

Reference: 2025-078

Thank you for your email in which you requested the following information under the Freedom of Information Act 2000 (FOIA):

I would like to request copies of all current sick pay policies applicable to employees of your organisation. Specifically, I am seeking:

- **Copies of any documents, handbooks, or guidance outlining entitlement to sick pay (including occupational sick pay schemes).**
- **Details of eligibility criteria, rates of pay, and duration of sick pay entitlement.**
- **Any separate policies or variations that apply to different staff groups, grades, or types of employment (e.g., permanent, temporary, agency, or casual workers).**

Response

Please see below our response to your questions at Annex A.

Annex A – Sick Leave Policy (Managing Attendance Policy)

The Serious Fraud Office (SFO) aims to secure the regular attendance of all its employees. However, it recognises that from time to time, employees may be unable to attend work due to ill health. Where this is the case, the SFO aims to work in partnership with the employee to find ways to manage their attendance and return them to work at the earliest possible opportunity.

The Managing Attendance Policy sets out procedures for reporting and recording sickness absence, and for managing short and long-term sick absence in a consistent and fair way. Records will be kept of all sickness absence for a period of up to three years. This information may include: medical statements/fit notes, doctor's reports and occupational health reports, formal sickness notices and details of all formal meetings and appeal meetings. All records will be kept confidential and in accordance with the Data Protection Act 1998.

Scope

The Managing Attendance Policy applies to all permanent and fixed term employees.

Roles and Responsibilities

Managers

All managers are responsible for managing attendance within their team in accordance with the Managing Attendance Policy. Managers should:

- Focus on early intervention and be proactive in addressing health issues which may affect attendance or performance.
- Support employees in achieving a satisfactory level of attendance by helping them to continue to work when they experience ill-health or return to work as soon as possible following a period of sickness absence.
- Take decisions on whether or not to take formal action for poor attendance.

Employees

Regular attendance is an implied term of every employee's contract of employment and all employees are responsible for achieving and maintaining good attendance. All employees are expected to familiarise themselves with the contents of this policy and should:

- Attend work unless they are not well enough to do so and return to work as soon as they are able to.
- Talk to their manager at the earliest opportunity about any health issues which might affect their attendance or performance.

People and Culture Team

People and Culture team is responsible for providing advice, monitoring the implementation of the policy and keeping all data in connection with absences in compliance with the Data Protection Act 2018.

Sick Absence Procedure

Notification of absence

An employee who is going to be absent from work due to sickness should telephone their line manager within an hour of their normal start time giving a clear indication of the nature of the illness and a likely return date. Where the employee's line manager is unavailable, another manager of the same or higher grade should be contacted.

Other forms of contact to notify sickness absence, such as a text message or an e-mail, should only be used where the employee was unable to contact an appropriate manager by telephone. In these situations, the employee should leave a contact number and the manager should make a follow-up telephone call to the employee.

If an employee is unable to contact their line manager, they should arrange for a relative or friend to do so at the earliest opportunity to explain why they are unable to do so themselves.

During the telephone call the employee should:

- Give brief details about their absence, and when they will return to work.
- Alert their line manager of any urgent work that needs to be covered during their absence.
- Agree contact arrangements during their absence.

There may be occasions, however, when this is not appropriate, for example if the employee is in hospital. In this case it should be delayed until a more appropriate stage in their recovery.

If the employee does not attend work and does not make contact with their manager, their line manager should try to contact them using the most appropriate means. If this is not successful it may then mean contacting their next of kin or visiting the employee at their home address. The manager should consult with People and Culture Team about what other action may be appropriate.

If the manager is still unable to contact the employee, they should follow the guidance on unauthorised absences outlined in the Managing Attendance.

Following the initial contact with the employee, the manager should:

- Send details of the name of the employee and details of their absence to +People.
- Consider whether a referral to Occupational Health is appropriate. An early referral is strongly recommended if the sickness absence is due to stress, anxiety or a musculoskeletal.
- Consider the need to carry out an individual stress risk assessment if the reason for the sickness absence is stress-related. Further guidance and forms can be found on the Health and Safety Executive website.
- Inform the rest of the team of the absence (while maintaining sensitivity and confidentiality).

During sickness absence

Actions during sick absence

The line manager should:

- Keep in touch with the employee, as agreed, during their sickness.
- Adopt a work-focused approach, being mindful of well-being issues, during all discussions with the employee throughout their sickness.
- Consider whether they should carry out a Formal Meeting when the employee returns to work, if the employee reaches or exceeds the Trigger Point during their sickness absence. If the manager considers that a Formal Meeting is not appropriate, they should be able to clearly justify the reason.
- Follow the process on managing long-term sick absence in Section 7 if the sickness absence reaches 15 consecutive working days.

