

**Health Professions Council
Finance and Resources Committee Meeting 22nd June 2006**

HPC Sick Leave and Counselling Appointments

Executive Summary and Recommendations

Introduction

An issue was recently raised by an employee as part of a formal human resources process about HPC's sickness and absence policy, and the practice around employees taking paid sick leave to attend counselling appointments.

HPC's Policy does not allow explicitly for employees to take paid sick leave for any types of counselling. Traditionally, HPC has not allowed employees to take their paid sick leave entitlement to attend counselling appointments. Employees must take annual leave or attend these in their own time.

HPC does however provide an Employee Assistance Program which is open to all employees and members of their immediate family. Counselling for any type of issue is offered either on the phone (unlimited) or in person (up to eight sessions). This service is provided at no cost to employees, and is covered by HPC for an all encompassing annual fee.

It was agreed with the employee who raised the issue that in order to ensure consistency of approach across HPC, this matter would be referred to the Finance and Resources Committee to take a decision on whether employees should or should not be allowed to take paid sick leave to attend counselling appointments. It is difficult to estimate a cost implication at this stage if HPC changed the current practice, as people attend counselling for different time periods and there are a wide range of professionals who provide different types of counselling who they may see.

In order to assist the Committee, we have conducted a survey of the practice taken by other regulators in relation to this issue. Of those who responded, similarly to HPC, this issue was not specifically covered in the sickness absence policy. Most of the regulators surveyed expected that the employee would take annual leave for such appointments, however, some left it to the discretion of the line Manager (please see attached summary). If HPC left this issue to the discretion of the line Manager, it is anticipated that this would cause some difficulty in ensuring consistency of approach across the organisation.

Decision

The Committee is asked to:

- discuss the issues involved in allowing or not allowing employees to take paid sick leave entitlements to attend counselling appointments;
- agree whether or not the current practice of not allowing employees to take paid sick leave to attend counselling appointments should remain; and
- if the Committee decides to change the current practice, to determine the types of counselling which will be included, the types of counsellors that would be approved (for example, alternative therapists would need to be considered) and how much sick leave would be allowable for this.

Background information

HPC's Sickness and Absence Policy (attached).

Resource implications

There are resource implications in terms of an impact on Departmental staffing. This impact however is difficult to anticipate, as we are unsure how many employees are currently attending counselling for personal reasons.

Financial implications

As above.

Appendices

None.

Date of paper

7th June 2006.

Section 4b - Absence and Sickness

1.0 Purpose

- 1.1 The purpose of this policy is to provide employees with information on their entitlement to sick pay and the rules and procedures associated with sick absence. This document also provides for the effective management of sickness absence.
- 1.2 It will be applied during the process of managing all sickness absence to the point when it is deemed appropriate to institute formal action under the Incapability policy or Disciplinary policy.

2.0 Principle/Policy

- 2.1 The HPC recognises that in cases of sickness absence, the interests of both the HPC and employees need to be balanced therefore:
 - Employees who are not well enough to work should be absent and most sickness absence will be of a brief and infrequent nature.
 - Employees who are absent for a period of time through sickness will be consulted concerning their condition and treated with sensitivity.
 - The HPC will endeavour to maintain a safe and healthy working environment.
 - Sickness absence will be monitored and managed carefully.
 - Employees may develop disabling or potentially disabling illnesses and in such circumstances proper regard will be given to the provisions of the Disability Discrimination Act 1995.
 - In all cases of sickness, employees and management will be required to respect confidentiality. An employee's personal circumstances (illness disability etc) should not be discussed with another employee who does not have an explicit responsibility for dealing with the matter.

