



Basingstoke
and Deane

SICKNESS ABSENCE POLICY AND PROCEDURE

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1. Introduction

Basingstoke and Deane Borough Council is committed to the health, safety and wellbeing of all staff. The council aims to encourage all its employees to maximise their attendance at work whilst recognising that, from time to time, employees may be unable to come to work due to ill health. Basingstoke and Deane Borough Council is committed to promoting the health, safety and wellbeing of its staff by:

- Providing appropriate support to facilitate staff retention and return to work after illness, for example through a phased return, counselling, occupational health, flexible working, reasonable adjustments and in some cases redeployment;
- Tackling issues which may result in absence due to work related stress or dignity at work issues;
- Encouraging attendance, monitoring absence and the cost of sickness absence;
- Working with unions and Unison health and safety representatives to identify actions and preventative measures to promote the health, safety and wellbeing of staff; and providing coaching and training for managers dealing with sickness absence issues.

The sickness absence policy aims to ensure that absence is managed in a consistent, supportive and effective way so that operational and service levels are maintained. This policy applies to all staff with a contract of employment and is in line with ACAS guidance.

The Council respects the confidentiality of all information relating to staff sickness. This policy has been implemented in line with Data Protection legislation, the Access to Medical Reports Act 1988 and Access to Health Records Act 1990. Access to members of staff's sickness absence records will be restricted to authorised persons only and the member of staff.

This policy and procedure applies to all employees with the exception of the Chief Executive, Section 151 Officer and Monitoring Officer who are excluded from the procedure for formal action as per the Local Authorities (Standing Orders) (England) Regulations 2001, where a Designated Independent Person would be appointed. All other aspects of the policy apply to these officers.

For individuals within the first year of their employment with the council, the New Starter Probation Procedure should be followed.

2. Policy Review

The policy will be reviewed as and when a change is deemed necessary, primarily as a result of: changes to legislation or statute, agreement of new national terms and conditions of service or Government Policy, organisational change or other changes agreed through Trade Union Consultation.

3. Scheme of delegation

The table below details who has the authority to deal with each stage of this procedure.

Stage 1	Line Manager or equivalent level manager from elsewhere within the organisation
Stage 2	Line manager or equivalent level manager from elsewhere within the organisation.
Stage 3	Chaired by an appropriate member of the OMG or equivalent and a HR representative.

Appeal	Chaired by a member of the Senior Management Team or equivalent and a HR representative.
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4. Equalities

Disability

Staff who are absent due to an underlying health condition which is covered under the Equality Act 2010 may be managed in line with the principles of this policy. However, the Council recognises the need for the policy to be applied flexibly in those circumstances in order for staff to be effectively supported.

Disability related sickness absence, and attendance at disability related medical appointments will be recorded. Resulting issues relating with attendance will take into account our commitment to retaining staff through making reasonable adjustments to jobs, equipment and processes, offering flexible working options and accessing medical advice through occupational health to help employees with disability with maintaining their attendance.

Pregnancy related sickness

Short term sickness relating to pregnancy or miscarriage will not count towards short term sickness triggers. Should staff trigger the long term sickness procedure, managers should arrange supportive meetings in an informal way.

5. Medical Health Advice and Support

Occupational Health

The Council works with an independent occupational health (OH) provider to support and raise awareness of health issues with staff and support health and wellbeing events and initiatives.

OH provide professional advice on health issues at work and provide health assessments to:

- Advise on fitness for work with a view to supporting staff to continue at work;
- Advise on reasonable adjustments;
- Facilitate rehabilitation for staff returning to work following a period of ill health; and
- Advise on capability issues.

If we are concerned about individual sickness absence, you may be referred to an OH adviser for a medical assessment to seek advice on reducing sickness absence and/or facilitating a return to work where this is possible.

If you are asked to attend an appointment with an OH physician you will receive a copy of the medical report and we will arrange a follow up meeting to discuss the findings with you. It is the responsibility of the employee to attend the OH appointment as failure to attend incurs fees and potentially delays return to work.

Staff Counselling Service

The Council provides a counselling service for staff which allows up to six free sessions of counselling including an initial assessment. Counselling offers the opportunity to discuss feelings and thoughts on matters of concern with a trained professional, individually or in groups. The initial assessment gives you the opportunity to discuss your concerns with the

counsellor and for you both to consider whether counselling will be beneficial. For more information, speak to HR or your manager about being referred to the Counselling service.

6. Notification and Certification Requirements

Notifying your Manager

If you are absent due to sickness on a normal working day, you must notify your manager, or other designated member of staff:

- By telephone as soon as possible and no later than 10.00 am for staff working normal office hours;
- Stating the reason for your absence; and
- The expected duration of your sickness absence where known.
- Any urgent work or other internal/external colleagues who may need to be informed of the absence (but not the reason for it).
- If a member of staff believes that their absence may be related to an activity or incident at work, they must inform their line manager of this.
- If a member of staff has been exposed to a communicable illness they must inform their line manager who will seek advice from the Occupational Health Service to confirm whether the member of staff is 'fit' to attend work.

