

Sickness Absence Policy and Procedures

HR

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1. General Policy Principles

- 1.1 Redbridge Council is committed to providing a safe and healthy working environment for employees. Equally, the Council requires regular and punctual attendance of its employees.
- 1.2 Sickness absence may be unavoidable; however, frequent and persistent absence is costly, disruptive to service delivery and has a **negative effect on employees' morale. The Council has a duty to manage and minimise absenteeism. At all times, managers must balance the need to run an effective service, with the need to support employees who are sick.**
- 1.3 The Council will be fair, consistent and supportive to employees who are absent through sickness. It will also be open with employees, alerting them promptly when absence levels are causing concern or are unacceptable.
- 1.4 Senior managers will actively monitor absence levels within their clusters and across the Council. Managers have a key role in managing absence. All employees are responsible for their own health and well-being and **for following the Council's procedures.**
- 1.5 Any breach of the procedures may result in disciplinary action. This may include, but is not restricted to:
 - Falsifying sickness records and certificates
 - Not following the absence reporting procedure without good cause
 - Refusing to explain an absence
 - Refusing to attend or co-operate with absence review meetings or Occupational Health appointments
- 1.6 Where an employee fails to or refuses to give reasonable co-operation in resolving sickness absence (for example, repeatedly fails to attend Occupational Health appointments), the Council will take necessary action on the basis of information available at the time.
- 1.7 An employee who has a combination of short-term and long-term sickness absence will be covered by one unified procedure.

2. Scope

This policy applies to employees at all levels of the Council, up to and including Chief Officers. It excludes employees engaged at or based at schools.

3. Specific Provisions

3.1 Pregnancy

- 3.1.1 The Council will deal with and record all pregnancy related illness separately from other sickness absence and will not discriminate against or dismiss any employee for reasons related to her pregnancy or pregnancy related sickness, in accordance with the Equality Act 2010
- 3.1.2 Any sickness absence which is pregnancy related will not be counted towards triggering the Council's **Absence Management Procedure.**

3.2 Alcohol, drug or substance misuse

3.2.1 Employees who are found to be consuming, using or under the influence of alcohol or **drugs whilst at work will be dealt with under the Council's Disciplinary** procedures, in accordance with the [Alcohol, Drug and Substance Misuse Policy](#).

3.2.2 Where it has been established that the employee has an underlying health problem, related to alcohol or drugs or substance misuse, then the Sickness Absence Policy will apply.

3.3 Disability

3.3.1 The Council will deal with and record all disability related sickness absence separately from other sickness absence (where the employee has disclosed a disability and has agreed for the absence to be recorded as such).

3.3.2 The Equality Act 2010 makes it unlawful to treat a disabled person less favourably than a person who is not disabled, for any reason **related to the person's disability**. Disability must not be equated with poor health.

3.3.3 **Where sickness absence is related to an employee's disability, the Council will** consider making reasonable adjustments to support the employee. This may include adjusting a trigger point, for example.

4. Employee well-being and absence prevention

4.1 The Council recognises its duty of care towards employees and will strive to maintain a safe working environment and minimise health risks, in accordance with its Health & Safety Policy.

4.2 All employees have a duty to take reasonable care for their own health and safety and to **comply with the Council's Health and Safety policies**. They must report any actual or suspected ill-health effects caused by their work immediately to their manager (or another designated manager or supervisor).

5. Notification of Sickness Absence

5.1 The Council will, through its managers, ensure that employees know who to notify when they are sick, when to do so and any certification required, as set out in the **Council's** procedures.

5.2 Employees must also ensure they are aware of the above and any local arrangements agreed with their manager.

6. Completion of Sickness Certificate and Return to Work Interviews

6.1 The Council will use return to work interviews as a means to manage sickness absence and identify support for employees if needed.

6.2 Following every absence, the manager (or another designated person in the Service) must meet the returning employee to:

- Conduct a return to work interview
- Complete a sickness self-certificate and check that any other medical certification is produced, as required
- Complete a Return to Work Interview Record Form

7. Trigger Points

7.1 The Council will use trigger points as a means to:

- Alert employees that their level of sickness absence is causing concern
- Ensure managers take prompt action to deal with sickness absence
- Identify potential problems and to deal with them effectively before they escalate

7.2 It is not always necessary for a trigger point to be reached before action is taken. Managers may take action at any time, (for example, referring an employee to Occupational Health), if they have concerns about the underlying cause of sickness and/or there is a significant impact on the service.

7.3 **The Council's current** trigger points are:

- 6 working days of sickness absence within any 12 month rolling period
or
- 3 separate episodes of sickness absence within any 6 month rolling period
or
- A pattern of sickness absence (e.g. Mondays/Fridays, regular sickness absence following periods of annual leave)
or
- 20 continuous working days (or 4 continuous weeks if employed for less than 5 days a week)

7.4 Managers may adjust a trigger point and or monitoring period if the absence is related to **an employee's disability. Further guidance on this is given in 'The Manager's Guide to Supporting Employees with Disabilities'.**

7.5 In addition, managers may use their discretion in applying monitoring periods where they consider that an extension or exception is warranted.

For example:

- Where an employee has made genuine efforts to reduce their sickness absence, but circumstances have made this impossible
- Where their sickness absence is related to or resulting from an industrial injury or third party accident

8. Referrals to the Occupational Health Unit

8.1 The Council will make use of its Occupational Health Unit to obtain expert medical advice:

- To provide appropriate support to employees
- To aid decision-making in sickness absence cases

8.2 The manager may refer an employee to the Occupational Health Unit at any point if they **are concerned about the impact of an employee's health on their work or attendance.** When making a referral, the manager must inform the employee, explaining why they are making the referral and what information is being sought.

8.3 The manager must refer the employee to The Occupational Health Unit:

- When they have been on sick leave for 20 working days or more (4 continuous weeks in the case of employees who work less than 5 days a week).

Or

- When they have received a medical certificate indicating the employee will be on sick leave for at least 20 working days or more (4 continuous weeks in the case of employees who work less than 5 days a week)

8.4 If an employee wishes to be referred to the Occupational Health Unit, they must first discuss this with their manager. The employee cannot self-refer; only the manager or an Employment Relations Advisor may make a referral to the Occupational Health Unit.

9. Industrial Injury

9.1 The Council will treat any accident or incident causing injury at work as an industrial injury. Any subsequent absence resulting from this will be recorded as industrial injury absence. Nevertheless, this will be treated as sickness absence and the normal sickness absence management procedure will apply.

9.2 If it has been established that the employee has sustained an injury or suffered an **accident through their own negligence or wilful disregard of the Council's Health & Safety Policy**, this may result in salary and subsequent sick pay being withheld and/or possible disciplinary action.

10. Accidents outside of the workplace involving a third party

10.1 If an employee is absent from work due to a third party accident occurring away from the workplace, this will be treated as sickness absence.

10.2 Employees are encouraged to pursue damages related to this and if they do, they must inform their manager of this and complete an Accident Report and Undertaking Form. If the employee is subsequently successful in their claim and receives reimbursement of **salary from the third party's insurer, they will refund this** in part or in full to the Council.

10.3 If it transpires that an employee has been paid twice (i.e. has been in receipt of pay from the Council and has also received monies from an insurance claim to cover salary for a concurrent period), **then the Council will seek reimbursement of the employee's salary** from the employee. This could also lead to disciplinary action if it is found that the employee intentionally withheld from the Council information regarding the insurance claim.

11. Redeployment on the grounds of ill health

11.1 The Council will make every effort to retain employees who are experiencing continued ill health, in their existing job roles. It will consider redeployment on the grounds of ill-health when all other routes to support the employee have been exhausted.

11.2 If an employee is redeployed on the grounds of ill health to a post which is graded lower than their current post, their salary will not be protected.

11.3 If an employee has a disability and is being redeployed on the grounds of ill health, this should be to a post of an equivalent grade to their current post wherever possible. However, where this is not possible, their salary will not be protected.

12. Ill Health Early Retirement

- 12.1 The Council will make every effort to retain employees who are experiencing continued ill health. It will consider ill health early retirement in exceptional circumstances and only when all other routes to support the employee have been exhausted.

Appendix 1 - Sickness Notification, Certification and Return to Work Procedure

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1. Introduction

- 1.1 If an employee is sick they should always follow this procedure; otherwise their entitlement to salary/sick pay may be withdrawn. They may also be subject to the **Council's Disciplinary Procedure**. Failure to attend an Occupational Health appointment without reasonable justification may also lead to the above sanctions. (Please refer to [Section 8.2](#))
- 1.2 They must complete a sickness certification form regardless of the length of absence, even if they have a Statement of Fitness for Work (Fit Note) from their GP. This is so that the Council can record sickness absence and provide the appropriate support.
- 1.3 If an employee is absent through sickness and fails to notify their manager this may be deemed unauthorised absence and pay will be stopped accordingly.
- 1.4 If an employee fails to contact or maintain contact with their line manager, as indicated in this procedure, the manager must make every reasonable effort to contact the employee to establish their current progress/circumstances.
- 1.5 Employees should notify their manager promptly if they have concerns about the impact of their work or their work environment on their health and well-being.
- 1.6 Employees are reminded that there is an Employee Assistance Programme (24 hour helpline). This service is free, confidential and completely impartial and can provide support on health and well-being issues. The phone number is 0800 282 193 and the website is www.ppconlineinfo.com.
- 1.7 Managers should be careful to treat all employees equally and consistently to avoid the perception of inequality of treatment. The action taken by a manager and the reasons should be recorded clearly on Return To Work Interview Form.

