

Sickness Absence

(TCE023 FEB18)

Sickness Absence

Policy and Procedure

Table of Contents

1. Purpose and scope	Page 1
2. Principles	Page 1
3. Disability	Page 2
4. Mental Health	Page 2
5. Sickness absence reporting procedure	Page 2
6. Evidence of incapacity	Page 3
7. Pay during periods of sickness absence	Page 3
8. Sickness absence and holidays	Page 4
9. Keeping in contact during sickness absence	Page 4
10. Occupational health advisors	Page 4
11. Medical examinations	Page 4
12. Fit for work	Page 5
13. Return-to-work interviews	Page 5
14. Returning to work from long-term sickness absence	Page 5
15. Accidents at Work	Page 5
16. Informal sickness absence procedure	Page 5
17. Notification of a formal sickness absence meeting	Page 6
18. Right to be accompanied at meetings	Page 6
19. Procedure at a formal sickness absence meeting	Page 7
20. Appeals	Page 8
21. Document Control	Page 9

Sickness Absence

Policy and Procedure

1. Purpose and scope

This Sickness Absence procedure (the “Procedure”) sets out our procedure for reporting sickness absence and for the management of sickness absence in a fair and consistent way.

Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).

We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.

The responsibility for monitoring sickness absence lies with the individual employee and relevant line manager. Accurate records of all absences should be made in MyView and any related documents and notes of actions should be passed to the HR Advisor (HRA)/HR Business Partner (HRBP).

This Procedure applies to all employees (permanent and fixed term).

This Procedure does not form part of your Contract of Employment and The Crown Estate reserves the right to amend the Procedure from time to time.

2. Principles

- The Crown Estate is committed to supporting employees who have genuine grounds for sickness absence. Support includes:
 - provision of a pro-active occupational health service;
 - access to counsellors where appropriate via our Employee Assistance Provider;
 - return to work programmes where appropriate;
 - return to work discussions;
 - access to private medical insurance (subject to the terms of the scheme).
- We will work with our occupational health provider as appropriate to:
 - help identify the nature of an employee’s illness;
 - advise the employee and their manager on the best way to improve the employee’s health and well-being at work;
 - assess an employee’s fitness to work in a role;
 - facilitate where possible a swift and safe return to work where possible.
- If the facts suggest that it is more appropriate to deal with the matter under a different procedure i.e. the Disciplinary Procedure or Capability Procedure the HR Advisor (HRA) or HR Business Partner (HRBP) dealing with the matter will advise. In such cases the business reserves the right to implement this Procedure at any stage as it considers appropriate in the circumstances.
- Our aim is to deal with sickness absence matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with this procedure.

Sickness Absence

Policy and Procedure

3. Disability

We are aware that sickness absence may result from a disability. Where this is the case, at each stage of the sickness absence meetings procedure (set out in paragraph 17), particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of an employee's working arrangements that will provide support at work and/or assist a return to work.

The Crown Estate is a member of The Business Disability Forum which provides pragmatic support by offering advice, and practical support to employees and line managers.

If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work and perform at the required standard, you should inform your manager, HRA or HRBP.

4. Mental Health

The Crown Estate provides Mental Health First Aid training to raise awareness, to offer initial help and to guide employees towards support.

Mental Health First Aiders (MHFAs) are listed on i-site and may be contacted directly should you wish to seek confidential support.

Additionally, the Employee Assistance Programme (EAP) is a free, confidential service available to all employees and is available via the following number 0300 123 1090.

5. Sickness absence reporting procedure

You, or someone on your behalf, if you cannot reasonably do so, must notify your manager by telephone as soon as possible (and in any event before your normal starting time) on your first working day of absence. The following details should be provided:

- the nature of your illness or injury;
- the expected length of your absence from work;
- contact details; and
- any outstanding or urgent work that requires attention.

Managers should ensure that:

- any sickness absence that is notified to them is recorded using My View at St James Market (SJM) or via HR at Windsor;
- HRA or HRBP is contacted if the reason for absence is connected to muscular skeletal condition, a work related incident, a contagious disease or the individual is presenting significant symptoms of pressure; and
- arrangements are made, where necessary, to cover work and to inform colleagues and clients (while maintaining confidentiality).

Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence. Cases of unauthorised absence will be dealt with under our Disciplinary Procedure.

Sickness Absence

Policy and Procedure

If you do not report for work and have not telephoned your manager to explain the reason for your absence, your manager will try to contact you, by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

Employees who become ill whilst at work and wish to leave their office/work location to return home must notify their line manager prior to leaving. Absence from work due to sickness for part of the working day will still be recorded and monitored as sickness absence.

6. Recording absence in MyView

For sickness absence of between one and seven calendar days, on your return to work you must either log your absence on My View (all SJM employees) or for the team at Windsor you must complete a self-certification form with your manager and forward to HR.

For absence of more than 7 consecutive calendar days (including weekends/public/privilege days) you must obtain a certificate from your doctor (a "Statement of Fitness for Work") stating that you are not fit for work and the reason(s) why. The original copy should be forwarded to your manager as soon as possible. If your absence continues, further medical certificates must be provided to cover the whole period of absence.

If your doctor provides a certificate stating that you "may be fit for work" you should inform your manager immediately. We will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return-to-work interview (see paragraph 12). If appropriate measures cannot be taken, you will remain on sick leave and we will set a date to review the situation.

Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration. In such circumstances, we will cover any costs incurred in obtaining such medical certificates, for absences of a week or less, on production of a doctor's invoice.

It is the manager's responsibility to ensure that employee absence has been recorded.

Failure to record absence correctly may result in disciplinary action and the Company reserves the right to deduct occupational sick pay at such time as lack of notification of the absence is identified. If occupational sick pay is withdrawn, the employee will receive the equivalent of Statutory Sick Pay (SSP) during the period of sickness.

7. Pay during periods of sickness absence

You may be entitled to Statutory Sick Pay ("SSP") if you satisfy the relevant statutory requirements in force from time to time. Qualifying days for SSP are Monday to Friday, or as set out in your Service Agreement. The rate of SSP is set by the Government in April each year. No SSP is payable for the first 3 consecutive days of absence. SSP will become payable on the fourth day of absence and may be payable for a maximum of 28 weeks. If you are not eligible for SSP or if your SSP entitlement is coming to an end you will be given a form SSP1 with the reasons.

You may also be entitled to receive occupational sick pay in accordance with the entitlements set out in your Service Agreement provided that you fully comply with the terms of this Procedure and the terms contained in your Service Agreement.

If a period of absence is or appears to have been caused by third party negligence and you may be able to recover compensation, you must notify your manager without delay. Your manager will inform HR.

Sickness Absence

Policy and Procedure



8. Sickness absence and holidays

If you become sick or injured while on annual leave such that you would be unfit for work you may ask us to treat this period as sick leave and reclaim the annual leave.

To be able to claim the time off as sickness absence and/or sick pay you must notify your manager immediately, and the usual requirements for medical evidence in this policy will also apply, even if you are abroad.

If you are absent due to sickness you may choose to cancel any pre-arranged annual leave that would otherwise coincide with your sick leave. You should notify your manager as soon as possible that you wish to do this.

You will continue to accrue statutory holiday entitlement during periods of sickness absence. You may take accrued statutory holiday entitlement during, or subject to certain limits, at the end of your period of absence subject to usual approval procedure. Any statutory annual leave that you are permitted to carry forward to a future holiday year must be taken within the period specified by The Crown Estate from time to time. Any holiday not taken during this period will automatically expire unless The Crown Estate agrees otherwise.

Please note that we may require you to take accrued holiday at particular times in line with the Working Time Regulations 1998.

9. Keeping in contact during sickness absence

Employees are expected to maintain regular contact with the company during any period of absence.

If you are absent on sick leave you should expect to be contacted from time to time by your manager in order to discuss your wellbeing, expected length of continued absence from work and any of your work that requires attention. If you have any concerns during sickness absence about the reason for your absence or your ability to return to work, you should feel free to contact your HRA/HRBP or manager at any time.

10. Occupational Health Advisors

We may refer you to our Occupational Health Advisors who will provide you with appropriate advice and support.

You will be asked to agree that any report produced in connection with any such discussion may be disclosed to us and that we may discuss the contents of the report with our advisors.

11. Medical examinations

We reserve the right to require you to undergo a medical examination at any time (at The Crown Estate's expense) by a doctor or doctors appointed by The Crown Estate.

