



Racial Harassment Forum Brighton & Hove

RHF*

Sickness Absence Policy

Introduction

RHF values the contribution of its employees in delivering quality services to the people we support. Whilst recognising that employees may be prevented from attending work through ill-health, RHF has a duty to maintain service delivery and minimise disruption. It must therefore also be recognised that employee absence can cause loss to the service, place other colleagues under pressure and affect the quality of the service we provide. This policy is designed to provide our employees with support during periods of sickness and also to minimise the risk of disruption that the absence may cause to the services. This Sickness Absence Policy and Procedure aims to provide a systematic, fair and consistent approach to managing sickness absence for all our employees.

Policy Statement

RHF is:

- Committed to providing reasonable necessary support to employees to enable them to attend work regularly and to ensure that they are treated in a consistent, fair and supportive manner.
- Committed to minimising the levels of sickness absence and promoting a healthy workforce.
- Committed to the welfare of employees by actively promoting health and wellbeing initiatives such as appropriate training, access to health benefits, counselling and flexible working.

This Policy applies to all permanent and temporary staff and complies with all relevant legislation, including the Equality Act 2010. It is intended that its application will not result in any discriminatory treatment of employees..

Definitions

Short term sickness absence is defined as: frequent, persistent, short-term, often unrelated episodes and due to minor illness.

Long term sickness absence is defined as: a continuous period of absence of 4 weeks (28 days) or more. It is usually due to a single health problem, e.g. caused by an operation, or a combination of health issues.

Employee responsibility

All employees have responsibility to:

- Maintain high levels of attendance by attending work on a regular and consistent basis.
- Follow the required reporting and notification procedures as outlined in this policy and maintain regular contact with their line manager for the duration of the sickness absence as set out in the reporting sickness process below.
- Ensure that sickness absences are attributed to illness only and only when a diagnosable medical condition exists. The organisation has a range of policies that cover leave of absence for other non-sickness related reasons e.g. family leave.
- Make themselves available to attend absence review meetings and/or attend Occupational Health appointments whilst absent from work due to sickness. Meetings may be conducted at the employee's home or a neutral venue where appropriate and when mutually agreed.
- All requests to attend Review meetings or Occupational Health are deemed as reasonable requests. Employees are required to attend such appointments if they are absent due to sickness or where a manager has a health concern about their fitness to work.
- Inform their manager as soon as possible when they are fit to return to work.

Manager's responsibility

Line managers have a responsibility to:

- Follow the required reporting and notification procedures as outlined in this policy and support RHF to maintain regular contact with their employees for the duration of the sickness absence as set out in the reporting sickness process below.
- Maintain contact with their staff during the absence for an update on their illness and to offer support, as well as keeping the employee updated on service developments to support their return to work.
- Where appropriate, discuss and put in place any reasonable adjustments that may assist in facilitating the employee's return to work.
- Ensure absences are reported to the Health and Safety Department in a timely manner for reporting under RIDDOR where appropriate

Reporting Sickness to RHF

- Where an employee is unable to attend work as a result of illness or injury, all absences must be reported by the employee directly to the employee's line manager (or in in the

absence of the line manager the trustee on call) as early as possible and no later than 1 hour before their start time of the first day of absence.

- Employees who fall ill after reporting for work and go home during the day must inform their line manager (or trustee on call) before they leave the workplace.
- Employees should report absence themselves by way of a telephone call so that any handover necessary can be communicated. Text messages or emails are not acceptable. It is not acceptable for someone else to report absence on an employee's behalf unless circumstances are so serious that this cannot be avoided.
- If the employee's illness does not rectify itself before the next scheduled workday, the employee should contact their line manager again at the earliest opportunity and in any event no later than 1 hour before their start time and provide them with an update.
- For all subsequent days of sickness absence, the line manager shall advise the employee when it is expected that the employee shall update them regarding their absence.
- Throughout all periods of absence, the employee will be contacted by their line manager from time to time for an update on their illness and if necessary to arrange regular Absence Review Meetings as appropriate.
- If the employee attends their doctor with regards to the illness or injury, they should inform their line manager whether a fit note has been issued and whether any adjustments have been suggested to facilitate their return. The fit note must be provided to the line manager without delay.
- If a doctor's fit note makes recommended adjustments which can be reasonably accommodated by the RHF, the employee must return to work where such adjustments are offered. A failure to attend work in such circumstances may result in the employee's absence being treated as unauthorised.
- Where adjustments are recommended in a fit note but the Service cannot reasonably accommodate them, the employee will be treated as unfit to return to work in accordance with the fit note.
- If the absence is the result of an accident at work or travelling to or from work, an accident report form must be completed by either the employee or manager (depending on the circumstances) and forwarded to the Health & Safety Department immediately. The absence must be monitored in order to determine if a RIDDOR form must also be completed.
- If an employee's fit note states that they will need to be assessed for their fitness to work before returning, then the employee will be required to provide evidence that this assessment has taken place and they are fit to return to work before returning. In light of its duty of health, safety and welfare in the workplace, RHF may find that an employee is not fit to work, irrespective of the contents of any GP evidence. RHF may seek its own medical input and consider medical suspension (see medical examinations below).