2. Sickness related to pregnancy

- 2.1 If an employee has a pregnancy related illness the manager must consider how this could affect her ability to do her job. If, at the point of the pregnancy related illness, the manager has not already carried out a pregnancy risk assessment, they should now do so at the earliest opportunity.
- 2.2 All sickness absence must be recorded, but absences that are pregnancy related must be **recorded in the 'pregnancy specific' section of the Return to Work Interview Form**. Managers should also consult with an Employment Relations Advisor.
- 2.3 The manager must not count this towards accumulated sickness absence i.e. for the purpose of triggering the Sickness Absence Management Procedure.
- 2.4 If the employee is absent from work due to a pregnancy related illness, after the beginning of the fourth week before her expected week of childbirth (EWC), maternity leave will start automatically.
- 2.5 If a pregnant employee is absent from work due to sickness which is not pregnancy related, she will receive normal statutory or occupational sick pay, provided she has not begun ordinary maternity leave (OML). Her sickness absence will be treated in the normal

way, including any appropriate action under the sickness absence management procedure.

- 2.6 If, at the end of her maternity leave, an employee is prevented from returning to work because of sickness, she must immediately tell her manager and provide a **doctor's** certificate to cover her continuing absence in the normal way. If the sickness is related to the pregnancy, the manager must not count this towards accumulated sickness absence i.e. for the purpose of triggering the Sickness Absence Management Procedure.
- 2.7 Pregnancy related discrimination is unlawful under the Equality Act 2010. For further guidance on pregnancy related absence please refer to the maternity section of the Council's **Employee Leave Guidance** and **contact an** Employment Relations Advisor.

3. Sickness related to disability

- 3.1 **If an employee's sickness absence is related to a disability, they are encouraged to** disclose this so that appropriate support can be considered and offered to them.
- 3.2 Where the manager is aware that the sickness absence is related to a disability, they must consult with an Employment Relations Advisor and Occupational Health. The manager must demonstrate that recommendations made by the ER Advisor have been considered.
- 3.3 Further guidance is available in the [Manager's Guide to Supporting Employees with Disabilities](#). This includes guidance on making reasonable adjustments and adjusting trigger points where appropriate.

4. Sickness Absence related to Industrial Injury

- 4.1 Any absence related to or resulting from an industrial injury must be recorded as sickness absence.
- 4.2 In addition, all injuries sustained in the workplace must be recorded on an accident report form when they occur and forwarded to the Health & Safety team. A copy will also **be sent the employee's Trade Union at the employee's request**. Any accident at work is an industrial injury and must be recorded as such on the Return To Work form.
- 4.3 The manager should establish that:
- The accident/incident occurred whilst the employee was doing their job
 - The accident/incident was specifically **caused by the employee's duties**
 - The employee was injured or contracted the disease as a direct result of the accident/incident
 - **The employee's Trade Union has been informed (if requested by the employee)**

5. Sickness Absence related to accidents/incidents outside of the workplace

- 5.1 If an employee is absent from work due to a third party accident occurring away from the workplace, this will be treated as sickness absence.
- 5.2 Employees are encouraged to pursue damages related to this and if they do, they must inform their manager of this. The manager must notify Pay and Contracts of any employee who is absent due to a third party accident (for example, a road traffic accident) and should forward to the employee an Accident Report and Undertaking Form

(available from Pay and Contracts) to complete and return to Pay and Contracts. If the employee is subsequently successful in their claim and receives reimbursement of salary from the third party's insurer, **they will refund** this in part or in full to the Council.

- 5.3 If it transpires that an employee has been paid twice (i.e. has been in receipt of pay from the Council and has also received monies from an insurance claim to cover salary for a concurrent period), then the Council will seek reimbursement of the **employee's salary** from the employee. This could also lead to disciplinary action if it is found that the employee intentionally withheld from the Council information regarding the insurance claim.

6. Notification of Sickness Absence

6.1 On the first working day of absence

- 6.1.1 Employees who are sick should contact their manager within an hour of their expected start time, unless other local arrangements are in place.

- If someone else contacts the manager on their behalf they must say why the employee was not able to call in person and when they will be able to speak to the manager.
- **If the employee's manager is unavailable when they call, the employee should** speak to another designated manager or supervisor.
- Only if there is no other manager or supervisor available, should the employee leave a message with a colleague. They must leave a number that they can be contacted on, so that a manager can call them later to verify details. The overriding requirement is to speak to a manager and not to leave/send messages by any other means e.g. via a colleague, e-mail, text etc.

- 6.1.2 Employees must remain contactable whilst on sickness absence. When an employee calls in sick, their manager (or if the manager is not available, another designated manager,) should verify with the employee that they have **the employee's** correct and current contact details, including land line, mobile and home e-mail address.

6.1.3 The employee should:

- Clearly state that they are reporting sick
- Explain what is wrong
- State whether they have seen/intend to see their GP
- Say when they anticipate returning to work
- Acknowledge that they will complete a sickness certification form on their return

- 6.1.4 If the employee confirms that they will be seeing their GP, the manager should remind them that if the GP does not provide them with a Statement of Fitness for Work **indicating they are not fit for work, or indicates that they 'may be fit' for work**, the employee must telephone the manager immediately to agree a return date. (Please refer to section 6.4 below).

- 6.1.5 If an employee has not reported for work and the manager has not heard from them, they should call the employee before the end of the working day to establish the reason for absence.

- 6.1.6 If no contact has been established by the end of the working day, the manager may note **the employee's absence as unauthorised, pending further investigation.**

6.2 On the 4th Working Day of Absence

- 6.2.1 Employees are expected to keep in touch with their manager whilst they are off sick. If they are off for more than 3 working days they must contact their manager on the 4th working day and:
- Update him/her on their progress e.g. whether or not they have seen or intend to see a doctor
 - Say when they anticipate returning to work (note the requirements below if the absence goes beyond 7 calendar days)

6.3 On the 8th calendar day of absence

- 6.3.1 If an employee is sick for more **than 7 calendar days, including 'rest days', they must contact their manager.** Rest days are days they do not normally work, e.g. if the employee works Monday – Friday and is sick on Friday, they must include Saturday and Sunday in their calculation.

6.3.2 They should:

- Update their manager on their progress
- Say when they anticipate returning to work
- Confirm that if their sickness continues into an 8th Calendar day that they will send a **Statement of Fitness for Work (referred to as 'fit note')** to their manager by first class post immediately

6.4 Certification - Statement of Fitness for Work (Fit Note)

- 6.4.1 If the employee is off sick for more than 7 calendar days they must obtain a Statement of Fitness for Work (**referred to as a 'Fit Note'**) from their GP. Guidance on Fit Notes is available on the [DWP website](#) Note: Some GPs may provide Computer Completed Fit Note (more information is available from the [DWP website](#) . Employees must send the Fit Note to their manager; it is their responsibility to check that this has been received.

6.4.2 On the Statement of Fitness for Work the GP can advise one of two options:

Not fit for work – this means they have assessed that the employee has a health condition that prevents them from working for the stated period of time.

May be fit for work taking account of the following advice - this means they have assessed that the **employee's condition does not necessarily stop them from returning to work** and that they may benefit from one or more of the following:

- A phased return to work
- Amended duties
- Altered hours
- Workplace adaptations

Note: The above list is not exhaustive and other options may also be considered.

The GP may also comment on the functional effects of the employee's condition (for example, the degree to which mobility would be limited).

- 6.4.3 The GP cannot indicate on the Statement of Fitness for Work that the employee is fit for **work, only that they 'may be fit'**. **If the GP considers the employee is fit for work** and that no adjustments are necessary, they will not issue a Statement. If the GP confirms to the employee that they consider them to be fit for work, the employee must telephone their manager immediately to inform them of this, and report for work as soon as possible.