Annual leave during sick absence

An employee who becomes unwell while they are on annual leave can decide to reinstate their annual leave and have the days they were unwell recorded as sick leave. Annual leave should not ordinarily be used to cover periods of sick leave or to effectively delay the start of half pay or no pay periods of sick absence. In certain circumstances such as taking a holiday during long term sick absences as part of a return to work plan, staff can, if they choose request annual leave to cover that.

An employee who has not had the opportunity to take their full entitlement to annual leave because they have been absent due to sickness, can carry forward any remaining leave entitlement to the next or subsequent leave years.

Home visits

Where an employee is unable to attend work to discuss their health issues, it may be appropriate for the line manager and People and Culture Team to visit with the employee in their own home. Such visits will always be with the consent of the employee.

Occupational health referrals

OH can advise on an employee's condition and how that may affect their ability to work and carry out their job role effectively and/or impact their attendance. They can also provide advice regarding a supportive return to work following an extended absence.

They can suggest short / long term reasonable adjustments that may improve an employees experience at work i.e. removing unnecessary barriers or in assistance to a return to work.

Certifying sick absence

Employees must complete a self-certification form on the date they return to work if their sickness absence was for five working days (i.e. seven calendar days) or less. The self-certification form should give dates of absence, including half days, and should state the reason for the absence. It is not considered enough to state 'sickness' or 'illness' on a self-certification form. If employees are absent from work due to sickness for more than seven calendar days, they must also provide a 'Fit Note' on their return to work covering the whole absence. During periods of long term sickness absence, the employee must send their

manager all 'Fit Notes' as and when they receive them. The 'Fit Note' should be submitted to People and Culture Team who will place it on the employee's personal file.

Self-certification forms and medical certificates should be submitted to line managers who will pass them promptly to the People and Culture Team who will close off the absence record.

Failure to follow the procedure for notification of absence, or to provide a 'Fit Note' when required, may result in the absence being considered unauthorised and disciplinary procedures may apply. In addition, the employee's pay will be stopped for the period of the unauthorised absence.

Return to work

Line managers must arrange a Return to Work Discussion to discuss the reason for the absence with the employee on the day they return to work.

The discussion may take the form of a short conversation or could be a more structured meeting, depending on the circumstances of the employee and the sickness.

The purpose of the meeting will be to discuss potential strategies aimed at improving the employee's level of attendance. Therefore, the Return to Work Discussion may include a review of all sickness absences in the preceding 12 month period and where an employee is approaching the Trigger Point the discussion might also cover actions to help the employee improve their level of attendance.

At this meeting, where the absence was for more than seven calendar days, the employee should confirm that they have a 'Fit Note' to cover the whole absence period.

If the employee has reached or exceeded their Trigger Point, the manager should consider whether it would be appropriate to hold a Formal Meeting.

A summary of the discussion should be recorded on the Return to Work discussion form.

Disability related absence

Where an employee has a disability, the line manager must consider any reasonable adjustments, in consultation with the employee and People and Culture Team, to allow the employee to work more effectively and to help to improve levels of attendance, as required by the Equality Act 2010.

Additional consideration may be given, and exceptions made, in the application of the Managing Attendance procedures. All sick absence should still be certified and recorded in the normal way.

Refer to 'How to: make reasonable adjustments for employees with a disability.'

Recording absence

It is the line manager's responsibility to ensure that their staff's absence is properly recorded. Managers should record the first and last day of absence and the reason for the absence.

A part-day sickness absence is where an employee attends work for part of the day before going home due to illness or injury or who does not arrive at work until part way through the day.

Where an employee attends work for half of their contracted hours or less this should be notified to +People and will be recorded as a half day's sickness absence. If they attend for more than half of their contracted hours this will be treated as a full day's attendance and not recorded as a sickness absence.

Sick pay

Employees will receive occupational sick pay if they follow the procedures outlined above. Failure to follow the sickness absence procedure may result in a loss of entitlement to sick pay and/or disciplinary action.

Permanent and fixed-term employees who joined the SFO on or before 31st December 2015 are entitled to the following:

- First six months in a 12 month rolling period **full pay**.
- Following six months up to a total maximum of 12 months sickness absence in a four year rolling period **half pay**.

