



MANAGING ABSENCE POLICY AND PROCEDURE

**This document was produced by HROne of Devon County Council and applies to all D&S
IFCA Employees**

Contents

Policy.....	3
1. Values & Principles.....	3
Principles.....	3
2. Sick Pay Entitlement.....	4
3. Authority to take action	4
Procedure.....	4
4. Notifying Absence.....	4
5. Certification	5
6. Statement of Fitness to Work or 'Fit Note'	5
7. Maintaining Contact.....	6
8. Monitoring Sickness Absence Levels	6
9. Return to Work	6
10. Dealing with Frequent Short-term Absence.....	6
11. Dealing with Long-term Absence	7
12. Case Review Hearings.....	8
13. Right of Appeal.....	9
14. Ill Health which does not lead to absence from work	9
15. Medical Referral	10
16. Special Circumstances.....	10

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HR ONE, Great Moor House, Bittern Road, Sowton, Exeter, EX2 7NL.
Tel: 01392 385555, Email: hrdirect@devon.gov.uk
www.hrone.co.uk

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Managing Absence Policy and Procedure

This policy applies to all employees of Devon and Severn Inshore Fisheries and Conservation Authority (D&S IFCA), and has been prepared by HR One, Devon County Council. It sets out how D&S IFCA will manage the sickness absence and ill health of employees.

Policy

1. Values & Principles

D&S IFCA values the contribution of its staff in the delivery and maintenance of quality services. Whilst recognising that employees may be prevented from attending work through ill health, D&S IFCA has a duty to maintain service delivery and minimise disruption and is therefore, committed to managing attendance and sickness absence.

Principles

The following principles will apply to the operation of this policy:

- a) All employees will be committed to this policy and are responsible for ensuring that it is effective.
- b) Good attendance is valued, and all opportunities should be taken to acknowledge and recognise such attendance.
- c) Matters raised relating to an employee's attendance do not imply any distrust of staff or concerns regarding their conduct.
- d) All cases will be dealt with sensitively and supportively.
- e) At all formal stages the employee will have the right to be accompanied by a trade union representative or appropriate work colleague not acting in a legal capacity.
- f) Where it is evident that the sickness absence policy is being abused, appropriate action will be taken, which could include disciplinary action.
- g) Confidentiality will be maintained where this is appropriate.
- h) The employee must take all reasonable steps to attend meetings and adhere to the policy and procedure.
- i) The time limits referred to in the procedure should normally be adhered to but may be varied by mutual agreement.
- j) Records will be kept of the actions and outcomes of the procedure and retained confidentially in accordance with the Data Protection Act 1998 (from 5/2018 General Data Protection Regulations).

2. Sick Pay Entitlement

- a) D&S IFCA pay contractual sick pay (CSP) to eligible employees. Entitlement to sickness allowance when absent owing to illness is:-
 - During 1st year of service - one month's full pay and (after four months' service) two months' half pay
 - During 2nd year of service - two months' full pay and two months' half pay
 - During 3rd year of service - four months' full pay and four months' half pay
 - During 4th and 5th years of service - five months' full pay and five months' half pay
 - After 5 years' service - six months' full pay and six months' half pay.
- b) Further guidance on eligibility and payment is available from the manager and within an employee's individual statement of particulars.

3. Authority to take action

- a) The following will have the power to hold Case Review Hearings in relation to this Procedure:
 - The Chief Officer in the case of all employees at or below senior management level;
 - The Chair or Vice Chair of D&S IFCA in the case of action against the Chief Officer.
- b) The following will deal with issues at the appeal stage:
 - In the case of decisions made by the Chief Officer, appeals will be heard by the Chair or Vice Chair of D&S IFCA;
 - In the case of decisions made by the Chair or Vice Chair of D&S IFCA, appeals will be heard by a panel of Authority Members who have not had any previous involvement in the situation.