- 6.4.4 If the GP has indicated on the fit note that the employee 'may be fit for work' the employee must telephone their manager (or another designated manager/supervisor in the service area) immediately to inform them of this.
- 6.4.5 When the manager speaks to the employee, they must:
- Agree a date for the employee to return to work and for a return to work interview to discuss the GP's advice and any interim adjustments that can be made.
 - Advise the employee that they (the manager or another designated person in the service area) will carry out a **risk assessment in light of the GP's advice**. This must be done before the employee returns or as soon as possible after their return (i.e. within the first week)
- 6.4.6 If the manager needs further clarification of the GP's advice or does not consider that it would be feasible or practicable to make the adjustments recommended by the GP, they should seek advice from an Employment Relations Advisor. They may also refer the employee to the Occupational Health Service for further advice.
- 6.4.7 If the GP has indicated the employee is not fit for work, the employee must send the Statement of Fitness for Work to their manager immediately. The GP can indicate either a period during which the employee is deemed to be unfit for work (up to a maximum of 3 months during the first 6 months of sickness) or a start and end date during which the employee is deemed unfit to return to work.
- 6.4.8 The GP will indicate whether or not they need to see the employee again at the end of the Statement period to reassess their fitness for work.
- a) If the GP has indicated they do not need to see the employee again, the employee will be expected to return to work at the end of the Statement period. However, if the employee is not sufficiently recovered they must return to the GP to obtain a further Statement of Fitness for Work, before the end of the Statement period.
 - b) If the GP has indicated that they need to see the employee again and during the subsequent consultation they feel the employee is able to return to work without any functional limitations, they will not issue a new Statement. In this case, the employee must telephone the manager immediately to agree a return date.
- 6.4.9 If the employee is off work frequently or their absence causes service problems, the manager may request they obtain a fit note from their GP for absences of less than 7 calendar days, for an agreed period. The Council will pay for the cost of this certification, on production of a receipt.
- 6.4.10 If the employee has been off sick for a long period or has had a serious or contagious illness they must provide their manager with a fit note from their GP confirming that they may be fit to return to work. If unsure, the employee should check with their manager or an Employment Relations Advisor. The manager must undertake a risk assessment either before the employee returns to work or as soon as possible after their return (i.e. within a week) and should follow the procedure in Appendix 6 of the Sickness Absence Policy – Return to Work after an extended period of absence.
- 6.4.11 If the employee has an on-going health condition or disability, the manager should refer to **Section 7 of the Manager's Guide to Supporting Employees with Disabilities**, for further guidance.

6.5 If hospitalised

6.5.1 If the employee is in hospital they should follow the same reporting process. However, if they are too ill to contact the manager, they should make arrangements for someone to do so on their behalf.

6.5.2 Contact should be made on the first day of absence, saying how long they expect to be in hospital and leaving a contact number.

6.5.3 The employee must provide their manager with hospital admittance and discharge certificates as soon as possible. No other certificates are required during their stay in hospital.

6.6 If working from home, off site or training

6.6.1 If the employee is sick when they are due to be working from home, working off site or on day release or training they must notify their manager as per Section 6.1 of this procedure.

6.7 Falling sick during the working day

6.7.1 If an employee reports sick during the working day, their absence should be recorded as follows:

Leave within 1 hour of start time	1 day sickness absence
Leave between 10:00 am – 4:00 pm	Half day sickness absence
Leave after 4:00 pm	No absence recorded

6.7.2 If the employee works on a shift or rota, their absence should be recorded as follows:

Leave before completing 1.5 hours	1 day sickness absence
Leave within final hour of shift	No absence recorded
Leave after completing 1.5 hours but before final hour of shift	Half days sickness absence

6.7.3 If the employee reports for work, but their manager considers they are too ill to carry out their duties, the manager can send the employee home. The period of absence will be recorded as indicated above. If the employee is still unwell the following day they should call in sick as per this procedure.

6.8 Sickness before or immediately following annual leave

6.8.1 If the employee is sick on the working day before they are due to start annual leave they must contact their manager on the first day of planned annual leave to confirm either:

- They are well and will be taking their planned annual leave as booked, or
- They are sick and they will not be taking their planned annual leave

6.8.2 If the employee wishes to re-claim the annual leave they had booked, they must provide **a doctor's certificate to cover the period of sickness.**

6.8.3 If the employee is sick on the day they are due to return from annual leave, they must call their manager to report as sick, as per this procedure. The manager may request a fit note

to cover the period of sickness following annual leave. The Council will meet the cost of this, on production of a receipt.

6.9 Sickness during annual leave

6.9.1 If an employee becomes sick while they are on annual leave and they wish to be recorded as sick, they must notify their manager as normal (i.e. contact the manager on the first day of sickness; if they notify their manager of sickness absence retrospectively on their return to work, this will not be counted as sickness absence). They must also provide a fit note to cover the period of sickness if they wish to have their annual leave reinstated for the period they were sick.

6.9.2 If an employee becomes sick while on holiday they will not normally be able to be recorded as sick instead of being on annual leave unless:

- They were sufficiently ill to have had to return home before the planned end date of their holiday (unless they were too ill to travel)
- They can provide a fit note to cover the period of sickness

6.10 Sickness following refusal of request for annual leave

6.10.1 If an employee requests annual leave which is refused, and they subsequently call in sick, they must make an appointment to see their doctor on the first day of absence (or as soon as possible after the first day) and provide a fit note covering the entire period of their absence. The Council will reimburse the cost of the fit note on production of a receipt.

6.10.2 If the employee fails to comply with this instruction this could result in loss of pay for the entire duration of the absence and could lead to disciplinary action.

6.11 Sickness during a bank holiday/statutory leave day

6.11.1 Employees who are sick on a bank holiday or a statutory leave day are not entitled to time off in lieu, regardless of whether they were rostered to work on that day.

7. During Sick Leave

7.1 Maintaining Contact

7.1.1 Whilst on sick leave, and especially after the 7th calendar day of absence, it is vital that the employee maintains regular telephone contact with their manager, to update them on their progress (i.e. every two to three days or as agreed with the manager). It is also vital that they remain contactable for the duration of their sickness, and are available to attend Sickness Absence Review meetings and Occupational Health Appointments, where appropriate.

7.1.2 If an employee fails to maintain contact, the manager must make every reasonable effort to contact the employee to establish their current progress/circumstances.

7.1.3 Where an employee is on sick leave for longer than 20 working days, the manager and employee must agree how and when to maintain contact at appropriate intervals. This may include, telephone calls, written communication and/or home visits, (taking into account the employee's preference and circumstances).

7.2 Working or undertaking activities prejudicial to recovery whilst on sick leave

7.2.1 Employees must not undertake any private paid or unpaid work whilst they are absent from work due to sickness. If it is established that they have worked whilst they are on sick leave or have undertaken activities prejudicial to their recovery or return to work (e.g. professional sports) this will result in a deduction of pay and may also lead to disciplinary action.

7.3 Taking annual leave during a period of sick leave

7.3.1 If an employee wishes to take annual leave during a period of sick leave, (i.e. to holiday in either the UK or overseas) they must first seek authorisation from their manager.

7.3.2 They must:

- Contact their manager in writing before booking or confirming any holiday arrangements
- State why they are taking the holiday and why they are unable to return to work
- Give the intended start and end dates of the holiday

7.3.3 The manager may request the employee provides a letter from their GP stating that they are fit to travel. It is critical that neither the travel itself nor any activities undertaken **whilst on holiday are prejudicial to the employee's** recovery or return to work. The cost of the GP letter will be met by the employee.

7.3.4 The manager must notify Pay and Contracts of the start and end dates of any authorised **annual leave and this may affect the continuity of the employee's sick pay.**

7.3.5 The manager may refuse to authorise annual leave, in which case any time spent on holiday will be counted as unauthorised absence and may incur a deduction from salary and may also result in disciplinary action.

8. Occupational Health

8.1 Referrals

8.1.1 A manager may refer an employee to the Occupational Health Unit at any point if they **are concerned about the impact of the employee's health on their work or attendance.**

8.1.2 Before making a referral, the manager must inform the employee, explaining why they are making the referral and what information is being sought.

8.1.3 When making a referral the manager should:

- Use the [on-line referral form](#) available on the Council's intranet
- Provide as much information as possible to aid the Occupational Health Practitioner
- **Include the employee's current job description (or list of job activities) and any relevant risk assessments that have been carried out.**

8.1.4 Referrals might be made in the following circumstances:

- **An observation that employee's health gives cause for concern**
- An employee raises concerns about their health and the working environment
- There is a high level or clear pattern of sickness absence
- **An employee's health may put others at risk**
- There is suspected abuse of self-certification

- There is a need for advice on permanent and temporary adjustments
- There is a need to identify if there is an underlying medical condition or disability
- There is a need for further advice **and information about an employee's known** medical condition and prognosis for recovery
- The manager is considering redeployment or dismissal due to ill health
- The manager needs clarification of what work the employee may be fit to do, following receipt of **a fit note from the employee's GP**

8.1.5 The manager must refer the employee to The Occupational Health Unit:

- When they have been on sick leave for 20 working days or more (4 continuous weeks in the case of employees who work less than 5 days a week).
Or
- When they have received a medical certificate indicating the employee will be on sick leave for at least 20 working days or more (4 continuous weeks in the case of employees who work less than 5 days a week).

8.1.6 If the employee refuses to consent to a medical report from Occupational Health, and/or refuses to give consent for additional information regarding the implications of their health to be disclosed to their manager (either from Occupational Health or from their GP, the Council will proceed on the basis of information available at the time.

8.1.7 If an employee wishes to be referred to the Occupational Health Unit, they must first discuss this with their manager. The referral must be made by either the manager or an Employment Relations Advisor.

8.1.8 **It is the responsibility of the employee's** manager to check that the employee has attended their Occupational Health appointment.

