

OADBY & WIGSTON BOROUGH COUNCIL SICKNESS ABSENCE POLICY AND PROCEDURE MARCH 2014

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PART 1: Introduction

This Sickness Absence policy and procedure sets out procedures for reporting and recording sickness absence and for managing short and long-term absence in a consistent and fair manner.

This policy and procedure is intended to assist in the management of sickness absence.

Sickness absence falls into two categories:

- a) Short-term sickness absence or
- b) Long-term sickness absence

Abuse of sick leave, regulations, entitlements and unauthorised absence are disciplinary matters and will be dealt with in accordance with the Council's Disciplinary policy and procedure.

PART 2: Scope

This policy and procedure incorporates all health related absences and applies to all employees of the Council. It does not apply to contractors or agency workers.

The employee has the right to be accompanied at all stages of the procedures defined in this policy by a Trade Union representative or workplace colleague.

The Council reserves the right to change the terms of this policy and procedure in order to comply with legislative requirements or as otherwise necessary, following appropriate consultation with the Trade Unions in cases of substantial variation.

This policy and procedure provides working guidelines to adhere to, however it is accepted that in certain circumstances these timescales can be extended with authorisation from the Head of Corporate Resources, in consultation with the employee and Trade Union representative.

HR guidance should be sought if any clarification is required.

PART 3: Equal Opportunities

The Equality Act 2010 provides the legal framework to combat unlawful discrimination and provides public authorities with general and specific duties relating to equality. The Council will do its utmost to uphold these duties and will always have due regard for the requirement to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act.
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- Foster good relations between persons who share a protected characteristic and persons who do not share it.

The Council is committed to having a dignified and respectful working environment which includes and encourages all staff to develop and make progress.

This policy and procedure enhances the Council's approach to equality by ensuring openness and transparency.

PART 4: Roles and Responsibilities

<p>Senior Management Team</p>	<p>Senior Management Team has a strategic responsibility to ensure that the appropriate conditions at work exist to ensure that employees are able to attend work regularly.</p> <p>Senior Management Team will monitor attendance statistics through monthly sickness reports which are provided by HR on the first week of the month.</p>
<p>Head of Service</p>	<p>The Head of Service will monitor attendance statistics through monthly sickness reports which are provided by HR on the first week of the month.</p> <p>In addition, the Head of Service as well as the Line Manager is to be notified if an employee hits any of the triggers which are identified in Part 18 of this policy and procedure.</p> <p>It is the Head of Service's responsibility to ensure that Line Managers are following the correct procedure which is illustrated below.</p>
<p>Line Managers</p>	<p>Line Manager's should ensure that all employees have access to this Sickness Absence Policy and Procedure and they understand the Council's attendance expectations.</p> <p>The Line Manager is responsible for monitoring absence, ensuring all sickness absence records are updated in the iTrent (HR software) and maintained accurately. Return to work interviews should be undertaken on the day of the return to work and updated on the iTrent software.</p> <p>The Line Manager must ensure that any necessary arrangements are made with regards to absent employees work commitments; including 'out of office' or re-routing messages on email and telephone systems (as appropriate) to ensure any urgent messages/information are not delayed.</p> <p>Line Managers should ensure good working conditions are provided and that employees attend appropriate training to minimise the risk of injury at work.</p>
<p>Employees</p>	<p>Employees are responsible for attending work regularly in accordance with their contracted working hours and fulfilling their contract of employment.</p> <p>Employees must ensure they understand the content of this policy and procedure and co-operate fully with the sickness absence procedures; failure to do so may affect entitlement to sick pay and/or may be deemed to be misconduct and dealt with accordingly to the <u>Disciplinary policy & procedure</u>.</p> <p>All employees who are unable to attend work due to sickness had a responsibility to notify their Line manager as to the nature of the sickness and anticipated length of absence.</p>

