

Sickness

How do I?

It is the responsibility of the employee to log sickness absence via ESS. Search for the 'My Sickness App'. When you return to work, remember to log this in the same way.

Introduction

Westminster City Council cares about the health and wellbeing of our staff and is committed to creating an environment that empowers our people to have the right work, life balance. This is fundamental to the successful delivery of excellent services to our community.

We recognise that employees become unwell and may not be fit to attend work. However, high and frequent sickness levels has a significant impact on effective operations, staff morale and may result in substantial financial cost. Managing sickness absence in good time and ensuring that employees are supported throughout absence and their subsequent return to work is therefore paramount.

This policy will give employees and managers a structured framework in approaching sickness absence in a fair and consistent way. It also creates an opportunity to assist our people to overcome any difficulties that may affect their ability to work effectively.

The policy applies to all Westminster City Council employees.

Role of Employee

Our employees will:

- Always perform their duties when they are well and fit to do so
- Promptly notify their line manager that they are unable to attend work due to sickness
- Where the sickness is prolonged, keep their manager informed regularly on sickness updates, any treatment and likely return to work date at a frequency agreed with their manager
- Record the start and end dates and reasons of their absence on ESS.
- Obtain a fit note certificate from their GP where sickness lasts longer than 7 calendar days and send it to their line manager.
- Engage and cooperate in the Sickness Management process, attend absence review meetings and occupational health assessments.
- Make your manager aware of any underlying health conditions that may affect your ability to attend work

Where employees fail to engage in the absence management process, including taking part in occupational health assessments, the Council reserves the right to withdraw occupational sickness pay and/or instigate disciplinary procedures.

Role of Manager

Our managers will:

- Understand their duty of care for the health, safety and welfare of their staff and will provide support to staff with who are absent due to sickness.
- Treat staff who are sick in a sensitive, fair, supportive and consistent way
- Monitor and manage sickness absence promptly and check that absence records are kept up to date
- Keep in regular contact with employees during their absence
- Undertake a return to work interview as soon as it is practicable following the employee's return to work
- Be open and honest on the next steps if attendance does not improve
- Make a referral to OH on the 8th day of a direct report's absence
- Advise the purpose and benefits of medical referral and obtain employees' consent prior to seeking a medical report
- Undertake risk assessments where relevant
- Respect confidentiality when dealing with medical issues
- Explore any adjustments that may enable employees to return to work earlier if possible
- Take account of the legal requirement to make reasonable adjustments where performance is affected by a disability
- Notify employee's when their pay is reducing to half and/or nil pay
- Follow the [Reporting Accidents and Near Miss Policy](#) where an employee notifies the reason of their absence being "Injury at work" and that appropriate investigation and reporting is carried out.

Role of Occupational Health (OH)

Our OH Service:

- Assesses employees' health in order to provide advice on any underlying health condition or disability
- Provides advice on possible adjustments
- Advises on expected return to work timelines or appropriate alternatives
- Provides suggestions to the employees on how their health could be improved if possible
- With the employee's consent may seek further information about their health from their GP or and/or other medical practitioner.

Notification of sickness

Employees should contact their manager *on the first day of absence* no later than 1 hour after they are due to start work and explain the reason of sickness, an estimated length of absence and any scheduled meetings or work deadlines that they will not be able to attend or meet due to the absence. They will also need to record their absence and the reasons for it on the first day of sickness (or as soon as it is practicable) via ESS under 'My Sickness' and notify their return to work on their first day back.

Where due to poor health an employee is unable to input their absence they should notify their line manager as early as possible. The manager should contact the IBC who can enter sickness on the employee's behalf.

Where sickness lasts for more than one day, employees will continue keeping in regular contact with their line manager providing them with sickness updates. Manager and employee will agree a frequency of such communication where sickness becomes prolonged.

We trust our employees to follow the Sickness Management process including prompt notification and recording of absence on ESS. However, in the unlikely event that an employee repeatedly fails to report and/or record sickness in line with this policy the Council may withdraw sickness pay and/or instigate the disciplinary process.

Medical certificates

If sickness absence continues **beyond 7 calendar days**, the employee will need to provide a medical certificate from their GP and continue submitting these throughout the duration of the absence. There should be no gaps in certificates.

Employees will need to send their sickness certificate to their line manager promptly, who will upload to SAP via 'Manage ePF'.

Return to work interview

All staff will have a return to work discussion with their manager, normally on their first day back at work.

The purpose of a return to work discussion is to ensure that your manager is aware of issues that affect your attendance at work and your state of health so that the appropriate support and action may be taken. For example, your manager should be made aware of whether:

- you have an underlying medical condition;
- any adjustments are needed if you have a disability;
- you are suffering from stress which may relate to personal issues or to issues at work;
- you would like access to the counselling service; or
- there are personal issues outside work that are affecting your attendance.

