

# SICKNESS & ABSENCE POLICY

Version: April 2022

## 1. POLICY STATEMENT

- 1.1 This policy describes the Diocese's scheme for Diocese sick pay and absence from work due to injury or sickness for UK employees or those on UK contracts of employment.
- 1.2 Any benefits including Diocese sick pay or permission to be absent, will only apply where you have complied fully with these procedures. Please make sure that you read the procedures carefully and that you understand exactly what you must do in the event of any sickness or injury, which prevents you from working.
- 1.3 Any sick pay paid by the Diocese is paid at its entire discretion and none of the benefits described below form part of any contractual entitlement unless otherwise stated in your contract of employment.
- 1.4 The Diocese reserves the right to withdraw or modify any or all of the terms of this scheme at its discretion in accordance with any required notification procedures in place. Any change will be notified to all employees and will affect both existing and new employees.

## 2. OPERATION OF THE SCHEME

- 2.1 Anyone who is suspected or found to be abusing the scheme will be dealt with under the disciplinary policy which may result in dismissal, with or without notice or pay in lieu, depending on the seriousness of the case.
- 2.2 Please note that you may be requested to attend the Diocese's premises, if you are fit enough to do so, either at the start or during any sickness absence to discuss your sickness. Alternatively, if the Diocese believes you are not fit to work, you may be sent home on full pay.
- 2.3 The Diocese reserves the right, on medical advice, to determine whether you are fit or unfit for any duties which it would be reasonable to expect that you to perform.

- 2.4 For the purpose of this document, sickness is defined as any illness, mental or physical, or the effects of any accident or injury to you which renders you unfit to work.

### 3. SICKNESS AND ABSENCE PROCEDURES

#### 3.1 Notification of absence.

If you are absent from work due to any illness or injury which incapacitates you from doing any work that you are employed to do, the following rules must be observed in order to qualify for payment, including SSP and for authorised absence.

#### 3.2 Notify your manager

It is your responsibility to notify your manager by telephone as soon as you fall sick and you know that you will be unable to attend work, in any event this should be no later than 1 hour before the start of your working day on the first day of sickness.

You must give sufficient details on the telephone about the nature of your illness or injury and you must give some indication as to when you will be able to return to work. Should your absence be caused by any illness or injury of a highly personal nature, then as long as your line manager/department is satisfied with your explanation, they will keep confidential all personal details between your manager and HR.

You must continue to regularly update your manager (daily contact when sickness is not covered by a doctor's certificate or Fit Note) throughout your absence either by telephone or by post. The use of text messages or email is acceptable provided these are addressed to your line manager (not a colleague) and are acknowledged: if you are in any doubt whether your communication has been received you should telephone.

#### 3.3 Self-certification (for 7 calendar days or less)

If you are absent for up to 7 calendar days (including Saturday and Sunday) you will be required to complete a self-certification form on your return to work.

When your self-certificate has been counter-signed by your manager it will then be forwarded to the Finance and Administrative Office.

#### 3.4 Medical certificates

If you are absent for more than 7 calendar days (including Saturdays and Sundays), you must get a Fit Note/medical certificate from your own doctor. This must be sent immediately to your manager or priest who will forward a copy to the Finance and

Administrative Office. You will be required to let your manager or priest know when you will be fit to return to work. If appropriate, your manager will send a copy of any self-certificates to the Diocese doctor and the Finance and Administrative Office.

In certain cases and at the entire discretion of the Diocese you may be required to produce medical certificates for any day or days of sickness absence either at your own expense or at the Diocese's expense. This rule does not apply to the payment of SSP during the first seven calendar days of any sickness absence.

It is your responsibility to ensure that your absence is covered by a current medical certificate at all times. Failure to provide a medical certificate may result in Diocese sick pay being withheld.

Please note that all medical certificates submitted must satisfy your manager and whilst medical certificates normally provide adequate evidence of unfitness for work, they may not be conclusive evidence depending upon other factors and the circumstances surrounding your particular case. Should there be any query or problem regarding any medical certificates submitted, this will be discussed with you. The matter may be referred to a higher level of management for investigation and disciplinary action may be taken if necessary.

### 3.5 Diocese sick pay

If you are absent and your illness or injury prevents you from working, you may receive Diocese sick pay. The decision to pay Diocese sick pay is wholly discretionary and your manager will advise you if Diocese sick pay is to be paid. Their decision will take into consideration if you have complied with all the rules of the scheme and if the Diocese is satisfied with the reasons given for the absence. If you are entitled to Diocese sick pay we will top up the SSP level to your normal basic salary. Please note that SSP rules will also apply. Current weekly rate is £99.35.