8.2 Missed appointments

8.2.1 If an employee has been allocated an appointment with the Occupational Health Unit and is unable to attend, they must notify the OHU and their line manager (or in the **manager's absence, another designated person in the service) immediately.**

8.2.2 If appointments are missed/cancelled without good reason or are repeatedly cancelled or postponed:

- **The employee's occupational sick pay may be stopped**
- The employee may be subject to disciplinary action
- The cost of missed or cancelled appointments may be charged to the service concerned.

8.2.3 If the employee fails to attend appointments with the Occupational Health Unit, without good reason, the manager should notify Employment Relations and should follow the procedure in Appendix 10.

9. Returning to work following sickness absence

9.1 Return to work interviews

9.1.1 When an employee returns to work following a period of sickness absence they should meet with their manager (or if the manager is unavailable, another designated manager or supervisor), on the day they return. However, if this is not practicable, if for instance

the employee only wishes to speak to their own manager, then the interview should take place as soon as possible after the **employee's return**.

9.1.2 A Return to Work Interview Form must be completed and signed by both the manager and the employee.

9.1.3 The purpose of the return to work interview is to:

- Welcome the employee back and find out how they are feeling
- Confirm the reason for absence and ensure the employee: completes a sickness self-certificate, submits medical certificate/fit to work certificate as appropriate
- Ensure they are fit to return to their regular duties and check whether they need any support or reasonable adjustments
- Where appropriate, arrange for the employee to be updated about what has happened during their absence
- Consider how the employee could minimise any risks to their health
- Bring them up to date on any significant events during their absence and what arrangements, if any, have been made to deal with their work
- Offer support on any issues raised which may affect their future attendance
- Remind them that all sickness absence will be monitored in line with Council procedures
- Advise them of the trigger levels under the Sickness Absence Policy and the impact of their absence on the service

9.1.4 The manager should be supportive and deal sensitively with any issues raised. If agreed, at the request of either party, a work colleague or Trade Union representative of the same gender as the employee may be present when discussing health concerns.

9.1.5 The employee should inform their manager of:

- Any concerns they have about their health or the impact of work on their health
- Any known future medical appointments (e.g. hospital, outpatient, GP, counselling,)
- Any medication they are taking (if they feel this may affect their work performance)
- Any support they need

9.1.6 If the employee has any planned medical appointments these should be taken at times which cause least disruption to the service, using flexi time wherever possible. If they work part-time, appointments should be arranged in their own time wherever possible. This does not apply to antenatal appointments.

9.1.7 **If a manager has concerns about the level, pattern or nature of an employee's sickness absence** they may discuss this informally with the employee at any time. The purpose is to explore any underlying reasons for their sickness absence and to see how this could be minimised.

9.1.8 Any meetings must be held in private and the employee may request a copy of any notes made at the time as well as a copy of the Return to Work Interview Form.

9.1.9 If the manager or the employee has any concerns arising from the Return to Work Interview, they should raise them immediately with an Employment Relations Advisor.

9.2 Returning to work after an extended period of sickness absence

9.2.1 If an employee is returning to work after an extended period of sickness, the procedure in Appendix 6 should be followed.

SC

Sickness Certification Form (SC) For All Sickness Periods

This form should be completed in the presence of your Supervisor/Function Manager on your return to work for every period of sickness absence. For periods of sickness absence exceeding 7 calendar days, a Statement of Fitness for Work (Fit Note) must be provided.

Service Area		No.	
Function Area		No.	
Full Name		Payroll No.	
First Day of Absence	(Date)		
Last Day of Absence	(Date)		
<i>Please state inclusive days and dates – Saturday, Sunday and Bank Holidays should be included for SSP purposes</i>			

Did Absence Result From An Industrial Injury?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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If you have answered yes to the above question please complete the Accident/III Health/ Dangerous Occurrence Report Form if you have not already done so. In order to Access this form please click [HERE](#)

If you have been absent due to the actions of a third party please complete the Accident Report and Undertaking form. In order to access this form please click [HERE](#)

Do you consider the sickness absence to be related to a disability?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Do you give your consent for the sickness absence to be recorded as disability related?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick relevant days (if sickness period is longer than a week then tick the days you are contracted to work)

Working Days Lost	MON		TUE		WED		THU		FRI		SAT		SUN	
	Half	Full	Half	Full	Half	Full	Half	Full	Half	Full	Half	Full	Half	Full
Work Pattern Week 1	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work Pattern Week 2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Work Pattern Week 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please state reason for absence here *and* tick the most appropriate box below

Reason For Absence	
Colds/Flu/Respiratory/Infections	
Allergy/Hay fever	<input type="checkbox"/>
Asthma	<input type="checkbox"/>
Bronchitis/Cough	<input type="checkbox"/>
Chest/Respiratory	<input type="checkbox"/>
Cold/Influenza	<input type="checkbox"/>
Ear/Nose/Throat	<input type="checkbox"/>
Infection/Infectious Disease	<input type="checkbox"/>
Swine Flu	<input type="checkbox"/>
Internal Organs/Circulatory/Heart	
Blood Disorder	<input type="checkbox"/>
Blood Pressure	<input type="checkbox"/>
Cardiac/Circulation	<input type="checkbox"/>
Other Internal Organ related	<input type="checkbox"/>
Stomach/Intestines	<input type="checkbox"/>
Back/Muscles/Skeletal	
Arthritis	<input type="checkbox"/>
Back/Spinal/Neck Disorders	<input type="checkbox"/>
Fracture(s)	<input type="checkbox"/>
Musculo-Skeletal	<input type="checkbox"/>
Repetitive Strain Injury (RSI)	<input type="checkbox"/>
Mental Health	
Mental Health Illness	<input type="checkbox"/>
Stress/Depression/Anxiety non-work related	<input type="checkbox"/>
Stress/Depression/Anxiety work related	<input type="checkbox"/>
Stress/Depression/Anxiety both	<input type="checkbox"/>
Miscellaneous	
Cancer related	<input type="checkbox"/>
Dental/Mouth	<input type="checkbox"/>
Diarrhoea/Vomiting	<input type="checkbox"/>
Diabetes	<input type="checkbox"/>
Eye complaint	<input type="checkbox"/>
Fatigue related	<input type="checkbox"/>
Headache/Migraine	<input type="checkbox"/>
Injury	<input type="checkbox"/>
Neurological	<input type="checkbox"/>
Post Operative	<input type="checkbox"/>
Skin complaint	<input type="checkbox"/>
Genito-urinary (including menstrual)	<input type="checkbox"/>
Pregnancy specific	<input type="checkbox"/>
Reproductive disorder	<input type="checkbox"/>

Employees: Please hand this to your manager to complete the Return To Work Interview Record
 Managers: Please turn over to fill out the Return To Work Interview Record and sign this form

RR

Return to Work Interview Record

This form should be completed by your supervisor/manager on your return to work following sickness absence. Any confidential notes relating to this interview should be sent with this form to Human resources for filing on the employee's personal file. For periods of sickness exceeding seven calendar days a FIT NOTE must be provided. The SELF CERTIFICATION FORM must also be completed for every period of sickness absence.

This is a record of the discussion held on: _____ regarding your sickness absence.

1. You have returned from a period of sickness absence: FROM: _____ TO: _____ .Totalling _____ Working Days
2. Your current total number of working days accumulated sickness absence in the last 12 months is (Council trigger point is 6 days).
3. The total number of occasions of sickness absence in the last 6 months is (Council trigger point is 3 occasions)
4. Are there any underlying health/welfare issues linking current and previous absences? (n/a or give details)
(NOTE: If sickness absence is related to a disability, reasonable adjustments must be considered and detailed below in question 6)
5. We discussed the following support you may need to achieve and maintain good attendance (n/a or give details)
6. We agreed the following reasonable adjustments to assist your return to work/improve attendance:
7. We discussed the following concerns about the level/nature of your sickness absence (n/a or give details)
(Refer to any previous Return to Work Meeting records as appropriate)
8. Significant issues raised at previous Return to Work Interviews (n/a or give details)
9. If trigger point has been adjusted, please state why:

FURTHER ACTIONS:

- | | |
|--|--|
| <input type="checkbox"/> No further action at this stage | <input type="checkbox"/> Proceed to Stage 2 of Sickness Absence Review Procedure |
| <input type="checkbox"/> Employee requested to provide Doctor's certificate for absences of less than 7 calendar days (until agreed review date) | <input type="checkbox"/> Proceed to Stage 3 of Sickness Absence Review Procedure |
| <input type="checkbox"/> Proceed to Stage 1 of Sickness Absence Review Procedure | <input type="checkbox"/> Referral to the Occupational Health Unit
(NOTE: Employees who have been on sickness absence for more than 4 weeks must be referred to the OHU) |

Employee's Name		Date	
Signature			
Manager's Name		Date	
Signature			

Please note: To knowingly provide false information may result in disciplinary action

Please return this completed form to your Sickness Co-ordinator no later than the Monday following the week in question.

