

# **Christ Church Ware**

## **Sickness Absence Policy**

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**Review 2013**

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## Sickness Absence Policy

### SECTION 1

#### GENERAL PRINCIPLES AND GUIDELINES

##### 1.1 Introduction

This document, the Church's Sickness Absence Policy, provides the framework and formal guidelines within which managers and staff at the Church will address sickness absence. The policy applies to all staff and a copy will be supplied to existing employees and to new staff on commencement. The policy does not apply to absence resulting from accidents at work and entitlement to sick pay remains as set out in the terms and conditions of employment.

##### 1.2 Aims and Objectives

The overall objective of this policy is to strike an effective balance between the Church's needs and the need for the employee to be given time to recover from illness. The policy aims:

- to ensure that short and long term sickness absence at the Church are dealt with in accordance with best practice, relevant legislation and ACAS's Code of Practice;
- to monitor the level of sickness absence:
- to identify any action which the Church can reasonably take to improve working conditions and promote the health, safety and welfare of staff
- depending on the circumstances of the case the Church and the employee to look at other practical and mutually agreeable alternatives to dismissal e.g. changing work load, work organisation or working environment, reviewing conditioned hours, and redeployment (if possible).
- To review any work or deadlines missed, or to detail any work that has been completed by transferring to another member of staff, and to formulate a plan to catch up.

##### 1.3 Management Responsibilities

1.3.1 Managers are required to treat all cases of staff absence due to illness in a fair, consistent and constructive manner.

1.3.2 When an employee returns to work from sickness absence she/he should be seen by the Operations Manager. The object of this informal meeting will be for the Operations Manager to:

- welcome the employee back;
- establish/confirm the reason for the employee's absence and ensure that an absence statement form is completed;
- find out if the employee has a health problem and, if so, whether there is some support which it would be reasonable and practicable for the Church to provide. If the employee feels unable to discuss their health issue with the manager, she/he can talk to a Warden or chosen member of the congregation who will keep the conversation confidential if the staff member desires.

- 1.3.3 Information relating to sickness and ill health is sensitive and unnecessary circulation can cause great distress. The Operations Manager must therefore take care to ensure that confidentiality is maintained in dealing with cases under this policy and must keep records in a secure, lockable cabinet.
- 1.3.4 In certain circumstances absence can result in dismissal. However, no employee will be dismissed on grounds of sickness absence without due warning and without the appropriate procedure in this document having been followed and implemented by management. In addition, in both frequent absence and long term ill health cases, the Church will, in consultation with the employee and their representative, thoroughly explore all possible and appropriate alternatives to dismissal.
- 1.3.5 Where an employee experiences sickness absence as a result of a disability it will be recorded separately and treated in line with the Disability Discrimination Act 1995.
- 1.3.6 A disabled employee's absence may be related to their disability rather than illness; e.g. they require a period of absence in order to manage their disability to be fitted for a new wheelchair or for treatment. In such cases where the absence is not related to ill health the employee will be given disability leave to manage their disability. Where this is not provided, the Church would have to justify why they were not allowing this.
- 1.3.7 If an employee becomes disabled or their disability worsens, The Church is under a duty to consider making reasonable adjustments if they become unable to carry out their job. This will include considering whether or not it is reasonable to make adjustments to working conditions or the workplace. It will also include considering whether it is reasonable to transfer the disabled person to another vacant post.
- 1.3.8 The Church will allow a person who has become disabled more time off during work than would be allowed to non-disabled employees to enable them to have rehabilitation training. A similar adjustment would be appropriate if a disability worsens or if a disabled person needs occasional treatment.

## **1.4 Grievance and Discipline**

Any employee who feels aggrieved at the way their sickness absence has been dealt with may invoke the Church's Grievance Procedure. Where an employee abuses the sickness regulations (e.g. not providing certificates, being absent without permission, refusing to comply with this policy, etc) it will be dealt with under the Disciplinary Procedure.

## **1.5 Notification Procedure**

When employees are absent due to sickness they must do the following:

- (i) On the first day of sickness absence: contact the Operations Manager (or in their absence the incumbent) by 10.00 am; give the reason for their absence; and indicate the likely date of their return to work.
- (ii) Keep the Operations Manager informed on a daily basis as to the likely date of their return.
- (iii) On the third day of sickness absence: contact the Operations Manager to explain what or when they will be seeking medical assistance.
- (iv) On the seventh day of sickness absence: contact the Operations Manager by 10.00 a.m. Obtain a medical certificate from their GP or a hospital doctor and send it to the Operations Manager within four working days.
- (iv) Continue to send in consecutively dated medical certificates as necessary and keep the Operations Manager informed on a regular basis.