3.0 Responsibilities

3.1 Line Manager

It is a management responsibility to:

- implement, monitor the sickness absence policy;
- maintain contact with the employees especially during periods of long term sickness;
- ensure that disability, disabling or terminal illness are adequately considered and sensitively addressed when investigating sickness absence and implementing this procedure;
- ensure that employees understand the notification and reporting procedures, including those that relate to health and safety;
- monitor and control sickness absence in his/her area and forward all details on sickness to Human Resources;

- refer to the Incapability Procedure or Disciplinary Procedure when appropriate; and
- determine whether an employee's health is in any way affected by their work and where appropriate refer to and act on the HPC's Health and Safety Policy.

3.2 Human Resources

It is Human Resources' responsibility:

- to advise managers at each stage of this procedure to ensure fairness and consistency of interpretation;
- to advise employees on the process of the procedure; and
- to keep historic sickness absence records and provide appropriate management information based upon data received from line management.

3.3 Employees

Employees have a responsibility:

- to ensure their own attendance at work except when genuinely ill;
- not to undertake any task which may be adversely affecting their health;
- to report any dangers or observed risks which may affect their or other's health and safety at work;
- to advise management or Human Resources if they become aware they have a disability or illness which is likely to affect their ability to attend work or perform some of their job tasks; and
- to follow the notification procedure.

4.0 Notification Procedure

- 4.1 On the first day of absence, employees are responsible for telephoning or ensuring contact is made with the line manager within an hour of the start of their normal working day. If this is not possible, a message should be left with an appropriate person. An indication should be given on the likely duration of absence and when contact will be made next.
- 4.2 Managers must establish when employees expect to return or make contact again.

5.0 Sick Certificates

- 5.1 For a period of illness of a week of three (3) working days or less, employees should complete a self certificate form and return it to their line manager immediately on their return to work.
- 5.2 For periods of illness of more than three (3) working days, a Doctor's medical certificate is required and must be forwarded to the manager. This must be as soon as possible at the start of the illness and should not be delayed until the return to work date.
- 5.3 The HPC reserves the right to withhold the payment of sick pay where employees fail to provide certificates when required to do so. Managers should seek Human Resources advice under these circumstances.
- 5.4 Line managers must forward certificates to Human Resources as soon as possible.

6.0 Unauthorised/Un-Notified Absence

- 6.1 When an employee is absent without following the notification and reporting procedure and without good reason, managers will be responsible for informally investigating the absence and, if appropriate referring to the disciplinary procedure. Advice must be sought from Human Resources before the disciplinary procedure is initiated.

7.0 Entitlements

- 7.1.1 Provided employees comply with the notification procedures, they will be entitled to:

During first year of employment: One months' full pay (and after four months' employment), two months' half pay.

During second year of employment: Two months at full pay and two months at half pay.

During third year of employment: Four months at full pay and four months at half pay.

During fourth and fifth years: Five months at full pay and five months at half pay

After five years: Six months at full pay and six months at half pay

- 7.1.2 Sickness entitlement is calculated on a rolling year basis. A rolling year is the year immediately preceding the start of a period of sickness. For example if sickness absence began on 4 September 2003 then sickness entitlement is calculated on the amount of sickness taken since 4 September 2003.
- 7.1.3 In the case of part time employees, the entitlement to sick leave is calculated on a pro rata basis.
- 7.1.4 In exceptional circumstances the HPC has the discretion to extend the scale of sick pay.
- 7.1.5 This sick pay entitlement is in place of Statutory Sick Pay (SSP) unless SSP exceeds the amount payable under the contract.
- 7.1.6 The HPC reserves the right to withhold payment of any sick pay where the Employee is absent due to use of alcohol or illegal drugs.
- 7.1.7 The HPC reserves the right to terminate your employment at any time during your absence from work, even though at the time of giving notice you remain entitled to sick pay under the Sick Pay Scheme.