If you are a shift worker or have a different work pattern from normal office hours (9.00 am – 5.00 p.m. Monday to Friday), for example, you should notify your manager in good time before your start time where this is possible, so that cover may be arranged. This reporting procedure also applies to employees who were not expected to attend the office due to working off-site, from home, in training, or for any other reason.

If we do not hear from you within an hour of your normal start time your manager will endeavour to contact you at home if contact cannot be made then the employee's next of kin may be contacted.

Employees must talk directly to their line manager. Alternative methods of communication such as text messages, e-mail or leaving messages with anybody else are not considered appropriate, unless there are exceptional circumstances. If the line manager is unavailable, then the employee should contact an alternative nominated manager. Alternative methods of communication can be agreed between the line manager and employee where the employee has a disability impacting on their ability to call. It is expected that the employee will report their absence every day for self-certificated sick leave unless agreed differently by their line manager.

Your manager will ask that you contact them, for example, cover arrangements may need to be put in place. For longer periods of absence, you should maintain regular contact with your manager, normally weekly (longer by agreement with your manager).

You are responsible for notifying the Council of your sickness absence and providing the appropriate certification statements as required. If you do not adhere to these notification and certification requirements, you may not be eligible for occupational sick pay where it applies to qualifying members of staff. In order to qualify for statutory sick pay, you must meet the statutory conditions. These are detailed on the HMRC website at: www.hmrc.gov.uk/payerti/employee/statutory-pay/ssp-overview.htm

We acknowledge that there may be exceptional circumstances which prevent the member of staff from meeting the reporting and certification requirements, for example, in the case of a severe injury / hospitalisation.

Certification for Sickness Absence

Days 1 - 7 of sickness absence

For the first 7 calendar days of continuous sickness absence (i.e. including non-working days, weekends and public holidays), you do not need to obtain a note from your GP to cover your absence. When you contact your manager to inform them about your absence and the reasons for this, your manager or other designated person will record this information. On your first day back at work you must notify your manager or another designated person to confirm the dates of your sickness absence and the reasons for absence. It is your responsibility to inform your manager if you think your sickness absence record is incorrect when you return to work.

If you leave work due to sickness absence before you have completed 2 hours work (pro rata for part time staff), your absence is recorded as a full day's absence, after 2 hours it is recorded as a half day's absence.

The Council reserves the right to request a Doctor's Certificate for periods of absence of less than seven calendar days in cases of short-term persistent absence. However, this should normally follow an Occupational Health referral where there is no medical reason for continued short-term persistent absence. Furthermore, this option should only be used for a finite period and should be reviewed on a regular basis. Should the employee incur a cost in obtaining a Doctor's certificate, then this will be reimbursed by the Council.

Sickness absence that exceeds 7 days

For absences that exceed 7 continuous calendar days (including non-working days, weekends and public holidays) you must provide a Med 3 form which is a 'Statement of fitness for work' (Statement). Known as the 'fit note'. Follow the link to view a sample of the 'Statement of fitness for work' form: <http://www.dwp.gov.uk/docs/med3-fitnote-sample.pdf>

You are responsible for ensuring your medical Statements reach your manager promptly. Periods of absence that are not covered by a Statement will not qualify for occupational nor statutory sick pay, however, each case will be considered on its merits before occupational sick pay is withheld.

If your GP provides advice that you may be fit for work you should notify your manager as soon as practicable.

You should send your Statements to your manager or other designated person who will arrange for this to be logged electronically and passed to the payroll team for processing. If the Statement is not received by the twelfth consecutive day of sickness, you may not be entitled to occupational sick pay.

Statement of Fitness for Work Certificate (Fit Note)

Your GP will either give you a Statement confirming that you are unfit for work for a specific period / until a specific date or your GP may advise that you are able to return to work and, in these circumstances, your GP will suggest options that may help you to return to work.

The purpose of the Statement or 'fit note' is to facilitate a return to work and may be more likely to be used in longer term sickness cases or those with an ongoing medical condition. The suggestions your GP may make include:

- Amended duties – this involves changes to your job and duties, if you are unable to complete all your normal duties, and these may be amended in discussion with your manager.
- Workplace adaptations – this involves changes to your work environment that may relate to, for example, use of equipment, accommodating mobility issues or other changes that may facilitate a return to work. A health and safety risk assessment and occupational health advice may be sought depending upon the nature of the changes suggested.
- A phased return – this allows you, initially, to work a reduced number of hours upon your return to work and increase the hours you work gradually until you return to your normal full time hours. This arrangement is normally agreed for a short period, normally of up to 4 weeks.
- Altered hours – this may be recommending a different work pattern and using forms of flexible working; for example, allowing a later start time or changing work patterns to accommodate treatment sessions.

In some cases your GP may recommend that occupational health advice is sought.

Returning to work

When completing the Statement of Fitness for Work, your G.P. will say whether you need to be reassessed before you return to work. If your absence continues you will need to ensure that all absence is covered by a Statement.