As a general rule Diocese sick pay will not exceed the following levels:

| Length of service | Allowance                                  |
|-------------------|--|
| Under 1 year      | SSP only                                   |
| 1 year +          | 3 months' full pay then 3 months' half pay |

These allowances are calculated over a rolling 12 month period.

If you exhaust Diocese sick pay you will be entitled to continue to receive SSP for up to 28 weeks in total in any period or periods of 12 months subject to you complying

with the SSP rules and subject to the Diocese's right to lawfully terminate your contract in accordance with the notice period set out in it.

If you receive any payments from a third party (including your own insurance company) in respect of damages for absence from employment due to incapacity, then any sums paid by the Diocese in respect of the same period of absence are recoverable by the Diocese out of damages as money due to the Diocese.

### 3.6 Exclusions to Diocese Sick Pay

There is no entitlement to any Diocese sick pay (this may include the withdrawal or non-payment of SSP in some cases) where in the opinion of the Diocese:

- you have knowingly entered false information on any form (including a self-certificate or application form); this is regarded as serious misconduct which could result in disciplinary action being taken;
- you have failed to follow the rules explained in this policy;
- there are any serious doubts about the genuine circumstances surrounding your claim for sick pay;
- your absence record in previous years is in the opinion of management excessive;
- your absence is caused by negligence, recklessness or carelessness by you in not observing standard safety practices or by wilful misconduct at work. In addition to withholding sick pay management reserves the right to take any appropriate action it deems fit including disciplinary action where necessary;
- your absence is caused by any self-inflicted illness or injury as defined by management from time to time; this may include any illness or injury which was in the opinion of management primarily caused by your failure to heed medical advice;
- your absence is caused through injury in any dangerous/hazardous sport/activity. In this respect you are advised to take out your own personal accident insurance cover;
- your absence is caused through illness or injury occasioned at any outside employment (whether paid or unpaid) or activities such as a charity parachute jump or run;

- your absence is caused by elective surgery or medical treatment unless undertaken upon the advice of a registered medical practitioner and confirmed as necessary by any doctor appointed by the Diocese - this covers cosmetic surgery or dental treatment; treatment for infertility; sterilisation operations etc;
- your absence causes suspicions in that it occurs before/after authorised time off or at a time when leave/request days off has been refused or a swap has been arranged.

### 3.7 Conduct during sickness absence

To help you understand what might raise doubts or queries in the mind of your manager concerning any medical statements (or self-certificates); the Diocese has drawn up some guidelines (see below) for employees concerning their conduct and activities during any periods of absence due to sickness or injury.

In all cases of sickness or injury, which necessitates taking time off work, it is expected that you will do your utmost to facilitate a speedy return to fitness and to work. In this regard, you are trusted to act sensibly and honestly.

The Diocese would not in the normal case expect any employee who is absent from work due to sickness or injury to:

- participate in any sports, hobbies or social activities which are in any way inconsistent with their alleged illness or injuries or which could aggravate the illness or injury or which could delay recovery;
- undertake any other employment whether paid or unpaid. If you declare yourself incapacitated from work in relation to your employment with us, it will not be deemed proper conduct to undertake any other duties whilst off sick. Clearly the Diocese would expect you to do everything to aid a speedy recovery;
- engage in any work around the home in terms of home improvements or the like;
- engage in any activity, which is inconsistent with the nature of the alleged illness or injuries (e.g. is seen walking around town with bags of shopping whilst suffering from a back injury).

Any case involving a breach of this part of the policy will be looked at on a case-by-case basis but disciplinary action may be taken which could include dismissal.

### 3.8 If you leave the Diocese while still off sick

If you are still sick when you leave the Diocese's employment, you will be sent a Leaver's Statement (SSP 1(L)). You should give it to any new employer if you obtain new employment within eight weeks of receipt of the form. This is in case you are unwell again within a period of 8 weeks from the date you leave the Diocese's employment - you will need to produce the SSP 1 form in order for the periods of sickness absence to be linked. By linking the two periods of sickness absence you would not have to wait for the 3 waiting days before you are able to claim SSP via your new employer. If you need to claim incapacity benefit you would also need the SSP 1 form in order to make a claim.

