

Sickness Absence Policy and Procedure

1.0 Purpose

National Express encourages all employees to maximise their attendance at work. Whilst it is recognised that a certain level of absence from work is inevitable for a variety of reasons, including sickness, the objectives of the National Express Sickness Absence Policy and Procedure is to:

- minimise sickness absence levels whilst maintaining a fair and consistent approach towards the employee; and
- discourage frequent sickness absence from work which can damage efficiency, productivity and service delivery and place an additional burden on the employee's colleagues.

This Procedure therefore aims to strike a reasonable balance between the needs of the business and the genuine needs of sick employees through providing support and assistance to employees suffering from medical conditions that affect their attendance.

Each case of sickness absence is different and managers should take into account individual circumstances. The line manager may consider it appropriate to take the employee back a stage in the Procedure in cases where there are mitigating factors surrounding sickness absences. The application of the Procedure should take into account any informal discussions which may have been held with the employee prior to the formal Procedure being used.

An employee may be referred to their GP or for an Occupational Health review, if appropriate at any stage of the Absence Procedure.

Short Term Absence

Short term sickness absences last between one day and three weeks. The Procedure provides the means by which frequent short term sickness absences can be highlighted and managed both informally and formally as well as dealing with less disruptive short term sickness absences.

Notification of Sickness Absence

Employee Responsibilities

If an employee is unable to attend work because of illness or injury they must:

- Personally contact the line manager before their normal start time by telephone, informing them of the reason for and expected duration of their sickness absence, whether the absence is the result of an accident or illness arising from work, and if the absence is pregnancy related. It is not appropriate to contact the line manager via email or text message.
- Ensure that the appropriate certificates are provided on time – see Types of Certificates below.
- Take sensible precautions to regain good health to reduce the length of time for which they are unfit for work.

Types of Certificates

Medical Certificates - If the absence lasts for eight calendar days or longer, the employee must obtain a medical certificate from their GP stating the reason for and length of absence and pass this to their line manager immediately on receipt. If at any stage the period of absence is predicted to last longer than four weeks the employee should notify their line manager.

Hospital Admittance - If the employee has been admitted into hospital the employee must provide their line manager with hospital admittance and discharge certificates. If the employee cannot attend work due to hospital admittance, arrangements should be made for a nominee to contact the manager on their behalf.

Line Manager's Responsibilities

It is the responsibility of the line manager to:

- Ensure the employee is aware of their obligations under the Procedure.
- Make contact with employees who have not arrived for work as expected to find out why and advise Payroll as appropriate.
- Ensure employee absence is notified and recorded as appropriate
- Act on information highlighting unsatisfactory attendance in accordance with the Procedure.
- Ensure that all matters and records surrounding an employee's state of health and welfare are treated sensitively and in confidence.

Failure to Notify or Certify

It is the employee's responsibility to notify the Company of their non attendance at work. Failure to comply with the Procedure or any contractual requirements will be considered a disciplinary issue. The Company reserves the right to withhold sick pay due to late notification or unauthorised sickness absence as the result of failure to notify. Sickness absence that has not been notified in accordance with the Procedure will be treated as unauthorised absence, unless a reason is subsequently given which is considered acceptable. Before proceeding with any disciplinary action the line manager should discuss the case with their HR Manager. The Company also reserves the right to withhold sick pay in other circumstances as referred to in the "Sick Pay" section of this Policy (page 8).

Return to Work

Employee Responsibilities

On the first day back at work the employee must provide their line manager with any medical certificates not previously supplied.

The employee should attend an informal return to work discussion to talk about the sickness absence. Where it is not possible for the line manager to hold a face-to-face discussion with the employee (for example night workers or mobile workers), alternative arrangements should be made such as holding the conversation by telephone. An informal return to work meeting is mandatory for all sickness absences.

Line Manager's Responsibilities

The line manager must:

- Update the sickness records and Payroll as necessary.
- Carry out a return to work discussion (see below) with the employee, and record the details on a Return to Work Discussion Form (see Managers Guide).
- Review the employee's sickness absence levels to determine whether further investigation is required.