Appendix 3 – Sickness Absence Management Procedure

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1. Introduction

1.1 Some employees will be absent due to minor illness from time to time. If this is infrequent and there are no apparent areas of concern, no action need be taken beyond the return to work meetings, completion of sickness self-certificates and recording of sickness absence.

1.2 This procedure applies when **the employee's level of sickness absence:**

- Is causing concern or is having a marked impact on service delivery or
- **Is near to or has already reached the Council's trigger points for action** or
- Is frequent or regular though there is no evidence of an underlying medical condition or
- Is frequent or regular and relates to an underlying medical condition or
- Is for a continuous period of 20 working days or more (or for 4 continuous weeks for employees who work less than 5 days a week)

2. Aims and principles

2.1 There are four key aims at all stages of the procedure:

- To explore any options which could help the employee to improve attendance or return to work
- To investigate the absence to understand its causes and the effect it will have on the **employee's ability** to do their job
- To take all reasonable steps to work with employees to deal with health, work or welfare problems – including work-related stress
- To keep the employee informed, in good time, about where they stand (particularly if their job is at risk)

2.2 In addition, managers will adhere to the following principles:

- Treat employees fairly and consistently and with empathy and compassion
- **Respect the employee's right to medical confidentiality**
- Consider any reasonable adjustments (whether temporary or permanent) to the work, workplace or the organisation of work which would enable the employee to attend work regularly and give effective service
- Consider any reasonable options for redeployment on medical grounds before making any recommendation for dismissal (where redeployment is an option identified by the Occupational Health Unit)

3. Summary of stages

- 3.1 There are four stages including an appeal against dismissal. Also, the manager may refer an employee to Occupational Health at any time and may withdraw entitlement to sick pay/salary whenever the conditions for doing so are met.

Stage 1 First Absence Review	To bring the manager's concerns about the employee's health and sickness absence to the attention of the employee , to offer support and to set attendance improvements if necessary.
Stage 2 Second Absence Review	To discuss the continuing impact of absence on work, to review attendance improvements set and review support offered. Also to warn the employee that should further absence lead to Stage 3 of the procedure, the employee's job/employment could be at risk.
Stage 3 Absence Hearing	To consider if the employee is capable of giving regular and efficient service, and if not, decide on dismissal, redeployment or some other action. This must be chaired by a Chief Officer not previously involved with the case or a senior manager with delegated authority.
Stage 4 Appeal	To consider appeals against final written warnings. (Heard by Chief Officer) or To consider appeals against dismissal. (Heard by Members)

4. Referrals to the Occupational Health Unit

- 4.1 The manager may refer the employee to the Occupational Health Unit (OHU) at any **point if they have concerns about the employee's health** (as set out in paragraph 9).

- 4.2 When making a referral the manager should:

- Use the on-line referral form available on the Council's intranet
- Provide as much information as possible to aid the Occupational Health Practitioner
- **Include the employee's current job description (or list of job activities) and any relevant risk assessments that have been carried out**

- 4.3 The employee is entitled to:

- Medical confidentiality
- Know the reason for the referral
- Be told the implications of refusing to attend the Occupational Health Unit (e.g., suspension of sick pay)
- Refuse or consent to a medical report from their own doctor (subject to conditions set out in the Access to Medical reports Act 1988)
- Request access to any report on them prepared **by the Council's Occupational Health Unit**

- 4.4 If the employee refuses to consent to a medical report from Occupational Health, and/or refuses to give consent for additional information regarding the implications of their health to be disclosed to their manager (either from Occupational Health or from their GP, the Council will proceed on the basis of information available at the time. This may include proceeding to the next stage of the procedure, up to and including dismissal.
- 4.5 If appointments are missed/cancelled without good reason or are repeatedly cancelled or postponed:
- **The employee's occupational sick pay may be stopped**
 - The employee may be subject to disciplinary action
 - The cost of missed or cancelled appointments may be charged to the service concerned.
- 4.6 **Further guidance is available in the Council's Occupational Health Guidance document.**

5. Procedure

5.1 Stage 1 – First Absence Review Meeting

5.1.1 **The purpose of the First Absence Review Meeting is to bring the manager's concerns about the employee's health and sickness absence to the attention of the employee, to offer support and set attendance improvements and timescales if necessary. This may include setting a requirement for full attendance (i.e. no sickness absence whatsoever during the period under review.)**

5.1.2 **The manager must deal with an employee's sickness absence promptly, either as soon as they are aware that the employee is close to reaching the Council's trigger points or at any time if they are concerned about the impact on service delivery.**

The trigger points are:

- A total of 6 working days sickness absence within a rolling 12 month period or
- 3 separate spells of sickness within a rolling 6 month period or
- A pattern of sickness absence (e.g. Mondays/Fridays, absence immediately following a period of annual leave)
- 20 continuous working days sickness absence (4 continuous weeks for employees who work less than 5 days a week)

5.1.3 The manager must maintain reasonable contact with employees who are off sick. If the manager has made repeated attempts to contact the employee and the employee has consistently failed to respond to this or to communicate with the manager, the manager should follow the procedure in Appendix 10.

5.1.4 The manager should meet with the employee as soon as they return to work to:

- Investigate the reasons for sickness absence, and any underlying health, work, welfare or domestic problems
- Offer support and reasonable adjustments to work if necessary
- **Consider the employee's overall sickness record**
- Raise any concerns and explain the impact of the absence on the work
- **Explain the Council's policies on sickness absence**
- Explore any other options to enable the employee to improve their attendance

- Set a specific attendance improvement over an agreed timescale and monitor it regularly e.g. at one-to-one meetings
- Inform the employee that if their attendance does not improve within the agreed timescale, and if this improvement is not maintained, the next stage would be to refer them to Occupational Health or to proceed to Stage Two (or both)
- Keep accurate records and notes of the discussion/s, provide a copy for the employee and send a copy to than Employment Relations Advisor

The employee is entitled to:

- State their views
- The right to medical confidentiality

5.1.5 If the sickness absence is related to a disability, or could be related to a disability, the manager must ask the employee what additional support they think they need and must consider reasonable adjustments under the provisions of the Equality Act. The manager should contact an Employment Relations Adviser for advice on this and **refer to the Manager's Guide to Supporting Employees with Disabilities.**

5.1.6 If the employee has had a number of short self-certificated absences which do not appear to indicate an underlying health problem, the manager may request that the **employee provides a doctor's certificate for any future absences of less than 7 calendar days**, for an agreed period. The Council will meet any costs for this certification.

5.1.7 At the end of the review meeting, the manager may decide no further action is necessary or may set an attendance improvement for an agreed period.

5.1.8 The manager should confirm the discussion and outcomes of the meeting, including any agreed attendance improvement to the employee in writing, within 5 working days of the meeting.

Employees who have been absent for 20 working days or more

5.1.9 The following applies if an employee:

- Has been absent through sickness for more than 20 working days continuously (or 4 continuous weeks for employees who work less than 5 days a week)
or
- **Has submitted a doctor's certificate indicating they are unlikely to be back at work within 4 weeks**

5.1.10 The manager must write to the employee and ask them to confirm, by telephone, on receipt of the letter, one of the following options (taking into account the **employee's preference and circumstances**):

- A meeting at the workplace
- A home visit
- A suitable neutral venue

Note: If planning to visit the employee at their home, the manager should take advice from an Employment Relations Advisor, who will normally accompany the manager on the visit. A Trade Union representative may also attend, at the request of the employee.

5.1.11 The letter should also confirm that the manager is referring the employee to the Occupational Health Unit.

- 5.1.12 If the employee fails to respond to the letter, the manager should take appropriate action as detailed in Appendix 10.
- 5.1.13 The purpose of the meeting is **principally to offer support to help the employee's** recovery and return to work. The manager should give the employee at least 5 working days notice of the date of the meeting.
- 5.1.14 Following the meeting, the manager should forward to the employee a copy of the notes of the meeting within 5 working days of the meeting.
- 5.1.15 If the employee is incapacitated or hospitalised the manager should defer meeting with them while they are recovering. The manager must write to express concern over the **employee's health and welfare. The manager must, however, let the employee know that** they will need to meet when the employee is sufficiently well/recovered to be able to participate. The manager should maintain reasonable contact with the employee to monitor their progress and recovery.
- 5.1.16 The manager must refer the employee to the Occupational Health Unit, as soon as is reasonably practical to confirm whether there is a medical condition or impairment defined under the Equality Act. The referral can be made earlier if the manager has **concerns regarding the reasons for absence and timescales given on the employee's** medical certificate/s.
- 5.1.17 If at any stage the Occupational Health Unit advises that the employee is permanently incapable of carrying out the contractual duties of their post due to a **medical condition or impairment, the Council's Redeployment Procedure or Ill- Health Retirement Procedures** may be applied.