If you do not need a further assessment, your return date will be your next normal working day after the end of the sickness period stated.

Sickness during holidays and annual leave

If you are sick during holiday absence, your holiday may be reinstated subject to you providing a Statement from your G.P. to cover the period of sickness. **Retrospectively dated Statements will not be accepted.**

When an employee falls sick during their planned annual leave abroad and it delays their return to work, the employee may be required to produce the UK fitness to work certificate, medical evidence (even if abroad) and/or original flight tickets.

Employees who are off sick long-term may wish to consider requesting to take some annual leave during their sick leave, for example because they are receiving half pay or no pay and so using annual leave would benefit them financially. **Any such requests must be approved in the usual way by the line manager.**

The employee is also obliged to maintain necessary contact with the employer whilst away during their sickness, unless agreed otherwise.

If an employee is or has been on long term sickness, and has remaining annual leave at the end of the leave year, they are allowed to carry over a maximum statutory allowance of 4 weeks and the additional bank holiday allowance of any given year.

7. Managing Absence

In order to manage sickness absence effectively and consistently we will seek to support staff during periods of illness and use the following interventions and procedures to facilitate a return to work, retain staff in employment and improve attendance:

- Return to work discussions and/or interviews

- Keeping in touch during absence, including telephone calls, texts, emails and home visits by the line manager.
- Monitoring and recording absence
- Carrying out sickness review meetings
- Providing management support
- Seeking medical reports and OH advice
- Managing absence through the procedures detailed below

Return to Work Discussions

All staff will have a return to work discussion with their manager, normally on their first day back at work. If you work outside normal office hours it may not be practicable to have a face to face conversation, for example, if you work during the evenings or work remotely. In such cases the conversation may be by telephone or Skype.

The purpose of a return to work discussion is to ensure that your manager is aware of issues which 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 either on a permanent or temporary basis;
- 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 which 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.

Absence is monitored over a 12 month rolling period. So current absence will be calculated from the date of review for the previous 12 month period. If a period or pattern of absence continues beyond 12 months, such previous absence may be considered as part of the ongoing absence review.

The content of return to work discussions will vary depending upon the length, type of absence and concerns in relation to your sickness record. It is likely to be a brief conversation about your health and offer of support, however, it may be a more detailed discussion or meeting depending upon the issues. Your manager should:

- Acknowledge and welcome you back to work;
- Find out the reason and cause of absence if this is not known;
- Make sure you are well and fully fit to return to work, taking into account any recommendations from your G.P. where relevant;
- Identify whether there is any additional support the Council may provide; and
- Bring you up to date with any work related changes or news.

A copy of the notes of your return to work you are made available on HRPro.

In some cases an employee may not feel able to discuss their medical condition with their manager. In these circumstances, the employee may request to speak to another manager about the reasons for their absence via HR.

Sickness information will be held confidentially and access restricted to authorised personnel within the Council. Under the General Data Protection Regulations, sickness information is

considered sensitive data and the Council is committed to ensuring that such data is treated confidentially and not shared more widely than is necessary, in accordance with the Act.

Medical Reports

If we are concerned about your medical condition or its consequences as related to your employment, you may be asked to attend a medical by our appointed OH adviser. Other medical and/or specialist reports may also need to be obtained. The costs of providing these reports will be met by the Council. In some cases your GP may also recommend that OH advice is sought.

All absence attributed to stress where occupational stress is a contributing factor will be referred to OH as a matter of course after 5 working days continuous sickness absence.

If you withhold your consent to the Council seeking a medical report or refuse to attend an appointment with our OH adviser, we will have to make decisions about your absence and your health on the information available to us.

Under the Access to Medical Reports Act you have the right to see a medical report provided by your GP or medical consultant before it is sent to the Council. Further medical reports may be sought in relation to long term sickness or capability issues.

Redeployment

The process of moving employees to a different role either on temporary or permanent basis. The redeployment search period applies in cases of permanent redeployment and it is an equivalent to the employee's contractual or statutory notice period (whichever is longer). In some circumstances it may be appropriate to extend this to 12 weeks maximum.

If a member of staff moves to a post on a lower band or working fewer hours etc. there will be no protection of salary or other conditions.

Phased return to work

A staged approach to return to work i.e. reduced working hours in the initial period following a return to work. The period of paid phased return should not exceed 4-6 weeks. The maximum number of episodes of paid phased return is 2 in any 12 months rolling period. Any additional phased return episodes will be paid for the hours worked and may be topped up by annual leave.

Access to work service

The Access to Work Service (Job Centre Plus) may be able to provide a funding grant if the employee applies for support to assist in making reasonable adjustments. The responsibility is with the employee to make an application. It is not the role of Access to Work to give an opinion on whether or not an individual is covered by the Equalities Act and the fact that a grant is approved will not automatically mean that an individual is considered to be covered by the Act.

Movement between short and long term sickness management processes.