This also applies to employees who were civil servants on or before 31st December 2015 but transferred to the SFO after 1st January 2016.

Permanent and fixed-term employees who joined the SFO, and the Civil Service, on or after 1st January 2016 are entitled to the following:

- From first day of service – 1 month full pay and 1 month half pay.
- After 2 years' service the entitlement will increase to 2 months full pay and 2 months half pay, but that will be a cumulative entitlement.
- After 3 years' service the entitlement will increase to 3 months full pay and 3 months half pay, as a cumulative entitlement.
- After 4 years' service it increases to 4 months full pay and 4 months half pay, as a cumulative entitlement.
- After 5 years' service it increases to 5 months full pay and 5 months half pay over a rolling 4 year period.

Employees working part time hours will be entitled to sick pay pro-rata in line with the contractual hours worked.

All employees are entitled to statutory sick pay, which is determined by the Government and is payable for 28 weeks. For further information, please refer to the HM Revenue & Customs website www.hmrc.gov.uk. Statutory sick pay will be included in the above enhanced sick payments.

Employees will accrue annual leave during sickness absence.

Managing attendance – short-term absences

Taking action

The manager should not wait until the employee's absence reaches the Trigger Point before taking action to address concerns about attendance. This might include discussions about part-day sickness absences, a possible pattern of sickness absence or concerns that the employee's health is affecting, or might affect, their attendance. This should normally be addressed as part of the Return to Work Discussion following a period of absence but can also be discussed at other 1:1 meetings.

Action at this stage should focus on trying to help the employee maintain a satisfactory level of attendance. The manager should:

- Tell the employee that they are concerned about their level of sickness absence and remind them of the attendance standard expected of them.
- Give the employee the opportunity to discuss any issues which they feel are affecting or might affect their attendance.
- Adopt a work-focussed approach to reduce the likelihood of further sickness absences.
- Consider whether Occupational Health advice is needed to understand the impact of the employee's health on their return.
- Managers should provide a note of the discussion and any agreed actions and send this to the employee by e-mail.

Formal Procedure

Trigger Points

The formal procedure will normally be followed in cases where an employee has reached/exceeded a Trigger Point. These are:

- A total of eight days' sickness in any rolling 12 month period; and/or
- More than five spells of sick absence within the rolling 12 month.

If the sickness absence level reaches or exceeds the Trigger Point, the manager should consider whether it is appropriate to arrange a Formal Meeting when the employee returns to work and follow the formal procedure for managing attendance. If the manager considers that a formal meeting is not appropriate they should be able to clearly justify the reason why.

The line manager must seek advice from People and Culture Team if they are intending to use the formal procedure.

Formal Meeting

The manager should write to the employee inviting them to a meeting to discuss their attendance. Where possible the meeting should be face-to-face at their usual workplace. In circumstances where an employee is unable to attend a face to face meeting, the meeting can proceed by telephone. However, if the employee refuses to attend, the meeting may go ahead without the employee present and will be based on the information available.

The letter should:

- Give at least 5 working days' notice.

- Tell the employee they are expected to attend the meeting as scheduled unless there are exceptional circumstances why they cannot. In this case, they should inform the manager as soon as possible.
- Inform the employee a note taker may attend to keep a written record of the meeting. Make sure they are comfortable with that person taking notes.
- Advise the employee they have the right to be accompanied by a trade union representative, trade union official or work colleague.
- Explain the reason for the meeting, what issues will be discussed and what the possible outcome could be.
- Enclose copies of any correspondence relating to the employee's sickness absence which will be referred to during the meeting. These should be circulated to all those attending at the earliest opportunity but no less than two days before the hearing. If the employee is still absent from work, send them a copy of the Managing Attendance policy and procedure.
- Postpone the meeting once if the trade union representative, trade union official or work colleague the employee has chosen cannot attend. The meeting must be held within 5 working days of the original scheduled date. If this is not possible, the manager should make a decision about the case taking into account all the available evidence.

Managers should make any reasonable adjustments which are necessary to enable an employee with a disability to attend a formal meeting.

Redeployment

Where an employee is unable to undertake the duties of their current role due to health reasons, despite reasonable adjustments, the SFO will consider redeployment of the employee to another suitable role, at the SFO, before taking a decision to dismiss.

Such redeployment will normally be at the same grade and pay level. Where a role is found to be a lower grade or pay level, there may be no protection of earnings and the employee may be paid at the new grade and pay level from the effective date.

