

Sickness and Absence Policy	Version:	V1.2
	Status:	Final
	Date:	7/5/21

1. Approval Record

Name	Role	Date
Rebecca Clarke	Head of People	1/1/20

2. Version History

Version	Date	Author	Description (nature of change/update)
V1.0	1/1/20	Rebecca Clarke	Initial Creation – Document design
V1.1	18/1/21	Rebecca Clarke	Annual review and version control update
V1.2	7/5/21	Rebecca Clarke	Additional line added to company sick pay regarding reviewed on 12 month rolling basis

3. Related Documents

Document Title	Location	Version Number
Health and Safety Policy	HR System	V2.1

4. Review and Distribution List

Name	Role	Review Required
Rebecca Clarke	Head of People	Contributor/Reviewer
	All Staff	For Information Only

5. Regulatory Requirements

Employment Law, Equality Act 2010

6. Introduction

6.1 Purpose

This policy sets a framework for reporting, recording and managing absence.

6.2 Scope

This policy applies to all members of staff who work under a contract of employment with We are Digital. It also applies to agency staff, contractors, and others employed under a contract of service.

6.3 Overview

We Are Digital is committed to promoting the health, safety and wellbeing of its staff by:

- providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, flexible working, investigating other suitable roles for potential re-deployment or reasonable adjustments;
- encouraging attendance, monitoring absence and the cost of sickness absence, in line with our Data Protection Policy and Privacy Notice;
- working to identify actions and preventative measures to promote the health, safety and wellbeing of staff; and
- providing coaching and training for managers dealing with sickness absence issues.

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that operational and service levels are maintained. This policy applies to all staff with a We Are Digital contract of employment and is in line with ACAS guidance.

Disability related sickness absence, and attendance at disability related medical appointments will be recorded but not categorised as sickness absence.

7. Roles and Responsibilities

RACI	Role	Role Holder(s)	Key Responsibilities
Responsible	Process SME	Rebecca Clarke	<ul style="list-style-type: none"> • Ensuring process document accurately reflects current practice • Contributing to process changes and improvements, as and when identified
Accountable	Process Owner	Line Managers	<ul style="list-style-type: none"> • Overall ownership and accountability for process definition and execution • Leading change for improving the process • Approval point for any changes/update to the process definition • Ensuring that any changes are properly documented and communicated <p>Ensuring that ongoing monitoring is in place and carried out</p>
Consulted	Head of People	Rebecca Clarke	<ul style="list-style-type: none"> • Monitoring adherence to agreed process through periodic quality reviews
Informed	All Staff		<ul style="list-style-type: none"> • Read and accept of document must be completed in HR system • To be included in subcontractor paperwork

8. Instruction

8.1 Roles and Responsibilities

Employees

As an employee you must take responsibility for your own attendance at work and, if you are ill, your recovery and return to work. It is a requirement that you:

- Comply in a timely manner with our notification and certification procedures, whether set out in this Policy or as notified from time to time, and maintain communication with us while you are absent from work
- Co-operate with a reasonable request for a medical and/or Occupational Health report to be obtained from your general practitioner and/or another Doctor nominated by us and/or an Occupational Health adviser (where appropriate), and for that purpose to undergo any medical and/or Occupational Health examination as per advice/guidance from The HR Dept.
- Provide sufficient information to us, as and when required, to keep us informed of your condition and prognosis; and
- Co-operate with us to implement any advice from The HR Dept, medical and/or Occupational Health Practitioners in order to facilitate a timely return to work
- Adhere to the Policy and do nothing to aggravate or delay recovery such as working for another employer or taking part in inappropriate social or sporting activities.

Managers

Managers have a duty of care for the health, safety and welfare of their staff members and should work supportively in conjunction with any nominated HR personnel or senior manager to support staff with genuine sickness absence.

Managers are responsible for managing sickness effectively and ensuring absence is monitored and recorded for their team. The manager is responsible for carrying out return to work discussions and other review meetings, promoting a positive working environment, motivating and managing their team to maximise attendance.