The following rules apply when employees experience both short and long term sickness. Where absence initially managed under the short term procedure extends beyond 20 calendar days, this is classified as long term absence, and will be managed further under a formal long term absence process.

Where an employee has returned to work from absence managed under the long term sickness process and should further short term sickness arise within the specified review period, the employee's absence will be managed in line with the same formal stage of the sickness procedure, which you were previously managed at. Managerial discretion in managing short term absences following long term sickness is usually exercised in the context of an ongoing health conditions.

Infectious and Contagious Diseases

Employees who have been in close contact (e.g. with a member of their immediate family) with an infectious or contagious disease, such as tuberculosis, chicken pox, measles, meningitis or other serious condition that could be passed on to work colleagues, should notify their manager and seek advice from their doctor or the Council's Occupational Health Service on the need to stay away from work. This is especially important if one of their colleagues is pregnant.

If they are required not to attend work as a precautionary measure they will be granted paid leave. Employees must follow the usual procedures for sickness absence if they are suffering from an infectious or contagious disease. If advised to refrain from work employees cannot return without clearance from their doctor or the Occupational Health Service.

Substance Misuse

Where an employee's absence is as a result of a suspected or admitted substance misuse problem, please refer to the Organisations Alcohol and Drugs Policy.

Medical Suspension

If a manager has concerns with regards to an employee and their ability to undertake work without risk to themselves or others they may ask the employee to remain off duty on medical suspension until Occupational Health advice is sought. Alternative duties or place of work may also be considered at this point to support the employee as an alternative to suspension. Generally fully pay will be maintained during any period of medical suspension.

8. Short Term Sickness procedure

If your attendance, due to short term or intermittent absence, becomes a matter of concern, for example, persistent short term absences or a pattern such as Monday/Friday absences before/after Bank Holidays and school closures, your manager will discuss this with you informally with a view to resolving issues and improving attendance. Poor attendance and reliability issues may have a negative impact upon colleagues, workloads and team effectiveness.

The following procedure aims to provide a consistent approach to managing short term absence initially through informal interventions and where attendance does not improve / attendance targets are not met and concerns continue, through a formal process.

If attendance has not improved and there is no underlying medical condition, poor attendance may become a disciplinary matter.

Ongoing absence issues will be managed through the long term sickness and capability process if it becomes clear that the sickness absence is:

- Long term (likely to exceed 20 consecutive working days or 20 days for the same condition within a 12 month period); and/or
- Related to a disability; or

- Related to a known underlying medical condition.

Stage (1): Initial sickness review meeting

You will be required to attend an initial sickness review meeting with your manager if you have:

- More than 10 self-certificated working days sickness within a 12 month period (pro rata for part time staff); or
- 3 periods of absence within a 6 month period or;
- A pattern of absence that is of concern (e.g. Mondays / Fridays or absence following bank holidays).

Purpose of meeting

The initial sickness review meeting should aim to:

- Identify any contributing issues and how these may be resolved;
- Establish whether there is an underlying medical condition or disability (this may involve seeking further medical advice);
- Consider what other support may be needed; and
- Encourage a member of staff to improve their attendance at work through agreed attendance targets.

Potential outcomes

You may be asked to attend an appointment with an OH physician and your manager will agree attendance improvement targets for a monitoring period of 3 months. Example target would be no more than 2 days sickness absence in the 3 month period.

Adjustments or other support may be agreed such as changes to working patterns, counselling or additional management support.

Your manager will take a written note of this meeting and you may be advised that if attendance does not improve, this may be progress to stage 2 of the process. You will be given a copy of the notes of this meeting.

Should an employee fail to attend the meeting without a good reason, the manager can continue with the meeting in their absence.

Stage (2): Formal sickness review meeting

A formal review meeting will be held with you if your attendance remains of concern and there is no underlying medical condition.

You have the right to be accompanied by a trade union representative or work colleague from within the Council. If your companion is unable to attend the meeting within this timescale, you should notify HR of this and a further appointment will be made within the following five working day period. In exceptional cases the Council may extend these timescales depending upon the individual circumstances of the case.

Should an employee fail to attend the meeting without a good reason, the manager can continue with the meeting in their absence.

Reasons for a formal meeting may be that:

- Attendance targets have not been met; or

- There has been no sustained improvement; or
- Self-certificated sickness absence has reached 20 working days (pro rata for part time staff) within a 12 month period; or
- The pattern of absence is a cause of concern.

You will be given at least five working days written notice to attend a meeting under this policy.

Purpose of meeting

At this meeting, your manager will:

- Review your attendance;
- Discuss how this may be improved;
- Review the improvement targets;
- Discuss any management support or other needs.

Potential Outcomes

You may be asked to attend an OH appointment if a referral has not yet been made.

Your manager will continue to monitor your attendance and set improvement targets.

If your manager is concerned about your level of attendance you may be advised that your absence will be considered under stage 3 of the procedure, which may result in your dismissal from service. Your manager will write to you inviting you to attend a disciplinary meeting to consider your attendance and will give you a copy of your attendance record and other relevant supporting documentation.