Return to work discussions and sickness review meetings may help to improve attendance and resolve absence issues, as health and other associated problems are discussed openly in a supportive way with a view to addressing issues at an early stage.

Your manager will welcome you back to work, check if you are well enough to return, find out the reason and cause of absence if this is not known, identify whether there is any additional support the Council can provide and bring you up to date with any changes or news.

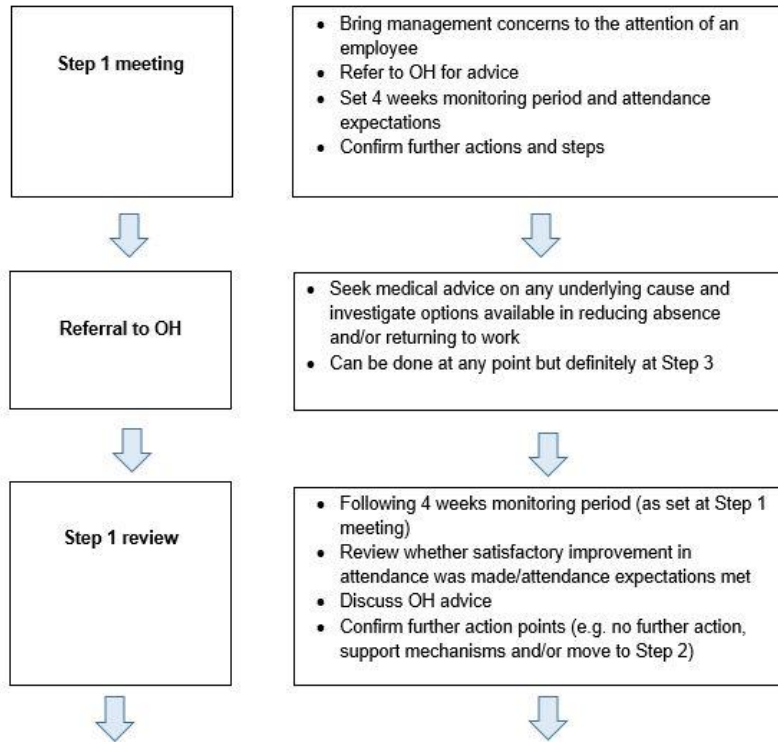
An interview record should be kept and shared with the employee.

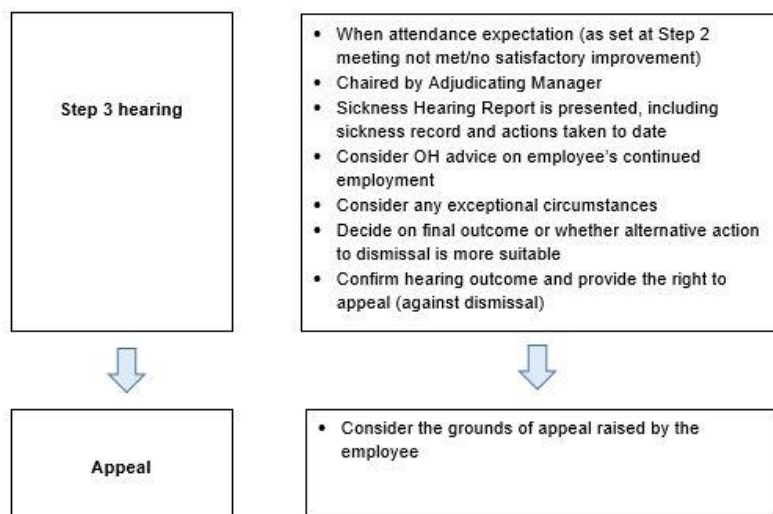
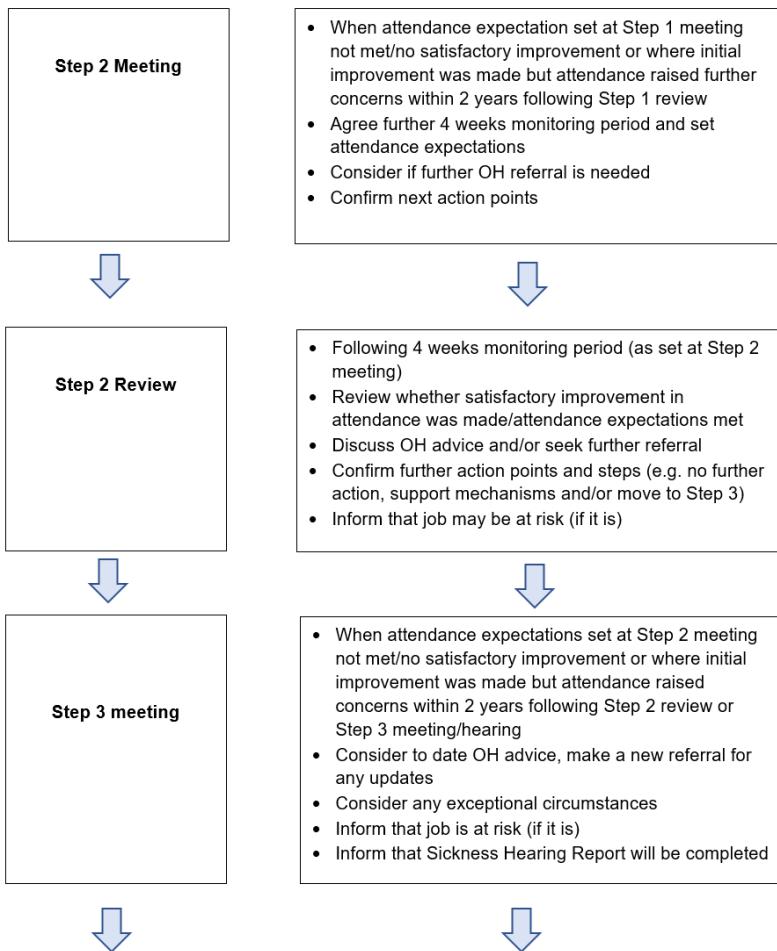
Sickness Management Process – Steps and trigger points