### 3.9 Medical examinations

You may be required to undergo a medical examination during or after any absence from work due to sickness or injury or at any time deemed necessary by the Diocese during your employment. This may be done via the Diocese's Occupational Health Advisors, an independent medical advisor or your own GP. Your consent will be requested to a report being sent to management concerning your fitness or otherwise to work or on any other relevant matter.

### 3.10 Return to work

Upon your return to work you may in certain circumstances be required to present a certificate from your doctor confirming that you are fit for work (in particular when absence is due to a contagious disease or a condition aggravated by the work environment i.e. cleaning materials). In any such case you will be contacted and asked to obtain such a certificate.

You may also be required to submit to a medical examination by an Occupational Health Advisor or an independent medical advisor appointed by the Diocese before being allowed back to work. The decision of management will be final, following consultation with the doctor, as to whether you are fit to return to work. Management, at its entire discretion, reserves the right to refuse to permit any member of staff to return to work should the circumstances warrant it.

In addition, the Diocese reserves the right to require you to undertake any reasonable duties having due regard to the nature of the illness or injury and this may mean that you will be able (after being signed off as fit for work by a doctor) to attend for work and undertake alternative or light duties or work shorter hours for a period of time.

Your line manager will conduct a return to work interview on your first day back from a period of sickness.

This interview enables your manager:

- To ensure that you are fit enough to return to work
- To understand your reasons for absence
- To understand any health, welfare or work related concerns which may be affecting your attendance
- To consider any action necessary to improve your attendance e.g. support from their GP, any issues to be looked at with regard to their position or workload, any problems to be alleviated or resolved in or out of the workplace.

After the meeting your manager will complete a return to work interview form, a copy of which will be retained on your personnel file.

### 3.12 Unauthorised absence

When you fail to turn up for work at the appropriate time this will be deemed to be unauthorised absence, for which no payment will be made and for which disciplinary action may be taken unless the absence is due to:

- genuine sickness and this has been notified to the Diocese in accordance with the rules;
- leave for which prior permission had been granted (in writing where appropriate) by the immediate manager;
- genuine reasons outside your control which are acceptable to the Diocese.

Should the Diocese have any reason to doubt the validity of the illness or injury or the reason given for the absence, the Diocese reserves the right to withhold pay for all or part of the absence and may invoke the disciplinary procedure, which could result in dismissal.

### 3.13 Sickness before or during a holiday

Subject to the rules set out above, if you should fall ill before you are due to start your annual holiday or whilst you are on holiday and you inform your manager immediately, the Diocese will treat that absence as sick leave and further annual holiday will be granted at a time agreed with management.

In cases where you are actually prevented from taking your holiday through sickness or injury, if you notify your manager immediately and submit medical evidence, which satisfies the Diocese, the Diocese will grant you further leave. You will generally have to return to work for an uninterrupted period of 2 weeks before you may take any further holiday entitlement and the normal rules will apply.

#### 3.14 Accrual of holiday during sick leave

If you are sick for a continuous period of 4 weeks or more you will continue to accrue holiday to a maximum entitlement of 4 weeks as provided under the Working Time Regulations 1998, even when Diocese sick pay and/or SSP have run out.

Holiday accrued during sickness should be used when possible, the Diocese will allow a carryover for a maximum period of 18 months after the holiday has been accrued if you are unable to take it during the holiday year due to illness.

If the employment is terminated as a result of sickness or injury you will be entitled to pay in lieu in respect of any accrued untaken holiday for the current holiday year and any carry-over permitted.

You cannot claim Diocese sick pay/SSP and holiday pay at the same time, if you claim holiday pay whilst on sick leave your sick pay will be suspended until the end of the holiday period.

### 4. MANAGING SICKNESS ABSENCE

#### 4.1 Short term sickness absence

Frequent absences from work must be addressed, and therefore, your manager will conduct a return to work interview with you upon your return to establish the reasons for the absence.

If the level of absence is deemed as unsatisfactory your manager will agree attendance and absence performance targets and complete a Return to Work Action Plan with you.

Thought will be given during this meeting to identifying any underlying problems that may be directly contributing to any absence problem.

If there is an unacceptable level of absence, the use of disciplinary action may be considered.



If you go off sick during disciplinary investigation or during disciplinary action the Diocese reserves the right to withhold sick pay and pay SSP only. The line manager would consider all circumstances and consult with the Diocesan HR Adviser before implementing this. HR advice is available from the Chief Operating Officer.

