SICKNESS ABSENCE MANAGEMENT POLICY

This policy explains the process relating to an employee should they be unable to attend work due to illness. It explains the pay applied during sickness absence and outlines the obligations of the employee and the council in such instances.
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1. INTRODUCTION

Harlow District Council values the contribution of all staff in the delivery and maintenance of quality services to the community.

The Council is committed to managing attendance and sickness absence and believes it is the responsibility of managers, employees and trade union representatives to work together to promote good attendance levels, the reduction in levels of ill health and the latest best practice on the management of sickness absence.

The Council is committed to minimising controllable sickness absence and recognises that there will be times when because of illness employees will not be able to attend for duty and that this will have a direct impact on service delivery.

The Sickness Absence Management Policy and associated procedures and guidance apply to all employees of Harlow District Council.

This policy and contained procedures seeks to ensure that a reasonable balance is found between considering an employee’s welfare and the efficiency and quality of service provided to the Council.

This document provides procedures on the notification of sickness absence, certification, return to work, informal and formal mechanisms for dealing with frequent short term sickness, procedures for dealing with long term absence and if necessary the termination of employment. The procedures are fair and allow for transparency of process whilst seeking to respect employees’ confidentiality.

All employees have the right under the Data Protection Act to request copies of their sickness absence records. Information on sickness absence will be recorded for monitoring purposes and may be used for informal and formal disciplinary purposes.

Formal action may be taken under the Disciplinary Procedure where there may be abuse of the sick pay/leave scheme.

2. OBJECTIVES

- To promote the good health, safety and well being of all employees, including use of risk and health assessments to identify and manage hazards.

- To provide appropriate preventive measures through medicals assessments prior to starting employment, medical advice, screening and training such as manual handling.

- To enable managers to effectively monitor levels of sickness absence enabling appropriate and timely action to be taken.

- To assist managers in identifying sickness absence problems and patterns and to provide a framework for advice and control.
• To encourage and promote open communication between managers and employees.

• To ensure sickness absence is dealt with in a non-discriminatory way and in accordance with the Council’s Equal Opportunities Policy and statutory duties.

• To ensure employees suffering from ill-health will be dealt with in a sensitive and supportive way.

• To ensure sickness absence cases are conducted with respect for confidentiality and in accordance with the requirements of the Data Protection and Access to Medical Reports Acts.

• To ensure all employees who become disabled during the course of their employment will be dealt with in accordance with the provisions of the Equality Act.

3. EMPLOYEES WITH DISABILITIES

3.1 Disability
The Equality Act defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

3.2 The definition
For the purposes of the Act:

• substantial means neither minor nor trivial.
• long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions).
• normal day-to-day activities include everyday things like eating, washing, walking and going shopping.
• a normal day-to-day activity must affect one of the ‘capacities’ listed in the Act which include mobility, manual dexterity, physical co-ordination, continence, ability to lift, carry or otherwise move everyday objects, speech, hearing or eyesight, memory or ability to concentrate, learn or understand, perception of the risk of physical danger.

Some conditions, such as a tendency to set fires and hay fever, are specifically excluded.

People who have had a disability in the past that meets this definition are also covered by the scope of the Act. There are additional provisions relating to people with progressive conditions.
The DDA 2005 amended the definition of disability. It ensured that people with HIV, cancer and multiple sclerosis are deemed to be covered by what is now the Equality Act effectively from the point of diagnosis, rather than from the point when the condition has some adverse effect on their ability to carry out normal day-to-day activities.

3.3 The Council is committed to the employment of people with disabilities and will make every effort to retain any individual who is or becomes disabled whilst in its employment and to offer appropriate and timely support to ensure that the employee’s skills, experience and loyalty are not lost. Consideration of this should be taken into account in the use of this procedure.

3.4 Initially, the individual will need to be referred by their line manager; Human Resources will refer the individual to the Occupational Health Advisers for a medical assessment. Following advice from this source and where appropriate, information and/or assessment from external organisations, a number of options may be available to the individual, line manager and HR in facilitating a return to work. These may include:-

- Remaining in the same job with reasonable adjustments to the job or the working environment.
- Seeking redeployment opportunities incorporating retraining and/or rehabilitation where required.
- Considering the feasibility of other patterns of work i.e. part time, job share.

3.5 When considering the above alternatives regular contact with the individual will be important, consulting them on the options available, the associated arrangements, rehabilitation needs and any re-induction programme.

3.6 It must be recognised in some cases, it is not possible to retain an employee with disability. In these circumstances, ill-health retirement/termination on the grounds of incapacity may need to be considered.

