

WITHAM AND HUMBER DRAINAGE BOARDS

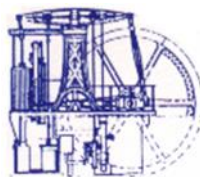
Four independent statutory Land Drainage and Flood Risk Management Authorities working in partnership.



Witham First District IDB



Upper Witham IDB



Witham Third District



North East Lindsey

www.witham3idb.gov.uk

Absence Management Policy and Procedure

Background	This policy is written to promote the health and well-being and attendance of all employees and to ensure that every member of staff is aware of their responsibilities in relation to periods of absence and the sickness absence attendance standards which are expected of them.
Statement	Witham and Humber Drainage Boards are committed to the promotion of the welfare of employees, through their policies and arrangements for Health and Safety, Occupational Health, Wellbeing initiatives and the Health and Wellbeing at Work Policy.
Responsibilities	Responsibilities of implementation of policy: Chief Executive, HR Lead and Line managers. This policy applies to: All staff
Training	Ultimate responsibility for ensuring the effectiveness of this policy rests with each Board. The personal commitment of every employee to this policy and application of its principles are essential. The HR Lead, Senior Management and line management are responsible for implementing, supporting and guiding. Team resilience training can be arranged through Human Resource Lead. Workshops are available for managers on this policy and other supportive mechanisms. Training is available to raise awareness and reduce preconceived ideas about disability and its effect on the workplace.
Dissemination	Board Website
Resource implication	Human Resource Lead, Line Management, Occupational Health referrals. Consultation with staff with disabilities or staff with long-term health conditions. Support staff with disabilities to disclose and to make sure reasonable workplace adjustments are made where necessary.
Equality & Diversity	This policy aims to meet the requirements of the Equality Act 2010 and reasonable adjustments. To ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, transgender, civil partnership/marital status, appearance, race, nationality, ethnic or national origins, religion/belief or no religion/belief, disability, age, carer, pregnancy or maternity, social status or trade union membership.
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Review date	Within 3 years of Approval date
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1. Introduction

- 1.1 Employees may need to be absent from work from time to time due to sickness. This policy provides guidance for employees and their line managers in handling time off from work where the reason for absence is sickness. The 4 Boards aim to have as many employees as possible in attendance at all times during the working week and sickness absence needs to be managed, so that productivity is good and is balanced with an acceptable level of absence, any problems being dealt with promptly and resolved.
- 1.2 The Boards recognise that employees will, from time to time, be unable to come to work because of sickness.
- 1.3 This policy provides a fair and consistent framework for supporting employees who are absent due to sickness. It also applies to employees who are at work but are unable to fulfil their duties and responsibilities in a satisfactory manner and/or fulfil their contracted working hours due to sickness.
- 1.4 The 4 Boards are committed to raising awareness and increasing the understanding of Health and Wellbeing in the workplace. Each Board is dedicated to maintaining and promoting the health and wellbeing of its employees. Whilst the Boards have a supportive approach, they will achieve a balance between the needs of the individual and the business needs of the organisation.
- 1.5 All managers are responsible for implementing this policy to ensure objectives are met.

2. Policy Objectives

- Employees will be treated fairly, consistently and sensitively during times of sickness and will be encouraged to use support mechanisms available to them.
- Managers have a structured framework to assist in managing sickness absence, with the aim of supporting employees back to work. This includes conducting return to work interviews after every period of absence, monitoring employee sickness in accordance with sickness triggers (it is the 4 Boards' right to adjust these trigger points annually to reflect sickness absence results), and referring staff to Occupational Health (OH) where appropriate.
- Employees understand their responsibilities and follow sickness reporting arrangements.
- The highest levels of quality and service will be maintained to allow the Boards to fulfil their obligations.
- Managers will implement reasonable adjustments for employees, where applicable and appropriate, to enable/sustain attendance at work.
- The procedure aims to support an employee's return to work. Where employees are absent from work for a considerable amount of time they will be guided and supported whilst they are not at work, with the aim of supporting their return to work. All employees will have awareness that following application of policy and procedure, the outcome may be dismissal where a return to work is not practicable.