## **1.6 Contacting Employees who are At Home on Sick Leave**

Employees on short-term sickness who have followed the reporting procedure should not be contacted at home unless the Operations manager can demonstrate urgent or extraordinary circumstances justifying the contact.

## **1.7 Medical Reports**

- 1.7.1 As appropriate with the agreement of the employee the Church may seek a medical report from the employee's GP, Consultant and refer the employee for an independent medical assessment

or to an occupational health unit (OHU).

- 1.7.2 If it is agreed that a medical report will be sought from the employee's GP, Consultant or OHU, written permission will be gained from the employee first. Employees have a right under the 'Access to Medical Reports Act 1988' to see their own medical reports before it is given to the employer and to query items in it.
- 1.7.3 Further to the receipt of the medical report, a meeting will be arranged between the Operations Manager, employee and his or her representative. The purpose of this meeting is to discuss the response from the employee's GP, Consultant or OHU and for all parties to consider options available to the worker.

## **SECTION 2**

### **FREQUENT ABSENCE**

#### **2. Introduction**

Frequent absence refers to cases where an employee is frequently absent from work for relatively short periods due to sickness. The implementation of the frequent sickness absence procedure is triggered by any of the following agreed 'intervention triggers':

- 6 working days in 6 consecutive months
- 3 spells of absence in 3 consecutive months
- 12 working days in a consecutive 12 month period
- Any pattern of absence more than twice in a year
- 4 separate absences lasting a working week or more within a 12 month period
- Where any unacceptable trend is identified (e.g. repeated absences linked to weekends or other breaks).

#### **2.1 Seeking Solutions at the Informal Stage**

- 2.1.1 The Church believes that it is in everyone's interest for cases of frequent absence to be dealt with quickly and informally. Where the Operations Manager becomes concerned about an employee's level of sickness absence, every effort must be made to resolve the matter informally. The Operations Manager should raise any concerns during supervision meetings and have a two-way discussion with the employee. Both parties should discuss the matter positively, with a view to identifying the reasons for the absences, ways in which the situation might be improved and what, if anything, Christ Church can do to support the employee.

2.1.2 The employee should make the Operations Manager aware of any relevant factors, such as whether the absence is related to an accident, disability, pregnancy or some medical condition and whether it is likely to be temporary, on-going or long term. The Operations Manager should look positively to see if there is anything that the Church can reasonably do to assist the employee. The Operations Manager should also make the employee aware that if the situation does not improve it might need to be dealt with under the formal process. If the employee has a health problem, which s/he feels unable to discuss with the operations Manager, they should be referred to the Wardens or chosen member of the congregation who will keep the conversation confidential if the staff member desires.

2.1.3 Where the situation does not improve and the Operations Manager assesses that formal action is required the matter will be raised at Stage 1 of the formal process. Where the sickness absence is clearly of a long-term nature, it should be dealt with under Section 3 below.

## **2.2 STAGE 1: First Formal Meeting**

2.2.1 In arranging this meeting the Operations Manager should: -

- put the reason for the meeting in writing to the employee;
- arrange the meeting at a time that is convenient for both parties, including the employee's representative;
- give the employee at least five working days advance notice of the date, time and place of the meeting;
- inform the employee that the meeting will be attended by a Warden and a member of the congregation will note-take to provide an accurate record of the meeting;
- inform the employee that s/he may be accompanied at the meeting by their chosen member of the congregation.

2.2.2 At the meeting, the employee will be given an opportunity to explain any circumstances, which might be contributing to their level of absence, or any other matter which they feel ought to be taken into account. The Operations Manager will consider the employee's submission and do the following:

(a) decide that no further action is necessary;

or

(b1) specify what, if any, assistance the Church can give the employee;

And

- (b2) give the employee a specified review period (one to three months) during which the level of attendance should improve.

2.2.3 Within five working days of the meeting, the Operations Manager will make provide a copy of the record of the meeting to the employee. If the employee disagrees with the written record s/he should, within a further five working days, write this down and give a copy to the Operations Manager. Both documents will be placed on the employee's personnel file.

2.2.4 At the end of the specified review period the employee's level of attendance will be assessed by the Operations Manager as follows:

- (a) If there has been an improvement, no further action will be taken. After a further six months the record will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this six months period the process will be dealt with as under 2.2.4 (b) below.
- (b) Where there has been no improvement the Operations Manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the Operations Manager will decide whether to institute a further period of review. Where such evidence does not exist the Operations Manager will issue a Verbal Notice, progress the matter to Stage 2 and arrange a further formal meeting with the employee.