You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.

Sickness Absence

Policy and Procedure

12. Fit for work

We may, at any time in operating this policy where you have been absent on sick leave for 14 days or more, require you to consent to a Occupational Health assessment.

You will be asked to agree that any report produced in connection with any such assessment may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant occupational health professional.

13. Return-to-work interviews

On your return to work your manager will usually conduct a return-to-work interview with you.

A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention. It will also be an opportunity to discuss any additional measures that may be needed to facilitate your return to work taking account of your doctor's advice.

14. Returning to work from long-term sickness absence

We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure, we will, where appropriate and practicable, support returns to work by:

- obtaining medical advice;
- making reasonable adjustments to the workplace, working practices and/or working hours;
- considering redeployment; and/or
- agreeing a return-to-work programme with everyone affected.

15. Accidents at Work

Employees must report all accidents, injuries and dangerous occurrences to their line manager and then contact the Reportline on 0203 819 8827 The Reportline service is operated by trained professionals who will ask a series of questions to help identify what the incident is and record the details. You will not need to complete the incident report forms the operator does this for you.

The Reportline hours are Monday to Friday 8:30am – 5:30pm

16. Informal sickness absence procedure

Where there are concerns about your sickness absence/level of attendance your manager will hold an informal discussion with you. The purpose of the meeting will be to consider your attendance record, your fitness to carry out your role and to agree objectives with you. We will also explore whether there is any support and/or assistance we can offer you in order to improve your attendance record and support you in carrying out your duties. As part of this we will consider whether any medical advice is required.

Where appropriate a record of any such informal discussions may be placed on your employee file but will not be treated as a formal written warning.

Your manager will agree with you any actions which may improve your health and/or attendance and will establish the timescales for improvement and review dates.

Sickness Absence

Policy and Procedure

If you do not meet the desired level of attendance or return to work within a reasonable timeframe then the matter may move to the formal stage of this procedure.

17. Notification of a formal sickness absence meeting

We may apply this procedure whenever we consider it necessary, including, for example, if there is concern for any of the following reasons:

- absence patterns;
- a single long term absence during a 12 month period;
- absence has the potential to adversely affect the delivery of business objectives;
- you have been absent due to illness on a number of occasions; and/or
- matters discussed at a return-to-work interview require investigation.

We will put any concerns about your sickness absence and the basis for those concerns in writing or otherwise advise why the meeting is being called. A reasonable opportunity for you to consider this information before a meeting will be provided.

We will give you written notice of the date, time and place of the sickness absence meeting. The meeting will be held as soon as reasonably practicable, and you will be given a reasonable amount of time, usually at least 2 working days', to prepare for the meeting.

You should make every effort to attend the meeting. If you are unable to attend the meeting, you should inform the HRA or HRBP dealing with the meeting as soon as possible. The meeting will usually be moved to another day and you will be normally be given at least 2 working days' notice of the rearranged meeting.

If however you are persistently unable or unwilling to attend a meeting without good cause, The Crown Estate reserves the right to make a decision in your absence on the evidence available.

The meeting will normally be conducted by your manager and will normally also be attended by a member of the HR team. You may bring a companion to the meeting (see paragraph 16 below).

A meeting may be adjourned if your manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed during the meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will be given to you in writing as soon as reasonably practicable following a sickness absence meeting.

You, and anyone accompanying you (including witnesses), may make written notes but must not make electronic recordings of any meetings conducted under this procedure.

If, at any time, your manager considers that you have taken or are taking sickness absence when you are not unwell, the matter may be dealt with under our Disciplinary Procedure.

18. Right to be accompanied at meetings

You will have the right to be accompanied to any formal meeting or appeal meeting by a work colleague or a trade union official. If you wish to exercise your right to be accompanied, you should inform the HRA or HRBP dealing with the meeting as soon as practicable of the identity of your proposed companion. Although the nominated companion will be able to address the meeting and confer with you, s/he will not be permitted to answer questions on your behalf.

Sickness Absence

Policy and Procedure

Your nominated companion must make every effort to attend the capability and/or appeal meeting. If you (or your companion) are unable to attend the meeting, you should inform the HRA or HRBP dealing with the meeting as soon as possible. If your companion is not available on the day/time the meeting is scheduled, you may propose an alternative date/time within 5 working days of the original scheduled date/time.