The Sickness Management Process is initiated where an employee has had:

- 8 days in any rolling 12 months period; or

- an absence pattern or health issue which causes concern





Guidance for Managers

Managers do not need to authorise sickness absence.

Prior the Meeting/Review:

- Prepare for the meeting by collecting relevant documentation and reviewing the sickness absence record
- Seek HR advice where appropriate
- Give the employee at least 5 working days' written notice prior the formal meeting (or less if mutually agreed)
- Give employee a right to be represented by a trade union representative or a work colleague
- Share with employee any documentation you have in relation to their sickness (i.e. sickness records, previous letters, medical reports) and make sure they are aware of the Sickness Management policy
- Where an employee is too ill to attend a meeting consider whether a home visit or writing to them is more appropriate

During the Meeting/Review:

- Explain the purpose of the meeting and the sickness management process
- Discuss sickness absence and the effect the absence has on work objectives and colleagues
- Discuss the reasons for sickness and any health, work or domestic problems that may affect the ability to attend work, including any issues relating to disability
- Explore any options that may enable the employee to improve attendance or return to work, including any reasonable adjustments and the [Employee Assistance Programme](#)
- Discuss whether referral to OH is appropriate, explain its purpose in supporting the employee and get their consent where possible
- Explore OH advice where it has been received
- Communicate attendance expectations and the monitoring period
- Confirm whether employee's job may be at risk (if it is)
- Confirm the action plan and what the next steps will be

Post the Meeting/Review:

- Confirm discussion and action points in writing
- Make referral to OH where agreed
- Notify HR Advisor of the actions agreed
- Continue monitoring the absence
- Prepare a Sickness Absence Report where absence is moving to a Step 3 hearing

Disability Related Sickness

The Council has a legal duty under the Equality Act 2010 to put reasonable adjustments in place where an employee's disability is having an impact on their attendance record or ability to do their job.

The legal definition of a disability is wide and any condition where the employee has a physical or mental impairment that has a substantial or long term negative effect on the ability to do normal daily activities may constitute a disability. Managers therefore should exercise caution and seek advice from Occupational Health or their HR Advisor.

The Sickness Management Process should be followed in the usual way for disability related absence and managers will make every effort to assist disabled employees where they may need adjustments to working practices and duties, additional time off for medical appointments, rehabilitation, assessment or treatment related to their disability. This will be balanced with service needs.

Terminal illness and ill health retirement (IHR)

Westminster City Council will support employees who suffer from a terminal illness with dignity, respect and compassion and in accordance with their wishes wherever possible. We aim to provide the most financially advantageous arrangements for them and their family. This includes discussion of the possibility of ill-health retirement in line with the LGPS ill health retirement scheme or the termination of employment with a lump-sum payment under any other pension scheme if applicable.

Managers should seek HR and OH advice in these circumstances, which will be provided on a case-by-case basis.

Pregnancy related sickness

Where employee is off due to pregnancy related sickness our managers will ensure appropriate support is provided and will seek further advice from OH if needed.

Employees should continue recording their absence as usual on SAP. The line manager will monitor this; however, there will be no progression through the steps of the Sickness Management Process where sickness is pregnancy related.

Accidents at work

Any absences because of an accident at work will be managed in the usual way but will be paid an injury allowance (see below).

