



# Scottish Police Federation

5 Woodside Place Glasgow G3 7QF

## JCC Circular 48 of 2015

Ref: CS/LS

20 October 2015

Dear Colleague

### **Self-Certification Guidance - 20150911 Guidance for managers on withdrawal of self v1 3**

I refer to the above and attach herewith the relevant document for your perusal.

I would be obliged if you could provide any comments/observations you may have on its content to [Lesley.stevenson@spf.org.uk](mailto:Lesley.stevenson@spf.org.uk) by **Thursday 29 October 2015**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Calum Steele'.

**Calum Steele**  
**General Secretary**

SCOTTISH POLICE  
AUTHORITY



POLICE  
SCOTLAND  
Keeping people safe

## **Guidance for managers on the withdrawal of self-certification rights Authority/Police Staff**

This guidance provides additional information to supplement the Attendance Management SOP in relation to frequent short term absence issues and making the decision to withdraw someone's right to self certify.

### **Deciding to withdraw a member of staffs Self Certification rights.**

Self-certification is not an automatic right and the option to self certificate can be withdrawn. When a member of staff has 4 or more occasions of absence in a 12 month period, or if abuse of self certification is suspected/proven, line managers should consider the removal of self certification.

Contact should be made with the relevant HR Adviser in the first instance, prior to any action being taken. This will allow the line manager to discuss whether certain absences should be excluded from consideration, e.g., absences caused by an injury on duty, or whether consideration should be given to allow self certification to continue as part of reasonable adjustments.

Where the right to self certify has been withdrawn, the member of staff should provide confirmation from a suitably qualified doctor that they were unfit to attend work on every subsequent occasion they report sick.

### **Next Steps:-**

Once the decision has been made, managers should:-

- Meet with the individual to discuss this course of action and the reasons why this decision has been taken. This conversation would usually, but not exclusively take place during an attendance support meeting or a return to work interview. The individual should be advised that failure to comply may result in sick pay being withheld.
- The period of the withdrawal will be at the discretion of the line manager but should be for no longer than 12 months. A review date should be agreed with the individual

at the time. The review period can coincide with the review period set for an improvement in attendance, set as part of the attendance support meeting.

- Confirmation in writing is to be sent to the individual (with a copy sent to the relevant HR Adviser) outlining what was discussed/agreed. Individual should also be made aware of their right to appeal this decision.
- Update scope (individual's record/absence tab/withdrawal of self certification tick box). Complete the boxes in this section which include:- date withdrawn, reason, who it was authorised by and the review date.

Once the right to self certification has been removed, if the individual is subsequently absent and does not provide confirmation from a suitably qualified doctor that they were unfit to attend work, the Manager should contact P&D who will arrange to advise payroll of any pay adjustment required.

### **Review and reinstating self certification rights**

- Line manager should meet with the individual on the review date agreed. This date could tie in with the attendance support meeting review date.
- The manager will determine whether or not there is an improvement in the individual's absence record.
- If there is an improvement then the right to self-certify can be reinstated and scope updated.
- If there has been no evidence of an improvement then the manager should consider extending the review period.

### **Appeal process**

- An individual can appeal a manager's decisions to withdraw their right to self certify.
- The decision to withdraw the right to self certification will remain in place during the appeal process and will only be lifted if this is the outcome of the appeal process.
- A right of appeal can only exist if the individual considers that the line manager has taken into account absences that should have been excluded from consideration and/or the line manager has failed to take into account relevant information relating to the individual's sickness absences.
- An appeal form should be submitted to the second line manager within 7 calendar days of receipt of written confirmation of the withdrawal of the right to self certify. The grounds for appeal must be clearly stated.

- Employee will be informed of the outcome of appeal within 14 days of receipt of the written appeal by the second line manager/head of department.

## **FAQ's for managers**

### **Can I combine the review date with the attendance support meeting?**

Yes, this can be combined with the attendance support meeting but if this is not possible a separate date can be arranged.

### **What can managers do if the GP refuses to provide a certificate?**

Whilst the withdrawal of self certification rights means the employee must supply a certificate for every occasion of absence, there is no requirement for a GP to issue documentation until the employee has been off work for more than seven calendar days. Therefore GP's are within their rights to refuse to provide a certificate.

Nevertheless it is still the responsibility of the individual to provide confirmation from a suitably qualified doctor that they were unfit to attend work on the day(s) in question.

Where an individual fails to provide certification, the absence will be treated as being unauthorised and their entitlement to Statutory Sick Pay or Occupational Sickness Allowance for all or part of the absence may be lost. Managers must seek advice from the relevant HR Adviser in the first instance.

### **How do I report sick once I have had my right to self certify removed?**

All individuals should continue to phone the absence recording contact number on 01786 289988. This should be done as soon as reasonably practicable and wherever possible at least two hours before the start of the working day/shift. When returning to work following sickness absence individuals should report fit via the same absence recording contact number. This should be done as soon as they become fit and they should not wait until their next scheduled work period to report fit.

### **What do we do if the GP charges the employee?**

The individual will be responsible for meeting any charges their GP may make for the provision of a Fit Note or documentation to confirm they were not fit to attend at work.

### **Is this part of the Attendance Management SOP?**

Yes, line managers have the discretion to withdraw an individual's right to self certification under certain circumstances as part of the overall approach to managing their attendance at work. If after implementing the various approaches available there is still no acceptable improvement in the individual's attendance then in accordance with the SOP guidance the individual could be subject to the formal procedures outlined in the Capability (Attendance and Performance) SOP.

## Template Letters

- Withdrawal of right to Self Certify
- Appeal Letter



Letter Template -  
Withdrawal of Self Ce



Flexible Working  
Appeal Form.doc