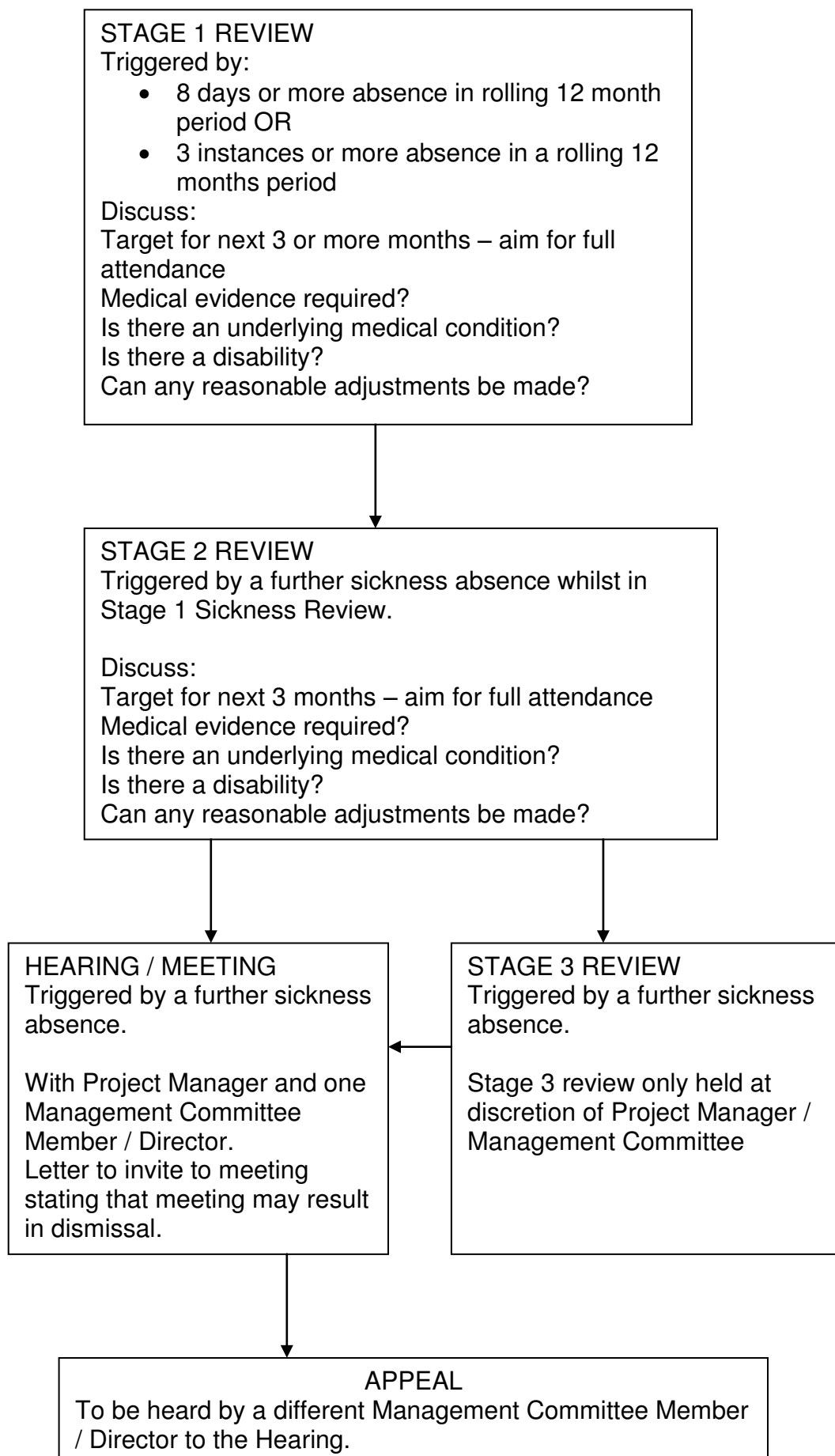


# HINCKLEY HOMELESS GROUP

## Procedure for Managing Sickness Absence



## 1. Sickness Absence Reviews

### 1.1 For all review meetings:

- ❑ All cases sickness absences will be investigated by the Project Manager to ensure that everything is being done to provide support and improve the situation.
- ❑ For trigger purposes any shift that goes overnight is counted as two days. A case will be triggered for review if the level of absence is either;
  - 8 days or more absence in a rolling 12 month period, or
  - 3 instances or more absence in a rolling 12 month period
- ❑ Throughout the process, the employee has the right to either be accompanied by a Fellow Colleague (an employee of Hinckley Homeless Group) or represented by a recognised Trade Union Representative and notified of this right in writing when invited to the review / meeting.
- ❑ The employee may only refuse one date / meeting due availability of Colleague / Trade Union Representative etc. If they do not attend the next meeting, it may proceed without the employee. The employee should be written to after the meeting confirming that it was held in their absence and any outcome (further review period or hearing).
- ❑ Two or three Review meetings may be held; each setting targets. After the Stage 2 Review, this may proceed directly to a hearing.
- ❑ Cost and impact will be discussed at every stage.
- ❑ Target will always be for full attendance during the review period.
- ❑ The Project Manager may request medical information at any point. All medical information the employee / employee's doctor provides will remain confidential and will not be disclosed to anyone other than Hinckley Homeless Group Management and the Management Committee members without their written consent.
- ❑ The Project Manager should ensure that the employee signs a medical consent form to release their medical records.

### 1.2 Stage 1

- ❑ The Project Manager will arrange to meet with the employee, to advise that the level of absence is causing concern and must be improved upon. At this stage a review period should be set, recommended to be 3 months (although in some circumstances a longer period may be appropriate) along with an action plan that includes standards and timescales. At this stage the Project Manager can request that current self certification forms received need to be replaced by a Doctor's Note and also advise whether this will apply for future periods of absence. Actual costs incurred will be reimbursed.
- ❑ In addition at this stage, the Line Manager should consider the benefits of asking the employee to see their GP. A copy of any letters asking the employee to do this should be retained as good practise.
- ❑ The outcome of this discussion and the employee's reason for their absence should be recorded and retained on the employee's file and the

employee advised in writing.