Procedure

4. Notifying Absence

- a) The employee must notify the Finance and Administration Manager (F&AM) by telephone as soon as possible and by 10am on the first working day of absence.
- b) Exceptionally, if the employee is unable to telephone in person, they must arrange for someone else to telephone on their behalf. The employee must then make direct contact by phone as soon as possible thereafter.
- c) The employee must provide the F&AM with details of their illness or injury, their anticipated length of absence and any work commitments that may need rearranging.
- d) The F&AM will record the absence and notify the employee's line manager and all employees of the employee's absence.
- e) If the employee believes that their absence may have been caused by something that happened at work they should inform the Health and Safety Duty Holder of this and arrange for an [Accident Report Form](#) to be completed.
- f) The F&AM should ensure that a Sickness Report on iTrent is completed, and arrangements are made for the payment of sick pay during the period of absence.

HR ONE, Great Moor House, Bittern Road, Sowton, Exeter, EX2 7NL.

Tel: 01392 385555, Email: hrdirect@devon.gov.uk

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5. Certification

- a) The employee must complete a Sickness Report on iTrent, in consultation with the F&AM. If the absence is for less than seven days including weekends, the Report can be completed upon the return to work. However, if the absence continues for longer, the Sickness Report should be completed remotely on-line by the employee or completed by the F&AM and confirmed by the employee at the earliest opportunity.
- b) If the employee continues to be absent for more than seven consecutive days (regardless of whether or not these are working days), they must consult a Doctor and obtain a Fit Note (Sick Note), which must be forwarded immediately to the F&AM.
- c) Where there is continuing sickness absence the employee must submit to the F&AM concurrent medical certificates to cover the whole period of absence.
- d) The F&AM must ensure that certificates are recorded on the Sickness Report on iTrent, placed on the employee's personnel file, arrangements are made for the accurate payment of sick pay and for the recording of the absence.
- e) Exceptionally, if the Chief Officer is concerned at the frequency of an employee's absence, or their account of their reasons for absence, the employee may be required to submit Doctor's Fit Notes, rather than self-certificates, from their first day of absence. In such cases D&S IFCA will meet the cost of any fee charged.

6. Statement of Fitness to Work or 'Fit Note'

- a) Where the doctor gives the employee a Fit Note suggesting ways of helping the employee back to work the Chief Officer in consultation with the line manager will give careful consideration to this. This may include agreeing a phased return to work, altered hours, amended duties or workplace adaptations. In every case the needs of the employee will need to be balanced with the needs of D&S IFCA.
- b) The doctor will indicate on the Fit Note whether they need to see the employee again before they return to work. If this is not the case then an employee does not need to be fully fit to return to work and there is no requirement to be signed back to work by a doctor. If the employee feels able to return to work before the end of the statement period then, with agreement from D&S IFCA, there is no requirement to wait until the end of the statement period for them to do so.
- c) Where D&S IFCA makes the adjustments suggested by the Fit Note for the employee's return to work and no agreement can be reached with the employee to return to work, the advice of an occupational health specialist will be sought. If it is the view of an occupational health specialist that appropriate adjustments have been made and still the employee refuses to return to work, a case review hearing will be held.
- d) If the D&S IFCA is unable to make the adjustments recommended by the Fit Note having considered them carefully, the employee must be advised, and the advice of an occupational health specialist must be sought. The employee is unable to return to work in these circumstances.
- e) An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a doctor's Fit Note.

HR ONE, Great Moor House, Bittern Road, Sowton, Exeter, EX2 7NL.
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7. Maintaining Contact

- a) The employee and Chief Officer should maintain regular contact during sickness absence. This may initially be via telephone but later (and certainly before any medical referral or further action is taken) the Chief Officer should arrange to meet with the employee at a mutually convenient time/location.
- b) The Chief Officer will update the F&AM on the employee sickness absence status.
- c) If the employee is unable to maintain contact, they must nominate a 3rd Party to undertake this function.