Return to Work Discussion

An informal return to work discussion must take place after each sickness absence, whatever its duration and normally on the day of return. This will enable the best management of sickness absence should formal action be needed and it will ensure the manager is giving the employee a chance to discuss any adjustments necessary to a successful return to work.

All return to work discussions should be a private one-to-one meeting between the employee and their line manager so that the employee feels comfortable talking about the reasons for their absence. It is also an opportunity for line managers to review previous periods of sickness absence in a rolling 12 months. If the line manager feels that the period of sickness absence is unsatisfactory and/or the employee's attendance is nearing a trigger point as below or for any other justifiable reason, then an Informal Attendance Review meeting should be called.

Line managers should notify their HR Manager when dealing with particularly sensitive cases, or where the employee's illness may fall within the definition of disability.

Attendance Review Meetings

The Procedure has one informal and three formal stages and involves the application of sickness absence "trigger points". It also involves the allocation of responsibility to individual line managers to interview any employee whose level of sickness absence has reached a defined trigger point and to provide the employee with the appropriate support in order for their sickness absence to return to acceptable levels. In certain circumstances, it may be necessary to issue a warning about unsatisfactory sickness absence, and these may be issued at any of the formal review meetings. Advice on how to conduct review meetings is contained in the 'Sickness Absence Policy and Procedure - Manager Guidelines'.

Right to be accompanied

The employee has the right to be accompanied at all Formal Attendance Review meetings by a National Express work colleague or a Trade Union representative.

Informal Attendance Review Meeting

The Informal Attendance Review stage of the Procedure is activated when:

- An employee's absence levels are of concern or nearing the first formal trigger point in the Sickness Absence Policy and Procedure

Informal Attendance Review Meeting

The result of an employee reaching the Informal Attendance Review stage of the Procedure will be an Informal Attendance Review meeting with the line manager where the unacceptable levels of sickness absence are discussed. This informal discussion can take place within all Return to Work meetings to ensure the employee is clear of the triggers and where they sit within the process. In the majority of cases, where there are genuine mitigating circumstances, line managers will be able to provide employees with the opportunity to improve their sickness absence with no need to start the formal review process.

If however the employee's attendance does not improve the employee may trigger Stage 1 of the formal process.

Stage 1 Formal Attendance Review Meeting

If an employee reaches the following trigger point a first Formal Attendance Review meeting must be held:

- A total of 10 days or 10 cumulative days or 3 instances of sickness absence in any rolling 12 month period.

The employee will be invited to attend a Stage 1 Formal Attendance Review meeting and will be advised that it constitutes the first stage of the formal procedure. The employee may wish to be accompanied by a National Express work colleague or a registered Trade Union representative.

A First Warning under the Procedure may be issued at this stage. Please see the 'Sickness Absence Policy and Procedure - Manager Guidelines' for more information about how to hold an appropriate Formal Attendance Review meeting.

The employee must be aware of the consequences of not improving their attendance at each stage of this Procedure. If a warning is issued under Stage 1 of the process then they will be automatically monitored to see whether they reach the trigger point for a Stage 2 Formal Attendance Review meeting.

If the employee's attendance does not improve and they reach the next trigger point then a Stage 2 Formal Attendance Review meeting must be held.

Stage 2 Formal Attendance Review Meeting

Stage 2 of the Procedure is activated if the employee has either:

- A total of 5 days or 5 cumulative days or 2 instances of sickness absence during the 12 month period in addition to the Stage 1 trigger points.

The result of reaching Stage 2 is that the employee will be invited to attend a Stage 2 Formal Attendance Review meeting with the line manager, which may result in a Second Warning under the Procedure. The employee may wish to be accompanied by a National Express work colleague

or a registered Trade Union representative. The employee will automatically be placed on monitoring for 12 months to ascertain whether Stage 3 trigger points are hit.

Your relevant HR Manager should be notified of all cases which are on Stage 2 of the Procedure. If an employee has a further 5 individual or cumulative days or 2 instances of sickness absence during the 12 month period following the Stage 2 Review meeting they will trigger a Stage 3 Formal Attendance Review meeting.