## **2.3 STAGE 2: Second Formal Meeting**

2.3.1 In arranging this meeting the Operations Manager should follow the procedure as set out in paragraphs 2.2.1- 2.2.3 above with the exception that either both Wardens or a warden and a Parochial Church Council (PCC) member will attend.

2.3.2 At the end of the specified review period the employee's level of attendance will be assessed by the Operations Manager as follows:

- (a) If there has been an improvement, no further action will be taken. After a further six months the Record (see 2.2.3 above) and the Verbal Notice will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this six months period the process will be dealt with as under 2.3.2 (b) below.
- (b) Where there has been no improvement the Operations Manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the operations Manager will

decide whether to institute a further period of review. Where such evidence does not exist the Operations Manager will issue a First Written Warning, progress the matter to Stage 3 and arrange a further formal meeting with the employee.

## **2.4 STAGE 3: Third Formal Meeting**

2.4.1 In arranging this meeting the Operations Manager should follow the procedure as set out in paragraphs 2.2.1-2.2.3 above.

2.4.2 At the end of the specified review period the employee's level of attendance will be assessed by the operations Manager as follows:

- (a) If there has been an improvement, no further action will be taken. After a further six months the Record, Verbal Notice (see 2.3.2(a) above) and the First Written Warning will be removed from the individual's file and destroyed. Should the employee's absence level deteriorate during this six months period the process will be dealt with as under 2.4.2(b) below.
- (b) Where there has been no improvement the Operations Manager will consider whether there are factors relating to the employee's absence which suggest that the present high level will be temporary. If such evidence exists the Operations Manager will decide whether to institute a further period of review. Where such evidence does not exist the Operations Manager will issue a Final Written Notice, progress the matter to Stage 4 and arrange a further formal meeting with the employee where the termination of the employee's contract of employment will be considered.

## **2.5 STAGE 4: Fourth Formal Meeting**

2.5.1 The employee must be informed in writing of the purpose of the meeting and given at least five working days notice of its date, time and place. The meeting will be chaired by Incumbent and attended by the Operations Manager and by the Wardens. Where the Incumbent is the line manager, the meeting will be attended by two members of the PCC plus the Wardens, one of whom shall chair the meeting. The employee must be informed that s/he may be accompanied at the meeting by a chosen member of the congregation.

2.5.2 Prior to the meeting, management shall attempt to meet with the employee and her/his representative to explore practical and mutually agreeable alternatives to dismissal. The outcome will be reported to the Stage 4 meeting. At this meeting the Operations Manager will present a historical record of the employee's attendance. The employee will have the right to submit any medical evidence and the Church will have the right to obtain a medical report from the employee's GP, Consultant or an

occupational health unit (paid for by the Church). The employee will be given the opportunity to explain the reasons for her/his absence and any mitigating circumstances. The panel members will consider the case carefully and will decide whether or not the employee's employment contract should be terminated on the grounds of incapability due to ill health or poor attendance. The Incumbent or Operations Manager will inform the parties of the decision and confirm it in writing to all relevant parties within five working days.

2.5.3 If it is decided to terminate the employee's contract, Incumbent or Operations Manager must inform the employee at the meeting of her/his right of appeal against dismissal in accordance with paragraph 4.3 below. The employee will have ten working days from the date of being informed in which to make an appeal.

## **SECTION 3**

### **LONG TERM SICKNESS ABSENCE**

#### **3. Introduction**

Sickness absence of one month or more is generally considered to be long-term absence. Individuals may be absent on long term sick leave for a variety of reasons (e.g., injury, operation, convalescence from illness, diagnosis of a long term disability, terminal illness, etc.) and any action taken will vary according to the circumstances of the particular case.

When a disabled employee is on long-term sick leave related to their disability or they are at risk of a cut in pay, the onus will be on Christ Church to provide convincing justification for not maintaining full pay for the period of absence in accordance with the Disability Discrimination Act.

#### **3.1 Informal Meeting**

3.1.1 Where an employee has been absent for more than two months and there is no identified return date in the near future, the Operations Manager will contact the member of staff to arrange an informal welfare meeting to discuss their current situation and when a return to work can reasonably be expected. The employee will have the right to be accompanied by a member of the congregation. The response will determine the next stage in the process, as the options will depend on the individual circumstances. In the event that the employee is too ill to attend the meeting, the Operations Manager will seek to obtain the necessary information from them in an appropriate manner, e.g. by home visit or via their congregation representative.

Note: The first medical opinion that the Church seeks should normally be that of the employee's own doctor. Remember, the GP

should not be approached without the employee's consent because of the doctor's duty of confidentiality to the patient. If consent is received, the doctor should be asked:

- the nature of the illness – i.e. what is the cause and prognosis;
- the expected period of absence – i.e. the likely date of return; and
- what type of work the employee will be capable of on his/her return – i.e. will they be able to resume their normal duties (send the employee's job description) .

