduct an interview with the employee. This interview will aim to:

- (1) Clarify the frequency, pattern or persistence and identify the reason for the absence.
- (2) Ensure that the employee is aware that the absence record is giving cause for concern.
- (3) Advise the employee to seek proper medical attention if there is an underlying health problem.
- (4) Give consideration to the employee's personal problems/circumstances and explore possible methods of assistance.
- (5) Inform the employee that persistent short-term absences are unacceptable and that they may put continued employment at risk, ie disciplinary measures may be required.
- (6) Agree a reasonable period of time over which the employee's attendance can be monitored for improvement.
- (7) Indicate what the next step will be if the employee's attendance fails to improve, ie disciplinary measures may be invoked.

### **Long-Term Absence**

NICVA recognises that some employees may be subject to periods of long-term illness where the employee is unlikely to be in a position to change the situation. In such instances NICVA will endeavour to be sensitive to the long-term needs of the employee. However, there are occasions where the needs of NICVA are such that appropriate action will be taken. In the event that an employee is absent through long-term illness, the following steps will be invoked after a period of two months:

- (1) The Manager will seek a meeting with the employee to discuss their current state of health and the likelihood of a return to work within a reasonable period.

- (2) At this meeting NICVA will seek to obtain written approval to contact the employee's GP in order to establish the likely length of absence and the long-term effect on the individual's capability in relation to job performance and attendance at work. (A copy of the GP's report will be sent to the employee and a follow up meeting will be held to discuss the reports.)
- (3) If the absence extends to a fourth month, NICVA will seek written approval for an independent medical assessment at NICVA's expense (again a copy of the report should be forwarded to the employee).
- (4) If the independent assessment indicates that a return to work within six months is unlikely, then the Manager will seek a further meeting with the employee.
- (5) If the absence extends to a tenth month, NICVA will seek approval for a second independent medical assessment at NICVA's expense (again a copy of the report should be forwarded to the employee).
- (6) If the second independent assessment indicates that a return to work within six months is unlikely, then a further meeting will be sought. The purpose of this meeting will be to consider future options which may include:
  - (i) Any possible adjustments to work such as shortened days or weeks.
  - (ii) Alternative employment.
  - (iii) Early retirement on health grounds.
  - (iv) Dismissal.
- (7) It is important at this stage to agree a timetable for considering the options above, usually two months, and to identify at this stage whether dismissal will be considered. This should be confirmed in writing with the employee and their trade union representative.
- (8) If over the course of the agreed timetable it becomes clear that an improvement in the foreseeable future is unlikely and other options have been exhausted, a further meeting will be arranged with the employee and their trade union representative to explain the company's decision to dismiss the employee for reasons of ill health.
- (9) The decision will be confirmed in writing giving the appropriate contractual/statutory notification and the procedure for appealing the decision.
- (10) If the employee's illness is terminal and there is a life assurance policy in operation (linked to a pension scheme), NICVA will endeavour to retain the employee so as to afford the employee's family consideration of benefits therein.

### **Staying in Touch During Sickness Absence**

When an employee is away from work due to reasons of ill health, it is the responsibility of the line manager to provide cover for their work and to ensure that the employee has a break from work and related issues, as far as is practicable, to enable them to rest and recuperate. NICVA however has the right to contact the employee during their sick leave to enquire about their ill health or to deal with any urgent work related queries.

For staff on long-term sickness (ie greater than one month), regular contact will be established by the Manager to check on their health and progress with recovery. The contact will typically be every two weeks and is likely to be by telephone, although discretion will be exercised after consultation with the employee and/or the Staff Union Representative particularly where the employee's absence is due to stress or some other such illness.

### **Sickness During Public Holidays**

When sickness falls on a public holiday or during a period of annual leave, employees will be entitled to time off in lieu, provided a doctor's certificate is produced. The doctor's certificate should not be retrospective and employees should contact their line manager, Manager or another Unit Head to report the illness in the usual way. In the case of office closure, the employee should contact an appropriate person on their mobile or home number. If the employee is unable to make contact at this time, they should do so at the earliest opportunity.

### **Absence for Reasons Other Than Sickness**

Routine dental and doctor appointments must be made as far as possible in the employee's own time. Where this is not possible, routine dental and doctor appointments should be agreed with the line manager for the beginning or end of the working day or during lunch break. If an employee is likely to be absent for more than one hour of their normal working day, leave or time off in lieu must be taken by the employee. This will also apply to employees who are required to bring children or people in their care for appointments.

### **Hospital appointments**

Time off for hospital appointments or treatments will be given to all employees provided an appearance at work is made prior to or after the hospital appointment where possible. An appointment card or letter must be shown to the employee's line manager. Any subsequent absence associated with the hospital treatment/appointment will be recorded as sickness absence.

### **Disability Discrimination Act 1995**

This Act applies to a person with a physical or mental impairment which has a substantial or long-term adverse effect on their ability to carry out normal day to day activities. If an employee becomes disabled or has a disability which worsens or

develops into a progressive illness, NICVA will take all reasonable steps to make an adjustment to working conditions or to the working environment to overcome the practical effects of the disability.

In all instances where an employee has a disability, medical or specialist advice will be obtained on how best to accommodate the disability.

### **Early Retirement on Ill Health Grounds**

If an employee is a member of the NICVA pension scheme with a minimum two years pensionable service, and is permanently unfit to do their job due to ill health, early retirement on ill health grounds is an option that can be considered. This will only take place after all other options, including that of alternative work, have been exhausted. Although an individual can apply for early retirement, the decision to authorise ill health retirement is a management one based on medical opinion. In addition the Trustees of the pension scheme must agree to all ill health early retirement requests.