Certification of Sickness Absence

- For absences of up to 7 calendar days, employees should provide their line manager with a completed self-certification form to cover this period of absence

- Where employees are unable to attend work for more than 7 calendar days, they should obtain a fit note (or Statement of Fitness for Work) from their doctor to cover all days of sickness absence and submit this to their line manager who must ensure it is forwarded to the HR department. **Failure to submit the required documents in a timely manner on an ongoing basis will mean that any absences will be classed as unauthorised, it may have implications in respect of delay in payment of any associated pay and employees may be subjected to disciplinary action.** In the event that the employee fails to notify their line manager of their sickness absence in accordance with this policy any absence will also be treated as unauthorised.
- **Return to work:** In all instances of sick leave, the employee will be required to attend a return to work interview with their line manager as soon as reasonably possible. The purpose of this meeting is to discuss the absence and may include consideration of:
 - fitness to return to work;
 - reason for absence;
 - overall absence record;
 - any recurring health issues;
 - any Service updates;
 - reasonable support/adjustments which may be required in the workplace;
 - whether a referral to occupational health should be considered/made; and
 - whether a trigger point has been reached including the associated next steps.
- On completion of the interview the completed **Return to Work Form** will be filed on the HR file.

Sickness whilst on holiday

See the holiday policy

Medical Examinations

- During periods of absence, RHF may require the employee to consent to a medical examination which will assist RHF in assessing the employee's health looking at ways in which RHF could integrate the employee back into the organisation, and to provide support throughout.
- Once an employee has been absent for four weeks or more, either RHF or the employee's doctor may suggest referring them to the Fit for Work Service (FFW) which is a government-funded occupational health assessment service. A doctor may refer employees earlier than four weeks if they believe a referral would be beneficial and, if this is the case, the employee should let their line manager know as soon as possible. Following a referral, the occupational health adviser may prepare a return to work plan to assist the employee's return to work. RHF will consider the contents of the return to work plan and assess whether the recommendations are reasonably achievable. RHF will meet with the employee to discuss this prior to any return to work plan being implemented.
- Please note that employees may only be referred to the FFW once in any 12 month period and the Service retains the right to refer employees to a nominated Occupational Health professional of its choice.

SICKNESS ABSENCE MONITORING

Where an employee's absence is a cause for concern, either because of

- frequent short term absences;
- a failure to meet an attendance target; or
- because of long term absence

RHF will take steps to address the absence issues and seek to manage it moving forward. Through this process, RHF will seek to help and guide staff to improve either attendance or identify steps which may be taken to facilitate a return to work or overcome as far as reasonably possible any issues preventing a return to work or creating attendance problems.

Frequent Short Term Sickness Absence

It is essential to record all instances of sick leave and other time taken off work. Dates and reasons for sick leave should be recorded in every case of absence (including half days). This information is needed to ensure that employees receive accurate entitlements to occupational sick pay and to allow managers to identify and address sickness absence issues.

If the attendance issues are of a short term but persistent nature with no underlying health issue then RHF will instigate a warning process that the employee's attendance levels are unacceptable and need to improve.

As part of this process RHF will set attendance targets for the employee to meet moving forward or otherwise face further formal action. RHF reserves the right to vary the length of any formal warning having regard to the particular circumstances of the case and the nature and causes of the attendance issue.

Any formal warnings under this process are treated as ill health "Capability" warnings for attendance purposes only.

Long Term Sickness Absence

A single period of absence which lasts for more than 28 days is defined as a period of long term sickness absence. During any period of long term sickness absence it is important for the employee's line manager to maintain contact with the employee to ensure that the nature and progress of their condition can be noted so that the individual does not feel isolated and the process of returning to work is made as easy as possible and appropriate support provided.

If the absence lasts more than 28 days, in most cases it would be reasonable to meet with the employee to discuss their welfare, to establish what, if anything, RHF can do to support the employee during their absence and assist in supporting a return to work. There may be merit in seeking a medical report and/or making a referral to Occupational Health which will also be discussed with the employee. This meeting can take place at work or where appropriate, by visiting them at home or at an agreed neutral venue. The approach to the meeting should be sensitive and supportive; however RHF will also consider the

employee's previous attendance records, the reason for the absence and whether this may constitute a disability.

The impact of the person's absence on their workplace should be considered and in particular the following:

- If the employee is likely to **return to work in the near future** it will be necessary to consider whether any reasonable adjustments will need to be made, e.g. phased return, adjusting work rotas or avoiding/limiting certain duties.
- If the **prognosis is uncertain** and it is not possible to determine the future position it is necessary to continue to monitor and review the situation and with the employee's consent, seek medical advice if necessary from their GP, consultant and/or an occupational health specialist. Any medical advice received from health professionals should then be discussed with the employee at a further meeting.