8. Monitoring Sickness Absence Levels

- a) The F&AM will maintain records of sickness absence.
- b) The Chief Officer will monitor sickness absence levels and take further action as necessary when trigger points (section 10 and Annex 1) are reached and/or where there are concerns about an employee's absence levels
- c) Employees have the right to view their sickness absence record held by D&S IFCA

9. Return to Work

- a) Upon return to work following any sickness absence the line manager or Chief Officer should arrange to meet privately with the employee, ideally during the first day back or at least within three days of the return to work
- b) The purpose of the meeting will be to welcome the employee back to work, ensure that there is an accurate record of the absence and appropriate certification, update the employee on work issues and discuss any further action and/or support that might be appropriate
- c) A record of the meeting should be made on the [Return to Work Form](#) and placed on the personnel file, with a copy to the employee.

10. Dealing with Frequent Short-term Absence

- a) Where an individual's absence level meets one of the following trigger points, the Chief Officer will review the absence levels with the employee :
 - 3 or more instances of sickness absence in any three-month period
 - 6 or more instances of sickness absences in any twelve-month period
 - 8 or more days sickness absence within any twelve-month period
 - Any other recurring recognisable patterns, such as frequent absenteeism on a Friday or Monday.

The Bradford Absence Score may be applied to the number of sickness absence days an employee takes. This is an absence orientated KPI which calculates potential disruption factors relating to individual absences (see Appendix 1)

- b) A first review meeting will be held with the employee to discuss the absence record, explore the reasons for absence, identify areas for support, review/update the risk assessment, set targets for improvement and clarify what further action may be taken if improvement targets are not met
- c) The following outcomes may be agreed:
 - The employee may be required to submit a Fit Note from their Doctor for every instance of absence
 - Medical advice may be sought

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- Other support mechanisms may be identified and implemented
 - Reasonable adjustments such as changes to the workload, work practices or work pattern or the possibility of redeployment may be identified
 - The employee will be advised if their absence continues to be unsustainable this could ultimately result in a Case Review Hearing to review their continuing employment and one outcome may be their dismissal from service.
 - A second review meeting will be arranged to review progress in 6 – 12 weeks time.
- d) The Chief Officer will write to the employee within 5 working days of the meeting, confirming the points discussed and actions agreed. A copy of this letter should be placed on the personnel file.
- e) If there is an insufficient improvement in the employee's sickness absence record, a second review meeting will be held by the Chief Officer. This review meeting will reaffirm the issues discussed at previous reviews, identify support provided to the employee and what further support may be appropriate, set targets for improvement and warn of the consequences of no improvement. The employee will again be advised that if their absence continues to be unsustainable this may result in a Case Review Hearing to review their continuing employment and one outcome may be their dismissal from service
- f) The Chief Officer will write to the employee within 5 working days of the further review meeting, confirming the points discussed and actions agreed. A copy of this letter should be placed on the personnel file
- g) If the level of absence has reduced, the employee will be advised that if they exceed any of the trigger points again within the following 12 months from the last day of absence, the process will recommence at the Second Review Meeting stage.
- h) If there is insufficient improvement following the second review meeting, the Chief Officer will consider referring the matter to a Case Review Hearing.

11. Dealing with Long-term Absence

- a) Absences over 28 days' duration are considered long-term.
- b) The Chief Officer should arrange to meet with the employee on a regular basis, usually at a mutually agreeable venue in order to keep up to date with progress, identify areas for support and determine whether any other actions should be taken. A trade union or appropriate work colleague may accompany the employee.
- c) Where it is evident that an absence is to continue for more than 1-month, medical advice may be sought. This is a guide only and depending on the circumstances medical referral may be earlier or later than the 1-month period. The purpose of gaining medical advice will be to provide an indication of the likely duration of the employee's absence and whether any steps can be taken to help the employee to return to work
- d) Depending upon the medical advice received, one or more of the following actions may be taken:
- Review periods may be set, with further medical advice obtained if required