### **3.2 Referral to the Agreed Occupational Health Unit**

If a date for return to work cannot be established, the employee will be asked to attend, at the Church's expense, a medical examination at an Occupational Health Unit to obtain an expert assessment of her/his fitness for work. The employee will be provided with a copy of the letter to the Occupational Health Unit and a copy of the medical report. On the basis of the medical report, the options are likely to be one of those outlined below.

### **3.3 Fit to Continue in Present Job**

If the Operations Manager is advised that the employee is fit to continue in her/his current job in the near future, the recommendation should be discussed with the employee as soon as possible. This should be done at a formal meeting attended by the Operations Manager, the employee and, if s/he wishes, their representative. The outcome of the meeting must be confirmed in writing by the Operations Manager and placed on the employee's personnel file.

### **3.4 Unfit to Continue in Present Job - Consider Adjustments or Alternative Employment**

Whilst the Church is under no obligation to create a specific job for an employee who becomes permanently unfit to undertake her/his contractual duties, every effort will be made to make reasonable adjustments or to find alternative employment which is compatible with the medical limitations of the employee. The employee should be asked to attend a formal meeting with Operations Manager, Wardens and the employee's representative so that possible reasonable adjustments or alternative employment can be explored. The meeting will attempt to identify which type of adjustments or jobs at the Church would be suitable

for the employee and the feasibility of redeployment. Thereafter, either adjustments will be carried out or an alternative job will be offered. If neither is possible, it may be necessary to proceed to dismissal on grounds of capability.

### **3.5 Incapable of Any Work for the Foreseeable Future**

Where the Medical Officer advises that the employee is incapable of carrying out her/his current job description for the foreseeable future and reasonable adjustments are not feasible, and where suitable alternative employment cannot be offered, the employee should be asked to attend a formal meeting with the Incumbent, Operations Manager, Wardens and the employee's representative to discuss the situation and the content of the medical report. The outcome of this meeting will be dismissal on grounds of ill-health and the employee will be entitled to fully paid contractual (or statutory if longer) notice.

### **3.6 Terminal Illness**

The Church will approach cases of terminal illness with as much sensitivity and flexibility as possible. Where the Operations Manager becomes aware that s/he is dealing with an employee whose absence is due to a terminal illness, they should seek confidential advice from the Incumbent, Wardens and where appropriate, from the employee's GP, Consultant or an Occupational Health Unit. Each case needs to be dealt with separately depending, in particular, on the medical prognosis and the possible effect on the employee of terminating her/his employment. If the affected employee wishes, the Church will make every effort to facilitate her/him in continuing to work for as long as possible, either on a full or part time basis or with periods of absence to take rests from work. In such cases, the PCC may use its discretion to extend sick pay, as appropriate.

## **SECTION 4**

### **APPEALS**

#### **4.1 Appeal Against Management Action (except dismissal)**

If a member of staff is dissatisfied with any management action taken against them, they may take out a formal grievance in accordance with the Church's Grievance Procedure. The grievance must be taken out within five working days of the action or decision being complained about.

#### **4.2 Appeal Against Occupational Health Unit Findings**

If a member of staff disagrees with the opinion expressed by the Occupational Health Unit they will be given the option, at their own expense, to obtain an additional expert opinion. Upon receipt of a second opinion, the case will be referred again to the Occupational Health Unit who will be asked to review the original advice in light of any new information that has been produced. Where there remains a difference of opinion, the Church will observe the advice given by the Occupational Health Unit and appropriate management action will be taken as detailed above.

### **4.3 Appeal Against Decision to Terminate Employment**

All employees may appeal to the PCC against the decision to terminate their employment. Appeals must be made within ten working days of the date on which the employee was informed of the dismissal, by writing to the secretary of the PCC

### **4.4 Grounds for Appeal**

The grounds for appeal may be as follows:

- (a) severity of the decision;
- (b) failure to adhere to the agreed procedure;
- (c) mitigating circumstances.

### **4.5 Format of the Appeal Hearing**

4.5.1 Appeal hearings will have the following format:

- (a) the employee or her/his representative will present their case for the appeal;
- (b) the Operations Manager will then present the case against the appeal;
- (c) members (Wardens, Incumbent and 2 PCC members) of the panel can question both parties in turn;
- (d) both parties will be invited to sum up, with the Operations Manager summing up first.

4.5.2 The Appeals Panel will hear and consider the case. The employee will be informed of the decision in writing within five working days of the appeal being heard. The decision of the Panel is final.