5.2 Stage 2 – Second Absence Review

- 5.2.1 The manager must invite the employee to attend a Second Review Meeting If the employee
- Has failed to meet the attendance improvements set at Stage 1 and/or
 - Their level of absence is still causing concern, and/or
 - They do not maintain a reduction in their level of sickness absence beyond the monitoring period

This will constitute Stage 2 of the procedure. The manager must confirm this in writing to the employee giving 5 working **days' notice**. The letter should state:

- The date, time and place of the meeting
- The issues to be discussed
- **The employee's right to be accompanied/represented by a trade union** representative or accompanied by a work colleague (not a legal representative)

- 5.2.2 The purpose of the second review is to discuss the continuing impact of absence on work to review attendance improvements set and to warn the employee that should further absence lead to Stage 3 of the procedure, their job/employment could be at risk.

5.2.3 Second Absence Review Meeting

At the meeting, the manager will:

- Confirm to the employee the dates and periods of sickness absence over the past twelve months and what was discussed and agreed at previous meetings
- Review their sickness absence and explore any underlying causes, including: health, work, welfare or domestic problems
- Explain the impact of their absence, why it is causing concern and that further management action, up to and including dismissal, could result if their absence levels do not improve
- Ensure the employee is given the opportunity to set out their views
- Consider options to **help reduce the employee's level of absence. This might include** a referral to Occupational Health or other appropriate action
- Review the type of work undertaken and consider reasonable adjustments for a defined period if appropriate. (If the absence relates to a disability, the manager **should seek advice from an Employment Relations Adviser and refer to the Council's guidelines 'The Manager's Guide to Supporting Employees with Disabilities'** for further guidance)

After the meeting the manager will confirm, by sending a letter to the employee, within 5 working days:

- The issues discussed
- The decisions and actions agreed, including future attendance expected over an agreed monitoring period. The manager may set a requirement for full attendance i.e. no sickness absence during the monitoring period
- **Any measures or support agreed to help the employee's attendance** as well as the consequences of failure to improve

The employee is entitled to:

- Reasonable notice, in writing, of the meeting (as above)
- The opportunity to be represented by a trade union or accompanied by a work colleague (but not a legal representative)
- Postpone the meeting (no more than once) to another reasonable time (if they or their representative cannot be available on the date/time proposed)
- Have their needs considered

The employee must be given the opportunity to identify the support they need, particularly if this is related to a disability.

5.2.4 Second Absence Review Monitoring Period

- **The manager must closely monitor the employee's attendance.** If any subsequent absence relates to a disability, the manager should seek advice from an Employment Relations Advisor.
- If the manager has set a requirement for full attendance (i.e. no sickness absence whatsoever), then any further sickness absence during the monitoring period may result in the manager moving to Stage 3 of the procedure. The manager must take into consideration the nature of the sickness absence and whether there are any mitigating circumstances before moving to stage 3.
- If the employee fails to meet any other required improvements, the manager may move directly to Stage 3.
- At the end of this period, if the employee has made the required improvements, no further action will be taken as long as the improvement is maintained. The

manager must notify the employee in writing that no further action will be taken this time, and remind the employee that if they fail to maintain required attendance levels, the manager may proceed directly to Stage 3. Note: The manager must take into consideration the nature of the sickness absence and whether there are any mitigating circumstances before moving to stage 3.

- If an unacceptable level of absence then re-occurs after the monitoring period the manager may proceed directly to Stage 3 of the procedure.
- In exceptional circumstances only, where the manager is satisfied that the employee is making a genuine effort to improve their attendance, they may give one further review period to give the employee an opportunity to demonstrate the necessary improvement. If so, the manager must:
 - Confirm the extended monitoring period in writing
 - Outline any measures offered to help the employee to improve their attendance
 - Inform the employee that further absence may lead to the manager convening a Stage 3 Hearing, the outcome of which could be dismissal
- If the employee has not maintained the necessary improvements and the manager is proceeding to Stage 3, they must ensure they are aware of any underlying medical conditions or disability related conditions and that any reasonable adjustments have been reviewed and monitored. The manager should seek advice at this stage from an Employment Relations Advisor.

5.3 Stage 3 – Absence Hearing

5.3.1 The purpose of the Stage 3 Absence Hearing is to consider if the employee is capable of giving regular and efficient service, and if not, decide on dismissal, redeployment or some other action.

The following will be in attendance:

- **Chair (normally the Chief Officer for the employee's service area or another nominated officer with the authority to dismiss)**
- HR Officer to advise the Chair
- Manager of the employee
- Employment Relations Advisor (if the presenting manager requests them to advise)
- The employee
- A Trade Union representative (arranged by the employee if they so wish)

5.3.2 Before the Absence Hearing

Before the Stage 3 Absence Hearing, the manager must prepare a report that includes:

- The number of days and occasions of sickness absence over the period under review and the impact of the sickness absence on the particular service area
- **A summary of the employee's work history at the Council and previous sickness absence record (where this may have a bearing on the case)**
- Actions taken to date including: previous meeting dates, notes from the meetings and any actions taken to support the employee
- All available medical evidence which must include a recent Occupational Health report

- **Any other relevant information including the employee's job description (or summary of duties) and details of the impact of their absence on service delivery**

This report will form the basis of the management case at the meeting.

The Chair must write to the employee, inviting them to attend a Stage 3 Absence Hearing **giving 10 working day's notice of the hearing.**

The letter should state:

- The date, time and place of the meeting
- **The reasons for the meeting, including a copy of the manager's report and the employee's absence record**
- The name of the Chair who will hear the case
- **The employee's right to be accompanied/represented by a trade union representative or a work colleague (but not a legal representative)**
- That dismissal may be considered as a possible outcome of the hearing

The employee may submit any additional evidence, in writing, to the Chair, up to 3 working days before the Hearing.

5.3.3 During the Absence Hearing

The Chair will confirm that the hearing will:

- Confirm the dates and periods of sickness absence for the period under review and satisfy themselves that records are accurate and current
- **Review the employee's sickness absence record and explore any underlying causes in the light of available medical information**
- Provide the employee with an opportunity to explain the circumstances of their case (including mitigating circumstances, medical evidence, employment record and any other relevant information)
- Review any previous efforts to help the employee to return to work or to maintain a satisfactory level of attendance
- Clarify whether all the appropriate procedures have been followed and ensure any proposed action is reasonable in all the circumstances

The presenting manager will present the information contained in their sickness absence report.

The employee and/or their Trade Union representative will have the opportunity to **respond to the manager's report and present any relevant information.**

The Chair may ask questions of the manager and the employee and seek advice from appropriate sources before reaching their decision.

The Chair may consider there is a need for further information and defer making a decision. If so, all parties will be invited to attend a further meeting at an agreed date. Where further information is provided, both sides will have the opportunity to comment.

After considering all the facts, the Chair will decide on the next course of action which may be to:

- **Continue to monitor the employee's sickness absence over an agreed period**
- Issue a final written warning to the employee

- Decide on other recommended action including redeployment, setting a further monitoring period
- Dismiss the employee with contractual notice (if so, the Chair must have the authority to dismiss)

5.3.4 Postponement/Cancellation of Hearing

Should the employee cancel the hearing or fail to attend, a second hearing should be convened. In the letter inviting the employee to the second hearing, the manager will advise the employee that if they fail to attend this hearing, it will proceed in their absence and a decision will be made based on the evidence available at the time.

5.3.5 After the Absence Hearing

The Chair will confirm the outcome of the hearing to the employee in writing within 10 working days of the hearing, advising the employee of their right of appeal.

5.3.6 Final Written Warning

If a final written warning is issued to the employee, it must state:

- The reason for the final warning
- The improvement/s required and by when The period of time that the warning covers - i.e. exact date from and to
- **That the warning will remain live on the employee's personal file for two years for the duration of the warning**
- That if the employee fails to make the required improvement and/or fails to meet attendance improvements specified within the warning period this may lead to employee being dismissed
- **The employee's right of appeal**

5.3.7 Dismissal following a final written warning

- **The manager should monitor and review the employee's attendance during the period specified in the final written warning.**
- If at any time during the monitoring period the employee exceeds the sickness level specified in the final warning period, the manager should inform the employee that a further Stage 3 Absence Hearing will be convened which could result in their dismissal
- **The employee's manager should** then inform the Chief Officer (or other officer who chaired the Stage 3 Absence Hearing) who will convene a further Sickness Absence Hearing, the aim of which will be to hear the evidence and to enable the employee to put forward any mitigating circumstances
- The Hearing will be conducted in line with procedure as outlined above
- Only an officer with delegated authority to dismiss may do so.
- Dismissal will be with contractual notice.