We may at our discretion permit other companions (for example, a family member) where this will help overcome particular difficulties caused by a disability, or difficulty understanding English.

If you are unable to attend formal meetings due to ill-health, you may nominate a family member or other person appropriately connected with your affairs (nominated attendee) to attend and act in your place. If you are incapable of nominating an attendee, the Head of HR may nominate another person on your behalf. The nominated person may then choose to be accompanied as set out above.

19. Procedure at a formal sickness absence meeting

All formal meetings will be recorded in writing and a copy provided to you.

Stage 1: First sickness absence meeting

This will follow the procedure set out above on the arrangements for, and right to be accompanied at sickness absence meetings.

The purposes of a first sickness absence meeting may include:

- discussing the reasons for and impact of your ongoing absence(s);
- where you are on long-term sickness absence, determining how long the absence is likely to last;
- where you have been absent on a number of occasions, determining the likelihood of further absences;
- considering whether medical advice is required;
- considering what, if any, reasonable adjustments may be appropriate and might improve your health and/or attendance;
- if appropriate, setting out The Crown Estate's expectations in relation to acceptable sickness absence levels;
- agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.

Stage 2: Further sickness absence meeting(s)

If your levels of sickness absence have not improved following the first stage of the sickness absence procedure and within the agreed timescale for review a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out above on the arrangements for, and right to be accompanied at, sickness absence meetings.

The purposes of further meeting(s) may include:

- discussing the reasons for and impact of your ongoing absence(s);
- where you are on long-term sickness absence, discussing how long your absence is likely to last;
- where you have been absent on a number of occasions, discussing the likelihood of further absences;

Sickness Absence

Policy and Procedure

- if it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
- considering your ability to return to/remain in your job in view of your capabilities and our business needs, and any adjustments that can reasonably be made to your job to enable you to do so;
- considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you;
- where you are able to return from long-term sick absence, whether to your job or a redeployed job, agreeing a return-to-work programme;
- that if you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered;
- if appropriate, setting out The Crown Estate's expectations in relation to acceptable sickness absence levels;
- agreeing a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps we have already taken, include warning you that you are at risk of dismissal.

Stage 3: Final sickness absence meeting

If your levels of sickness absence haven't improved following the second stage of the procedure and within the agreed timescale for review where you have been warned that you are at risk of dismissal, we may invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out above on the arrangements for, and right to be accompanied at, sickness absence meetings.

The purposes of the meeting will be:

- to review the meetings that have taken place and matters discussed with you;
- where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment;
- to consider any further matters that you wish to raise;
- to consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time;
- to consider the possible termination of your employment.

Termination will normally be with full notice.

20. Appeals

All employees have the right to appeal against the outcome of any stage of this procedure. If you wish to appeal, you should write to the nominated person within 5 working days of receiving the written notification of the decision. The business will deem that the notification of the decision will have been received by you within 3 days of it being posted to you. All correspondence will be sent to your home address as notified by you to the business from time to time. Your appeal letter must set out the reasons why you are appealing. Please note, that an appeal will not suspend or delay any action taken (including dismissal).

The business will arrange for an appeal meeting to take place.

The appeal will normally be heard by a more senior manager (unless the business considers this is not reasonably practicable). The decision of the manager conducting the appeal will be final.

Following the appeal meeting the manager conducting the appeal may:

Sickness Absence

Policy and Procedure

- confirm the original decision;
- revoke the original decision; or
- substitute a different decision.

The decision will be confirmed to you in writing.

You must make every effort to attend the appeal meeting. If you fail to attend the appeal meeting, the business reserves the right to take a decision on your appeal in your absence.

- There is no further right of appeal.

21. Document Control

Document History:

Version	Date	Amendment	Owner	Author
1.0	08FEB18	First Version	HR	Catherine Cudby

Document Review:

Version	Date	Amendment	Author	Reviewer
1.0	22MAR18	Including Disability, MHFA, Accidents at Work, removal of Fit for Work Assessment, etc.	D McCalla	Graham Stokes

Document Approval:

Name	Signature	Approval Date	Valid from date	Review date
Simon Boulcott Head of HR		June 2018	July 2018	June 2019