**Sickness Absence Policy**

April 22

**Purpose**

Daniel Thwaites Plc ("the Company") operates the following policy in relation to sickness absence. The Company accepts that, from time to time, our team members may be ill, may need to take time away from work to look after their family, or may need time off to attend to another urgent matter, and will offer support to team members accordingly. However for the reasons detailed above we do view persistent absence from work as a serious matter. We will therefore seek to follow a fair and consistent approach towards all team members who are unable to attend work on a regular basis. Line managers have day to day responsibility for their team members.

**Scope**

The policy is a guide only and not contractual and applies to all team members within the Thwaites group of companies.

Principles

The cost of absence adversely affects our business in many ways:

* Pressure on remaining team members to cover, often at short notice
* Time spent organising cover
* Disruption to the operation and reduced levels of customer service
* The direct cost of temporary cover, possibly at a premium rate
* The direct cost of Company sick pay.

This policy allows the Company to monitor sickness absence rates and review and consider the reason for their absence. By taking the time to understand why team members are absent from work, we will be able to explore options and hopefully find solutions that will help them to attend work regularly.

Managing team members attendance will be approached from two angles. By taking steps to make the Company a great place to work and through the effective monitoring and management of absence we should encourage full attendance.

# Managing the Policy

**Encouraging Attendance**

To make sure attendance is promoted within the Company, examples of a best practice approach are:

* Ensure all new starters understand the absence policy and why we have it.
* Promote alternative options to sickness absence, for example pre-booking holiday, a temporary change or reasonable adjustments in hours.
* All new team members will complete a medical questionnaire after employment has been offered and prior to their commencement of employment. All offers of employment will be subject to the receipt of this completed questionnaire and this must be deemed satisfactory to the Company. Should further medical guidance be required the Company may request a medical examination.
* Plan for potential absences, for example where a team member is likely to require more time off than our bereavement policy allows.

**Promoting Well Being**

Attendance can be improved by taking positive action to promote well-being and health. This involves concentrating on prevention rather than cure and taking a pro-active approach to raising health awareness and encouraging team members to lead healthy lifestyles through our benefits structure.

**Communicating the Policy**

We want to make sure that new starters understand the importance of good attendance when they join the Company:

* At interview stage we need to highlight the importance we place on team members attendance.
* After an offer has been made the People Team will check each team members references; all offers of employment will be subject to the receipt of references deemed satisfactory to the Company.
* At induction, the absence policy should be very clearly communicated. It is important that team members understand the process of call backs, home visits, return to works and the contact they should expect if they are absent. They should also understand that disciplinary action may be taken where an team member is genuinely ill, as it is their absence which is impacting on their ability to fulfil their contract.

**Absence during the Probation Period**

We do not expect team members to take time off during their probation period and as a result disciplinary action up to and including dismissal as a result of failing the probationary period may be taken. It is important to note that sickness absence in relation to pregnancy or disability, are not counted in this period.

**Contagious Illnesses**

The Company has a duty of care to maintain a healthy and safe working environment. This includes taking steps to minimise the risk of team members contracting an infectious disease from team members, customers or clients.

In the event of an outbreak of an infectious disease (e.g. measles or chickenpox) whereby certain team members could be at greater risk, i.e. pregnant team members or those with compromised immunity, consideration will be given to the provision of a Company or site-wide communication to provide guidance to those who are potentially at risk of contracting the infection.

**Personal Files**

Sickness and accident records for each team member, including details of the illness or condition responsible for the absence, will be stored in the team members personnel file. Only the People Team and your line manager will have access to the folder.

**Confidentiality**

As absence data falls under the definition of “sensitive information” under the Data Protection Act, it is not acceptable to discuss or divulge information pertaining to a team members reason for absence with anyone other than a member of the People Team or your immediate line manager.

# Reporting Procedure

If a team member is absent from work for any reason, they should contact their manager or covering manager within one hour of their expected start time at the latest. The team member must phone on their own behalf unless there are exceptional circumstances. It is not acceptable to notify a manager of absence via text message, e-mail or messages passed via a team member. The following information must be provided:

* Name
* Department
* Precise reasons for absence (it is not acceptable to use broad definitions, like ‘ill’ or ‘sick’)
* The expected date of return

If for any reason the manager is unavailable, the manager will return the call later in the day to obtain the required information. Team members must give notice of when they intend to return to assist with planning. If the expected date of return changes from what was originally discussed, the team member must make contact with their manager again.

**If a team member becomes ill at work and needs to go home, they must speak to their manager before leaving the premises.**

# Return to Work Interviews

Every team member and manager who has been absent from work or becomes ill at work and needs to go home should have a return to work interview on the day they return. Wherever possible this should be a face to face meeting, however for a remote worker this may need to be conducted over the phone.