4. ROLES AND RESPONSIBILITIES

4.1 Line Managers will

- Ensure that all employees are provided with a personal copy of the policy at/prior to their local induction into the department, including the local procedure on notifying sickness absence to be provided to all employees.
- Carry out their duty to safeguard, as far as possible their employees health, safety and welfare at work and also taking the necessary action to alleviate bullying, harassment or stress within the workplace.
- Ensure that all employees are aware of the appropriate first point of contact, when phoning in to report their absence.
• Respect the employee’s wish for privacy in relation to their health.

• Record and monitor carefully the attendance record of all his/her employees identifying where an individual’s attendance gives rise for concern and initiate appropriate action seeking advice where necessary (records are held on Chris21). The trigger points are outlined in section 7.1.

• Keep in contact with the employee when absent due to sickness and to offer guidance and support where required. The Occupational Health can be contacted for advice through the Human Resources department (6.3).

• Initiate a return to work meeting with employee for each episode of absence and to ensure appropriate forms are filled in and signed. (Return to Work form which should be send to HR and not disclosed to the Chris 21 administrator ) Original forms are to be returned to the HR department accompanied by Self Certificates and Statements of Fitness for Work form (Fit Note). Self Certificates and Fit Notes should be send to Payroll on the day of receipt (managers must ensure that the absence has been logged on to Chris 21).

• Absence due to an accident or assault at work must be clearly indicated (form S02).

• Review with the employee (and HR as appropriate) any advice that may be detailed on a Fit Note.

• Advise an employee who is obviously ill or returns to work after sickness and their health gives cause for concern, to see to their own GP or to seek advice from Occupational Health.

• Ensure that discretion is exercised and that full consideration is given to the individual’s health problems, where known and various circumstances including the work environment which may be affecting their attendance. Consideration should also be given to what support and advice can be offered to staff. Each stage of the process will identify how the individual’s health problem impacts on their ability to return to work, the length of time they may be absent and the impact on their performance at work.

• Seek advice from HR and refer employees with their consent to Occupational Health if an employee’s absence is not at an acceptable standard as set out in this policy. Where consent is not given, written advice will be sought for Occupational Health.

• Be responsible in consultation with HR for identifying key points through the period of sickness e.g. the transition from full pay to half pay and to nil pay.

• After any referral to the Occupational Health advisers, meet to discuss the advice received with the employee. This meeting will be held even if consent for the referral was not given by the employee. HR will be available to give advice as appropriate.
• Ensure that absence dates and reasons are accurately recorded on the HR system, (Chris21) on date received by the Chris 21 administrator for their department. This will include supplementary remarks where a general sickness code is used.

• Ensure that self certificates, Fit Notes, return to work forms and copies of all documentation sent to employees (invitations to meetings, outcome of meetings, informal/ formal action etc) are sent to the Human Resources department on date received. (Managers ensuring it has been logged onto the Chris 21 system) Local copies should not be retained as a matter of course except where required for informal/ formal action. If local copies are retained they must be kept confidentially and in line with the Data Protection Act.

• Ensure that reports are regularly run at least monthly from Chris21 to review employees’ sickness absence records.

4.2 Employees will

• Attend work unless unfit to do so.

• Read the policy at/ prior to their local induction meeting with the line manager. At the end of the meeting the employee will be expected to sign to confirm that they have read and understood the policy and adhere to it with particular regard to the local reporting procedure, this applies to both new and existing employees.

• Raise concerns with their manager, trade union representative or Human Resources, if they believe that their job is having an impact on their health.

• Report sickness absence promptly in accordance with this Policy & Procedure and the local reporting procedure.

• Maintain contact with their manager during periods of sickness absence and update them on relevant information relating to the sickness (see section 6).

• Co-operate fully and attend review meetings with Occupational Health for assessments where, as outlined in this policy, reasonable notice has been given and with other organisations that provide services to the Council.

• Ensure that medical advice and treatment, where appropriate, is received as quickly as possible, in order to facilitate a return to work.

• Provide sickness certification to their line manager. Failure to notify sickness absence or provide sickness certificates within the timescales specified in 6.1 may lead to the absence from work being considered as unauthorised, resulting in the loss of occupational sick pay and the appropriate disciplinary action.
• After any referral to Occupational Health, meet to discuss the advice received with their line manager. This meeting will be held even if consent for the referral was not given. HR will be available to give advice as appropriate.

• Advise their line managers, HR and Occupational Health if they are unable to attend any appointment, giving reasonable notice.

• Have the option to see their medical report at Occupational Health before it is sent to HR. This will be available through Occupational Health.

4.3 Human Resources Department will:

• Monitor the effectiveness of the policy and support managers dealing with sickness cases by offering advice and guidance at any stage of the procedure.