Senior managers are responsible for ensuring that training is available for staff who are managing sickness absence issues. Senior managers should also ensure that absence issues are treated equitably and consistently within their area of responsibility.

8.2 Sickness During Leave

If you are sick during holiday absence, your holiday may be reinstated subject to you providing a Statement from your G.P. to cover the period of sickness. Retrospectively dated Statements will not be accepted.

8.3 Medical and Dental Appointments

Requests for time off to attend such appointments will be dealt with sympathetically, however, it is expected that you attend medical or dental appointments in your own time. Where this is not possible, appointments should be arranged to minimise any absence from work, for example at the beginning or end of your normal working day.

It is expected that where your role allows, the time will be made up or you may be asked to take the time as annual leave or unpaid leave. Where your role does not allow for this e.g. because you are providing a service during contractual hours, your line manager will need to assess impact on service levels and you may be asked to take unpaid leave or annual leave. We Are Digital reserve the right to deduct pay if less than 1 days notice is given for Medical or Dental appointments and they impact on service delivery.

Medical and dental appointments that take up more than 50% of your normal working day (3.5 hours for full time staff and pro rata for part time staff) will be recorded as sick leave unless the time has been booked in advance as annual leave. You may be asked to provide your appointment card or evidence of medical or dental appointments.

Medical appointments related to a disability or underlying health condition will not normally be recorded as sick leave.

If you are undergoing a period of medical treatment involving regular appointments, reasonable time off will be considered but paid absence may not always be possible, particularly if your role / project has specific contractual working time requirements or significantly impacts upon service delivery. If you are undergoing a period of medical treatment involving regular appointments, you will be asked to provide details of the treatment and appointments and provide details of any possible health and safety impacts or requirements affecting your well-being at work e.g. side effects, medication.

If there is a need to hold or take Prescribed medication at work you must inform your line manager and provide details of the medication for a central log. Your medication remains your personal responsibility. We Are Digital accepts no liability or responsibility for the security of personal medication.

Appointments related to pregnancy or maternity are dealt with under the maternity policy and such leave is paid.

8.4 Disability

Where any employee has a condition that would be classified as a disability they have a duty to inform the We Are Digital. Any information will be treated in the strictest confidence but will allow the us to support you and make any reasonable adjustments necessary.

8.5 Confidentiality

Details of any absence or appointment relating to personal health issues will be kept confidential between staff members and their line manager. It may be necessary to relay information to any nominated HR personnel or senior managers if the issue is on-going, requires adjustments or impacts on service levels, but details will remain confidential between those relevant staff, unless you provide consent to disclose further.

8.6 Reporting an Absence

To maintain confidentiality and to ensure your absence is acknowledged at the earliest opportunity, all unauthorised absence must be reported to your Line Manager by telephone to the main We Are Digital number before your normal start time and on the first day of absence.

In the event that you are physically unable to call We Are Digital, an email must be sent to your line manager also copying in hr@we-are-digital.co.uk Contact should be made directly by you, not via text message, and only in exceptional circumstances should partners, parents or friends ring or contact We Are Digital on your behalf.

You will be asked to give the reason for your absence and an indication of when you may return and details of any outstanding work that needs to be attended to in your absence.

If your absence continues for more than 1 day you must keep your line manager informed on a daily basis (excluding weekends) for the first 7 days of absence.

If the absence is due to sickness and continues for 7 days or less (Saturday and Sunday included) you must complete a self-certification form upon your return to work which your manager will provide for you. Line Managers must then submit these forms to be added to the HR file for the individual.

If absence continues for more than 7 days (Saturday and Sunday included) a medical certificate (“fit note”) stating you are signed off work, signed by your GP must be sent to your line manager at the earliest opportunity. Consecutive medical certificates must continue to be sent to your line manager for the duration of your absence. Line Managers must then submit these forms to be added to the HR file for the individual.

If you are absent for more than 4 weeks you may be considered to be on long term sickness absence. We Are Digital may require you to have a medical examination at the company’s expense.