It is essential that these records are kept on file to ensure that the absence history is correct.

Where a team member is not fit for work, the Company retains the right to send the team member home. Any payment of Company sick pay will be within the normal rules.

**Medical Evidence**

**Less than 3 days**

No medical evidence is required; however, team members must notify their manager of their absence and expected return to work date. A return to work form must be completed before any payment of Company sick pay can be made.

**Between 3 and 7 days**

Team members will need to complete a **Self Certificate/return to work form**, which is obtainable from the hub or a member of the People Team. This also applies if an illness occurs over a number of days regardless of whether or not the team member is due to work with 5 days of the first date of absence.

**Longer than 7 days**

Team members must provide a medical certificate from their GP for all absences of more than 7 days within 5 days of the first date of absence.

In **ALL** cases a return to work form must be completed at the earliest opportunity on returning to work.

# Sick Pay

The level of sickness benefit is stated in the team members contract of employment, or as detailed in writing to them. Where a team member exhausts their sickness benefit, they will be paid Statutory Sick Pay (SSP) in line with rates set by the Government. <https://www.gov.uk/statutory-sick-pay>. All payments made under the terms of the Company sick pay scheme will be subject to deductions for tax and National Insurance and stakeholder pension fund contributions to which a team member is normally liable.

Company sick pay may be withheld:

* For any period of absence where the team member has failed to follow the Company notification process and is unable to offer a reasonable explanation.
* If a team member is absent from work because of sickness during an investigation into suspected misconduct or where disciplinary proceedings are pending. This includes occasions where an investigation begins during a period of sick leave.
* Where there is an unreasonable refusal of alternative duties or adjustments to enable the team member to return to work.
* Where a team member declines to return to work on a phased return to work program suggested by a GP or Occupational Health specialist.
* Where there is an unreasonable refusal to undertake a medical examination.
* Where a team member is in legal custody.
* Where a team member has a live disciplinary warning on their file for absence.
* Where a team member does not respond to Company messages or communications within an appropriate time and without reasonable explanation.
* Where a team member is absent and it is not as a result of personal sickness.
* Where a team member is absent in their notice period.

The payment of sick pay does not mean that the Company accepts any liability. Under the Employers Liability (Compulsory Insurance) Act 1969, Employment Protection (Consolidation) Act 1978 or any other Acts amending, altering or affecting those Acts or at common law.

In determining a team members normal pay for the purposes of the Company sick pay scheme, the Company will include any regular paid overtime which is an express requirement of their terms of employment.

# Managing Absence

All team members who are absent from work or who become ill at work and need to go home on **3 separate occasions within any 12-month period** will be asked to attend a welfare discussion with their department manager and a member of the People Team. The aim of the interview will be to establish any underlying reasons for absence and to agree how improvements in attendance levels may be achieved. If appropriate a referral will be made to Occupational Health. A summary of this meeting will be sent to the team member.

If a team member is absent from work or who become ill at work and need to go home on **4 separate occasions within any 12 month period,** the Return to Work will act as an investigation meeting as to whether disciplinary action is appropriate.

# Non-Notification of Absence

Should a team member fail to comply with the Company's reporting procedure (or provide the required evidence within the required time period) the Company shall attempt to make contact with the team member including by telephone, email and letters and also by contacting emergency contacts and/or next of kin.

During this time, Company sick pay may be withheld.

If the team member makes contact, they may be subject to disciplinary action due to failing to follow the correct absence notification method. If after 3 weeks the team member has failed to make contact, the team member may be dismissed summarily for unauthorised absence on the grounds of gross misconduct, following the Company’s Disciplinary procedure.

**Long Term Absence**

The Company defines a period of long-term absence as one that exceeds 4 weeks. This procedure must be followed to ensure that each case is treated in a fair and consistent manner. Each case will be reviewed independently according to individual circumstances. We should always aim to manage long-term sick team members back to work, but when this is not possible, dismissal on grounds of ill health (capability) can be considered if we have investigated all alternatives.

**After 4 Weeks of Absence**

If a team member is absent from work for 4 weeks, the manager should notify the People Team and a meeting should be arranged. This is either a home visit where the manager and a member of the People Team visit the team member in their home, or a site visit whereby the team member comes on to site. It is important that the team member understands that the meeting arises out of genuine concern for their health and that other information is needed, including:

* The nature of the illness and their general state of health.
* Any possible ways in which we can help the team member to return to work, considering adjustments to their role or suitable alternatives.
* The effect that this has on their ability to do their job.
* When the team member may be likely to return to work.