Stage (3): Final Formal Capability Review Meeting

This is as detailed below:

Long Term Sickness procedure

Long term sickness absence is defined as 4 weeks continuous absence. Intermittent absence that amounts to 20 working days (140 hours pro rata for part time staff) will also be managed under the long term sickness and capability process, with due regard to the Equality Act 2010 and the Code of Practice on Disability in Employment, where the reasons for absence are related to an underlying medical condition or disability.

Managing long term sickness issues involves holding a monthly sickness review meeting with the member of staff to:

- Keep in touch;
- Discuss and review the length and reasons for absence;
- Establish a return to work date; and
- Facilitate a return to work/improve attendance levels.

Facilitating a Return to Work

In order for us to provide staff with appropriate support and facilitate a return to work we may need to:

- Seek medical advice through our nominated OH physician or from your G.P. or medical consultant about your health to establish when / whether a return to work is likely and how we can reasonably help to facilitate this.

- Discuss and make reasonable adjustments for disabled staff that may facilitate a return to work or to retain an individual at work.
- Consider whether alternative duties / light work or a phased return to work is beneficial.
- Consider redeployment as a potential alternative to ending employment where appropriate.
- Discuss early retirement where appropriate with HR, if this option is available to you.

Keeping in touch

During longer term sickness absence and if your absence is likely to be four weeks or longer, it is important that you keep in touch with your manager at agreed regular intervals and let them know of any changes in your health or expected date of return.

Monthly review meetings will normally be held with you and may be arranged at work, at your home or another agreed location and you have the right to be accompanied to these meetings. In some cases, where there is a known medical reason for absence and there is a known date of return to work, meetings may be held at longer intervals by agreement, with contact mainly by telephone but email, skype and home visits may also be used.

Phased returns

If you are recovering from illness and it is considered that a phased return to work would be beneficial, your manager will discuss this with you. A phased return allows you to return to work starting on reduced hours for a short period and building up hours gradually to your normal full time hours. You will receive normal pay during this phased return which would be for up to a maximum of four weeks.

If you feel you are not able to return to full time work at the end of this phased return period, flexible working arrangements may be considered upon request. Please follow the link to the Flexible Working policy in the staff handbook. So, for example, if you wanted to reduce your normal working hours either permanently or for a temporary period, you would make an application through the flexible working procedure and, if approved, this request would normally result in a contractual change.

Alternative duties

If you are not considered fit to undertake your normal duties, for example in cases of a broken limb, and you are being paid sick pay, you may be requested to undertake other appropriate work. Such requests will only be made in consultation with independent medical advice and where appropriate following a risk assessment.

Ill Health Retirement

There may be occasions when it is in the best interests of an employee to take early retirement on the grounds of ill health, if due to their ill health they are permanently incapable of carrying out their duties. Each case will be dealt with on an individual basis, through close working with Human Resources, OH, the employee and/or their representative.

An employee will be retired on ill-health grounds if an independent registered medical practitioner (IRMP) certifies that they are permanently incapable of performing the duties of their post on grounds of ill health or infirmity of mind or body.

The Council will not proceed with any case of ill-health retirement without first exploring a range of options to support employees in returning to work, including redeployment possibilities. Occupational Health (OH) will review existing medical evidence to assess

whether there appears to be a case for ill health retirement. If additional medical information is required, the employee may be requested to attend an appointment to see OH and/or their GP/Consultant may be asked to provide a report. If there is sufficient medical evidence to support the case for ill health retirement, it will be referred to an IRMP who has had no prior involvement with the employee's case.

An employee will be eligible for early payment of pension benefits, on grounds of ill health, if:

- They have at least three months' pensionable service in the LGPS, or have equivalent transferred rights from another pension scheme; and
- They have been certified by an independent registered medical practitioner as being permanently incapable of performing the duties of their post on grounds of ill health or infirmity of mind or body.

Where the IRMP has determined that the employee is permanently incapable of performing their duties due to ill-health, they will also establish which Tier of benefits the employee should be retired on:

Tier 1	Applies where the employee is totally incapacitated and will not be able to undertake gainful employment ² before their normal retirement date. Their benefits will be based on their accrued rights plus an enhancement on their prospective service up to their normal retirement date.
Tier 2	Applies where the employee cannot undertake gainful employment* within a reasonable period of leaving Local Government employment, but they may be able at some date in the future before their normal retirement date. Their benefits will be based on their accrued rights plus an increase of 25% of their prospective service up to their normal retirement date.
Tier 3	Applies where the employee cannot undertake gainful employment* but is deemed capable of obtaining gainful employment within 3 years of leaving employment. They will be entitled to immediate payment of benefits without an enhancement. This outcome is subject to an Occupational Health review after 18 months. Payments are payable either: <ul style="list-style-type: none"> • Until the employee returns to gainful employment (within 3 years of date of termination) • Until the employee is considered capable of obtaining gainful employment at the 18 month review • For three years

An employee should contact the Council's pension's provider (details can be found on the staff intranet under Pensions) for any information regarding their ill-health retirement benefits.