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- Employees who are either underperforming or are no longer able to carry out the duties of their role due to their medical condition(s) will be managed through the Capability Policy and Procedure.

3. Recording and Monitoring Procedure

3.1 Line managers with the support of Human Resources Lead (if required) are responsible for managing absence issues sensitively and compassionately, ensuring they follow the procedure contained in this policy and associated documents; including:

- Ensuring employee sickness absence is notified to the Human Resource Lead and Finance department to ensure the HR and payroll information for the employee is accurate. For guidance on recording the reason for sickness, please refer to Human Resources Lead.
- Absences for dental / medical appointments / maternity leave or parental leave should not be recorded as sickness absence.
- Recording and monitoring all activities associated with managing the employee's absences. The record will be used by managers to evidence all support and communication, related to the absence, between the employee and themselves in a chronological order.
- Ensuring employees are aware of other supporting policies such as special leave and flexible working.
- Where absence results from a work-related accident or disease, this will be recorded in line with relevant requirements like RIDDOR and other HSE requirements.
- Managers will ensure any information associated with the absence management procedure is shared with and transferred with the employee should s/he move positions within the 4 Boards.

4. Trigger Points:

4.1 The 4 Boards operates the following trigger points:

- 4 or more episodes of absence in a rolling 12-month period and/or
- 9 working days of absence in a rolling 12-month period and/or
- Absences in a short period warranting immediate action, e.g. 3 episodes or 6 working days in 6 months
- A pattern of absence causing concern, e.g. regular Friday or Monday absences or absences regularly occurring on a day/week, pre or post annual leave, school holidays, public holidays, pay day.

5. Pro-rata Trigger Points:

5.1 Trigger points for employees working fewer than 5 days in a week need to be applied pro rata to the number of days, as detailed below, but not the number of occasions. This is calculated by $9 / 5 \times$ working days (or average working days).

5.2 For example, employee working:

- 1 day = trigger point is 2 days absence
- 2 days = trigger point is 3.5 days absence
- 3 days = trigger point is 5.5 days absence

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- 4 days = trigger point is 7 days absence
- 5 days = trigger point is 9 days absence

- 5.3 This will be applied irrespective of the number of hours worked in a day. For those employees who condense their working weeks, for example: 37 hours over 4 days, then the trigger point would be = 7 days absence.
- 5.4 Where employees do not work the same amount of days each week, line managers and/or finance officers will pro-rotate the trigger to an average working week. For example: employees who work a 9-day fortnight and work alternatively 5 days one week and then 4 days the following would apply the average working week, which would be 4.5 days and the trigger point would be = 8 days absence.
- 5.5 For employees on annualised hours contracts, managers will apply a nominal working week and adjust during the year if needed.

6. Return to Work Interviews

- 6.1 Return to work discussions will be conducted with employees after every episode of sickness absence. The return to work discussion should be recorded on a form (Return to Work Form), which will be maintained on the individual's personnel record.
- 6.2 The return to work discussion may include:
- Identify any support mechanisms which will prove beneficial following a return to work. Discuss any issues which may be affecting the employee's ability to attend work.
 - Monitor absence levels and where an employee absence(s) reaches the identified trigger points, to manage them accordingly.
 - Consider reasonable adjustments for employees (where applicable), including discussing with the employee any advice given on a Fit Note. Managers will ensure they investigate any possible reasonable adjustments and undertake a risk assessment.
 - Consider a phased return to work (where appropriate), following long term sickness absence. Consult Human Resource Lead for guidance.