During periods of long term absence holiday will accrue in line with the statutory allowance.

8.7 Medical Certification

If you have been issued with a medical certificate / fit note that advises you are not fit for work but you wish to return to work, you must have written permission from your line manager. You will need to let your line manager know if you require any workplace adjustments and be prepared to demonstrate that you are able to carry out your duties.

Medical certificates / Fit Notes can also indicate that you may be partially fit for work and your doctor may suggest ways of helping you get back to work. These could include:

- a phased return to work
- altered hours
- amended duties
- workplace adaptations

Your line manager will discuss the advice on the medical certificate with you and will consider: any comments made by the doctor, any noted return to work tick boxes and any other action that could help you return to work despite your illness. If you return to reduced hours your pay would reflect this. In the unlikely event that We Are Digital is not able to make any adaptations or adjustments to help you return to work, your line manager will explain the reasons to you and will set a date for review. You may then use the doctor’s certificate as if the doctor had advised ‘not fit for work’ e.g. continue to receive SSP where relevant.

8.8 Statutory Sick Pay (SSP)

Statutory sick pay is paid in accordance with Statutory Sick Pay (SSP) regulations.

SSP is currently paid after three days' absence and for a maximum of 28 weeks. The statutory qualifying criteria and further information is held on the following website: www.dwp.gov.uk

8.9 Company Sick Pay

The following company sick pay is paid for further duration of employment as set out below. The company sick pay entitlement is paid with no waiting days and your entitlement will be calculated based on the anniversary of your original start date. Company sick payments are calculated on a rolling 12 month basis.

Year 1 – SSP 3 waiting days
Year 2 – 3 days
Year 3 – 5 days
Year 4 – 8 days
Year 5 – 10 days
Year 6 onwards – 15 days

Where company sick pay is not paid or the length of company paid absence is exceeded you will receive SSP.

8.10 Short Term Sickness Management

If your attendance, due to short term or intermittent absence, becomes a matter of concern, for example, persistent short term absences or a pattern such as Monday/Friday absences before/after Bank Holidays and We Are Digital closures, your manager will discuss this with you informally through Return to Work meetings with a view to resolving issues and improving attendance. Poor attendance and reliability issues may have a negative impact upon colleagues, workloads and team effectiveness.

The following procedure aims to provide a consistent approach to managing short term absence initially through informal interventions and where attendance does not improve / attendance targets are not met and concerns continue, through a formal process. If attendance does not improve, poor attendance may become a disciplinary matter.

Ongoing absence issues will be managed through the long term sickness and capability process (see section on Health Capability Review & Holding a Capability Hearing below) if it becomes clear that the sickness absence is:

- long term (likely to exceed 20 consecutive working days); and/or
- related to a disability; or
- related to a known underlying medical condition.

Informal Process

You will automatically be required to meet with your line manager for a Return to Work (RtW) meeting following any incidence of sickness absence. The RtW meeting will provide a record of the reason for absence, any on-going health issue, any additional support need and agreed time scaled actions or targets (where relevant). The record of your RtW is saved to your personnel folder along with your self-certification form for the related absence.

Formal Process - Sickness Review Meeting

You will automatically be required to attend a Sickness Review meeting with your manager, an HR member of personnel or a senior manager if you have:

- 4 separate incidences of absence within a 6 month period or;
- more than 6 separate incidences of self certificated working days sickness within a 12 month period (pro rata for part time staff); or
- previously agreed actions / targets from RtW meetings have not been met within agreed timescales

At this meeting, the managers attending will discuss with you your attendance; discuss how this may be improved, review the improvement actions or targets and discuss any management support or other needs.

Potential Outcomes

- You may be asked to attend an Occupational Health appointment
- It may be agreed with you to continue to monitor your attendance and set revised improvement targets
- Following discussions, if managers remain concerned about your level of attendance you may be advised that your absence will be considered a disciplinary issue and managed under the disciplinary procedure. Your manager will write to you inviting you to attend a disciplinary meeting to consider your attendance and will give you a copy of your attendance record and other relevant supporting documentation.