Stage 3 Formal Attendance Review Meeting

Stage 3 of the Procedure involves a repeat of the Stage 2 trigger points, therefore if the employee has a further 5 days in total or 5 cumulative days or 2 instances of sickness absence during the 12 month period since a Stage 2 warning they will have hit the trigger point for a Stage 3 Formal Attendance Review meeting

Reaching Stage 3 of the Procedure will normally result in the employee's dismissal, unless there are mitigating factors making it reasonable for National Express to decide not to dismiss.

For clarity the trigger points are a further 5 days in total or 5 cumulative days or 2 instances of sickness absence during the 12 month period since the Stage 2 Warning.

The employee will be invited to attend a Stage 3 Formal Attendance Review meeting with an independent manager who hasn't been involved in the process to date and an employer witness which may include HR support. The independent manager must be at least of equal status to the line manager. The employee may wish to be accompanied by a National Express work colleague or a registered Trade Union representative.

Identifiable Patterns and Repeated Warnings

If a pattern of absence occurs this can be taken into consideration even when there are absences that fall outside the 12 month rolling period.

In addition there may be cases where an employee has a repeated pattern of receiving warnings at any stage of the absence policy and does enough to attend satisfactorily until the warning expires but then soon after the warning is no longer live they are quickly reaching the trigger points for the same level of warning to be issued again. If this becomes a repeated pattern of behaviour, it is possible for the manager to either extend the length of time the warning is in place or to escalate the warning to the next level of severity e.g. repetitive Stage 1 warnings could result in a Stage 2 warning. If you are considering this option please discuss it with HR first.

Mitigating Factors

Please note that managers may, in appropriate circumstances, e.g. pregnancy related, or if the condition is considered to be classed as a disability covered by the Equality Act 2010, use their discretion to discount certain sickness absence (on compassionate grounds, or a prolonged hospital stay for example), and not issue a First or Second Warning where Stage 1 or 2 of the Procedure has been triggered. An Attendance Review meeting should, however, still take place in these circumstances.

If an exception is to be made, the reason for it should be discussed and clearly recorded. Similarly, a manager may decide not to dismiss an employee who has reached Stage 3 of the Procedure if there are special circumstances justifying this course of action, in which case a record should be made of the reasons for the decision. In the event that an employee reaches Stage 3 but is not dismissed due to mitigating factors, the employee will be monitored for an agreed period of up to 12 months. If there is no sustained improvement during this additional period then a reconvened Stage 3 meeting will be called which may end in dismissal.

Underlying medical conditions

It is likely that on occasion there will be a small number of employees who have an underlying persistent medical condition which will mean they consistently hit the trigger points but are actually attending on a regular and reliable basis but are just likely to be always in breach of the normal trigger points. The line manager must be convinced that the employee is proactively managing their condition and that with small adjustments and careful management the employee can continue to be a reliable member of the team. In such cases please speak to your HR Manager about how we can manage these employees.

Appeals

If it is decided to issue a First Warning, Second Warning, or to dismiss under the Procedure, the employee will have a right of appeal against the decision. Appeals must be lodged in writing within five working days of receiving the written warning and should be addressed to the line manager. The appeal hearing should normally take place within ten working days of receipt of the appeal from the employee, although if this timescale is not achievable the employee should be notified as soon as possible.

Long Term Absence

Long term sickness absences are those that last over three weeks. They can begin as a short term sickness absence initially but lead to sickness absence which exceeds that defined as short term. Long term sickness absence has many direct and indirect costs for the organisation, the employee's work colleagues and the employee themselves. National Express will therefore assist employees back into work where possible and at a pace that is appropriate.

Each long term sickness absence will be different therefore the Procedure does not stipulate a universal way of managing such cases. However line managers must ensure that they contact their HR Manager when an employee has been absent for more than three weeks. Line managers must also ensure a robust, recorded procedure is followed including regular documented meetings with the employee.

If an employee returns from long term sickness absence and goes off on long term sick leave again within the following 12 month period they will be managed via a shortened process and an ill health dismissal is likely to be considered.

Notification of Long Term Sickness Absence and Planned Sick Leave

Where employees are aware in advance that they will require a period of absence of three weeks or more due to health reasons, they must notify the expected length of absence to the line manager as soon as possible.