• Liaise with Occupational Health and co-ordinate medical referrals, advising managers as appropriate, and attending review meetings if necessary. Advise the Head of Service during formal Case Review meetings (see section 9).

• Review any suggestions made on Fit Notes, with the line manager and Occupational Health, as appropriate.

• Provide advice and support to all employees (in the first instance employees should always approach their line managers).

• Attend formal meetings to advise on procedure and promote best practice.

• Seek temporary or permanent roles within the Council for employees covered by the Equality Act 2010.

4.4 Occupational Health

• The main purpose of the Council’s Occupational Health advisers is to provide advice and guidance on the impact of an employee’s health on their ability to undertake their duties. They will make recommendations on what measures may be put in place to support the employee, provide advice on new employees, advise on rehabilitation periods and phased returns to work.

• Where an employee refuses to attend an Occupational Health appointment, HR and the line manager will provide any general information that is available, e.g. medical certificates, comments by the employee or observations by the line manager to enable recommendations to be made.

• All referrals are arranged via the Human Resources Department, employees may also refer themselves via Human Resources if they have concerns relating to their health that may impact on them at work. Line managers will be informed of appointment dates.
• Occupational Health, with the employee’s consent, may request information from the employee’s General Practitioner (GP) or other appropriate medical specialist to enable them to make an informed judgement. (medical consent form)

5. SICK PAY & ENTITLEMENTS

Individuals may be entitled to statutory and/ or occupational sick pay.

5.1 Statutory Sick Pay (SSP)

Employees are generally entitled to Statutory Sick pay dependent on length of service and/ or earnings.

5.2 Occupational Sick Pay (OSP)

5.2.1 The scheme is intended to supplement Statutory Sick Pay and DWP payments so as to maintain normal pay during defined periods of absence on account of sickness, disease, accident or assault.

5.2.2 Absence in respect of 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.

5.2.3 Subject to the provision of the scheme, employees will be entitled to the following periods of occupational sick pay. Please note entitlements are pro-rata for part time employees.

<table>
<thead>
<tr>
<th>LENGTH OF CONTINUOUS SERVICE</th>
<th>FULL PAY (OSP)</th>
<th>HALF PAY (OSP)</th>
</tr>
</thead>
<tbody>
<tr>
<td>During the 1st year of service</td>
<td>1 month after completing 4 months service</td>
<td>2 months</td>
</tr>
<tr>
<td>During the 2nd year of service</td>
<td>2 months</td>
<td>2 months</td>
</tr>
<tr>
<td>During the 3rd year of service</td>
<td>4 months</td>
<td>4 months</td>
</tr>
<tr>
<td>During the 4th and 5th year of service</td>
<td>5 months</td>
<td>5 months</td>
</tr>
<tr>
<td>After 5 years of service</td>
<td>6 months</td>
<td>6 months</td>
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5.2.4 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated 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.
5.2.5 Entitlement based on continuous service will not be re-calculated where the absences are linked, i.e. an employee returns to work and is absent due to sickness for the same condition again within a short period of time. This will also apply where an employee commutes a period of sickness absence into annual leave.

5.2.6 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 secure the equivalent of normal pay.

5.2.7 In the case of half pay periods sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay. So long as the total sum does not exceed normal pay.

5.2.8 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.

5.2.9 The DWP benefits to be taken into account for the calculation of sick pay are those to which an employee is entitled on the basis that the employee has satisfied so far as is possible:

(i) the conditions for the reporting of sickness as required by the authority;
(ii) the claiming of benefits
(iii) the obligation to declare any entitlement to benefits and any subsequent changes in circumstances affecting such entitlement.

5.2.10 An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee’s entitlements under this scheme.

5.2.11 If an employee abuses the sickness scheme or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee’s own misconduct or neglect or active participation in professional sport or injury while working in the employee’s own time on their own account for private gain or for another employer sick pay may be suspended. The Council shall advise the employee of the grounds for suspension and the employee shall have a right of appeal. If the Council decide that the grounds were justified then the employee shall forfeit the right to any further payment in respect of that period of absence. Repeated abuse of the sickness scheme should be dealt with under the disciplinary procedure.
6. **PROCEDURE**

6.1 **Reporting Sickness Absence**

It is important for the Council to know as soon as possible, in order to function effectively, if an employee is unable to attend work for any reason. Employees must contact their line manager as soon as possible, within one hour of their normal or rostered start time or in line with their local reporting procedure. If they are unable to attend work due to illness they must ensure that this procedure is followed.