- Reasonable adjustments such as changes to the workload, work practices or work pattern may be identified and implemented, either as part of phasing the employee back to work or on a more permanent basis
 - Other support mechanisms may be identified and implemented
 - Redeployment may be pursued
 - The employee will be advised that if their absence continues to be unsustainable this may result in a Case Review Hearing to review their continuing employment and one outcome may be their dismissal from service on the grounds of capability due to ill health.
- e) Any actions being contemplated will be discussed with the employee and their representative if applicable before any final decisions are made.

12. Case Review Hearings

- a) Advice will be sought from Devon County Council's HR department if a case review hearing is being considered.
- b) Where there are continuing concerns regarding short-term absences and previous review meetings have been held, or where a long-term period of absence is continuing and options to enable the employee to remain in employment have been unsuccessful, the employee may be asked to attend a Case Review Hearing.
- c) The purpose of the Case Review Hearing will be to consider whether there are any further actions that D&S IFCA can take to assist the employee in continuing their employment or whether employment should be terminated due to the employee's incapability to undertake their duties effectively because of ill health.
- d) The employee will be given at least 5 working days written notice of the intention to hold a Case Review Hearing
- e) The employee and/or their representative will be given the opportunity to state their case
- f) Others involved in the employee's case such as the line manager will also be asked to provide information on what actions have been taken
- g) Once the evidence has been heard the Chair, Vice-Chair or Authority Panel will need to determine whether:
 - employment should be terminated on the grounds of capability
 - the employee should be given a further period of time to improve. If this is the case, the employee should be formally warned that failure to improve within the timescale could lead to a further Case Review Hearing being held and decisions being made about continuing employment
 - the employee's attendance and health has improved to a sufficient level to cease operation of the Sickness Absence Management Procedure. If this is the case, the employee should be informed that should attendance and/or health deteriorate again the Chair, Vice-Chair or Authority Panel reserves the right to reinstate the procedure at the current stage.
- h) When reaching a decision about whether or not to terminate employment, the Chair, Vice-Chair or Authority Panel will consider issues such as:
 - The need for the work to be undertaken

- The impact of the employee's absence and ill health on other employees and service delivery
- The employee's absence record
- Whether the employee has been warned that failure to improve attendance could lead to decisions being made about continuing employment
- Financial and cost implications
- Representations made by the employee and/or their representative
- Reasonable adjustments to enable the employee to remain in or return to employment.
- The medical advice received

This list is not exhaustive, and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the employee and of D&S IFCA

- i) The employee will be informed of the decision and this decision will be confirmed in writing within 5 working days. Where a decision to dismiss has been made, the letter will also inform the employee of notice of termination of employment
- j) Where decisions are made regarding termination of employment, the employee will have the right of appeal against the decision.

13. Right of Appeal

- a) Where decisions are made to terminate employment on the grounds of ill health the employee has the right of appeal.
- b) In order to exercise this right, the employee must write to the Chair, Vice-Chair or Authority Panel within 5 working days of receipt of the written notice of termination of employment. In their letter, the employee must state their grounds of appeal
- c) The appeal should be held with unreasonable delay. A minimum of 5 days' notice will be given to allow for preparation.
- d) A trade union or other representative may accompany the employee at the appeal hearing.
- e) During the appeal hearing, both D&S IFCA and the employee will have the opportunity to state their case and provide any documentary evidence
- f) The appeal panel will communicate their decision in writing, within 5 working days of holding the appeal.
- g) The decision of the appeal panel is final within D&S IFCA's internal procedures.

14. Ill Health which does not lead to absence from work

- a) There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes that their ill health is impacting upon their ability to undertake their job they should raise this with their line manager or Chief Officer. There may also be occasions where the line manager or Chief Officer is concerned about the employee's health impacting upon the workplace. The line manager or Chief Officer should discuss the matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may also be helpful to seek medical advice.