7. Certification

- 7.1 To meet the requirements of the Statutory Sick Pay Regulations, absences should be certified by a Fit Note from a GP. However, if the employee is absent and where the sickness lasts from four to seven calendar days in each instance, the employee may instead self-certify their absence.
- 7.2 For absences of seven consecutive calendar days or less, upon their return to work a self-certification form will be completed, signed and passed to the employee's line manager on return to work covering the period from the fourth day of the sickness. Days of sickness include usual working days, Saturdays, Sundays, public and extra holidays.
- 7.3 For absences of eight days or more, a fit note is required. Fit notes are issued by the employee's GP and should be passed to their line manager upon their return to work or no later than the eighth calendar day. The fit note should cover each day of absence and, if subsequent or multiple fit notes are issued for the whole period of sickness, they should be

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delivered at each stage to the employee's line manager or direct to the HR Lead or Finance department along with a brief explanation of the reason for absence, the condition and if known their expected return to work date or next GP appointment. The employer may in an individual case require a doctor's fit notes and sickness absence forms to be submitted at more frequent intervals.

- 7.4 In all cases, the employee is required to inform their line manager of their sickness absence to enable the Boards to ensure the Health and Safety status of all employees is known.

8. Employees

- 8.1 Employees have a duty under their terms and conditions of employment to adhere to their responsibilities, including:
- Employees must report sickness absence to their Line Manager on the first day of absence and as early as possible, preferably before but no later than one hour after their normal work starting time, unless other local arrangements have been agreed.
 - Employees must make personal contact by telephone; a contact number must also be provided in all instances.
 - Other forms of contact i.e. email, messenger or text messaging are not permitted as an adequate form of contact. Under unusual circumstances when the only form of communication is the above, employees are required to follow up the initial contact with a telephone call as soon as possible on the day of absence.
 - If the employee is unable to notify their line manager due to their sickness, then the recorded next of kin is permitted to notify the individual's line manager of the absence.
 - The employee is required to follow up that contact at the earliest opportunity.
- 8.2 It is recognised there may be instances where employees or recorded next of kin are unable to contact Line Managers personally (e.g. admittance to hospital). In these exceptional circumstances the individual who contacts the Line Manager will leave a contact name and number.
- 8.3 The employee will need to explain why they are unable to attend work, when they became ill, and indicate when they intend to return to work. Employees are required to follow up the initial contact personally, by telephoning their line manager. The employee must offer a broad nature of the illness (e.g. migraine, chest infection), whether illness is due to an accident or injury at work, whether the employee has/will be seeking medical attention.
- 8.4 If the absence continues beyond three days the employee must, by no later than the fourth day, telephone the appropriate supervising officer again and confirm the probable duration of the absence.
- 8.5 Employees unable to speak with their Line Manager must leave a message and a contact phone number, asking that it is passed on to the Line Manager as soon as possible. The employee should expect and be available to receive a return phone call to discuss the above points.
- 8.6 Employees must obtain a Fit Note from a GP and submit this to their Line Manager on the eighth calendar day of absence.

