

## Millennium Farm Trust

### HR6 Sickness, Absence and Sick Pay Policy V04

Next review date Mar 2028



#### Version Control

| Version number | Date of changes | Who | Review summary                                                                                                       |
|----------------|-----------------|-----|----------------------------------------------------------------------------------------------------------------------|
| 01             | 01/03/2021      | TCF | Policy created                                                                                                       |
| 02             | 14.3.24         | TCF | Scheduled review. No changes.                                                                                        |
| 03             | 31.03.2025      | TCF | Changed "5 working days" to "7 calendar days" to reflect legal obligation.                                           |
| 04             | Aug 2026        | TCF | Full review. Updated SSP provisions and strengthened arrangements for managing short- and long-term sickness absence |

#### 1. Purpose

Millennium Farm Trust recognises that employees will sometimes be unable to work because of illness or injury. We will treat employees who are unwell fairly, sensitively and with appropriate support.

At the same time, regular and reliable attendance is important. The Trust operates with a relatively small team supporting people who may have significant care, support and safeguarding needs. Unplanned absence can affect colleagues, continuity of support, staffing arrangements and the safe and effective operation of the Farm.

This policy therefore aims to balance:

- supporting employees who are unwell;
- promoting good attendance;
- identifying health or workplace issues at an early stage;
- making reasonable adjustments where appropriate; and
- managing levels of absence which become difficult for the organisation to sustain.

This policy is primarily concerned with **capability and attendance**, rather than misconduct. Genuine sickness absence may nevertheless need to be managed where its frequency or duration means that an employee is unable to maintain an acceptable level of attendance.

## 2. Responsibilities

Employees are responsible for:

- attending work reliably when fit to do so;
- following the sickness notification and certification requirements;
- keeping the Trust reasonably informed during periods of absence;
- providing fit notes or other required evidence promptly;
- engaging constructively in return-to-work and absence-review discussions; and
- raising any health, disability or workplace issue which may be affecting their attendance or ability to carry out their role safely.

Managers are responsible for:

- maintaining appropriate contact with absent employees;
- treating sickness information sensitively and confidentially;
- monitoring absence fairly and consistently;
- holding return-to-work and absence-review discussions;
- considering appropriate support and reasonable adjustments; and
- taking action where attendance becomes a cause for concern.

## 3. Reporting sickness absence

If an employee is unable to attend work because of illness or injury, they must notify the **Director or their line manager as soon as reasonably possible and normally no later than 60 minutes before they are due to start work.**

Notification should normally be made personally by telephone or text message. Another person may contact the Trust on the employee's behalf where the employee is genuinely unable to do so.

The employee should provide, so far as reasonably possible:

- the general nature of the illness or injury;
- the likely duration of the absence;
- appropriate contact details; and
- details of any urgent work or information which needs to be handed over.

Employees are not expected to provide unnecessarily detailed or intrusive medical information. Where the employee remains unfit for work, they should keep their manager informed about their likely return date. Unless another arrangement has been agreed, employees should contact their manager by **3.00 pm where they know they will not be fit to attend the following working day.**

Failure to follow the notification procedure without reasonable explanation may be treated as unauthorised absence and may be addressed under the disciplinary procedure.

#### 4. Certification and fit notes

For sickness absence of **seven calendar days or fewer**, employees may self-certify their absence.

Where sickness lasts for **more than seven consecutive calendar days**, the employee must provide an appropriate fit note covering the continuing absence.

Further fit notes must be supplied promptly where the period of incapacity continues.

Where a fit note states that the employee **may be fit for work**, the Trust will discuss with the employee whether appropriate measures could facilitate a return. These might include:

- a phased return;
- temporarily altered hours;
- amended duties;
- changes to particular activities;
- workplace adaptations; or
- other reasonable adjustments.

The Trust is not obliged to implement a recommendation which cannot reasonably be accommodated. If suitable arrangements cannot be made, the employee will normally continue to be treated as unfit for work for the relevant period.

#### 5. Infectious illness

Employees should not attend work where doing so would create an unreasonable risk of transmitting infection to colleagues, Farm Helpers or others.

Because employees work closely with potentially vulnerable people, particular care should be taken with infectious illnesses.

Employees experiencing **diarrhoea and/or vomiting should not normally return to work until at least 48 hours after the last episode**, unless different medical or public-health advice applies. Employees should seek advice from their manager if they are unsure whether it is appropriate to attend work.

#### 6. Return-to-work discussions

A brief return-to-work discussion will normally take place following **every period of sickness absence**.

For a straightforward short absence this may be a brief and informal conversation.

The purpose is to:

- welcome the employee back;
- confirm that they are fit to return;
- confirm the reason and dates of absence;
- identify whether any support or adjustment is required;

- ensure that absence records are accurate; and
- identify whether there is an emerging pattern or level of absence which requires further discussion.

A more detailed return-to-work meeting will normally be held following a longer absence or where there are health, safety or attendance concerns.

Return-to-work discussions are not disciplinary meetings

## 7. Monitoring sickness absence

The Trust will monitor sickness absence in order to identify where an employee may require support or where attendance has become a cause for concern.