<table>
<thead>
<tr>
<th>Day(s) of Absence</th>
<th>Action By employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-7 inclusive (including Sat/Sun/BH) unless sick only on non working days</td>
<td>On the first day notify your line manager by telephone that you will not be at work as soon as possible, but in any event within one hour of your normal or rostered start time or in line with local reporting procedure. Enter sickness/absence on flexi or time sheet on first day back at work. A sickness declaration/return to work meeting form must be completed ideally on your first day back at work. This should be done during your return to work meeting with your line manager. (See paragraph 6.4).</td>
</tr>
<tr>
<td>8 or more (including Sat/Sun/BH)</td>
<td>After seven days absence, tell your line manager that you are still unfit for work. Complete the self certification form that will be sent to you by your line manager and return it as soon as practical to cover the first 7 days. Consult your GP and obtain a Fit Note if you have not already done so. Send the Fit Note(s) to your line manager until you are fit to return to work. <strong>Do not send</strong> Fit Notes or Self Certificates direct to the Human Resources department or Payroll.</td>
</tr>
</tbody>
</table>

6.1.1 In order for service delivery to be maintained, it is essential for line managers to know when a member of staff is unable to attend work due to illness. Failure to notify sickness absence or provide Self Certificates or Fit Note(s) within the timescales specified in 6.1 may lead to the absence from work being considered as unauthorised, resulting in loss of occupational sick pay and possible disciplinary action.

6.1.2 All employees are encouraged to provide their manager with information concerning their illness or injury and their anticipated length of absence. Alternatively employees can discuss their illness or injury with Human Resources if the problem is of a sensitive nature. If they visit their GP and receive medical guidance as to how long they will be absent they should contact their manager again and give them that information, as soon as possible.
6.1.3 Whilst recognising that any employee may be prevented from attending work through ill health, managers have a duty to maintain service delivery, minimise disruption and take into account the effects of absence on other employees who may have to provide cover. This means all employees reporting a sickness absence should be prepared to discuss any work commitments. This may not be immediately possible due to the nature of the sickness absence.

6.1.4 If the employee believes that their absence may have been caused by an accident/assault at work, they should inform their line manager immediately. They should complete a Report of an Incident form (Staff), and return it to the line manager.

6.1.5 Wherever possible employees should telephone in themselves. However, it is recognised that in some situations this is not practical and they should ask someone to ring in on their behalf, in accordance with 6.1 above. The person making the telephone call should leave information as to how the employee can be contacted if necessary. The employee should make personal contact as soon as possible.

6.1.6 In cases of work related stress advice should be sought from Human Resources at the earliest opportunity

6.2 Certification

6.2.1 A Sickness Self Certification Form must be completed for every period of sickness unless covered by a Fit Note. Managers/ Supervisors will complete part 1, when an employee rings in to report a sickness absence, employee to complete part 2 on their return. In the absence of the manager, the employee taking the call from the employee will start the form and pass to the manager for action (as appropriate).

6.2.2 If an employee is admitted into hospital they should obtain a Fit Note on their discharge or earlier.

6.2.3 Where there is continuing sickness absence the employee must submit consecutive Fit Notes to cover the whole period of absence and these must be sent to the line manager within 2 days of the previous note expiring.

6.2.4 The Council may consider it necessary for some employees to produce a Fit Note before the 8th day where the nature of the employee’s sickness record warrants this. The Council will meet any cost incurred in obtaining this Fit Note. This facility will not normally be used until the first stage of the procedure (section 7).

6.2.5 In certain circumstances, for example a major operation, the employee may be referred to Occupational Health prior to their return to work.

6.2.6 The production of Self Certificates or Fit Notes by an employee does not prevent action being taken under this procedure.
6.3 Maintaining Contact

6.3.1 When an employee is absent from work due to sickness, it is important that contact is maintained between the manager and the employee. The manager needs to ensure that essential work is reallocated and service delivery is maintained. The employee must not become isolated, vulnerable, out of touch or be fearful of an unmanageable workload on their return.

6.3.2 The employee and manager should maintain regular/weekly telephone contact during the early stages of sickness absence unless otherwise advised by HR. If the employee is absent for more than three weeks, a visit should be arranged either at home or at a mutually convenient location. It may be appropriate for the manager to be accompanied by a representative from HR so they can advise on relevant aspects of the policy. If absence becomes long-term (over 4 weeks), regular/weekly telephone contact must be maintained both the line manager and employee.

6.3.3 In appropriate cases home visits by an employee’s immediate supervisor, accompanied by HR, as necessary, can assist in identifying the issues, ensuring early referral to Occupational Health, where appropriate, the possible phased return to work and helping the planning of work coverage.