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- 8.7 Employees must continue to send in Fit Notes for the duration of the absence and keep Line Managers advised of their health and progress towards returning to work. When a Fit Note expires, employees not returning to work must ensure a new Fit Note is sent to their Line Manager immediately.
- 8.8 Employees must ensure medical advice and treatment is received as quickly as possible and must follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
- 8.9 Employees are encouraged to attend any OH appointments, in accordance with their conditions of service. If employees do not attend these appointments or fail to give consent to release any completed OH assessment report, any decisions made regarding their absence from work will be made without the benefit of this information.
- 8.10 Employees must ensure they are contactable and available to attend absence management meetings and respond in a timely manner to any communications from the 4 Boards.
- 8.11 Employees must advise their Line Manager of any changes to contact details occurring during an absence.
- 8.12 Employees must advise their Line Manager of any concerns with their job/workplace, which they feel are making them ill or contributing to illness/absence. If an employee feels unable to discuss with their line manager, they can contact the Human Resource Lead.
- 8.13 Employees wishing to take time off work who are not sick, must use annual or special leave or other approved leave. All leave of absence must be approved by management. Other types of leave must not be used to avoid sickness absence.
- 8.14 Employees may request to take accrued annual leave whilst on long term sickness. Employees are not expected to go away on holiday when absent due to sickness unless this is supported by a GP.
- 8.15 Employees wishing to take annual leave must obtain management authorisation and have the appropriate period of annual leave deducted from their entitlement.
- 8.16 Employees either at work or absent due to sickness should not undertake activities that could hinder or affect recovery. If it is found that employees are undertaking activities that would prevent recovery, this may be managed under the Disciplinary Policy.
- 8.17 Employees are responsible for managing their sickness and for taking appropriate action, as determined by any health professional, to minimise any reoccurrence of the sickness.
- 8.18 Failure to follow the certification process outlined above may be considered misconduct and may be dealt with under the 4 Boards' disciplinary process. Sick pay paid by a Board and SSP (statutory sick pay) may be withheld during this time.

9. Private medical certificates

- 9.1 An employee shall, if required by the Board, at any time during their employment submit to examination by a registered medical practitioner nominated by the Board. A registered medical practitioner or private fit note may be considered necessary by the Boards if there

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is a history of unusual absences or if the line manager believes the employee may benefit from an intervention by a medical practitioner. The cost of obtaining a private fit note will be reimbursed by the Boards. A private fit note may be requested by the Boards, regardless of the duration of the actual period of sickness absence.

10. Return to work

- 10.1 A fit note may make a recommendation for temporary changes to be made to an employee's working environment or conditions to facilitate a return to work. The Boards may require the employee to meet with a medical practitioner, of the Boards' choosing, to have the fitness to work arrangements of the employee assessed and confirmed.
- 10.2 Where the fit note contains recommendations for changes to be made to working conditions or practices, the Boards will consider those recommendations and try as far as possible to accommodate those changes, where permissible in accordance with the needs of the business.
- 10.3 For extended periods of absence, the Boards may require the employee to meet with a medical practitioner, of the Boards' choosing, to have the fitness to work arrangements of the employee assessed and confirmed.
- 10.4 In all circumstances, a return to work interview will be arranged by the line manager for the employee.
- 10.5 The return to work interview will confirm the employee's fitness to return to work, update the employee on any changes that may have taken place in the workplace whilst absent, confirm any necessary support required, and make arrangements for this as appropriate.

11. Fit notes

- 11.1 Where a fit note is marked as "may be fit for work" by the employee's General Practitioner (GP), the GP usually sets out the possible alternations or amendments that could be made to the employee's working practices to facilitate their fitness for work. Examples of the options available are:
 - phased return to work
 - amended duties
 - altered hours
 - workplace adaptations.
- 11.2 A meeting will be arranged with the HR Lead for the employee to meet with HR and their line manager to discuss the arrangements recommended in their fit note and how best the Boards can facilitate a return to work.
- 11.3 In the event that adjustments and amendments cannot be made, the employee will not be able to return to work and will need to remain on sickness absence. However, where adjustments and amendments can be facilitated, regular reviews will be undertaken with the employee to confirm that the changes made continue to be adequate. The changes should be temporary and should not be considered permanent changes to the terms and conditions of employment.

12. Medical examination

- 12.1 If the Board believes that a medical opinion is necessary, the Board reserves the right to request that an employee is referred to a medical practitioner for an assessment to be undertaken.

13. Access to medical reports

- 13.1 The Board may need to request a copy of an employee's medical reports or medical records to assist in the assessment of the employee's medical condition. The employee's consent, in line with requirements under the Access to Medical Reports Act 1988, will be obtained prior to the Board contacting their GP. The employee is entitled to see a copy of the documentation provided. In line with data protection legislation, employees will also be given details on the reason for the examination, what the Board intends to do with the data obtained and the lawful basis for processing the data.