Reasonable Adjustments and Temporary Workplace Adaptations

It may be the case that, for an employee to return to work, temporary workplace adaptations or permanent adjustments need to be made to their working environment, workload, type of work, etc.

The Equality Act places a positive duty on employers to make reasonable adjustments to any elements of the job which place a disabled employee at a substantial disadvantage. Temporary workplace adaptations are short-term changes to the way an employee does their job and do not replace the duty to make reasonable adjustments for employees with a disability.

Where this is the case, the line manager will discuss any temporary workplace adaptations/ reasonable adjustments that may be required with the employee, taking into account any medical advice received. These adjustments may include a phased return to work, the terms of which would be based on medical advice.

Returning Part-Time on Medical Grounds

Where supported by medical advice from the SFO's occupational health adviser, employees may be permitted to return to work doing less hours than they are contracted to do on a short term basis to ease them back into work.

- Returning to work Part-Time on Medical Grounds (PTMG) is a formal arrangement to help the employee return to work gradually, usually after a long or severe illness or course of treatment. The employee returns to work for some of their usual working hours and the remainder are recorded as sickness absence. The number of hours worked will increase over a period of time (usually a maximum of 13 weeks) until the employee resumes their normal working pattern.
- Employees who are working PTMG will be paid their normal rate of pay for the time that they are working and will receive the appropriate level of sick pay for the remaining hours.
- On returning from long-term sickness, a Formal Meeting would be held. Where an employee returns to work PTMG, the Formal Meeting should be held at the end of the period of PTMG rather than on the employee's initial return from sickness absence.
- The periods of sickness absence agreed as part of the PTMG arrangement will be subject to the usual rules on sick pay but will not count towards the Trigger Point or any formal action for unsatisfactory attendance. Any period of sickness absence taken during the agreed hours when the employee should be at work, will count towards the Trigger Point.

The line manager is responsible for notifying People and Culture Team of any change in hours.

Early Ill Health Retirement

An employee can apply for Ill-Health Retirement if a breakdown in their health prevents them from carrying out their duties and there is advice from Occupational Health that they are likely to meet the criteria.

- The employee should talk to their manager if they want to apply for Ill-Health Retirement.
- The SFO can also instigate an application for Ill-Health Retirement if a breakdown in the employee's health prevents them from carrying out their duties.
- The manager must seek agreement and consent from the employee if they plan to instigate an ill-health retirement application. If all other Managing Attendance procedures have been followed and the employee does not consent to an ill-health retirement application then the manager should consider dismissal.

Appeal

Employees have one right of appeal at every stage of the formal sickness absence procedure. Should an employee decide to appeal against the decision they must do so in writing within five working days of receiving the letter informing them of the decision. They must clearly state their grounds for appeal.

There are three grounds of appeal:

- there were any procedural flaws and if this affects the merits of the outcome;
- the decision appears to be perverse and not supported by the information gathered;
- there is any new information that was not available at the time of the original meeting but has since come to light.

If the appeal does not satisfy the above grounds of appeal, the Appeal Manager should reject it and notify the employee, in writing, of this decision.

Employees may not, additionally, raise a grievance where a right of appeal exists under this or any other SFO policy which is able to address the issues raised.

Appeals should normally be heard by the next manager in the line management chain who should be at least one grade higher than the manager who made the original decision.

The appeal process should continue in parallel with, and not delay, any on-going action under the Managing Attendance procedure, including the start of any notice period. The Appeal Manager's decision is final.

If the appeal meets one or more of the criteria set out above the Appeal Manager should conduct a formal meeting with the employee to hear the appeal before making a decision.

In preparation for the meeting, the Appeal Manager should:

- Check they have all the papers relating to the decision.
 - Check that the procedure has been followed correctly.
 - Ensure they understand the grounds of appeal.
 - Fully consider all the points raised by the employee in their appeal.
 - Consider the original decision and any new evidence provided by the employee.
- Arrange for a note taker to be present.

A member of the People and Culture team will be present at an appeal meeting.

Appeal meeting

The Appeal Manager will invite the employee, in writing, to an appeal meeting.

Where possible the meeting should be face-to-face at their usual workplace. In circumstances where an employee is unable to attend a face to face meeting, this can proceed by telephone. However, if the employee refuses to attend, the meeting may go ahead without the employee present and will be based on the information available.