6.4 Return To Work

6.4.1 It is essential that after every sickness absence that the manager/supervisor and employee meet privately, ideally during the first day back or at least within three days of the return to work. The purpose of the discussion is to welcome the employee back to work, ensure that there is an accurate record of the absence and appropriate certification and update the employee on work issues.

6.4.2 It is important that the discussion balances the needs of the employee and their welfare and the concerns the manager/supervisor has about service delivery and the impact of an individual’s absence on other employees. The duration and outcome of the meeting will depend on the individual circumstances of the employee and their sickness absence.

6.4.3 If an employee wishes to return to work before the end date on the Fit Note, they must first obtain an amended Fit Note.

6.4.4 The outcome of the discussion will be recorded on the Return to Work form for all absences. Managers and employees must both sign the form before it is sent to HR together with the employee’s Self Certificate/ Fit Note(s) on day of receipt (managers must ensure they are logged onto Chris 21 (Return to Work forms must not be given to Chris 21 Administrator).
7 MANAGING SICKNESS ABSENCES

7.1 Frequent Short Term Absence – Informal Action

This part of the procedure is intended to deal with short-term absence. Where an employee’s absence level meets one of the following trigger points, the manager/supervisor will review the absence levels with the employee:

- 3 or more separate instances of sickness absence in the previous rolling 6 month period
- 2 separate periods of sickness absence totalling 10 working days or more, within the previous rolling 6 month period
- Any other recurring recognisable patterns, such as frequent absenteeism on a Friday or Monday, before or after a period of annual leave (or any other authorised leave).

The above triggers are not exhaustive and other sickness absence trends may occur. In such instances line managers are advised to contact HR for advice and support. (see Flow Chart)

7.1.1 An informal review meeting will be held with the employee to discuss the absence record, explore the reasons, identify areas for support, review/update risk/health assessment, set targets for improvement and clarify what further action may be taken if improvement targets are not met. The manager should send a standard letter to the employee detailing the reasons for the meeting and the sickness record to be reviewed.

7.1.2 Each case must be dealt with according to its merits, but possible outcomes will normally include the following:

- Advice may be sought from Occupational Health.
- Other support mechanisms such as training and counselling may be considered.
- Confirmation of attendance will continue to be reviewed.
- The employee may be required to submit a Fit Note from their GP for every instance of absence, where a private Fit Note is provided; the council will reimburse the cost of this upon receiving a valid receipt.
- Formal action under the Sickness Absence policy may be taken if there is no significant and sustained improvement during the monitoring period taking into consideration individual’s medical condition and history.

7.1.3 An interim meeting will be arranged to review progress within 3 months or sooner, should serious concerns arise before then.
7.1.4 The manager/ team leader will complete the Managing Sickness Absence Formal /Informal Action form during every meeting. Both the manager and employee will sign the form, a copy is given to the individual and the original will be sent to HR.

7.1.5 The manager may, at any meeting, escalate to the formal action stage if it appears that the employee’s attendance has not improved, without the need for a further meeting under the informal stage. Advice should be sought from HR.

7.2 Frequent Short Term Absence – Stage 1 Formal Action

7.2.1 If there is insufficient improvement within the monitoring period in the employee’s sickness absence record, a formal review meeting will be held with the line manager where reasons for the continued absence levels will be explored.

7.2.2 The emphasis at each stage of the process should be one of problem solving to reduce sickness absence. The particular circumstances of each case need to be sensitively taken into account in determining action.

7.2.3 The employee will be given 7 calendar days written notice of the meeting detailing the reasons for the meeting and their sickness record. A workplace colleague or trade union representative may accompany the employee.

7.2.4 During the meeting the issues to be discussed may include:

- the reasons for continued absence(s).
- the previous informal review(s) and action points agreed at that meeting.
- impact of continued absence on service and colleagues.
- outline of support that has been provided.
- if further support may be appropriate.
- action by the employee to improve attendance.
- the need for tangible improvements will be emphasised.

7.2.5 At the end of the meeting the manager will consider all aspects of the case and may issue a first formal written warning for unsatisfactory attendance and performance if appropriate.

7.2.6 The supervisor/ manager will write to the employee within 7 calendar days of the formal review meeting, confirming

- the points discussed,
- the employee’s sickness absence record is not satisfactory
- actions agreed
- the first written warning, this will be valid for nine months after which it will usually be disregarded
- the employee’s right of appeal.
- that a sustained improvement will be expected.
- an interim meeting will be arranged to review progress within 3 months or sooner, should serious concerns arise before then.
that failure to improve will normally lead to a final written warning for unsatisfactory attendance and performance to undertake their duties.