14. Frequent and short-term absences

14.1 Trigger points

- 14.1.1 Only one of the triggers needs to be reached for the line manager to be required to review the employee's sickness records.
- 14.1.2 The line manager should meet informally with the employee to discuss the fact that an absence trigger has been reached and to discuss necessary actions, such as considering a referral to Occupational Health, implementing any possible reasonable adjustments that may be necessary in relation to disability, or any possible formal disciplinary action. The line manager may establish that there is an underlying medical condition and it may be that advice from and a staff meeting is required with the HR Lead as to the best course of action to take.
- 14.1.3 Disciplinary procedures may not be necessary or appropriate in those circumstances.
- 14.1.4 A summary of the meeting should be kept for the employee's personnel file and a copy given to the employee.

15. Long term sickness

- 15.1 Employees should be aware that the Boards are sympathetic towards genuine illnesses and will support employees. However, it is not realistic for the sickness-related absence to continue forever.
- 15.2 The Boards will be eager to get the employee back into the workplace as appropriately and effectively as possible, but the employment may need to be reviewed if this cannot be achieved.
- 15.3 There will be full consultation with the employee, together with a medical investigation and consideration of redeployment or alternative employment.

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- 15.4 If there is regular or persistent absence due to long term sickness, injuries etc, the situation is unlikely to be able to continue forever. Ultimately, employment may be terminated after full compliance with the 4 Boards' termination procedures in these circumstances. See the section below in relation to dismissal for more information on this aspect.
- 15.5 The Boards will usually require employees who have been absent for one month or more or who are expected to be absent for one month or more, to return some or all of the Boards' equipment. This may be requested so that the equipment can be redeployed to other employees.
- 15.6 Should a return to work be possible, the Boards may require the employee's current fitness to be determined and confirmed by a medical practitioner, of the Boards' choosing.

16. Updates during sickness

- 16.1 Employees are expected to keep their line manager regularly updated with their health and expected date of returning to work.
- 16.2 The HR Lead and Line managers will arrange periodic meetings with the employee to discuss the current situation so that the employer and the employee are kept up to date with developments.
- 16.3 This will usually be at the employee's usual place of work, but if a home visit is necessary or more appropriate due to serious ill health or the employee being physically unable to attend work, this can be accommodated.

17. Disability

- 17.1 The 4 Boards have a duty to make reasonable adjustments where an employee has a disability covered by the Equality Act 2010.
- 17.2 The duty to make reasonable adjustments covers elements such as making changes and adjustments to working hours, existing equipment, provision of different equipment and workplace practices if the employee is placed at a substantial disadvantage. It may also involve physical changes, such as to the building entrance points, or alterations to the floor plan, furniture etc.
- 17.3 The employee will be consulted fully on these.
- 17.4 The duty to make the adjustments is 'reasonable' so if the suggested adjustment is not viable it will not be made. It may also be the case that no reasonable adjustments are possible to facilitate a return to work. There may be no alternative roles or employment available and if there is no prospect of the employee being able to return to work in the near future, it may be inevitable that a decision to dismiss is the final and only option.

18. Dismissal and the right to appeal

- 18.1 If long term sickness absence leads to dismissal, the employee will be provided with the reasons for the dismissal in writing.

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- 18.2 The reasons for dismissal should set out the circumstances that led to the decision to dismiss.
- 18.3 Employees have the right to appeal the decision and they should do so within five working days, to the Chief Executive and setting out the reasons for their appeal.
- 18.4 The appeal itself will be dealt with in accordance with the rules on appeals set out in the 4 Boards' disciplinary process.

19. Payment arrangements and insurance

19.1 Statutory sick pay (SSP)

- 19.1.1 Employees qualify for SSP on Mondays to Fridays for full time employees and their normal working days for part time employees. SSP payments are made subject to tax and national insurance deductions.

