

HR Guide: Breach of Notification & Certification Procedures

Version: 2.1



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

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Related Forms/ Template Letters	<ul style="list-style-type: none"> ➤ Non Adherence to Reporting Procedure - Initial Letter ➤ Non Adherence to Reporting Procedure - Suspend Sick Pay ➤ Non Adherence - Disciplinary Hearing - Invite to hearing ➤ Non Adherence to Reporting Procedure - Dismissal ➤ Overdue Statement of Fitness to Work
Related documents	<ul style="list-style-type: none"> ➤ Maximising Attendance Policy & Procedure

Version Number	Effective Date	Details of Last Revision
2.1	11.07.14	Updated onto new policy template

Section 1: Introduction

- 1.1 North Ayrshire Council reserves the right to withhold payment of sick pay if, following investigation, there is clear evidence that the employee has failed to comply with either statutory or North Ayrshire Council's Notification or Certification Procedures without good reason.
- 1.2 The Notification and Certification Procedures can be found in the contract of employment and also within the Council's Terms and Conditions of Employment, Section 7 - Sick Leave and Allowances on Navigate.
- 1.3 Where there is clear disregard of the requirement to meet the notification and certification procedures this will be dealt with through the Council's Disciplinary Policy and Procedure.

Section 2: Initial Action

- 2.1 An employee should advise of their non-attendance within one hour of their scheduled time of start.
- 2.2 If an employee has not contacted the Council's representative or a nominated officer by the end of that day/shift, the Manager/Supervisor must make reasonable effort to contact the employee by telephone and/or other means.
- 2.3 All avenues need to be investigated including the possibility of the employee having moved home and has not informed the Council.
- 2.4 Also Managers/Supervisors need to check if work colleagues may know of the employee's whereabouts.

Section 3: The Employee Returns to work on the next working day

- 3.1 If the employee returns to work the next working day, the Manager/Supervisor must arrange a meeting with the employee to discuss the circumstances behind their failure to contact in line with the procedure. The Manager/Supervisor must check the employee's understanding of the reporting procedures and consider the explanation given by the employee for their failure to make contact.
- 3.2 Where an employee claims to be unaware of the procedure and the Manager/Supervisor is satisfied with this explanation, the correct procedures should be clarified and the employee's record card annotated accordingly. In addition the Manager/Supervisor must write to the employee confirming the details of the meeting. The employee must be informed that failure to make contact without an acceptable reason in any future absence may lead to disciplinary action including possible dismissal.

3.3 If it can be established that the employee was aware of the procedure and cannot offer a satisfactory explanation for their failure to contact, disciplinary action may be taken if considered appropriate and/or sickness allowance may be withheld for the period of absence. Notification of what action is to be taken is to be given to the employee.

Section 4: The Employee does not return to work by the end of the next working day

2.1 Where the employee does not return to work by the end of the next working day, Stages 1 to 3 below should be followed.

2.2 For each of the following sections a template letter is available. When writing to an employee in these circumstances, the letter needs to be sent recorded delivery and a copy of the letter kept in the employee's personal file.

2.3 Stage 1

The Manager/Supervisor will write to the employee, (using template letter Non Adherence to Reporting Procedure - Initial Letter) requesting them to make contact immediately. The template letter informs the employee that they are required to make contact to enable payment of their salary to be authorised.

Where the employee makes contact and provides a satisfactory explanation, on his/her return to work the manager/supervisor should follow the advice above. If the employee advises that they are unable to attend work due to sickness, they must provide appropriate medical certification and on their return to work, the manager should follow section 3 above.

2.4 Stage 2

If there is no response within the period specified in letter the manager/supervisor must write a further letter stating that as there has still been no contact, their sickness allowance will be suspended and request that the employee attend a meeting to discuss the matter (use template letter Non Adherence to Reporting Procedure| - Suspend Sick Pay).

A copy of this letter is to be sent to Payroll advising them to suspend sickness allowance. If the employee fails to attend the meeting or does not make contact proceed to stage 3.

2.5 Stage 3

The manager/supervisor must write a letter advising the employee that failure to notify within three days could result in sickness allowance continuing to be withheld. (Use template Letter Non Adherence - Disciplinary Hearing - Invite to hearing). If the employee does not make contact the Manager/Supervisor must continue the procedure in terms of the Disciplinary Procedure. Following the hearing an outcome letter should be issued (template letter Non Adherence to Reporting Procedure – Dismissal). For this stage all letters are to be hand delivered.

Section 5: Action to be taken if an employee makes initial contact but fails to produce a medical certificate on the eighth day of absence

- 5.1 The Manager/Supervisor will contact the employee to remind them of the requirement, which warns that payment of sick pay will be suspended if a certificate is not provided within 5 days of when the certificate is due (Template Letter Overdue Statement of Fitness to Work). The Manager/Supervisor must arrange a meeting with the employee on their return to establish the reason for the certificate not being produced on time.
- 5.2 If the employee is not aware of the procedure, the Manager/Supervisor must clarify the requirements, note this on the employee's file and write to the employee confirming this.
- 5.3 The employee must be informed that failure to submit medical certificates on time in any future sickness absence may lead to disciplinary action including possible dismissal.
- 5.4 If the employee is aware of the procedure and cannot offer a satisfactory explanation for their failure to produce a medical certificate disciplinary action may be taken if considered appropriate and/or statutory sick pay allowance must be withheld for the appropriate period.

Section 6: Action to be taken if an employee is hospitalised

- 6.1 Where an employee is admitted to hospital from the first day of absence the supervisor must arrange to obtain the appropriate document from a suitably qualified medical person indicating the length of stay.
- 6.2 It must be reiterated that at all times, a sympathetic approach should be taken and a template letter offering condolences on hospitalisation is available to use in the first instance.

Section 7: Action to be taken if an employee wishes to return to work before the expiry of their medical certificate

- 7.1 Where an employee wishes to return to work before the expiry of their medical certificate, please refer to the HR Guide: Dealing with GP's Fit Notes for guidance.