The letter should:

- Give at least 5 working days' notice.
- Tell the employee they are expected to attend the meeting as scheduled unless there are exceptional circumstances why they cannot. In this case, they should inform the manager as soon as possible.
- Inform the employee a note taker may attend to keep a written record of the meeting. Advise the employee they have the right to be accompanied by a trade union representative, trade union official or work colleague.
- Explain the reason for the meeting, what issues will be discussed and what the possible outcome could be.
- Enclose copies of any correspondence relating to the employee's sickness absence which will be referred to during the meeting. These should be circulated to all those attending at the earliest opportunity but no less than two days before the hearing. If the employee is on a continuous period of sickness absence, send them a copy of the Managing Attendance policy and procedure.

The Appeal Manager may postpone the meeting once if the trade union representative, trade union official or work colleague the employee has chosen cannot attend. The meeting must

be held within 5 working days of the original scheduled date. If this is not possible, the manager should make a decision about the case taking into account all the available evidence.

An appeal hearing is not a full re-hearing of the case. The Appeal Manager's role is to consider whether:

- There were any procedural flaws and, if so, whether they affect the merit of the decision.
- The original decision was perverse and not supported by the evidence.
- The appellant has provided new information that was not available at the time of the original Formal Meeting which would materially affect the original decision.

The Appeal Manager then needs to decide whether the sanction imposed was a reasonable one, i.e. whether it was in the range of reasonable sanctions in relation to the attendance issues.

Appeal decision

In some cases, the manager may adjourn the meeting before making a decision.

Following the meeting, the Appeal Manager should decide whether to uphold the appeal.

The manager may notify the employee of the outcome at the end of the meeting, and in any event in writing within 48 hours of the meeting.

The decision letter should include:

- whether or not the appeal is upheld or rejected and the reasons for this decision
- any recommended actions such as, further attendance reviews/meetings with the employee and reasonable adjustments.

Further appeal

Employees may be able to appeal against that decision to an Employment Tribunal. Visit this website www.gov.uk/employment-tribunals/when-you-can-claim for further information.

In certain circumstances employees who have been dismissed may be able to make a further appeal in relation to non-payment of compensation or the amount of compensation paid on dismissal for unsatisfactory attendance by contacting the Civil Service Appeal Board. As The Civil Service Appeal Board has individual procedures, employees are requested to look on their website www.civilserviceappealboard.gov.uk or contact:

Civil Service Appeal Board Secretariat

Level

Caxton House

Tothill Street

London

SW1H 9NA

Email: ccas.civilserviceappealboard@dwp.gsi.gov.uk

Other health related absences

Medical appointments

Where possible, employees should attend appointments in their own time. If they are unable to do so, they should try to minimise any disruption to the business, for example by attending

appointments at the beginning or end of the day. The employee should give their manager as much notice as possible of the appointment and provide evidence of their appointment time, if requested.

Where the employee has been unable to arrange an appointment in their own time, the manager can consider giving the employee paid time off, such as a flexi credit, for reasonable health-related appointment absences.

Sickness absence and annual leave

If an employee is ill whilst on annual leave, they can choose whether to have the days which they are unwell treated as annual leave or sickness absence.

If an employee chooses to have them treated as sickness absence, they must follow the normal rules on notifying their manager of their sickness absence at the time, keeping in touch and providing medical evidence. Annual leave cannot be converted to sickness absence retrospectively.

Pregnancy-related illness

Employees who are pregnant and are absent from work due to sickness will receive normal statutory or contractual sick pay in the same manner as would any other employee, in line with the Managing Attendance Policy. Pregnancy-related sickness absence will be recorded separately and will not be taken into account when looking at trigger points but will be counted for the purposes of contractual sick pay. However, if the absence is after the beginning of the fourth week before her expected week of childbirth, and is wholly or partly pregnancy-related, maternity leave will start automatically. If this is the case, the employee must notify their Line Manager and People and Culture Team must be notified as soon as is reasonably practicable.

Fertility Treatment

Employees who are undergoing fertility treatment, and have passed their probation period, are entitled to three days paid leave in any 12 month rolling period. The policy applies equally to an employee whose partner is undergoing fertility treatment.

Gender Reassignment

Gender reassignment leave can be categorised as either paid special leave or sickness absence. It enables employees to take time off to attend appointments or undertake treatments relating to gender reassignment as either:

- paid special leave, if the employee is fit for work by needs time off for gender reassignment appointments, or
- sickness absence where the employee is unfit for work e.g. following surgery or other treatment.

Gender reassignment related sick absence will be recorded separately (as “reason unknown” to maintain confidentiality) and will not be taken into account when looking at trigger points but will be counted for the purposes of contractual sick pay.