- If after the first review period the employee has met the standards set, the employee will be taken off Stage 1 of the procedure. The employee will return to Stage 1 in the event that further absence occurs which (taken together with any absence in the rolling 12 months period) triggers a review. Where an employee repeatedly triggers Stage 1 but improves their absence levels during the recommended 3 or more month review period, it will usually be appropriate to use a longer review period for Stage 1.

### **1.3 Stage 2**

- If during the first review period, levels of absence exceed the absence standards set out in Stage 1, the Line Manager must review the situation with the employee at a Stage 2 meeting.
- The purpose of the Stage 2 meeting is to discuss how best absence levels can be reduced. Consideration may be given to retraining and suitable alternative working patterns if these are available. A letter should be sent to the individual prior to the meeting informing them of the purpose of the meeting and the practical steps that might be taken to improve attendance, together with the reasons behind the proposals. The employee should be advised that they may be accompanied by a Fellow Colleague (an employee of Hinckley Homeless Group) or represented by a recognised Trade Union Representative.
- At the meeting care must be taken to allow the employee to put forward their position so that a clear understanding can be obtained of the reasons for their absence, and their position in relation to any retraining or redeployment proposals. Any medical advice received should also be taken into account, and if such medical advice indicates that the absences are caused by an underlying medical condition, then medical advice should definitely be sought. After the meeting any resulting action must be confirmed in writing to the employee. Typically this will involve another (usually 3 month) review period being set.
- If the resulting action involves either retraining or alternative work or working patterns, the individual must be informed of their right to appeal. (See section 8 for Appeals Procedure).
- At this stage, it must be made clear to the employee that unless improved attendance is achieved and sustained, then they will be reviewed under the next stage of the process, and that if it should prove necessary to proceed to the next stage of the process, the employee's contract of employment may be terminated on grounds of unacceptable levels of absence.
- Once again the outcome of this discussion should be recorded and retained on the employee's personal file and the employee advised in writing.

### **1.4 Stage 3 (optional at the discretion of the Line Manager)**

- Prior to entering Stage 3, Line Managers should seek further advice from a member of the Management Committee to ensure all options/adjustments have been considered.
- If following Stage 2 an employee fails to meet the attendance standards that have been set for the second review period and other options, such as suitable alternative employment or working patterns (e.g. where the employee's absence is aggravated by their current role) have been considered, the Project Manager should advise the employee that their employment could be terminated on the grounds of unacceptable levels of

short term or long term absence or possibly capability, and that a Stage 3 – Hearing will now be necessary.