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15. Medical Referral

- a) In certain circumstances D&S IFCA may decide to seek medical advice before making a decision about whether any further action should be taken. A medical report may be sought from either the employee's GP or an independent medical advisor
- b) The decision to seek medical advice will be discussed with the employee prior to any referral
- c) The employee will be made aware of their rights under the Access to Medical Reports Act 1988.

16. Special Circumstances

- a) Where an employee, due to special circumstances, such as an ongoing period of sickness, continues to be unable to attend a case review hearing, D&S IFCA may, at its discretion, propose adjusting the standard managing absence procedure.
- b) The ill health of an employee will not usually be a ground for abandoning any ongoing managing absence procedures. Therefore, in circumstances where absence is ongoing, it appears that the employee is likely to remain off sick for an extended period and the employee indicates that they are not fit to participate in the process, D&S IFCA may require the employee to have an Occupational Health assessment. Depending on the outcome of this assessment D&S IFCA will consider whether to take the measures set out below with a view to completing the process and ensuring effective participation of the employee in the process:
 - using a neutral venue to hold the case review hearing in order to reduce any stress the employee may be experiencing as a result of the managing absence process
 - adjusting timescales to ensure it meets the needs of the employee to participate, such as creating more breaks during the hearing or allowing more time prior to the meeting for the employee to consider and respond to the documents.
 - where it appears that an employee's ability to explain their case may be affected the organisation will consider any requests by the employee to be represented at the case review hearing by an appropriate work colleague or trade union official to fully explain their case.
 - Where an employee may struggle verbally to present their case, consideration will be given to the use of written submissions from the employee.
- c) D&S IFCA believes that, in the vast majority of cases, it should be possible by using any or all of the measures outlined above to conduct a fair process in which the employee fully participates. However, there may be exceptional circumstances when the employee will not be able to attend a case review hearing, whatever measures are taken. In such circumstances, D&S IFCA reserves the right to proceed with a case review hearing in the employee's absence. Where this is the case, the employee and their representative will be informed of the time and location and will remain free to attend. The representative will be free to attend, even if the employee is not present.

Annex 1

What is the Bradford Factor Score?

Many employers will look at average sick days taken in the UK for relevance. Other companies will use the 'Bradford Factor Score'. This is an absence-oriented 'key performance indicator' (KPI) which calculates potential disruption factors relating to individual absences.

The Bradford formula is $S^2 \times D = B$.

- **S** stands for 'spells' which are absences over a set period.
- **D** is the total number of days of absence over the same period.
- **B** is the resulting Bradford factor.

For example, an employee recently became ill and was sick for 10 days straight. A different employee is relatively healthy but became ill in the same period, on four separate occasions, for 10 days. Their Bradford scores are calculated as:

- $1 (2) \times 10 = 20$
- $4 (2) \times 10 = 80$

Between the two, the second employee has theoretically caused more disruption to the business because of their absence. An acceptable Bradford score is below 200; anything more warrants concern. For example, here is a breakdown of the scores and potential means of management.

- **Under 50**: A standard score for the average employee.
- **Over 50**: The initial step for basic monitoring.
- **Over 100**: Potentially the start of a habit that should be highlighted.
- **Over 200**: Some form of action may be required.
- **Between 200 to 500**: An issue has been flagged and must be addressed.
- **Over 500**: Potential grounds for disciplinary action, like warnings before a dismissal.

Every employer should bear in mind no two Bradford scores are the same. It should relate to the context of the situation and how you interpret them. The scores aren't an indicator for denying sick pay or leave rights. It should be used to understand contributing factors to their absence and how you can address issues.

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Appendix 2 - Flow Chart

LM = line manager
F&AM = Finance & Administration Manager
CO = Chief Officer
M = Chair/Vice-Chair or Authority Panel. This may change depending on the level of the employee who the concerns are about