5.4 Appeals

5.4.1 Appeals against final written warnings

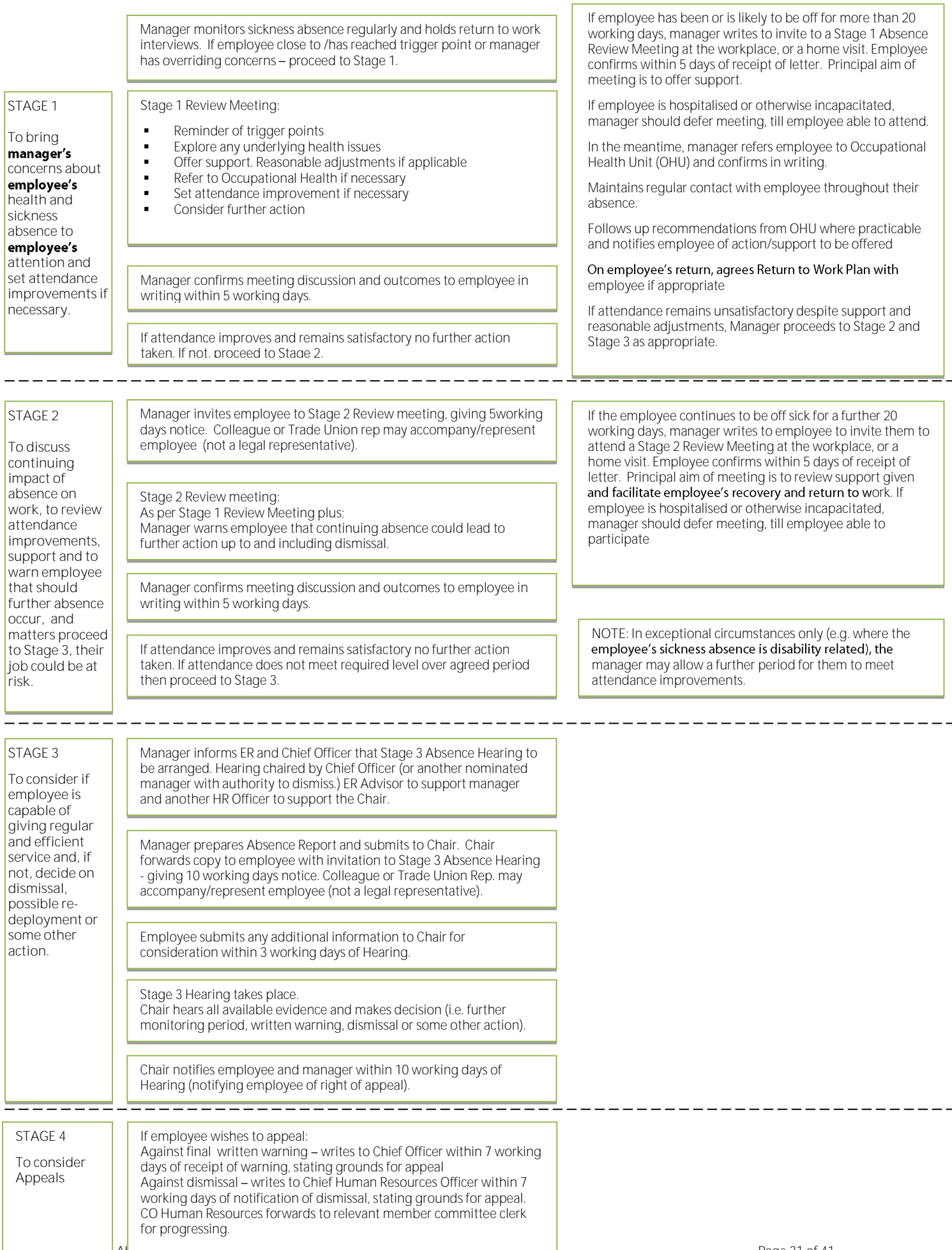
If the employee wishes to appeal against a written warning/final written warning, they must do so in writing, to their Chief Officer, within 7 working days of receipt of the written warning, clearly stating the grounds for appeal.

5.4.2 Appeals against dismissal

If the employee wishes to appeal against a dismissal, they must do so in writing, to the Chief Human Resources Officer, within 7 working days of receipt of the notification of their dismissal, clearly stating the grounds for appeal. This will be forwarded to the relevant Employment Relations Advisor to verify the grounds of appeal. The ER Advisor will then forward this to Constitutional Services to convene an appeal hearing.

Further details of appeals can be found in the Council's ["Procedure for dealing with Employees' Appeals against action taken in accordance with the Council's Disciplinary, Sickness Absence Management and Capability Procedures."](#)

Appendix 4 - Flowchart Summary of Sickness Absence Procedure



Appendix 5 – Local Authority Sick Pay Scheme

1. The scheme is intended to supplement Statutory Sick Pay and Incapacity Benefit to maintain normal pay during defined periods of absence due to sickness, disease, accident or assault.
2. Absence through normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with a local authority. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.
3. Employees are entitled to receive sick pay for the following periods:

During 1st year of service	1 month's* full pay and (after completing 4 month's* service) 2 months half pay
During 2nd year of service	2 months* full pay and 2 months* half pay
During 3rd year of service	4 months* full pay and 4 months* half pay
During 4th and 5th year of service	5 months* full pay and 5 months* half pay
After 5 years service	6 months* full pay and 6 months* half pay

*Note: For occupational sick pay entitlement record purposes 'one month' is deemed to be equivalent to 26 working days, Saturday being reckoned in all cases as a working day.

4. Extensions of Sick Pay

In exceptional circumstances only, Chief Officers have delegated authority to extend sick pay as follows:

Following the period of full pay, an extension of full pay for one month (renewable for a period of 6 months* maximum)

and/or

Following the period of half pay, an extension of full pay for one month (renewable for a period of 6 months* maximum)

No further extension can be granted.

When considering extending sick pay, the Chief Officer must be satisfied that:

- There is an expected date of return (as indicated by Occupational Health)
- **The employee's health is improving**
- An extension to sick pay would be a significant aid to recovery

They should also take into consideration the employee's individual circumstances, e.g. financial hardship, and whether the absence was caused by industrial injury.

The Chief Officer should also make a business case, in writing, which may include:

- The need to retain the employee on the basis of knowledge, skills, exemplary performance and their level of contribution to the work of the Council
- The impact on the service if they are unable to return
- The difficulty and cost of recruiting a suitable replacement

The Chief Officer should discuss the business case with the CHRO (Chief Human Resources Officer) before completing a Delegated Authority Form, and retaining a copy.

5. The period during which sick pay is paid, and the rate of sick pay, for any period of **absence is calculated as follows: by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.**
6. In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay and Incapacity Benefit receivable will be equal to normal pay.
7. Half pay periods of sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay and Employment Support Allowance receivable, so long as the total sum does not exceed normal pay.
8. Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
9. The social security benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled. This is on the basis that the employee has satisfied, so far as is possible:
 - The conditions for the reporting of sickness as required by the authority;
 - The claiming of benefits
 - The obligation to declare any entitlement to benefits
 - Any subsequent changes in circumstances affecting such entitlement.
10. An employee who is prevented from attending work because of contact with infectious disease (in the course of their normal duties) is entitled to receive normal pay. This **absence does not count towards the employee's entitlements under this scheme.**
11. Salaries and wages paid by the Council to an employee who is absent due to third party accident will be repayable to the Council, subject to the employee undertaking to refund these payments from any damages received. Such absences must be notified to Pay and Contracts via staff returns/time sheets with an indication that the employee is absent as a result of an accident involving a third party.
12. Sick pay may be suspended if the employee abuses the sickness scheme. This includes:
 - Refusal to explain an absence
 - Unreasonable refusal to attend or co-operate with absence review meetings or failure to attend Occupational Health appointment/s
 - Any deliberate action which is prejudicial to their recovery such as

- Active participation in professional sport
- Injury sustained whilst working on their own account or for private gain or for another employer
- Failure to provide consecutive Statements of Fitness for Work to cover the period of sickness absence

13. Should sick pay be suspended, the Council will write to the employee advising them of the grounds for suspension. If the employee wishes to appeal they should write in the first instance to their Chief Officer.

14. Employees on long-term sick leave are entitled to carry over and be paid for any outstanding annual leave that has been accrued whilst off sick from one leave year to another. Managers will need to agree with the employee how this carry forward leave will be taken (i.e. before returning to work or as part of the return to work arrangements. Chief Officers should authorize accordingly.

Only in exceptional circumstances will the payment of any outstanding leave be approved by the relevant Chief Officer.

Appendix 6 – Return to Work after an extended period of absence

1. Before an employee returns to work after an extended period of sickness absence they must provide written confirmation from their GP that they may be fit to return to work (e.g. they may already submitted a Statement of Fitness for Work with a specific date indicated or they may need to obtain one.)
2. The manager must undertake a risk assessment either before the employee returns or as soon as possible after their return (i.e. within a week).
3. The manager should consider the advice given on the fit note and offer assistance to **enable the employee's return. The manager should also consider:**
 - Seeking advice from the Occupational Health Unit where appropriate
 - Organising a workplace assessment
 - Making adjustments to the workplace, as appropriate
 - **Phasing the employee's return to work** by temporarily reducing the hours of work, adjusting duties, or both (if this is recommended by Occupational Health).
3. **Where there is a difference of opinion between the employee's own GP and the Council's Occupational Health Unit, the Council reserves** the right to adhere to the advice of Occupational Health or to seek alternative advice. If seeking a further opinion, the Health and Safety Manager will notify the Occupational Health Service of this requirement.
4. **If the employee's sickness absence** is disability related, the manager must ensure they have made all reasonable adjustments to their duties and the workplace where the manager considers such adjustments will benefit the future health of the employee. The manager must consult an Employment Relations Advisor for further **advice and refer to the Manager's Guide to Supporting Employees with Disabilities.**
5. Ideally, the manager and employee should meet to agree adjustments and the details of a phased return to work before the employee returns, so that there is sufficient time to prepare.
6. If it is agreed that a phased return to work is required, the manager and employee must discuss and agree the following:
 - The number of weeks covered
 - Any changes to regular hours and/or changes to regular start/finish times
 - Any reduction or changes to duties
 - Regular dates for reviewing progress
 - Salary entitlement during phased return to work

The attached Return to Work Plan (Appendix 7) should be used and a copy retained on **the employee's personal file.**

7. The employee will receive full pay for the agreed period with the expectation that they will progress to their full work duties within an agreed timescale. The manager must inform the employee that if they are unable to return to their full duties at the end of the phased return to work, there may be implications for pay/salary.