	<p>If an employee is referred to Occupational Health then they should make every effort to cooperate fully with this process.</p> <p>Ultimately, employees are responsible for their own health and should utilise the range of support and advice that is available both within and outside the Council. This includes attending any scheduled appointments or training arranged by the Council to improve their health and attendance, and/or support them back to work.</p>
<p>HR</p> <p>HR advisor</p> <p>HR note taker</p> <p>Corporate Resources</p>	<p>HR is responsible for overseeing the introduction, operation and monitoring of this Sickness Absence policy and procedure. They will report to Senior Management Team and Heads of Service on a monthly basis on attendance levels against targets.</p> <p>HR will provide advice on all matters relating to attendance management and on individual cases.</p> <p>It is the role of HR to advise and support Line Managers throughout the capability process and in the application of this policy and procedure. They will have no part in any decision making.</p> <p>This is a confidential, independent and impartial officer who will take minutes at all sickness review meetings and sickness capability / appeal hearings. They will have no part in any decision making.</p> <p>Where assistance from HR is unavailable or not permissible a suitably trained officer from Corporate Resources will be nominated to assist.</p>
<p>Trade Union or workplace colleague</p>	<p>All employees have the right to be accompanied at a Sickness Capability Hearing. The employee may be accompanied by:</p> <ul style="list-style-type: none"> • A workplace colleague • A Trade Union representative <p>To avoid duplication of advice and materials, if an employee has representation, all correspondence and exchange will take place directly with the representative. It is for the representative to keep the employee apprised of the progress and to supply them with copy materials if required.</p> <p>A workplace colleague or a Trade Union representative can attend any Sickness Capability Hearing to support the employee but is not permitted to answer any questions asked of the employee in such a situation. In all cases, any Trade Union representative who is not employed must have written certification from the Union as being competent to accompany the employee.</p> <p>No external representation is permitted.</p>
<p>Occupational Health</p>	<p>The Occupational Health provider will provide support, advice and assistance in accordance with the terms of their contract for services with the Council, with a view to preparing the employee to return to work, as appropriate.</p>
<p>Nominated Health and Safety Officer</p>	<p>The nominated Health and Safety Officer should undertake appropriate risk assessments to ensure the safety and wellbeing of all employees.</p>

	The nominated Health and Safety Officer is also responsible for collating and presenting data on accident and incidents at work.
Capability Officer	The Capability Officer will be a trained officer from the list at Appendix A of this Sickness Absence policy and procedure who will independently and impartially conduct a Sickness Capability Hearing.
Capability Panel	The Capability Panel will consist of two Capability Officers from the list at Appendix A of this Sickness Absence policy and procedure, one of whom will be nominated as the Capability Chair.
Appeal Panel	The Appeal Panel will consist of three trained Members from the list at Appendix B of this Sickness Absence policy and procedure who will independently and impartially conduct the Appeal Hearing, one of whom will be nominated as the Appeal Chair.

PART 5: Occupational Sick Pay

Employees are entitled to receive Occupational Sick Pay (OSP) as detailed in their contract of employment. Entitlement is calculated on a rolling basis over a maximum of 12 months. As this entitlement is dependent on length of service it will vary from one individual to another as detailed below. Employees in receipt of OSP will be notified on expiry of the full and half pay.

Employees who are not entitled to receive OSP may be eligible to receive statutory sick pay. In accordance with National Joint Council Conditions of Service, in any twelve month rolling period employees will be entitled to receive OSP for up to the following periods depending on length of service as follows:

<u>Length of Service</u>	<u>OSP Entitlement</u>
1st Year of Service	1 month's full pay and (after completing 4 months service) 2 months half pay.
2nd Year of Service	2 months full pay and 2 months at half pay.
3rd Year of Service	4 months full pay and 4 months at half pay.
4th and 5th Years of Service	5 months full pay and 5 months at half pay.
6th Year Onwards	6 months full pay and 6 months at half pay.

The Council reserves the right to withhold the payment of OSP, except for any statutory sick pay entitlement, where it is considered that the employee has:

- undertaken actions which are considered to be prejudicial to their recovery
- failed to co-operate with the Council's attempts to facilitate an early return to work following an Occupational Health assessment and recommendation
- unreasonably refused to attend an appointment with the Occupational Health provider or has failed to attend an appointment made without just cause
- unreasonably refused to undertake reasonable alternative duties identified to facilitate an early return to work

If the employee is absent as a result of an accident sustained outside the course of employment from an incident which gives rise to a claim against a third party, the sums paid to the employee under the Council's OSP scheme will be repayable to the Council should the employee later recover any such monies (related to loss of earnings only) from a third party as damages.