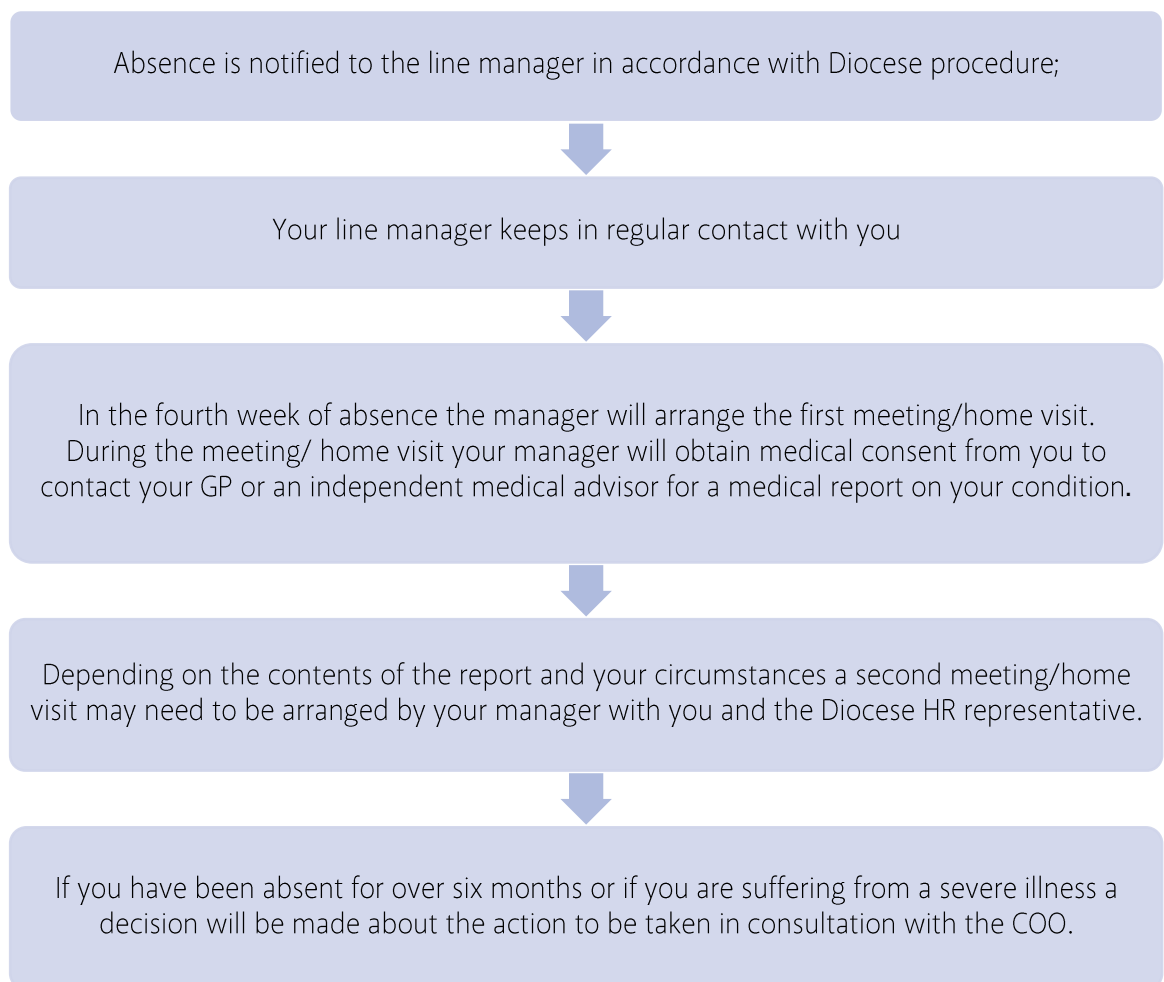
#### 4.2 Long term sickness absence

If you are absent from work for four weeks or more due to illness you will be regarded as being on long-term sickness absence.

It is important that throughout the absence you and your manager communicate regularly. This should be in the form of telephone calls, letters, meetings and/or home visits.

Your line manager should also inform the Finance and Administrative Office and keep them informed as to how you are progressing and whether regular contact has been maintained and medical certificates provided.

The following process should be followed:



## 5. ABSENCE & DISABILITY

- 5.1 A disabled person is someone who has a physical or mental impairment, which has a substantial and long-term adverse effect upon their ability to carry out normal day-to-day activities. Disability law will be considered when managing sickness absence, please refer to the Disability policy for further information.

### Approval

The policy was approved by the Diocesan Board of Trustees on 28 April 2022

The next review is due by: 30 April 2023