7.2.7 If at the interim monitoring meeting there has been a significant and sustained improvement in attendance, this should be recognised by the manager when they meet with the employee. Both the manager and employee will sign the managing sickness absence formal/informal action form (LINK) and a copy is given to the individual and the original will be sent to HR. If at this further meeting the improvement has been maintained, the manager can advise the employee that monitoring will continue, but they will only need to meet with them if there is a decline in attendance.

7.2.8 The employee has the right to appeal against decisions to issue a written warning. In order to exercise this right, the employee must write to HR within 14 calendar days of receipt of the letter confirming written warning. The employee must state the grounds for their appeal.

7.2.9 A different manager will hear the appeal. A trade union representative or a workplace colleague may accompany the employee at the hearing. During the appeal, the employee/companion and the manager will have the opportunity to state their case and provide documentary evidence. The Appeal hearing manager will communicate their decision in writing within 14 calendar days of holding the appeal. This decision is final within the authority’s internal procedures.

7.3 Frequent Short Term Absence – Stage 2 Formal Action

7.3.1 Failure to improve to an adequate level during the monitoring period will lead to a further formal meeting with a Head of Service. The employee will be given 7-calender days written notice of the meeting detailing the reasons for the meeting, their sickness record and employees right of appeal. A workplace colleague or trade union representative may accompany the employee. If after considering the information the Head of Service feels that satisfactory improvement has not been maintained a final written warning will be issued.

7.3.2 The Head of Service will write to the employee within 7 calendar days of the formal review meeting, confirming the final written warning for unsatisfactory attendance and performance which will state that:

- the employee’s sickness absence record is not satisfactory.
- it must reach a satisfactory level for a sustained period.
- attendance will continue to be reviewed.
- failure to achieve the adequate level may lead to the employee being dismissed from the Council due to their unsatisfactory attendance and performance to undertake their duties.
- this is valid for twelve months after which it will usually be disregarded.

7.3.3 Failure to improve after a final written warning during the 12 month period could lead to dismissal on the grounds of unsatisfactory attendance and performance.
Failure to improve after a final written warning will be referred to the Head of Service for a case review meeting.

7.3.4 The employee has the right to appeal against decisions to issue a final written warning. In order to exercise this right, the employee must write to HR within 14 calendar days of receipt of the letter confirming final written warning. The employee must state the grounds for their appeal.

7.3.4 A Different Head of Service or Strategic Director will hear the appeal. A trade union representative or a workplace colleague may accompany the employee at the hearing. During the appeal, the employee/companion and the Head of Service will have the opportunity to state their case and provide documentary evidence. The Head of Service or Strategic Director will communicate their decision in writing within 14 calendar days of holding the appeal. This decision is final within the authority’s internal procedures.

7.4 Long Term Absence

Absences of 4 weeks’ or more duration are considered long-term.

In cases of absences due to work related stress advice should be sought from HR at the earliest opportunity.

Cases involving a terminal illness need to be handled sensitively and advice should be sought from HR.

7.4.1 The manager/team leader should arrange to meet with the employee on a regular basis, in their home if necessary, in order to keep up to date with progress, identify areas for support and determine whether any other actions should be taken. Advice from HR should be obtained if appropriate; the employee should normally be referred to Occupational Health, if they have not already been referred at an earliest stage.

7.4.2 A referral to the Council’s Occupational Health advisers should be requested with the knowledge and usually consent of the employee. The manager/team leader will complete a referral request form, which is sent to HR who will then arrange the referral and liaise with Occupational Health.

7.4.3 The main purpose of a referral will be to provide an indication of the likely duration of the employee’s absence, whether any steps can be taken to help the employee return to work and if the employee’s condition(s) is covered by the Equality Act. A copy of the report will be sent to the line manager and employee, who will discuss the recommendations.

7.4.4 The Council will not usually pay for medical treatment to be performed privately. Such payments have tax and National Insurance implications for the Council and the employee. Where Occupational Health feels that further advice is required from a consultant and there is a considerable delay the Council may consider funding for a referral. Each case will be considered on its merits by the relevant Head of Service and HR. The employee’s department will meet the costs of any
such exceptional referral. Employees seeking to be referred for physiotherapy and counselling from Occupational Health should initially get a referral letter from their own GPs.

7.4.5 Options following medical referral include, but are not limited to:

- Further review period.
- Where practicable adjustments can be considered such as changes to the workload, work practice or work pattern, either as part of a phased return to work or on a more permanent basis.
- Other appropriate support mechanisms.
- Redeployment (where covered by the Equality Act).
- Ill-health retirement.
- Case Review meeting.