The employee is under an ongoing duty to keep HR informed as to the progress of external proceedings. Should the employee fail to keep HR notified and reimburse monies to the Council (if recovered from a third party) then this may result in disciplinary action being taken against the employee in accordance with the Disciplinary policy and procedure and recovery proceedings for sums of money due to the Council.

PART 6: Disability Related Absence

The Equalities Act 2010 makes it unlawful to discriminate against an individual on the grounds of his or her disability. This also applies to employees who become disabled during their employment. A disability is a physical or mental impairment, which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities. In such circumstances Line Managers are obliged, wherever possible, to make reasonable adjustments.

For employees with a disability or a long-term health condition, their sickness absence may have nothing to do with their disability. However, if their sickness absence is related to a disability, the Council has a duty under the Equality Act 2010 to make reasonable adjustments.

Reasonable adjustments may include; adapted equipment, physical changes to the environment, changes to working hours, location, shift pattern, or time of treatment or appointments. Following longer term absence, it may include, for example a rehabilitation programme. Please see Part 25 of this policy and procedure for further details.

Any request to change working arrangements (i.e. working hours/times) which may constitute a reasonable adjustment must be made in writing to their Line Manager who will seek approval from the Head of Service in consultation with the Head of Corporate Resources. Further guidance can be sought from HR in this regard.

Disability related absences will be recorded as a sickness absence and flagged as disability-related (in order that disability and non-disability related absences can be identified separately). All absences will be paid according to the employees sickness entitlement, as set out in Part 5 of this policy and procedure.

In instances where the employees attendance is unsatisfactory and/or s/he is unable to return to work following long term sickness absence and no reasonable adjustments or redeployment are possible the employee will be invited to a final Sickness Capability Hearing. Please see Part 21 of this policy and procedure for further details.

PART 7: Pregnancy / Maternity Related Absence

The Equality Act 2010 makes it unlawful to discriminate against an individual on the grounds of pregnancy/maternity. For pregnant employees, time off work due to a pregnancy / maternity related illness will be recorded separately and, although it will be included when reviewing the employees attendance record, it will not be considered appropriate for informal Capability meetings or formal Sickness Capability Hearings.

Non-pregnancy/maternity related sickness absence will be recorded in the normal procedure which is outlined in Part 14 of this policy and procedure.

A pregnant employee absent with a pregnancy / maternity related illness must follow the normal absence reporting procedure and provide medical certification/fit note as would be required for non-pregnancy related illness. Pregnancy/maternity related illnesses will be recorded as a sickness absence and flagged as pregnancy related (in order that pregnancy and non-pregnancy related absences can be identified separately). Absences will be paid according to the employees sickness entitlement as set out in Part 5 of this policy and procedure.

The Line Manager will carry out a return to work interview after any occasion of absence in order to provide support or to consider any adjustments that could be made to help the employee. Further details of return to work interviews are set out at Part 15 of this policy and procedure.

If the employee is off work with a pregnancy / maternity related illness during the last four weeks before the expected week of childbirth, the Maternity policy and procedure will be followed and the employee may be automatically placed onto maternity leave.

Occupational Health advice may be sought to clarify pregnancy / maternity related absence; especially if absences are frequent and/or where a pregnant employee requests a change of working pattern outside normal working arrangements, during her pregnancy.

PART 8: Stress Related Absence

If an employee is absent due to stress they will need to comply with the reporting procedures set out in Part 14 of this policy and procedure. Upon notification of a GP's fit note which stipulates stress, the Line Manager will liaise with HR to arrange a sickness review meeting. HR will then write to the employee to confirm the time and location of the meeting. HR representation will always be present at the sickness review meeting. The employee will have the right to be accompanied by a Trade Union representative or a workplace colleague.

Ordinarily a sickness review meeting will only take place once an employee has been absent due to sickness for 4 weeks or more however when the absence is related to stress a sickness review meeting must take place within 5 days of receiving the GP's fit note.

The Line Manager at the sickness review meeting will discuss the causes for stress, the employee & Line Manager will then conclude together whether the stress is related to the employees personal life or it is work related stress.

If the stress is related to the employees personal life than an Occupational Health referral is not required however support and assistance may be provided, if appropriate and required. Further guidance can be sought from HR.

In the alternative, where the stress is identified as being work related stress a referral will be made to Occupational Health at the earliest opportunity.