Once again this discussion should be recorded and retained on the employee's file and the employee advised in writing of what is happening.

## **2. Stage 3 Hearing**

### **2.1 How should the hearing be arranged?**

- The employee will be given written notification, of not less than 5 calendar days, of the date, time and place of the Hearing after the Stage 2 or Stage 3 review meeting of the Sickness Absence Management Procedure. This notification should outline the reasons for the Hearing and include any relevant documents e.g. copies of minutes and action plans. The employee should be advised that they may be accompanied by a Fellow Colleague (an employee of Hinckley Homeless Group) or represented by a recognised Trade Union Representative. This letter must state that this hearing may result in dismissal.

### **2.2 Who should conduct the Hearing?**

- The Hearing will be conducted by one Management Committee Member (“the Member”), who has not previously been involved in the case during the Sickness Absence Management Procedure.

### **2.3 What happens if an employee fails to attend the Hearing?**

- In the event that the employee or the employee's chosen representative is not available to attend the hearing, it will be re-arranged only once. (see section 1.1 above).
- If the employee fails to attend a re-arranged Hearing, it may continue in their absence, unless there are exceptional reasons for non-attendance presented to the Member.

### **2.4 Can a Hearing be adjourned?**

- The Member of their own volition, or at the request of the Project Manager or the employee, may decide to adjourn the Hearing to allow time for additional evidence to be presented, or when the Member wishes to consider the evidence that has been offered and / or determine an appropriate outcome.

### **2.5 How should the Member advise an employee of their decision?**

- The Member should inform the employee of the outcome of the Hearing as soon as possible, but may adjourn the Hearing to consider their decision or to obtain further information if necessary. The Member's decision will be confirmed, in writing, to the employee, normally within two working days

### **2.6 What outcomes are available to the Member?**

- Where an employee has consistently failed to meet the attendance standards required by the Project Manager, and the Member is satisfied that the employee has been given a fair opportunity to improve their absence record to an acceptable standard, but has failed to do so, the usual outcome will be the dismissal of the employee on the ground that their attendance record is unacceptable and the organisation cannot sustain the employee's level of absence. Prior to making such a decision, the Member should consider:

- Any other appropriate action (e.g. alternative work)
  - Downgrading/transfer to an appropriate role as an alternative to dismissal (e.g. where the employee's current role is itself contributing to absence)
- If the Member is of the view that the employee has not been given a fair opportunity to improve their absence record, or that the absence record is not poor enough to warrant dismissal or retraining/redeployment, the Member should set down a further review period together with absence standards to be achieved in that period. The Member should make clear that in the event that the employee fails to achieve the relevant standards, a further Hearing will be required which could result in the termination of their employment.

### **3. Appeals Procedure**

#### **3.1 How can an employee appeal against the sanction applied?**

- When an employee is notified of a sanction to be applied to them, they will also be notified of their right of appeal and of the Appeal Procedure. They will be informed that an appeal panel can cancel, reduce, or confirm the sanction originally imposed.
- An employee, or their Representative acting on their behalf, wishing to submit an appeal will within 7 calendar days of receiving the written confirmation of sanction, inform the appropriate Project Manager of their intention, and immediately confirm in writing the reason and grounds for the appeal, for example:-
- the sanction is too severe
  - the sanction is based on misunderstanding of the facts
  - any other reasonable ground
- The sanction imposed as a result of the original Hearing will remain in force unless and until it is modified as the result of the appeal.

#### **3.2 What is the process for arranging an appeal hearing?**

- The appeal will normally be arranged within 14 calendar days of the receipt of the request. The appellant will be given notification of the date, time and place of the appeal hearing and will be entitled to be accompanied by a Fellow Colleague (an employee of Hinckley Homeless Group) or represented by a recognised Trade Union Representative. The panel will comprise of one Management Committee member, if possible who has not previously been involved in the case,
- In the event that the employee or the employee's chosen representative is not available to attend the appeal hearing, it will be re-arranged only once. (see section 1.1 above).
- If the employee fails to attend a re-arranged appeal hearing, it may continue in their absence, unless there are exceptional reasons for non-attendance presented to the Member section 1.1 above).

#### **3.3 What is the process for notifying an employee on the outcome of their appeal?**

- Usually the appellant will be informed of the result of the appeal at the end of the hearing but where it is necessary to obtain further information or deliberate over the decision, the result may be confirmed within 3 working

days. The decision will be confirmed in writing to the employee.