7.4.6 In many cases of long-term sickness absence, a phased return to work may be appropriate. Phased return may involve working shorter hours, fewer days, working from home, different tasks etc. Where the phased return involves a reduction in working hours, the balance of time will be made up from the employee’s contractual sickness entitlement.

A phased return will usually involve the Council’s Occupational Health advisers, advice from the employee’s GP/consultant and the relevant line manager. Any phased return would normally last for no more than 1 month and this may include adjustments to the workload, work practice or work pattern. If the phased return is longer than this period and involves a reduction in hours a temporary variation to contract will be considered, which may include a pro rata reduction in pay.

7.3.7 An adjustment will be considered in the light of what is practical and meets the operational needs of the organisation and must take into account the health and safety implications of the employee returning. HR will advise on the possibility of temporary medical redeployment across the Council where appropriate.

7.3.8 In most cases employees will return to work in due course. However in some cases, because of the actual or anticipated duration of the absence, it may be necessary to advise the employee, that it may not be possible to hold their post open beyond a certain time period. Redeployment options, possible ill-health retirements and possible early retirement should be explored before consideration of any termination of employment on the grounds of ill-health. Employees should be advised that their continued employment is at risk.

8. Certificate of Permanent Incapacity

8.1.1 Any active member of the LGPS who leaves employment by reason of becoming permanently unable to discharge efficiently the duties of their local government employment and has a reduced likelihood of obtaining gainful employment (whether in local government or otherwise) may become eligible for payments from the Pension Fund.
8.1.2 Where Occupational Health issue a Certificate of Permanent Incapacity the employee will be invited in writing to a formal meeting with the Head of Service. This will set out the purpose, the right to be accompanied and right of appeal. This will be sent 7 calendar days before the meeting.

8.1.3 The purpose of the meeting will be to review the medical evidence, discuss other re-deployment options that may be available. In the event that it is not possible for the employee to remain in employment the Head of Service will retire the employee on grounds of ill-health, which will normally release pension benefits. The level of benefits will depend on what tier of permanent incapacity has been specified in the certificate.

8.1.4 After the meeting, HR will confirm in writing the termination and the date it will take effect. All employees will be paid in lieu of notice and for any accrued annual leave, which are subject to normal statutory deductions.

8.1.5 The employee has the right to appeal against decisions to terminate employment. In order to exercise this right, the employee must write to the Head of Service within 14 calendar days of receipt of the letter confirming dismissal. The employee must state the grounds for their appeal.

8.1.6 The Chief Operating Officer will hear the appeal. A trade union representative or a workplace colleague may accompany the employee at the hearing. During the appeal, the employee/companion and the Head of Service will have the opportunity to state their case and provide documentary evidence. The Strategic Director will communicate their decision in writing within 14 calendar days of holding the appeal. This decision is final within the authority’s internal procedures.

8.2 Ill Health Tiers

The level of benefits is dependent upon the ability to perform other ‘gainful employment’: the Pension Fund rules state:

**Tier 1:** Where a member is incapable of any other gainful employment before age 65, pension benefits are payable based on accrued rights plus 100% of their prospective membership from the date of retirement to age 65.

**Tier 2:** Where a member is unlikely to be able to obtain gainful employment within a reasonable period of time but likely to be able to do so before age 65, pension benefits are payable based on accrued rights plus 25% of their prospective membership from the date of retirement to age 65.

**Tier 3:** Where the member is likely to be able to obtain any gainful employment within 3 years then his accrued benefits will be put into payment without any enhancement.

The member has a duty to inform the Council if they obtain gainful employment. The Council will contact the member after payments have been made for 18 months to enquire as to their current employment.
• If the member is in gainful employment the Council will instruct Essex Pensions to cease payments.
• If the member is not in gainful employment the Council will obtain a further certificate from their Occupational Health Advisors.
• The review could lead to the case being reassessed as Tier 2
• The Council will in any case instruct Essex Pension to cease payments after 3 years.

9. **Case Review Meetings**

9.1 Where there has not been improvement after the issue of a final written warning for unsatisfactory attendance and performance or where a long-term period of absence is continuing and options that would enable the employee to remain in employment have been unsuccessful, the employee will be required to attend a Case Review meeting.

9.2 The purpose of the Case Review meeting will be to consider whether, in line with legislation, there are any further actions that the Council and employee can take to assist the employee in continuing their employment or whether the employment should be terminated due the employee’s unsatisfactory attendance and performance, effectively because of ill health.

9.3 The appropriate Head of Service will chair the meeting, accompanied by a representative from Human Resources. The case will be presented by the line manager and copies of the report will be sent to the Head of Service and employee at least 7 calendar days before the case review meeting.