HR will write to the employee in advance of arranging the Occupational Health referral to explain the need to refer to Occupational Health and the benefits of such a referral. Once a referral has been made to Occupational Health, HR will write to the employee to confirm the date time and location of the referral and a notification will be sent to the employees Line Manager.

Line Managers must ensure communication is maintained via informal contact and sickness review meetings which should be repeated throughout the period of absence. Ordinarily

sickness review meetings will be held monthly however dependent on the circumstances the frequency of the sickness review meetings may increase.

It is generally considered that such meetings will take place at the Council offices, save for the exception of a couple of meetings at the employees home.

The employee will have the right to be accompanied by a Trade Union representative or a workplace colleague. The purpose of these sickness review meetings are to ensure appropriate management support is provided, Occupational Health advice is sought and an action plan is agreed to facilitate an early return to work.

Upon receipt of the Occupational Health report a sickness review meeting should be arranged with the employee. The meeting is arranged to discuss the report provided by Occupational Health.

The content of the Occupational Health report will depend upon the nature of the problem and the questions that have been asked at the referral. The Occupational Health report will focus on the effects of the health problem(s) on work and will assist the Council on a return to work strategy. The outcomes may include:

- The employee is fit to return to work. In this case no further action is required beyond the continued monitoring of the situation as necessary.
- The employee may return to work on a phased return. Consideration may be given to any reasonable adjustments including temporary restrictions of hours/duties in order to facilitate a return to work.
- The employee is unfit to return to their substantive post. In this case provided that a vacant position exists that matches the skills set of the employee, then consideration may be give to redeployment, in the line with the Redeployment policy and procedure and the needs of the business.
- Early retirement on the grounds of ill health in accordance with the eligible criteria.

If the Occupational Health report stipulates that the employee may be fit to return to work with recommendations to refer to a stress counsellor, then HR will refer the employee on to an approved third party counsellor.

Once a referral has been made for counselling, HR will write to the employee to confirm the date time and location of the initial meeting and notification will be sent to the employees Line Manager.

The frequency and length of counselling will be determined once the counsellor has assessed the employees circumstances at the initial meeting. Please note that the counsellor can extend or decrease the counselling sessions at any time dependent on the employees circumstances.

Please note that where there is a positive recommendation from Occupational Health or the Counsellor for return to work and this is not supported or endorsed by the employees GP, then the employee will be required to sign a consent form authorising the release of medical records. This information will be provided to an independent medical expert who will provide an assessment of the employee and provide a report to the Council on the health and well being of the employee with recommendations on a return to work strategy.

PART 9: Reporting Absence Due to Accidents at Work

In the case of sickness/absence caused by an accident or incident at work, the employee should complete an incident event form. It is the Line Manager's responsibility to clearly mark on the notification of absence form that the sickness is related to an accident at work.

HR will then report the sickness to the Council's nominated Health and Safety Officer as required by Recording of Injuries, Diseases and Dangerous Occurrences Regulations 1995.

PART 10: Annual Leave and Sickness Absence

If sickness occurs during annual leave, employees must follow the normal sickness absence reporting procedure and, in this particular instance they will be required to supply a fit note for the period of sickness absence which has occurred during their annual leave (employees will not be able to self-certify in these circumstances). Employees will not be entitled to an additional day off if they are sick on a statutory holiday. This applies to both long term and short term sickness absences.

By adhering to this policy and procedure the employee will have their annual leave reinstated.

When an employee is sick immediately prior to annual leave they must contact their Line Manager to confirm that they are fit and able to take their leave or inform them that they are still sick. The Line Manager may request a GP's certificate if a member of staff is absent on the day immediately before and/or after annual leave.

If an employee is on long-term sick, and as a result is unable to utilise their annual leave in the same year, their annual leave is automatically accrued for the upcoming year. An employee is also entitled to payment in lieu of annual leave, if their employment is terminated, so far as the reason for not taking annual leave is due to the long-term sickness.

PART 11: Health Appointments

There is no right to paid time off to attend planned doctor, dentist or hospital appointments. All employees must try to make appointments outside of their normal working hours to minimise any disruption.

However, where this is not practical, appointments must be made so as to cause minimal disruption to the working day (e.g. lunchtime, early, late appointments, etc) and employees will be required to make up the time or utilise the flexi time system. Appointments with Occupational Health will be accommodated during working time, wherever possible.