An **attendance review will normally be triggered** by any of the following:

- **three separate episodes of sickness absence in a rolling six-month period;**
- **10 working days of sickness absence in a rolling 12-month period;**
- **a continuous absence of four weeks or more; or**
- **any pattern, frequency or level of absence which reasonably gives cause for concern.**

A pattern might include, for example, repeated absences on particular days, immediately before or after weekends or annual leave, or in connection with particular duties or working arrangements.

These are **review triggers, not automatic disciplinary thresholds**.

Reaching a trigger does not mean that the employee has done anything wrong. It means that the Trust will review the circumstances and discuss whether support or management action is appropriate.

The Trust may vary or disregard a trigger where it is reasonable to do so, including where absence relates to pregnancy, disability, an injury at work or another circumstance requiring particular consideration.

## 8. Attendance review meeting

Where an attendance trigger is reached, the employee will normally be invited to an attendance review meeting with their manager and/or the Director.

The meeting will consider:

- the employee's attendance record;
- the reasons for the absence;
- whether there is an underlying health condition;
- whether the absence may be related to a disability;
- whether work or workplace factors may be contributing;
- whether medical or occupational-health advice would be useful;
- whether reasonable adjustments or other support should be considered;
- the operational impact of the absence; and
- what level of attendance can reasonably be expected going forward.

The aim of the first meeting will normally be supportive and preventative.

Where appropriate, an **attendance improvement period** may be agreed. This will set out the improvement expected, any support or adjustments agreed and a reasonable review period. The employee will be told clearly that if attendance does not improve sufficiently, further formal action may be considered.

## 9. Persistent short-term absence

Repeated short periods of sickness absence can cause significant operational difficulties even where each individual absence is genuine.

Where attendance does not improve following an informal attendance review, or where the overall level or pattern of absence is sufficiently serious, the Trust may move to a formal attendance-management process.

This may include:

1. a **formal first attendance review**, with an agreed attendance improvement period;
2. a **final attendance review** where sufficient improvement has not been achieved; and
3. ultimately, consideration of whether continued employment remains reasonably sustainable.

At each stage the Trust will consider:

- the reasons for absence;
- the employee's length of service and overall attendance record;
- medical or occupational-health information where relevant;
- any disability and reasonable adjustments;
- the likelihood of improved attendance;
- the impact on colleagues and service delivery; and
- whether further support or an extended review period would be reasonable.

No decision to dismiss on capability grounds will be taken without a formal meeting, consideration of relevant medical and other evidence, and an opportunity for the employee to respond.

## 10. Long-term sickness absence

For the purposes of this policy, an absence lasting, or expected to last, **four weeks or more** will normally be regarded as long-term sickness absence.

The Trust will maintain reasonable contact with an employee during long-term absence. The frequency and method of contact should normally be agreed with the employee and should be supportive rather than intrusive.

Long-term absence will be reviewed periodically.

The Trust may consider:

- medical or occupational-health advice;
- the likely timescale for return;
- reasonable adjustments;

- a phased return to work;
- temporary or permanent changes to duties or hours;
- alternative work, where available and appropriate; and
- any other reasonable measures which might enable the employee to return to or remain in work.

The employee will be expected to engage reasonably with this process.

## **11. Phased returns**

Following a significant period of illness or injury, a phased return may be agreed where this is considered appropriate.

A phased return might involve a temporary reduction in hours, duties or workload, gradually increasing as the employee recovers.

The arrangements, duration and pay implications of a phased return will be agreed with the employee before it begins and reviewed regularly.

A phased return is not an automatic entitlement but will be considered where appropriate, including as a potential reasonable adjustment for a disabled employee.

## **12. Disability and reasonable adjustments**

The Trust will comply with its obligations under the **Equality Act 2010**.

Where an employee has, or may have, a disability, the Trust will consider whether reasonable adjustments could help the employee attend work or carry out their role.

Adjustments might include changes to:

- working hours or patterns;
- particular duties;
- equipment or the working environment;
- arrangements for breaks;
- absence-management procedures or triggers; or
- other aspects of the employee's work.

Disability-related absence will not simply be ignored, as the Trust must still be able to manage attendance and service delivery. However, it will be considered separately and sensitively and reasonable adjustments to attendance expectations or review triggers will be considered where appropriate.

Pregnancy-related sickness absence will also be recorded and managed appropriately and will not normally be counted towards ordinary attendance-management triggers.

### 13. Occupational health and medical information

Where reasonably necessary, the Trust may seek medical advice or refer an employee to an occupational-health professional.

This may be appropriate where:

- absence is prolonged or frequent;
- the employee's ability to carry out their role safely is uncertain;
- there may be an underlying health condition or disability;
- advice is needed about reasonable adjustments;
- a return to work is being considered; or
- the likely future level of attendance is unclear.

Where information is sought from an employee's doctor or other medical practitioner, this will be done in accordance with the employee's legal rights and applicable data-protection requirements.

Employees are expected to cooperate reasonably with requests for occupational-health assessment or medical information.