7.2 Statutory Sick Pay

- 7.2.1 The HPC pays Statutory Sick Pay (SSP) in accordance with the Government's Statutory Sick Pay Scheme. To obtain SSP, you must follow the notification and certification procedure as described in this policy.
- 7.2.2 Under the SSP Scheme, the HPC generally pays SSP after any entitlement to discretionary sick pay has been exhausted. To receive SSP, you must complete DSS Form SC2. SSP is a legal entitlement and will be paid to you by the HPC for up to 28 weeks. After 28 weeks, any sickness benefit entitlement is paid directly to you by the DSS. Any payments received from the DSS should be notified to the Finance Department so that corresponding deductions can be made from any salary you may be receiving.
- 7.2.3 Non-compliance with SSP provisions can lead to criminal prosecution.
- 7.2.4 It is essential that all employees who are entitled to State Sickness or Injury Benefit should claim it. It is also important to note that claimants may be required to produce to the DSS their certificate of Pay and Tax Deducted (Form P60) which is issued by the Financial Accountant at the end of the tax year. Therefore, the certificate should be retained in case it is required in connection with a claim.

- 7.2.5 Employees in any doubt about the HPC's sickness procedure or what they should do upon their return to work, should contact their manager or Human Resources for guidance.

7.3 Accrual of other entitlements

- 7.3.1 Paid and unpaid sickness absence counts as both continuous service and pensionable service.
- 7.3.2 All periods of paid sick leave will accrue the HPC's annual leave entitlement. Periods of unpaid sick leave accrue statutory leave. Statutory leave - 20 days per annum, pro rata, including bank holidays is provided for under the Working Time Regulations 1998. During paid periods of employment this entitlement is set off against HPC's annual leave entitlement.

7.4 Accidents at work

- 7.4.1 Absences resulting from accidents at work are treated as sickness absence and the HPC's normal rules will apply to such absences.
- 7.4.2 If you suffer an accident at work this should be recorded in the Accident Book maintained by the HPC.

7.5 Suspension on Medical Grounds

- 7.5.1 The HPC reserves the right to suspend employees from work on medical grounds. Employees on medical suspension will be offered suitable alternative work if it is available. In the event that alternative work is not available, employees will receive full pay.

8.0 Referral to Occupational Health Doctor

- 8.1 In order to provide managers with appropriate information about an employee's ability to perform all or part of their job tasks, the HPC will refer employees to an Occupational Health Practitioner. The purpose of the referral is to obtain information about an employee's condition which is necessary as part of the process of consulting with the employee and managing the absence.
- 8.2 All referrals will be made by Human Resources and any information or correspondence relating to the case will be shared with the employee and will include the HPC obtaining consent from the employee for access to the relevant medical reports.
- 8.3 Typical situations where the HPC may refer an employee to an Occupational Health practitioner are when a prognosis is needed in relation to an individual's ability to return to work, where stress may be a factor and where an additional medical opinion may be useful to the employee. However, by their nature no two sickness absence cases

are alike and therefore it is impossible to devise descriptive rules as to when referrals will take place.

9.0 Return to work meetings

- 9.1 On return from a period of sickness absence, line managers will meet with the employee to discuss the reason for the absence and the progress of work in his/her absence. There may be exceptional circumstances when the manager will be requested to respect the confidential nature of sickness absence which will mean the employee is unwilling/unable to discuss the reasons for the absence. In these situations the line manager is required to establish as a minimum whether the absence is in any way attributed to work or as a result of a work related injury.

This meeting is essential for a number of reasons:

- To ensure that employees are fully informed of and kept up to date on department/team issues.
- To enable managers to identify at an early stage and take account of any sickness absence related problem areas which could impact on other employees work.
- To ensure that the employee is fully recovered and that appropriate steps are taken to rehabilitate him/her back at work.

10.0 Review Meetings

- 10.1 Line managers will be responsible for reviewing an individual employee's level of sickness when it reaches a level that is considered to be unacceptable. As guidance, managers should refer to Figure 1; this is not intended to be a rigidly applied rule, judgements as to what is unacceptable will therefore vary in some cases and according to individual circumstances.