Time off to accompany dependants is not sickness absence and should normally be taken as annual leave or flexi time. Please see the [Annual Leave policy and procedure](#) for further details.

Cosmetic surgery

Time off for cosmetic surgery will be taken from employees annual leave entitlement or flexi time unless the GP states that an employee is unfit and should refrain from work. Examples of this would be (this list is not exhaustive): face-lifts, tummy tucks, laser eye surgery, nose reduction, breast implants.

Time off for IVF

Where an employee is undergoing IVF treatment, the Line Manager will consider the provision of reasonable paid special leave, subject to medical documentation, together with a combination of annual/sick leave. This will need to be discussed and agreed on a case by case basis in consultation with HR.

PART 12: Suspension From Work on Health Grounds

In exceptional circumstances, an employee may be suspended on health grounds where, for example:

- An employee attends for work (or returns to work after a sickness absence) and the Line Manager doubts their ability to perform the full range of their duties in a safe way.
- An employee is unwell or has a condition which causes the Line Manager concern and might present a risk to the employee or to other employees.
- An employee returns back from sick without a fit note and the previous fit note stipulates that the GP will need to assess the employee after the covered period on the sick note has lapsed.

The matter will be discussed in the first instance with the nominated Health and Safety Officer in consultation with the Head of Corporate Resources and the Line Manager. The employee will be required to seek an appointment with their GP to obtain a fit note (which will confirm their fitness to work, or not).

Providing the employee has complied with any requirements to provide a fit note or attended an Occupational Health referral, if requested, the employee will be paid in accordance with the employees occupational sick pay entitlement. Please see Part 5 of this policy and procedure for further details.

PART 13: Recording, Monitoring and Analysing Sickness

Sickness absence records including those related to disability and pregnancy / maternity will be maintained for each individual employee by HR and held securely and in accordance with the principles of data protection. Records will be updated after each period of absence. Line Managers will review the records at the return to work interview and be prompted by iTrent (HR software programme) whether any 'trigger's' have been hit.

Sickness absence reports will be completed on a monthly basis by HR and submitted for input into the payroll system.

Monthly or ad-hoc reports of sickness within specified service areas will be produced and made available for Heads of Service and Senior Management Team who will also provide regular reports for other management meetings.

Information relating to an employees sickness absence must be treated with the strictest confidence and may only be shared with the following designated people:

- Senior Management Team
- Heads of Service
- Line Manger (or other nominated/duty manager acting on behalf of the Line Manager)
- HR
- Nominated Health and Safety Officer

- Occupational Health
- External agencies such as GP, specialist or Access to Work
- Legal proceedings

Any information relating to the employees sickness absence can be used by the Council as part of the management of their attendance, for example in absence review meetings, Sickness Capability Hearings, Appeal Hearings and other formal processes. This includes notification of absence, self-certification, return to work forms, fit notes and OH reports etc.

For administrative and managerial purposes, Line Managers will have access to records of employees in their work area. Any unnecessary viewings of such records will be treated as potential misconduct and dealt with under the Disciplinary policy and procedure.

At all times, Line Managers and employees involved in any aspect of this procedure must comply with the requirements of the Data Protection policy and procedure.

PART 14: Short Term Sickness Procedure

Short term sickness is any period of sickness absence of half a working day or more but less than four weeks. It can be both certified and/or self-certified. An employee will be considered absent for the working day if they have attended work for less than 3 hours and 24 minutes, or half a shift whichever is less i.e. part time contracted hours.

First working day of absence

The employee in person must contact their Line Manager personally as soon as they become aware of the sickness preventing them from attending work and in any event not later than 1 hour before their normal start time. This contact should be verbally, by telephone, and not by text message or email. If the immediate Line Manager is not available, the employee must contact an alternative available Line Manager within their service area.

The Line Manager must obtain and discuss the following:

- The nature of the illness
- Date and time the absence commenced
- How long the employee will be absent (if known)
- Whether their absence is the result of an injury or accident at work
- Whether their absence is linked to a disability. If this is the case they will need to explore the disability fully with the employee to see if reasonable adjustments can be made to facilitate a return to work.
- Whether any work needs to be progressed in their absence
- Whether the employee could attend work if they were assigned alternative duties, or could they work from home.