*Gainful employment means paid employment for not less than 30 hours a week in each week for a period of not less than 12 months.

An employee should contact the Council's pension's administrator (details can be found on the intranet under Pensions) for any information regarding their ill-health retirement benefits.

Procedure for Managing Long Term Sickness

During long term sickness absence, it is important for managers to keep in touch with the member of staff and provide appropriate support and interventions to facilitate a return to work and retain them in employment where this is practicable.

Long Term Sickness Review Meeting

After four weeks continuous absence or intermittent absence that amounts to 20 working days (140 hours pro rata for part time staff) within a rolling 12 month period your manager will write to you and arrange a sickness review meeting.

The purpose of the meeting will be to discuss your sickness absence and identify any support we may be able to provide which may facilitate your return to work. This may include seeking medical advice, arranging a phased return, changing your work pattern, hours or making other reasonable adjustments. You may be asked to attend a meeting with our OH provider. You will be given a copy of any medical reports received and the implications will be discussed with you.

Follow up Sickness Review Meetings (monthly)

After eight weeks continuous absence or intermittent absence amounting to 40 working days (280 hours pro rata for part time staff), your manager will write to you to give you notice to attend a further sickness review meeting. You may also be asked to attend a meeting with our occupational health adviser if this has not already been arranged.

The purpose of follow up review meetings, which should be held monthly, is to:

- Discuss your health;
- Consider any medical advice received;
- Review any actions which have been discussed;
- Consider any further support including reasonable adjustments where appropriate that we are able to offer to improve attendance or facilitate a return;
- Identify a possible return to work date;
- Redeployment: and
- Where appropriate, consider whether employment may be at risk

However, if you are off on long term sick leave and it becomes evident at any stage that a return to work is unlikely or that you will be unable to fulfil your role effectively for health reasons, you may be invited to attend a stage 3 hearing. A potential outcome may be that employment is ended due to reasons of ill health. Before any decision is taken about your employment situation, we will seek medical advice and consider other action short of dismissal. Your manager will advise you if your employment may be at risk and will carry out a capability review before further action is taken.

Notice of Meetings

You will be given at least five working days written notice to attend a meeting. You have the right to be accompanied by a trade union representative or work colleague from within the Council to all meetings held under the long term sickness and capability procedure. If your companion is unable to attend the meeting within this timescale, you should notify HR of this and a further appointment will be made within the following five working day period. A formal meeting will only be rescheduled once for this reason.

In exceptional cases the Council may extend these timescales depending upon the individual circumstances of the case.

Stage (3): Final Formal Capability Review Hearing

In some cases of long term continuous or intermittent sickness absence, the Council will need to consider your capability / fitness for work where:

- There is no predicted date of return;

- Medical evidence indicates that an individual is permanently unfit for work;
- A return to work may be unlikely within a reasonable timescale;
- There is a high level of intermittent absence;
- The member of staff is not able to fulfil their job role effectively (after appropriate interventions to facilitate their return or improve their attendance).
- A capability review will consider whether:
- Further investigation is required, for example, if recovery is taking longer than predicted or there has been a recent deterioration in relation to health or a disability. Further medical advice and relevant specialist reports may be requested to ensure any decision takes into account up to date medical information.
- Reasonable adjustments have been made where this is appropriate and whether there are any further reasonable adjustments such as changes to the job role/support through the Access to Work scheme.
- A phased return, alternative duties, or flexible working have been discussed and considered where appropriate.
- Redeployment may be appropriate if there are other suitable job opportunities on a permanent or temporary basis that the employee may fulfil.

Early retirement (where this is cost neutral) or ill health retirement may be an option if the employee is a member of an occupational pension scheme and meets the relevant criteria for retirement under the scheme rules.

Your manager and a Human Resources representative will meet with you to discuss and review these options and to listen to your thoughts and feelings about the situation and the options. You have the right to be accompanied to this meeting by a union representative or work based colleague.

A possible outcome of this meeting is that you will be invited to a capability hearing which will consider your future employment situation with the Council and may result in your employment with the council being terminated.

Holding a Final formal Capability Review Hearing

The purpose of the capability hearing is to consider your sickness absence and make a decision about your employment situation. Your manager will prepare an absence report detailing the history, including all relevant documentation and medical advice received.

You will be given five working days written notice of the meeting and copies of the information which will be considered at the hearing in making a decision about your continued employment with the Council.

Your level of sickness absence, which may be intermittent absence or a continuous period of long term sickness absence, will be considered; the impact this has had on the service and work colleagues, the support, actions or adjustments which have been taken so far; whether redeployment or early retirement has been discussed where appropriate; and a decision will then be made about your employment situation.

A potential outcome of this meeting is that your employment will be ended with notice.