10.2 The purpose of the review meeting is:

- To identify and account for any underlying causes of the absence.
- To explain the impact of the absence on the team and levels of expected attendance.
- To discuss the causes of absence and to consider a range of appropriate and helpful responses
- To agree a way forward and give the employee an opportunity to improve attendance

- 10.3 Following the appropriate review meetings and occupational health advice, if the absence is deemed unacceptable, the employee will be informed that his/her attendance is unsatisfactory and that failure to improve will mean referral to the Incapability Policy or (where appropriate) the Disciplinary Policy. The line manager, with advice from Human Resources, will set target time periods in which

attendance must improve after which the manager may refer to the either the Incapability Policy or the Disciplinary Policy.

Figure 1

	Review Points
1.	More than 10 days made up of absences of less than 3 days each in a period of 6 months
2.	More than 15 days in a year

11.0 Referral to Incapability Policy

11.1 In a limited number of cases there may be an unsatisfactory resolution during the review meetings process under section 10, and it may be necessary to refer to the Incapability Policy and in some cases the Disciplinary Policy when long term or short term sickness absence has become impossible to resolve through the application of this procedure.

11.2 There may, however, be circumstances where:

- An employee is understood to have an illness or condition that is seasonal or recurring in nature and it is deemed to be manageable or not unreasonable. In these cases it may be inappropriate to refer to the Incapability Policy.
- It becomes apparent that a member of employees is temporarily unable to perform all the duties of the job and this is deemed to be manageable or not unreasonable.
- In both these circumstances the manager should seek advice from Human Resources.

Survey of Regulators' Provision of Paid Sick Leave to Attend Counselling Appointments

Regulator	Sickness Absence	Sickness Absence for Counselling Appointments?
The General Chiropractic Council	Not provided.	Not covered by sickness absence policy. Expectation they would take annual leave.
General Dental Council	Not provided.	Yes, having been agreed with the line manager.
General Optical Council	<p><i>Up to 3 months service:</i> 3 weeks full pay</p> <p><i>3-12 months service:</i> One month's full pay and one month's half pay</p> <p><i>2nd year of service:</i> Two months' full pay and two months' half pay</p> <p><i>3rd year of service:</i> Three months' full pay and three months' half pay</p> <p><i>4-6 years service::</i> Four months' full pay and four months' half pay</p> <p><i>7-10 years service:</i> Five months' full pay and five months' half pay of service</p> <p><i>After 10 years service:</i> Six months' full pay and six months' half pay</p>	Not covered by sickness absence policy. Expectation they would take annual leave.
The General Osteopathic Council	Not provided.	No specific policy but would be generous in this instance as small number of staff. Would need line manager and Chief Executive's approval.
Royal Pharmaceutical Society of Great Britain	<p><i>Up to 3 months service:</i> At Director's discretion</p> <p><i>3-12 months service:</i> One month's full pay and two month's half pay</p> <p><i>2nd year of service :</i> Two months' full pay and two months' half pay</p> <p><i>3-5 years service:</i> Three months' full pay and three months' half pay</p> <p><i>After 5 years service:</i> Four months' full pay and four months' half pay</p>	Not covered by sickness absence policy. Expectation they would take annual leave (though at Manager's discretion).

British Psychological Society	<p><i>1st year of service:</i> One month's full pay and (after completing four month's service) two months' half pay</p> <p><i>2nd year of service:</i> Two months' full pay and two months' half pay</p> <p><i>3rd year of service:</i> Three months' full pay and three months' half pay</p> <p><i>4th year of service:</i> Four months' full pay and four months' half pay</p> <p><i>5th – 7th year of service:</i> Five months' full pay and five months' half pay of service</p> <p><i>After 7 years of service:</i> Six months' full pay and six months' half pay</p>	Not a formal policy but is done on an individual basis, via an occupational health referral.
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The following organisations were contacted but did not respond to the request:

- General Medical Council
- Nursing and Midwifery Council