## 4. Additional Notes for Long Term Absence

### 4.1 How should cases be managed?

- For employees who are absent due to sickness or serious injury for a considerable amount of time, Hinckley Homeless Group will seek medical advice to find out if further assistance can be provided to support the employee. This also encompasses where an employee is absent from work due to recurring periods of certified sickness absence.
- In addition an employee may be aware of a 'planned' period of sickness absence i.e. an operation. In this situation it would be beneficial to obtain medical advice before the employee starts their sickness absence for the operation with regard to plans that could be put in place as early as possible to assist with the return to work process. In the first instance the employee should be asked to obtain suitable return to work information from their GP or treating Doctor.
- Where an employee refuses to co-operate in providing medical evidence, a decision will be taken on the basis of the information available. This means that Hinckley Homeless Group will have to make decisions without the benefit of informed medical advice.
- Hinckley Homeless Group may need to seek medical advice from the employee's treating doctors. In such circumstances the employee's consent must be sought and application for a report will be made to the treating doctor. This process is subject to the Access to Medical Reports Act 1988 and is for Management Committee use only.
- Where appropriate, employees will be encouraged to seek advice from their GP.
- Regular contact should be maintained between the Project Manager and employee during sickness absence. This is likely to be weekly, however if the illness is prolonged then less frequent contact may be agreed. This should always be at least once per month.
- The timescales identified below are guidance only and depending on the nature of the absence have the flexibility to be changed due to individual circumstances in consultation with a member of Management Committee.
- When an employee is absent, due to sickness or injury, the Project Manager should consult with the employee providing the employee is fit to do so, to gain an understanding of the medical position and fitness for work, to offer support and to determine the likely date of return to work. Employees with muscular skeletal disorders or stress related absences should always be encouraged to obtain medical advice as to appropriate ways of resuming work. In certain circumstances it may be appropriate to agree a phased return to work.
- Hinckley Homeless Group will actively encourage a return to work in some capacity where this is possible. If the absence becomes prolonged or medical advice indicates the employee is unable to carry out their normal duties for health reasons, the Project Manager should seek advice from a member of the Management Committee. The possibility of return to work, or suitable alternative work patterns or employment should also be discussed with a member of the Management Committee.

- The Project Manager must meet with the individual concerned at an appropriate venue, to discuss the possibilities of return to work. Consideration should also be given to suitable alternative employment or working patterns. A letter should be sent to the individual prior to the meeting informing them of the purpose of the meeting and the possibilities that might be considered together with the reasons for those proposals. The employee should be advised that they may be accompanied by a Fellow Colleague (an employee of Hinckley Homeless Group) or represented by a recognised Trade Union Representative.
- At the meeting care must be taken to allow the employee to put forward their position so that a clear understanding can be obtained of the reasons for their absence, and their position in relation to any retraining or redeployment proposals. Any medical advice received should also be taken into account.
- After the meeting any resulting action must be confirmed in writing to the employee.
- If the resulting action involves suitable alternative roles or work patterns, the individual must be informed of their right to appeal. (See section 3 for Appeals Procedure)
- Assuming that absence is continuing, the employee should be further counseled. This may involve a further review period and consideration of suitable alternative employment or work patterns. However, this may also include termination of employment, such as on the grounds of incapability to undertake the duties for which they were employed.
- Having first consulted with the Management Committee, the Line Manager should confirm the outcome of discussions with the employee in writing.
- The Project Manager must meet with the individual at an appropriate venue to consider the most appropriate course of action. A letter should be sent to the individual prior to the meeting informing them of the purpose of the meeting and the possibilities that might be considered. The employee should be advised that they may be accompanied by a Fellow Colleague (an employee of Hinckley Homeless Group) or represented by a recognised Trade Union Representative.
- Having first consulted with a member of the Management Committee, the Line Manager concerned should confirm the outcome of discussions with the employee in writing.
- After the meeting any resulting action must be confirmed in writing to the employee and the individual must be informed of their right to appeal against a sanction applied against them. (See section 'n' for Appeals Procedure)
- Failure to co-operate with any of these stages by an employee may result in decisions being made without the benefit of the employee's contributions being taken into consideration.

The Management Committee is responsible for ensuring that the Procedure for Managing Sickness Absence is subject to full review on a regular basis, not to exceed a period of 3 years.