The interview will be conducted by the line manager, with the People Team contact present. The individual should not be placed under any stress that could be detrimental to their recovery. At this time, the People Team contact may also advocate a referral to an Occupational Health advisor. The outcomes of the meeting are then confirmed in writing to the individual and a copy placed on file.

**After 8 Weeks of Absence**

If a team member is absent from work for eight weeks, the manager should notify the People Team and a meeting should be arranged. This is either a home visit where the manager and a member of the People Team visit the team member in their home, or a site visit whereby the team member comes on to site. It is important that the team member understands that the meeting arises out of genuine concern for their health and that other information is needed, including:

* The nature of the illness and their general state of health.
* The effect that this has on their ability to do their job.
* Any possible ways in which we can help the team member to return to work, considering adjustments to their role or suitable alternatives.
* When the team member may be likely to return to work.

The interview will be conducted by the line manager, with the People Team contact present. The individual should not be placed under any stress that could be detrimental to their recovery. At this time the People Team contact will advocate a referral to an Occupational Health advisor if they have not done so already. If the team member refuses access to their medical reports or to complete a consent form they must be informed in writing that a decision about their employment will be taken using the information we have available. This may lead to their termination of employment and it is therefore in their best interests to agree to allow access or provide consent. The outcomes of the meeting will then be confirmed in writing to the individual and a copy placed on file, along with the medical referral.

**After 12 Weeks of Absence**

Where a team member is absent from work for twelve weeks, the manager should notify the People Team and a meeting should be arranged. This is either a home visit where the Manager and the People Team contact visit the team member in their home, or a site visit whereby the team member comes on to site. The meeting is to discuss:

* The nature of the illness and their general state of health.
* The effect that this has on their ability to do their job.
* Any possible ways in which we can help the team member to return to work, considering adjustments to their role or suitable alternatives.
* When the team member may be likely to return to work.
* The occupational health report

The interview will be conducted by the line manager, with the People Team contact present. The individual should not be placed under any stress that could be detrimental to their recovery.

Where a date of return is specified in the report and a return date can be agreed then the discussion should summarise the details for the return and be followed up in writing.

Equally, where a team member accepts a new contract with adjustments this should be confirmed in writing to them.

Full consideration must be given to the acceptability to the Company of any return to work date given by the team members GP. If the date is in the near future you must wait, visiting 4 weekly as appropriate.

When a return to work date is not specified, the individual’s circumstances must be carefully considered. A summary of the meeting should be detailed in writing to the team member along with all of the options and adjustments that have been considered. When considering what a reasonable amount of time to wait is, the following should be considered:

* The size of the department in which the team member works and their role;
* The impact of their absence on the department, and what alternatives are available to the Company

**Annual Leave/ Sickness**

If a team member becomes ill seven or more days prior to pre-booked annual leave, the Company will try to ensure that the pre-booked holidays are rearranged and taken at a later date during the current holiday year.

If a member of staff becomes ill less than seven days prior to pre-booked annual leave, the annual leave will stand.

For team members returning from long term absence, annual leave must be taken prior to the end of the Company’s holiday year. Team members are reminded that any annual leave is taken at the manager’s discretion and, due to operational reasons; it may not be possible to allow all outstanding annual leave to be taken following periods of long term absence.

**Medical Advice**

No dismissal on grounds of capability should be considered without every effort being made to gain medical guidance. The Company will meet all costs of Occupational Health guidance provided at its request.

**Managing Cases Involving Disability**

The Company will ensure that it does not discriminate against disabled team members and should make reasonable adjustments to the work environment in such cases. If an absence is related to a disability, possible adjustments to enable the team member to return to work will be considered.

Examples of such solutions are:

* A review of working hours, where job requirements allow.
* A change in role
* A vacancy review, within the available working distance of the team member.
* Phased return to work, where hours are gradually increased
* Alteration to premises or equipment

**Long Term Absence Dismissal**

If absence is likely to continue for a period of time that is unacceptable to the Company and the correct process has been followed, taking into account professional advice, the team member may be dismissed on grounds of capability.

Where possible a meeting should be arranged on Company premises with the team member, but where this is not possible at the team members home ensuring:

* The team member should have been given a fair warning prior to the dismissal that this is a likely outcome if they are unable to return to work in the reasonably foreseeable future.
* A penultimate meeting should be held to explore any remaining avenues and ask the team member for any suggestions they may have.
* The whole case will be reviewed before coming to a decision.
* The team member has the right to representation.
* The usual right of appeal will apply and a hearing must be arranged.

I confirm I have read and understood the above

Name …………………………………………………………………………….

Signed ……………………………………………………………………………. Date ………………………………………….