19.2 Sickness and leave allowances in line with - Association of Drainage Authorities' White Book

19.2.1 Admission to Sick Pay

- 19.2.1.1 Upon employment new employees are eligible for sick pay.

19.2.2 Reckonable Service

- 19.2.2.1 The following shall count as service for the purpose of qualifying for admission and entitlement:

- Continuous service, as defined in Section 1 of ADA White Book.
- Periods of unpaid sickness absence if certified as required by the employer or other unpaid leave of absence so long as the engagement continues.

20. Exclusion from Benefit when Otherwise Gainfully Occupied

- 20.1 An Employee who, at any time during any period for which he/she would otherwise be entitled to a sick pay under paragraph 7 of the ADA White Book, is employed in another gainful occupation other than the occupation to which this Sick Pay Scheme applies, shall not be entitled to payment of sick pay for the period in which he/she is employed in that other occupation.

21. Accident - Third Party Claim

- 21.1 An Employee who is absent as a result of an accident shall not be entitled to any sickness allowance if damages may be receivable from a third party in respect of the accident. In this event the employer may, having regard to the circumstances of the case, advance to the Employee a sum not exceeding the sickness allowance provided under this Scheme, subject to the Employee undertaking to refund to the employer the total amount of such allowance

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or the proportion of such allowance equivalent to the amount of the damages received. Where, in the opinion of the employer or Employee, the proportion of the advance required to be refunded is inequitable, the amount to be refunded shall be determined by mutual agreement; failure to reach agreement shall be dealt with under the local grievance or disputes procedure. Any period of absence in a case in which a refund of the monies advanced is made in full shall not be recorded for the purposes of this Scheme. Where, however, the refund is made in part only the employer may, at their discretion, decide to what extent, if any, the period of absence may be so recorded.

22. Sick Pay

- Employees shall be entitled to receive contractual sick pay. Contractual sick pay is inclusive of any SSP that may be due for the same period.
- Contractual sick pay will be paid for any period of twenty-four consecutive months in accordance with the following scale:

Period of Continuous Service	Period of sick pay entitlement in Months	
	Full allowance	Half allowance
Less than 4 months	1	0
4 months to 1 year	1	2
=1 to 2 years	2	2
2 to 3 years	3	3
3 to 4 years	4	4
4 years or more	6	6

For the purpose of calculating the period of sick pay entitlement, a month shall be deemed to be 26 days excluding Sundays.

- A week's pay for the purposes of calculating contractual sick pay shall include the Employee's basic pay and any compulsory overtime (guaranteed and non-guaranteed overtime) only averaged over a period of the preceding 12 weeks. It shall not include any payments for voluntary overtime, allowances, bonuses or otherwise. The 4 Boards do not currently have compulsory overtime.
- Subject to the provisions of paragraph 5 of ADA White Book, an Employee who for any period is incapable of work due to an industrial accident or disease arising out of and/or in the course of their employment with their employer, and which is not due to their own negligence or misconduct, shall be entitled to payment of sick pay during that period whether or not they have attained the relevant period of Continuous Service. Any sick pay paid to an Employee in this regard shall not be considered for the purposes of sub-paragraph (b) of paragraph 7 ADA White Book.
- The employee shall give the employer such information as the employer may reasonably require enabling determination of the sum to be paid to the employee.

23. Medical Suspension

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- 23.1 The provisions of this Section shall not have effect in the case of an Employee who is suspended on medical grounds where the terms of Sections 19 to 22 of the Employment Protection (Consolidation) Act 1978 apply.
- 23.2 Having regard to Public Health and the nature of the work is paramount to Witham and Humber Drainage Boards. An Employee who is required by the employer, or on medical advice, to absent themselves from duty following contact with a case of notifiable disease shall be regarded as taking a period of special leave with pay, provided that it shall be inclusive of any Statutory Sick Pay that is payable during such absence.
- 23.3 Payments are at the discretion of the Chief Executive.