8.11 Long Term Sickness Management

Long term sickness absence is defined as 4 weeks continuous absence. Intermittent absence that amounts to 20 working days (pro rata for part time staff) will also be managed under the long term sickness and capability process, with due regard to the Equality Act 2010 and the Code of Practice on Disability in Employment, where the reasons for absence are related to an underlying medical condition or disability.

Managing long term sickness issues involves holding a monthly sickness review meeting with the member of staff to:

- keep in touch;
- discuss and review the length and reasons for absence;
- establish a return to work date; and
- facilitate a return to work/improve attendance levels.
- facilitating a Return to Work

In order for us to provide staff with appropriate support and facilitate a return to work we may need to:

- seek medical advice through our nominated OH physician or from your G.P. or medical consultant about your health to establish when / whether a return to work is likely and how we can reasonably help to facilitate this.

- discuss and make reasonable adjustments for disabled staff that may facilitate a return to work or to retain an individual at work.
- consider whether alternative duties / light work or a phased return to work is beneficial.
- consider redeployment as a potential alternative to ending employment where appropriate.
- discuss early retirement where appropriate with HR, if this option is available to you.

Keeping in Touch

During longer term sickness absence and if your absence is likely to be 4 weeks or longer, it is important that you keep in touch with your manager at agreed regular intervals and let them know of any changes in your health or expected date of return.

Monthly review meetings will normally be held with you and may be arranged at work, at your home or another agreed location and you have the right to be accompanied to these meetings. In some cases, where there is a known medical reason for absence and there is a known date of return to work, meetings may be held at longer intervals by agreement, with contact mainly by telephone.

Phased Returns

If you are recovering from illness and it is considered that a phased return to work would be beneficial, your manager will discuss this with you. A phased return allows you to return to work starting on reduced hours for a short period and building up hours gradually to your normal full time hours. You will receive normal pay during this phased return which would be for up to a maximum of four weeks.

If you feel you are not able to return to full time work at the end of this phased return period, flexible working arrangements may be considered upon request. So, for example, if you wanted to reduce your normal working hours either permanently or for a temporary period, you would make an application through the flexible working procedure and, if approved, this request would normally result in a contractual change.

Alternative Duties

If you are not considered fit to undertake your normal duties, for example in cases of a broken limb, you may be requested to undertake other appropriate work. Such requests will only be made in consultation with independent medical advice and where appropriate following a risk assessment.

Communication During Long Term Sickness

During long term sickness absence, it is important for managers to keep in touch with the member of staff and provide appropriate support and interventions to facilitate a return to work and retain them in employment where this is practicable.

Long Term Sickness Review Meeting

After four weeks continuous absence or intermittent absence that amounts to 20 working days (140 hours pro rata for part time staff) within a rolling 12 month period your manager will write to you and arrange a sickness review meeting.

The purpose of the meeting will be to discuss your sickness absence and identify any support we may be able to provide which may facilitate your return to work. This may include seeking medical advice, arranging a phased return, changing your work pattern, hours or making other reasonable

adjustments. You may be asked to attend a meeting with our OH provider. You will be given a copy of any medical reports received and the implications will be discussed with you.

Follow up Sickness Review Meetings (monthly)

After 8 weeks continuous absence or intermittent absence amounting to 40 working days (280 hours pro rata for part time staff), your manager will write to you to give you notice to attend a further sickness review meeting. You may also be asked to attend a meeting with our occupational health adviser if this has not already been arranged.

The purpose of follow up review meetings, which should be held monthly, is to:

- discuss your health;
- consider any medical advice received;
- review any actions which have been discussed;
- consider any further support including reasonable adjustments where appropriate that we are able to offer to improve attendance or facilitate a return;
- identify a possible return to work date; and
- where appropriate, consider whether employment may be at risk.

However, if you are off on long term sick leave and it becomes evident at any stage that a return to work is unlikely or that you will be unable to fulfil your role effectively for health reasons, you may be invited to attend a capability hearing and a potential outcome may be that employment is ended due to reasons of ill health. Before any decision is taken about your employment situation, we will seek medical advice and consider other action short of dismissal. Your manager will advise you if your employment may be at risk and will carry out a capability review before further action is taken.