Maintaining Contact

The line manager or their nominated deputy should maintain regular contact with the employee throughout their sickness absence and where possible the employee should also maintain regular contact. Medical certificates must be sent to the line manager and be valid for the whole period of sickness. Line managers should also consider appropriate ways in which the employee can keep in touch with developments in their department or team. It may also be appropriate to arrange periodic home visits and your HR team can advise on this. See the 'Sickness Absence Policy and Procedure - Manager Guidelines' for more information.

Developing a Return to Work Plan

Where appropriate the line manager will discuss and agree with the employee how best to facilitate a return to work as quickly as possible. See the 'Sickness Absence Policy and Procedure - Manager Guidelines' for more information.

Following confirmation of the employee's return to work after a period of long term sickness, a return to work plan covering a minimum of one month after the date of return will be agreed and its implementation monitored. The return to work plan will include any adjustments to help facilitate a return to full duties as quickly as possible.

Return to Work after Long Term Absence

On the employee's return to work the employee should attend a return to work discussion with their line manager and the notes from this should be recorded on the employee's file. The return to work plan should be discussed in detail during this session and the date of a follow-up review meeting agreed. The employee should meet with their line manager as regularly as necessary to discuss their progress and any concerns.

If any variations to an employee's contract are agreed as part of the return to work plan, the line manager must update HR with any changes to Terms and Conditions (working hours, location etc.) that are agreed in order to facilitate a return to work.

Terminal or Progressive Illnesses and Recurring Medical Conditions

Should an employee be diagnosed with a terminal or progressive illness, the Company will make every reasonable effort to support the individual through this difficult period. The case should be discussed with the HR team. Since the circumstances for each individual will vary, the situation will be managed on a case by case basis by the line manager and the employee, with support from the HR Team. All cases regarding recurring medical conditions or disabilities should be referred to HR team for guidance.

When a Return to Work is not Possible

If it cannot be ascertained when the employee might be able to return to work and / or it appears unlikely that they will be able to do so, and their job can no longer be held open, the employee's employment contract may be terminated and appropriate notice given. In all cases advice will be sought from the employees own GP and/or the Company's Occupational Health provider and the Company will make every reasonable effort to support the individual through this difficult period.

Long Term Sickness and Annual Leave

Employees on long term sick leave continue to accrue statutory paid holidays and contractual annual leave and can apply to take this leave during any period of sick absence. However, if the employee does not exercise their right to take annual leave within a leave year, then their entitlement to paid holiday will be lost as they are not allowed to carry this over to the next leave year. The only exceptions to this will be:

- those employees where the entitlement to carry over contractual leave is explicitly stated in their terms and conditions.
- any employees who have been unable, due to prolonged sick absence, to take a minimum of 4 weeks statutory paid holidays (including bank holidays) will be able to carry it over in order to take it in the following leave year.

If an employee's contract terminates during sickness absence, any statutory paid holidays and contractual annual leave accrued during the current year and outstanding on their last day of employment will be paid in lieu.

When developing the Return to Work plan to assist with the rehabilitation of the employee after a long absence, line managers should consider offering shorter working hours. In cases where the employee has exhausted their entitlement to contractual or statutory sick pay, the employee should be reminded that they can apply to use their accrued paid annual leave to make up their contractual hours - i.e., work for ½ day, take ½ day annual leave and gradually build back up to full time, otherwise the employee will only be paid for the hours they have worked.

Sick Pay

Sick pay will be calculated and paid in line with statutory and contractual entitlement when the line manager has received correct notification and certification of sickness absence, and updated payroll as appropriate. The first day of absence will be unpaid unless an employee's Terms and Conditions expressly state otherwise.

The Company reserves the right to withhold occupational sick pay where misuse is identified or where employees fail to comply with this policy, or fail to comply with requests to attend meetings under this policy. For example, if there is deliberate falsification of certificates, in cases of suspected malingering, where employees have failed to act on medical advice or refused corrective medicine, treatment or surgery, persistent sports injuries or sickness absence relating to the illness of the employee's family members or for other domestic reasons.

The Company also reserves the right to withhold occupational sick pay in circumstances where an employee goes off sick during a disciplinary process, as more particularly set out in the Disciplinary Policy.

Further Information

For any queries on these guidelines, please contact a member of the HR team.