9.4 The employee will be given at least 7 calendar days notice of the intention to hold a Case Review meeting. A trade union representative or a work colleague may accompany the employee. The letter will set out the reasons for the meeting, that their employment may be terminated and the right of appeal.

9.5 The Head of Service will consider the line manager’s report which will set out the following issues:

• The employee’s absence record.
• Redeployment opportunities explored.
• Details of all actions taken to enable the employee to return to work.
• Medical advice received from Occupational Health or other specialists.
• The need for the work to be undertaken.
• The impact of the employees’ absence and ill health on other employees and service.
This list is not exhaustive and the weight attached to each will depend on the circumstances of the case, balancing the needs of the employee and the Council.

9.6 Any actions will be discussed with the employee and their companion, if applicable and the line manager, before any final decisions are made. In all instances employees will be treated in a fair and reasonable manner, appropriate to their particular case. The employee will be informed of the decision and this decision will be confirmed in writing within 7 calendar days.

9.7 If a decision is taken to dismiss an employee on the grounds of unsatisfactory attendance and performance, HR will confirm in writing the termination of employment and reasons for the decision. All employees will be paid in lieu of notice subject to normal statutory deductions.

9.8 The employee has the right to appeal against decisions to terminate employment. In order to exercise this right, the employee must write to the Head of Service within 14 calendar days of receipt of the letter confirming dismissal. The employee must state the grounds for their appeal.

9.9 A Strategic Director will hear the appeal. A trade union representative or a workplace colleague may accompany the employee at the hearing. During the appeal, the employee/companion and the Head of Service will have the opportunity to state their case and provide documentary evidence. The Strategic Director will communicate their decision in writing within 14 calendar days of holding the appeal. This decision is final within the authority’s internal procedures.

10. Time Off For Medical/Dental Appointments

10.1 Time off for medical or dental appointments will not normally be included in the calculation for sickness absence. Appointments should normally be made outside of core time as specified in the Flexi-Time Scheme. Where it is not possible to make an appointment outside of core hours or an employee is not covered by the Flexi-Time Scheme, permission should be sought from the relevant line manager. Normally time will be made up later in the working week, alternatively the Appointments form will be completed and passed to the line manager to be recorded as an “absence” on CHRIS21.

10.2 Further advice should be obtained from Human Resources if time requested for such appointments becomes excessive.

10.3 Medical treatment involving absence from work for more than half a day will usually be counted as sickness absence, or employees may choose to take annual leave, flexi-leave (or other authorised leave). However, each case should be dealt with sensitively and take into account the distance to be travelled and the nature of the treatment.

10.4 If an employee has a condition/illness which is covered by the Equality Act, employees should still encouraged to arrange appointments of a non-urgent nature outside their working hours, if this is not possible, seek advice from Human Resources.
11. **Sickness and Annual Leave**

11.1 If an employee becomes ill whilst on annual leave (or other authorised leave), leave will not be re-imbursed unless a Fit Note is obtained and produced to cover the period of sickness to enable occupational sick pay to be paid.

11.2 If employees wish to take booked annual leave/ holiday away from their home address whilst on sick leave, the holiday will then be deducted from the normal leave entitlement. Managers are responsible for informing Payroll that their employees are on annual leave and not sick leave for that period.

11.3 All leave must be normally taken within the leave year to which it applies, otherwise leave is forfeited. Employees who return to work following a period of long-term sickness absence which straddles 2 leave years may be able to carry leave over the statutory element of their annual leave entitlement. However the management reserves the right to specify when that leave must be taken.

11.4 You will continue to accrue annual leave during sick leave in accordance with legislation.

12. **Employees who fall ill whilst travelling abroad**

- If an employee falls ill whilst on annual or special leave (or other authorised leave), they must produce acceptable documentation signed by an accredited medical practitioner, together with the employee’s contact address and telephone number. This should be provided as soon as is practicable stating the nature of the illness, date of commencement of the sickness and whether the employee is fit to travel to the UK.

- If an employee is declared unfit to travel, the certificate must give an indication of the date the employee is likely to travel, if this is after the last day of the authorised period of leave. Employees who are fit to travel must, at the end of their leave period, return to the UK and submit a Fit Note signed by their UK Doctor in the normal way.

13. **Relevant Legislation**

Data Protection Act 1998  
Access to Medical Reports Act 1988  
Equality Act 2010

14. **Standard Documents**

- Return to Work Form  
- Appointments Form  
- Sickness Self Certification Form  
- Managing Sickness Absence Formal /Informal Action Form (all stages)  
- Invite letter to informal/formal meeting  
- Request for Referral – Long-Term Absence  
- Request for Referral – Short-Term Absence
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