8. Employees on long-term sick leave are entitled to carry over and be paid for any outstanding annual leave that has been accrued whilst off sick from one leave year to another. Managers will need to decide how this carry forward leave will be taken (i.e. before returning to work or as part of the return to work arrangements). Chief Officers should authorise accordingly.
9. The manager and employee must meet regularly to review progress during the return to work phase. They should also consider whether the phased return could be shortened. At the end of the agreed phased return period they must have a final review meeting to establish whether the employee is ready to meet the full requirements of their job (if they have not already done so). The result could be moving to the next stage of the Sickness Absence Management Procedure, which could involve a formal review of on-going employment.
10. If the requirement for reduced hours is likely to continue, it may be appropriate to consider a reduction in working hours or other flexible working arrangements. The manager should discuss this with the employee and explain that this would mean their salary may be reduced to reflect the work and hours undertaken. If the **employee's** absence or phased return to work is disability related, the manager should consult with the Employment Relations before taking action which has salary implications.
11. The manager must consider whether any on-going absence or reduced workload will continue to have an adverse impact on service delivery and colleagues.
12. Once a phased return to work has been completed, if the employee requires any on-going reasonable adjustments under the terms of the Equality Act the manager **must complete Appendix 3 and 4 of the Manager's Guide to Supporting Employees with Disabilities.**

Appendix 7- Return to Work Plan (following an extended period of absence)

The manager and employee should each retain a copy of this Return To Work Plan and a copy should be forwarded to HR to be **placed on the employee's personal file. If, following a successful phased return, further variations in duty or reasonable adjustments are required; the manager must complete Appendix 3 and 4 of the Manager's Guide to Supporting Employees with Disabilities.**

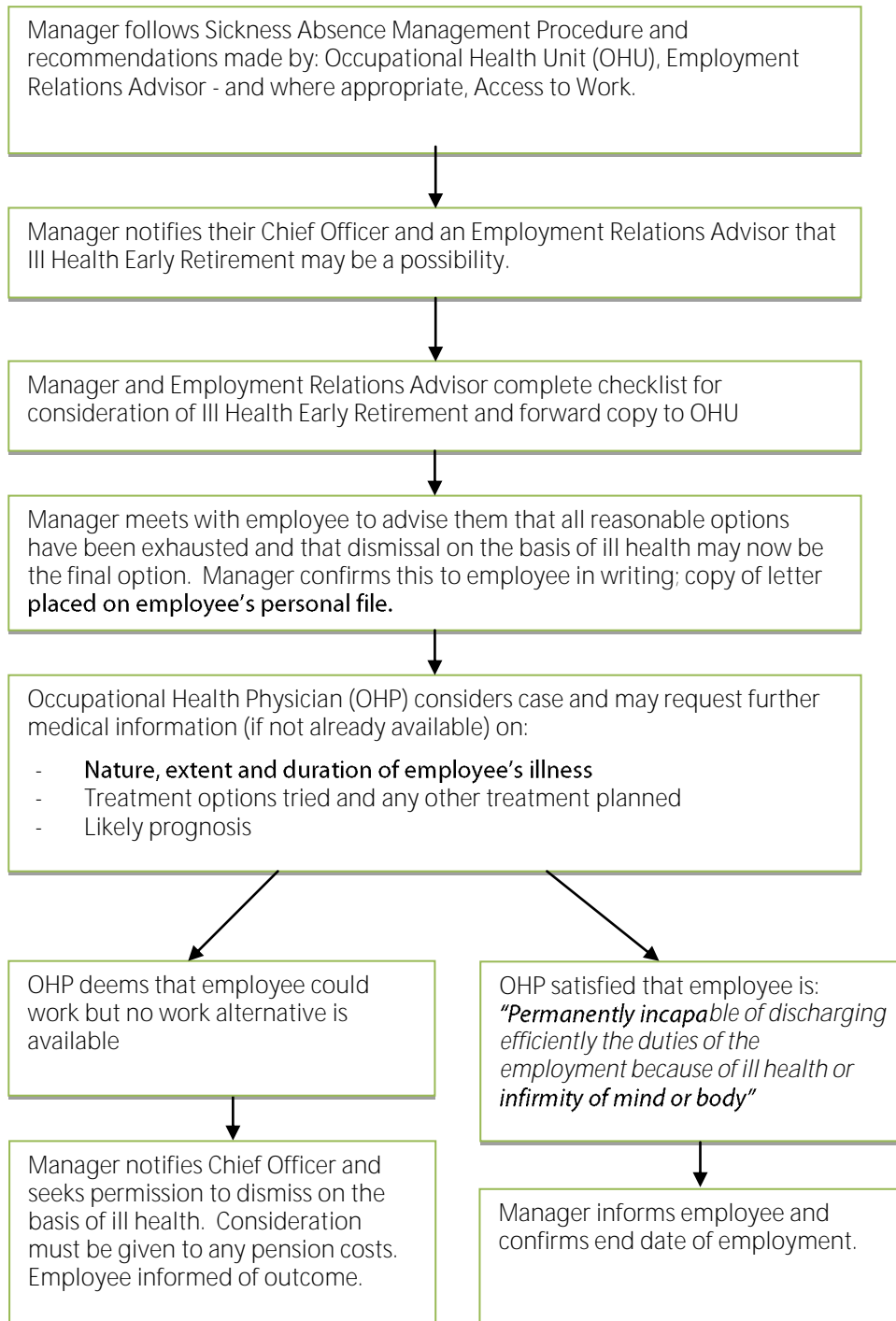
Date of Meeting:	
Name of Employee:	Name of Manager:
Employee's health and current medical status:	
<p>Has a phased return to work been recommended by the Occupational Health Unit and/or the employee's GP? Yes/No</p> <p>Revised hours of work (indicate any agreed variation in hours/times/days to be worked or use of annual or accrued leave during the phased return).</p> <p>From: To:</p>	
Variation in duties/responsibilities (Please specify any duties to be restricted, reduced or no longer undertaken):	
What support will be offered to facilitate the Employee's return to work? (Please Specify who is responsible for investigating, arranging and/or providing this and any reasonable adjustments made).	
How will the Employee's progress be monitored and reviewed?	
Review meeting to be held on:	
Employee signature:	Date:
Manager signature:	Date:

Appendix 8 - Checklist for consideration of Ill Health Early Retirement

This checklist is to be used before submitting a request for Ill Health Early Retirement to the Occupational Health Unit. If you have answered no to any of the questions below, you must discuss with an Employment Relations Advisor.

Name of Employee:	
Job role:	
Department/Service:	Cluster:
<p>Sickness Absence Management</p> <p><input type="checkbox"/> Has the Council's Sickness Absence Procedure been followed? (This includes holding and recording Return to Work Interviews)</p> <p><input type="checkbox"/> What stage has this reached?</p>	
<p>Occupational Health</p> <p><input type="checkbox"/> Has the Occupational Health (OH) Unit been contacted/consulted? At what stage?</p> <p><input type="checkbox"/> Was the employee referred to OH using OH referral form?</p> <p><input type="checkbox"/> Have any actions arising from the OH referral been implemented? (Please give details below)</p>	
<p>Disability Matters – to be completed if the Equality Act 2010 applies to this employee</p> <p><input type="checkbox"/> Have relevant reasonable adjustments been considered/attempted to facilitate return and overcome disabilities? (Please give details)</p> <p><input type="checkbox"/> Has an Employment Relations Advisor been consulted?</p> <p><input type="checkbox"/> Has 'Access to Work' been consulted?</p>	
<p>Redeployment</p> <p><input type="checkbox"/> What attempts have been made to redeploy the employee? – please give details below</p>	
<p>Name of Manager:</p> <p>I confirm that the above steps have been taken and that I have informed my Chief Officer</p> <p>Signature:</p>	<p>Date:</p>
<p>Name of Employment Relations Advisor:</p> <p>I confirm that I have advised the manager of all possible options before considering ill health early retirement</p> <p>Signature:</p>	<p>Date:</p>

Appendix 9 – Flowchart of Ill Health Early Retirement Procedure



Appendix 10 - Procedure for dealing with employees who have failed to keep appointments with the Occupational Health Unit and/or to respond to attempts to contact.