If an employee declines to provide consent or attend an occupational-health assessment, the Trust may have to make decisions based on the information reasonably available to it.

### 14. Keeping in touch during sickness absence

Employees on sickness absence should expect reasonable contact from their manager or the Trust.

Contact may cover:

- the employee's wellbeing;
- likely duration of absence;
- fit notes or medical advice;
- arrangements for returning to work;
- appropriate workplace updates; and
- any support the Trust may reasonably provide.

Contact will be kept proportionate to the circumstances.

Employees should also keep the Trust informed of significant developments affecting their likely return to work.

### 15. Statutory Sick Pay

Eligible employees will receive **Statutory Sick Pay (SSP)** in accordance with the statutory eligibility rules, payment arrangements and rates in force at the time.

For qualifying sickness absences beginning on or after **6 April 2026**, SSP is payable from the first qualifying day of sickness, subject to the applicable statutory provisions.

SSP is subject to tax and National Insurance where applicable.

The Trust will not withhold an employee's statutory entitlement to SSP merely because the employee has failed to comply with an internal reporting procedure. However, failure to follow

absence-reporting requirements without reasonable explanation may be addressed separately as a conduct matter.

## **16. Occupational sick pay**

The Trust does **not operate a contractual occupational sick pay scheme** unless an individual employee's written terms expressly provide otherwise.

The Director may, exceptionally, authorise a discretionary payment in addition to statutory entitlement where there are particular circumstances which justify this.

Any such payment:

- is entirely discretionary;
- will be considered on the individual circumstances;
- does not create a contractual entitlement;
- does not establish a precedent for future cases; and
- may be subject to appropriate conditions.

Employees should not assume that discretionary sick pay will be available.

## **17. Annual leave and sickness absence**

If an employee becomes unfit for work during a period of pre-arranged annual leave, they may ask for the affected period to be treated as sickness absence instead.

The employee must follow the normal sickness-notification procedure and provide appropriate medical evidence where reasonably required.

Where the period is accepted as sickness absence, the relevant annual leave will be reinstated in accordance with **HR11 Annual and Special Leave Policy**.

Employees continue to accrue statutory annual leave during sickness absence in accordance with the law.

## **18. Sickness caused by work**

Employees should tell their manager promptly if they believe their illness or injury has been caused or aggravated by work.

Any workplace accident, injury or work-related health concern must also be reported in accordance with the Trust's health and safety and incident-reporting arrangements.

The Trust will consider whether any risk assessment, workplace adjustment, investigation or other action is required.

## **19. Misconduct and sickness absence**

Genuine sickness absence will normally be managed as an attendance or capability matter rather than misconduct.

However, the disciplinary procedure may be used where there are reasonable grounds to believe that an employee has:

- falsely claimed to be unfit for work;
- deliberately provided misleading information about sickness absence;
- falsified a fit note or other evidence;
- failed repeatedly to follow sickness-reporting procedures without reasonable explanation;
- undertaken activities during sickness absence which are clearly inconsistent with their stated incapacity or recovery; or
- otherwise acted dishonestly in relation to sickness absence or sick pay.

The fact that an employee undertakes normal everyday, social or therapeutic activity while absent from work does **not**, by itself, establish misconduct. The relevant question is whether the activity is inconsistent with the reason for absence or medical advice.

Any suspected misconduct will be investigated fairly before disciplinary action is considered.

## **20. Capability and possible termination of employment**

There may be circumstances in which, despite appropriate support, medical advice and reasonable adjustments, an employee remains unable to attend work sufficiently reliably or is unlikely to be able to return to their role within a reasonable period.

In those circumstances, the Trust may ultimately consider termination of employment on the grounds of capability.

Dismissal will not be automatic because an employee has reached a particular level of absence or exhausted any sick-pay entitlement.

Before considering dismissal, the Trust will normally consider:

- the employee's individual circumstances;
- the nature and likely duration of the health condition;
- relevant medical or occupational-health evidence;
- the employee's views;
- reasonable adjustments;
- the possibility and practicality of alternative duties or work;
- the operational impact of continued absence; and
- whether it is reasonable to wait longer for an improvement or return.

The employee will be invited to a formal meeting and given an opportunity to respond before any decision is made.

Any dismissal will be with the appropriate contractual or statutory notice and will carry a right of appeal.

## **21. Confidentiality and records**

Sickness and medical information is confidential and will be handled sensitively and in accordance with the Trust's Data Protection and Privacy Policy.

Access will be limited to those who reasonably require the information for employment, payroll, health and safety or management purposes.

Appropriate records will be maintained of sickness absence, return-to-work discussions, attendance reviews and agreed adjustments.

## **22. Equality and consistency**

This policy will be applied fairly and consistently while recognising that apparently similar absence records may arise from very different circumstances.

The Trust will take account of its obligations under the Equality Act 2010 and other relevant legislation, including in relation to disability and pregnancy.

Managers should seek appropriate HR advice before formal action is taken in complex cases involving disability, long-term illness or possible dismissal.

## **23. Review**

This policy will normally be reviewed every two years, or sooner where there is a significant change in legislation or organisational arrangements.