Notice of Meetings

You will be given at least 5 working days written notice to attend a meeting. You have the right to be accompanied by a trade union representative or work colleague from within the Company to all meetings held under the long term sickness and capability procedure. If your companion is unable to attend the meeting within this timescale, you should notify HR of this and a further appointment will be made within the following 5 working day period.

In exceptional cases We are Digital may extend these timescales depending upon the individual circumstances of the case.

8.12 Health Capability Review

In some cases of long term continuous or intermittent sickness absence, the Company will need to consider your capability / fitness for work where:

- there is no predicted date of return;
- medical evidence indicates that an individual is permanently unfit for work;
- a return to work may be unlikely within a reasonable timescale;
- there is a high level of intermittent absence;
- the member of staff is not able to fulfil their job role effectively (after appropriate interventions to facilitate their return or improve their attendance).

A capability review will consider whether:

Further investigation is required, for example, if recovery is taking longer than predicted or there has been a recent deterioration in relation to health or a disability. Further medical advice and relevant specialist reports may be requested to ensure any decision takes into account up to date medical information.

Reasonable adjustments have been made where this is appropriate and whether there are any further reasonable adjustments such as changes to the job role/support through the Access to Work scheme.

A phased return, alternative duties, or flexible working have been discussed and considered where appropriate.

Redeployment may be appropriate if there are other suitable job opportunities on a permanent or temporary basis that the employee may fulfil.

Your manager and HR will meet with you to discuss and review these options and to listen to your thoughts and feelings about the situation and the options. You have the right to be accompanied to this meeting by a union representative or work based colleague.

A possible outcome of this meeting is that you will be invited to a capability hearing which will consider your future employment situation with the Company.

Holding a Capability Hearing

The purpose of the capability hearing is to consider your sickness absence and make a decision about your employment situation. Your manager will prepare an absence report detailing the history, including all relevant documentation and medical advice received.

You will be given 5 working days written notice of the meeting and copies of the information which will be considered at the hearing in making a decision about your continued employment with the Company.

Your level of sickness absence, which may be intermittent absence or a continuous period of long term sickness absence, will be considered; the impact this has had on the service and work colleagues, the support, actions or adjustments which have been taken so far; whether redeployment or early retirement has been discussed where appropriate; and a decision will then be made about your employment situation.

A potential outcome of this meeting is that your employment will be ended with notice.

At the capability hearing you will have the opportunity to state your case and have the right to be accompanied by a trade union representative or a work colleague from within the Company. Your companion may assist you in stating your case but may not answer on your behalf.

This meeting will be held either at the Head Office or at a mutually agreed location. It is in your best interests to attend such a meeting, however, you may submit a written representation if you are unable to attend in person. If you do not attend the hearing, your case and any documentation you have submitted may be reviewed and a decision reached in your absence.

The meeting will be held by a senior manager within Department or another senior manager from within the Company together with a HR representative. You will be notified of the decision as soon as possible and this will be confirmed in writing within 5 working days. If the decision is taken to end your employment, you have a right of appeal.

Right of Appeal

You should write to HR stating the grounds for your appeal within 5 working days of receiving the decision of the capability hearing.

Your appeal will be heard by a senior manager, as appropriate, who has not been involved in the case management, together with a representative from HR. The manager will normally be senior to the manager who authorised the dismissal. If you do not wish to attend the appeal, you may submit the grounds for your appeal in writing.

If the person appealing has good reason to believe that there is a conflict of interest, they may make a case to HR who will appoint an alternate manager, if deemed appropriate.

The appeal decision is final and you will be notified of this within 5 working days of the meeting.

9. Quality Control Log

No	Risk/Issue	Control	Control in Place Y/N
1	Inconsistent execution of the process by different people/departments	Process to reviewed on annual basis by all staff	Y

10. Glossary

Term	Description