Sick Pay and Injury Allowance

Entitlements

Statutory Sick Pay (SSP)

- This is the minimum entitlement laid down by law which the Council is required to pay employees while sick
- SSP will be paid to employees when sick for four days or more in a row
- Employees will receive SSP for up to 28 weeks in a spell of sickness
- Spells with 8 weeks or less between them count as one spell
- If the employee is sick after 28 weeks they will be issued with form SSP1 which they can use to claim state benefits
- Employees who are not entitled to receive SSP will receive a form from HR stating why, which can be used when claiming benefit

Occupational Sick Pay (OSP)

- Employees on sick leave are entitled to receive payments from the Council's Sick Pay Scheme, depending on their length of service
- The Council supplements SSP with OSP. The maximum payment that an employee will receive when off sick will not exceed full pay
- Entitlement for each new period of sickness will depend on what has been paid over the previous 12 months
- When calculating entitlement to OSP, previous continuous service with a local government will count towards service

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

Industrial Injury

An allowance will be paid if:

- an employee becomes unable to work, either on a short-term or permanent basis due to injury or disease whilst in the employment of the Council
- this can be specifically attributable to the nature of their duties
- this is not wholly or mainly due to or seriously aggrieved by their own negligence or misconduct

Where an employee cannot continue in their present post, but is not permanently unable to work, alternative employment should be sought for them. They will continue to be paid at the rate of pay for the post they occupied prior to redeployment. Deductions of the amount of statutory benefit or compensation that the employee is in receipt of will be made from their salary, as long as the final pay is not reduced below the level of pay for the post that the employee has been redeployed into.

Extension of Occupational Sick Pay

An extension of sick pay will not normally be considered where there is little likelihood of the employee ever returning to work. In such cases the possibility of an ill health retirement should be considered in consultation with the Occupational Health Provider

Extension to periods of full sick pay will only be considered, after consultation with HR, in the following exceptional circumstances:

- where the employee's absence is for a single underlying medical condition which may have required more than one period of absence,

- where it is anticipated that the employee will return to work in the very near future and extension of sick pay will aid a quicker recovery of the employees health, and
- where it is known that the financial hardship resulting in a reduction in pay may generate a level of anxiety that would hinder a speedy recovery and consequently delay a return to work

Sick pay cannot normally be extended beyond the end of the employee's half sick pay entitlement.

Where such circumstances apply and extension of sick pay is considered, the Manager should seek advice from their HR Adviser. The relevant EMT Member will make the final decision in agreement with the Director of People Services. Each case will be considered on its merits.

If agreed, this should be processed through an IBC enquiry.

Supporting documents, sample letters and reports


OH referral

OH consent form -  [Medical Report Consent Form.docx](#)


OH referral form -  [OH management referral form.doc](#)


OH referral guide -  [Occupational Health Management Referral Guide WCC.pptx April 18.pptx](#)

Step 1 documents


Invite to 1st Meeting (Employee Returned to Work):  [Step 1 Invite to 1st Meeting Employee Returned to Work Letter.docx](#)

Invite to 1st Meeting (Employee Still Off Sick):  [Step 1 Invite to 1st Meeting Employee Still Off Sick Letter.docx](#)

Outcome of 1st meeting (including where employee has not attended) Letter:  [Step 1 Outcome of 1st meeting \(including where employee has not attended\) Letter \(WCC\).docx](#)


Review: Meeting, satisfactory improvement Letter:  [Step 1 Review Meeting, satisfactory improvement Letter.docx](#)


Review: No Further Action Confirmation:  [Step 1 Review No Further Action Confirmation Letter.docx](#)


Within two years reinstate and commence Step 2 Letter:  [Step 1 within two years reinstate and commence Step 2 Letter.docx](#)


Step 2

Step 2 Meeting outcome Letter:  [Step 2 meeting outcome Letter.docx](#)

Step 2 Review Commence Step 3 or Alternatives Letter:  [Step 2 Review Commence Step 3 or Alternatives Letter.docx](#)

Step 2 Review Meeting, satisfactory improvement Letter:  [Step 2 Review Meeting, satisfactory improvement Letter.docx](#)

Step 2 Review No Further Action Confirmation Letter:  [Step 2 Review No Further Action Confirmation Letter.docx](#)

Step 2 Within Two Years Reinstate and Commence Step 3 Letter:  [Step 2 Within Two Years Reinstate and Commence Step 3 Letter.docx](#)

Step 3

Step 3 Hearing Adjournment Letter:  [Step 3 Hearing Adjournment Letter.docx](#)

Sickness Step 3 Hearing Invite Letter:  [Step 3 Hearing Invite Letter.docx](#)

Sickness Step 3 Hearing Outcome Dismissal Letter:  [Step 3 Hearing Outcome Dismissal Letter.docx](#)

Notifying on half/nil pay

Sample letter to notify on Half pay:  [Sickness Sick Pay Expiry of Half Sick Pay Letter \(WCC\).docx](#)

Sample letter to notify on Nil pay:  [Sickness Sick Pay Extension of Full Sick Pay Letter \(WCC\).docx](#)