At the capability hearing you will have the opportunity to state your case and have the right to be accompanied by a trade union representative or a work colleague from within the Council. You will also be allowed to make written submissions to the hearing. Your companion may assist you in stating your case but may not answer on your behalf. In the event of a representative being unable to attend on the original date proposed, a convenient date for all

parties will be arranged within five working days. A formal meeting will only be rescheduled once for this reason.

This meeting will be held either at the Council or at a mutually agreed location. It is in your best interests to attend such a meeting, however, you may submit a written representation if you are unable to attend in person. If you do not attend the hearing, your case and any documentation you have submitted may be reviewed and a decision reached in your absence. Should an employee fail to attend the meeting without a good reason and without written submission, the manager can continue with the meeting in their absence.

The meeting will be held by a senior manager within your Department or another senior manager from within the Council together with a HR representative. You will be notified of the decision as soon as possible and this will be confirmed in writing within five working days. If the decision is taken to end your employment, you have a right of appeal.

Right of Appeal

You should write to the Head of HR & OD stating the grounds for your appeal within five working days of receiving the decision of the capability hearing.

Your appeal will be heard by a senior manager as appropriate, who has not been involved in the case management, together with a representative from HR. The manager will normally be senior to the manager who authorised the dismissal. If you do not wish to attend the appeal, you may submit the grounds for your appeal in writing.

If the person appealing has good reason to believe that there is a conflict of interest, they may make a case to the Head of HR and OD who will appoint an alternate manager, if deemed appropriate.

The appeal decision is final; there is no further right of appeal. You will be notified of this within five working days of the meeting.

9. Sick Pay

The Council provides an occupational sick pay scheme offering an enhanced benefit to staff exceeding statutory requirements. Sickness payments made through this scheme incorporate statutory pay and are calculated on a rolling year basis.

Your contract of employment will indicate whether you are eligible to receive occupational sick pay. If you are eligible, to qualify for occupational sick pay, you must follow the notification of sickness absence procedure and certification requirements as stated within this policy.

Payment is, however, conditional upon an employee complying with the council's procedure for notifying their manager of the absence, attending a meeting with their manager on request to discuss the absence, and any other required action such as referral to Occupational Health.

The Council may withhold occupational sick pay at its discretion in accordance with this policy as detailed under 'withholding occupational sick pay'.

Occupational Sick Pay

The Council will pay the following occupational sick pay in accordance with the requirements stated within this policy and payment includes any entitlement to SSP. Benefits will be paid pro rata for part time staff. When calculating an employee's entitlement to paid sick leave for a current period of sickness, the amount of sick leave taken during the previous 12 months is taken into account.

During a probationary period

Occupational sick pay may be withheld during the probationary period.

If an employee is absent from work during their probation, including any extension to the probationary period, only statutory sick pay will be paid (if applicable).

If a period of sickness absence starts before the end of the probationary period and continues into the period after the probationary period was due to end, occupational sick pay may not be paid for that absence. Only when the employee has returned to work and their probation period has been confirmed as successfully completed, will any future absences be eligible for occupational sick pay.

Sickness absence due to an occupational disease, incident or assault arising out of the course of employment with the Council, sick pay in those circumstances will be paid during an employee's probationary period.

Sickness Payments	Up to 1 Year	During 2nd Year	During 3rd year	During 4th/5th year	After 5 Years
Occupational Sick Pay, including SSP**	1 month full pay	2 months full pay	4 months full pay	5 months full pay	6 months full pay
Occupational Sick Pay, excluding SSP***	2 months half pay*	2 months half pay	4 months half pay	5 months half pay	6 months half pay

* After the completion of 4 months service

** SSP is included within the Occupational Sick Pay

*** SSP is paid in addition to the (half pay) Occupational Sick Pay

If you receive any benefits due to illness or injury, these will be deducted or reclaimed by the Council. You must notify the Council of these benefits as a failure to disclose these may be considered a disciplinary matter and may result in disciplinary action including dismissal.

If you work for more than one employer and sustain an injury whilst working for another employer, you may not be entitled to receive occupational sick pay from the Council.

During periods of sickness absence, within any leave year, annual leave will continue to accrue. The annual leave rules apply to accrued leave at the end of the leave year, accrued leave may be carried into the following year. All leave accrued is pro rata to the hours worked.

Withholding occupational sick pay

In some cases the Council may take a decision to withhold or suspend occupational sick pay where:

- The notification of sickness absence procedures and certification requirements are not adhered to;
- Refuses a reasonable request to attend an occupational health/medical examination with a medical practitioner authorised by the Council;
- Recommended treatment is not followed;
- Self-certificated absence is persistent / short term;

- Sickness absence follows notification of a disciplinary or capability hearing or investigation;
- There is a failure to cooperate with, or abuse of, the absence policy and procedure.
- Sustains an injury while engaging in extreme activities or professional sport (employees are expected to take out an appropriate level of insurance for such activities);
- Sustains an injury while working for another employer;

If an employee is absent as a result of an accident caused by a third party, and for which damages may be recoverable, that employee will not be entitled to Occupational Sick Pay (OSP). However, they can request (via their Head of Service or Director) an advance from the council equal to their OSP. This will be subject to them agreeing, in writing, to refund this amount when damages have been received. Any period of absence for which a refund is made in full will not count as sick leave for pay purposes, and will not affect future entitlement to OSP.