Where the absence is long term or there are persistent absences caused by an underlying medical condition, it may be inappropriate to set targets to improve attendance and instigate a Capability warning process. Instead RHF may seek medical guidance either from the employee's GP or from an appointed occupational health specialist to advise on the nature of the ill health, its impact on the employee's ability to perform the job, for how long this is likely to last and what reasonable adjustments may be appropriate which could facilitate a return to work or improve attendance.

There may be cases where RHF will consider whether it is necessary to terminate an employee's employment on the grounds of ill health. This would include but is not limited to circumstances where:

- If medical advice is that the employee is not fit to work for the foreseeable future or at all;
- it cannot be determined when the employee will be able to return to work;
- the employee may only return with adjustments that cannot reasonably be accommodated by RHF; or
- the absence can no longer be sustained by RHF

Where this is the case, termination will usually be on full notice or payment in lieu of notice where appropriate.

Before terminating an employee's employment on grounds of capability, RHF will consult with the employee first and will seek professional medical advice where appropriate. Employees will be invited to an ill-health capability meeting with the potential outcome being that their employment may be terminated on grounds of ill-health. There will be no requirement for RHF to go through the warning processes for long term ill-health issues. Before any final decision is made, consideration will also be given to any reasonable adjustments that could be made and the ability to redeploy into a job which the employee may be able to perform.

Employees are entitled to bring a Trade Union Representative and/or a fellow employee with them as a companion to any formal meeting.

If dismissal on the grounds of ill health is considered appropriate, the individual has the right to appeal against this decision.

Sickness Absence Trigger Factors – Action to be taken

RHF will consider taking appropriate action where it is felt that the level of sickness absence is unacceptably high. The following trigger levels should be used by managers to determine the appropriate action that should be taken at each stage although this list is not definitive:

- **3 separate occasions of absence in a rolling 12 month period and/or**
- **10 or more day’s absence in a rolling 12 month period and/or**
- **More than one repeated pattern of sickness including absence after pay day/prior to weekends, during school holidays, prior to/following annual leave.**

The action that will be taken at each trigger point is:

Trigger Factor	Action to be Taken	Possible Penalty
One or more trigger point is reached	Capability action	1 st stage warning (verbal) which will remain on employee file for a period of 6 months for attendance purposes.
One or more trigger point is reached	Capability action	2 nd stage warning (written) which will remain on employee file for a period of 12 months for attendance purposes.
One or more trigger point is reached	Capability action	Final warning (written) which will remain on employee file for a period of 12 months (this can be considered outside time frame if absence is ongoing and frequent).
One or more trigger point is reached	Capability action	Dismissal

At its discretion, RHF may miss out one or more stages of the above procedure. Some examples of when RHF might exercise its discretion to do so are:

- Where the absence is particularly serious or has particularly serious consequences;
or
- Where RHF has come to the reasonable opinion that they have exhausted appropriate ways to assist the employee.

If the employee believes that a decision made under this policy is wrong or unjust, they have the right to appeal, in writing stating their full grounds for the appeal within 5 working days of the decision. RHF will then look to arrange an appeal meeting where possible within 7 calendar days.

Following the appeal meeting, RHF will inform the employee of their decision in writing within 7 calendar days of the appeal meeting. There will be no further right to appeal after that.

If the employee has been dismissed the date of dismissal will not be delayed pending the outcome of an appeal. In the event that the appeal is successful and the decision to dismiss the employee is revoked, the employee will suffer no loss of continuity or pay.

Sick Pay Scheme

Subject to compliance with the Service's sickness absence reporting procedures, if the employee is absent from work due to sickness or injury the employee shall be paid statutory sick pay ("**SSP**") provided that the employee satisfies the relevant requirements. For SSP purposes your qualifying days shall be your normal working days.

Company Sick Pay

RHF operates company sick pay. Company sick pay will be payable at the rates set out in your contract of employment. Any company sick pay paid will be inclusive of any SSP entitlement. For company sick pay purposes the sickness year runs for a rolling 12 months from the date the sickness commenced.

PAYMENT DURING PHASED RETURNS

Staff who have been absent long-term may benefit from a phased return to work to ease them back into work gradually. Sometimes an individual's GP will use the 'Statement of Fitness for Work' to suggest how reduced hours or an altered work pattern could help a return, providing the employer is able to put any guidance supplied into practice.

If a medical certificate specifies the period and days to be worked in a phased return, the Service will pay Company Sick Pay, Statutory Sick Pay (SSP), or nil pay, whichever is applicable to the individual, for the time they are not at work. Please note that certain rules relate to the payment of SSP and any phased return would need to comply with appropriate working patterns for eligibility to SSP to apply

Staff will only receive pay for the hours they are actually present at work during their phased return. Annual leave may be used during the period of their phased return to minimise loss of earnings and this should be agreed with RHF in advance of any return.

Unauthorised Absences

Cases of unauthorised absence will be dealt with under RHF's Disciplinary Procedure.

Absence that has not been notified to RHF according to the sickness absence reporting procedure will be treated as unauthorised absence.

If an employee does not report for work and has not followed the sickness absence reporting procedure, their line manager (or the on call manager where appropriate) will try to contact them, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

Date to be reviewed: 01 October 2025