When an employee elects to undergo cosmetic surgery, occupational sick pay will not be payable in accordance with this policy. However, occupational sick pay may be payable in cases where written confirmation is received from the employee's medical practitioner that the surgery is essential for the physical and/or mental wellbeing of the individual.

Whilst occupational sick pay is not normally payable for elective cosmetic surgery, it may be paid if an employee develops serious complications following surgery necessitating in hospital treatment.

Where an employee is undergoing cosmetic surgery for the purposes of reconstruction (for example following a previous illness, accident or defect of birth), occupational sick pay is payable subject to appropriate evidence and certification in accordance with this policy.

Transgender employees undergoing medical and surgical procedures including reconstructive surgery related to gender reassignment may require time off from work, Transgender medical and surgical procedures will be paid occupational sick pay in line with this policy. The first stage of reassignment, under the supervision of a qualified medical practitioner, may take several months or years. Appointments may be required during normal working time, the normal arrangement for medical appointments will apply. Following this stage there is typically a period of one or more years before the individual is accepted for reconstructive surgery and the time taken for this will vary greatly from two to around 12 weeks, depending on the nature of the surgery undertaken.

You will be given notice in writing that your occupational sick pay will be suspended or withheld. Sick pay will only be withheld with the express agreement of the Head of Service and the Head of HR and OD.

We will try to ensure that overpayments do not occur as a result of the benefits under the Scheme ending. Nevertheless should an overpayment occur you will be expected to reimburse the sums overpaid by deduction from the following months' pay or at an agreed rate.

Occupational sick pay will cease if you do not adhere to the requirements stated within this policy; when your employment ends or if payments under the Council's occupational sick pay scheme are exhausted, whichever is sooner.

Statutory Sick Pay

Statutory sick pay is paid in accordance with Statutory Sick Pay (SSP) regulations.

SSP is paid for the first 28 weeks of sickness absence. It is not payable for the first three days of absence unless the absence is linked to a previous absence period. A linked period of absence is where any absence occurs within eight weeks of a previous absence period.

If you do not qualify for occupational sick pay, for example, because you have failed to follow the procedures outlined within this policy, you may still qualify for SSP. The statutory qualifying criteria and further information is held on the following website: www.dwp.gov.uk

Medical and Dental Appointments

Requests for time off to attend such appointments will be dealt with sympathetically, however, it is expected that you attend medical or dental appointments in your own time where possible. Where this is not possible, appointments should be arranged to minimise any absence from work, for example, at the beginning or end of your normal working day. If you are undergoing a period of medical treatment involving regular appointments, reasonable time off will be given.

Medical and dental appointments that take up more than 70% of your normal working day (5 hours for full time staff and pro rata for part time staff) will be recorded as sick leave. Medical appointments related to a disability or underlying health condition will not normally be recorded as sick leave.

You may be asked to provide your appointment card or evidence of medical or dental appointments. Appointments related to pregnancy or maternity are dealt with under the maternity policy and such leave is paid.

10. Roles and Responsibilities

Employees

As an employee you are responsible for your health and wellbeing and for minimising your absence from work. You are responsible for adhering to the requirements stated within this policy, particularly in terms of sickness notification, providing Statements and keeping in regular contact during longer term absence.

Managers

Managers have a duty of care for the health, safety and welfare of their staff members and should work supportively in conjunction with HR and the Council's nominated occupational health provider to support staff with genuine sickness absence.

Managers are responsible for managing sickness effectively and ensuring absence is monitored and recorded for their team using HR Pro. The manager is responsible for carrying out return to work discussions and other review meetings, promoting a positive working environment, motivating and managing their team to maximise attendance.

Senior managers are responsible for ensuring that training is available for staff who are managing sickness absence issues. Senior managers should also ensure that absence issues are treated equitably and consistently within their area of responsibility.

Human Resources

The role of HR is to provide specialist advice and support to managers and staff in dealing with absence issues. HR may attend any meeting held under the formal stages of this policy.

HR will provide statistical information to support the management of absence, including reports on total working time lost by team and by individual, the average number of working days absence and the percentage of working time lost due to absence. Managers should regularly

monitor absence levels and events and proactively discuss absence with their staff. HR will also flag up when trigger points are reached. Any information held will be in line with the requirements of the Data Protection Act and confidentiality maintained.

HR will work with managers and staff to facilitate a return to work, including provision of advice, support and referrals to OH.

HR will provide information updates to managers and staff on sickness issues, for example, to advise of changes in legislation and best practice.

Occupational Health (OH)

To provide impartial, expert advice to managers and employees on the fitness of employees to undertake their role. To signpost employees to other appropriate services e.g. counselling. To advise on reasonable adjustments to the work, workplace, equipment and duties. To provide advice on ill-health retirement.