Only in exceptional circumstances (e.g. hospitalisation) would it be acceptable for a third person to report in sick on the employees behalf, stating the nature of the illness and the expected duration.

Failure to notify absence within 1 hour of commencement time may result in absence being counted as unauthorised absence and dealt with in accordance with the Disciplinary policy & procedure.

The Line Manager will need to complete the notification of absence form, **Appendix C** on the iTrent system (HR software programme).

Working Day 4 of absence

The Line Manager must contact the employee, for an update on day 4 of absence. If the employee indicates that they will not be back at work, the Line Manager must:

- Advise the employee to see their GP and obtain a fit note, if the absence is likely to be more than 7 working days in total.
- Advise the employee that they will contact HR for advice and possible referral to Occupational Health.
- Contact HR for advice.

HR must:

- Provide advice to the Line Manager on the next steps

Working day 7 of absence

If the employee has not returned to work, the employee must:

- Submit a fit note to their Line Manager

The Line Manager must:

- Contact HR for further advice (if not already done)

HR must:

- Provide advice to the Line Manager on the next steps

Line Managers are encouraged to keep in regular contact with employees whilst they are on sick leave. It is advisable to contact employees on a weekly basis.

Fourth week of absence

If an employee has been absent for four weeks or more then they will be classed as being on long term sick. Please see Part 16 of this policy and procedure.

PART 15: Return to Work Interviews

Prior to the day of return, the employee must advise their Line Manager of their return to work date. When returning from long term sickness absence the employee should, where possible, give at least one weeks' notice in order that any special arrangements can be made.

The return to work interview must take place after each period of absence and on the same day the employee returns to work, regardless of the duration of absence.

The return to work form **Appendix D** must be used to undertake a return to work interview. The interview should be undertaken by the employees Line Manager but, if this is not practicable (e.g. where the Line Manager is on pre-booked annual leave), it should be delegated to an appropriate available Manager.

The return to work interview form must be signed by both parties as an accurate account of the interview. The return to work interview form then must be sent to HR to be retained in a secure and confidential environment in accordance with the Data Protection Act 1998.

The return to work interview should be performed in a suitable environment with full consideration given to confidentiality.

The Line Manager should ensure that the employee understands that the purpose of the return to work interview is to encourage future attendance through appropriate support and assistance.

The return to work interview should neither be an inquisition nor a medical cross examination, but the interview should allow the person to give an account of the reason of absence and questions may be asked about the medical condition to consider for example, whether any reasonable adjustments are required.

PART 16: Long Term Sickness Procedure

Long term sickness is regarded as serious and prolonged absence, where employees are absent from work for a period of over 4 weeks or for recurrent periods with a serious health problem.

Once an employee has been absent due to sickness for four weeks or where the absence is expected to be over 4 weeks, the Line Manager will liaise with HR to arrange a sickness review meeting. HR will then write to the employee to confirm the time and location of the meeting.

HR representation will always be present at the sickness review meeting. The employee will have the right to be accompanied by a Trade Union representative or a workplace colleague.

At the sickness review meeting the Line Manager will discuss with the employee their continuing absence, including any support that the Council can offer to aid their recovery and/or adjustments that can be made to ensure their future employment with the Council and/or a timely phased return to work. The Line Manager and HR will then decide if an employee should be referred to Occupational Health in order to obtain a report on their fitness to perform the duties of the post and this should be no later than 5 working days after the initial absence review meeting.

In the cases of absence due to work related stress, infectious diseases, industrial injury or musculoskeletal injury, the referral should be made as soon as a fit note is received.

Once a referral has been made to Occupational Health, HR will write to the employee to confirm the date time and location of the referral and a notification will be sent to the employees Line Manager.

The Line Manager must ensure communication is maintained via informal contact and monthly review meetings which should be repeated throughout the period of absence; the number and frequency will be dependent on the circumstances of each case. The employee will have the right to be accompanied by a Trade Union representative or a workplace colleague. The purpose of these meetings are to ensure appropriate management support is provided, Occupational Health advice is sought and an action plan is agreed to facilitate an early return to work.

Upon receipt of the Occupational Health report a further review meeting should be arranged with the employee to discuss the outcomes and recommendations contained within the report, please see Part 17 of this policy and procedure.

Sickness review meetings will take place every 4 weeks from this stage until the employee returns to work. If the Line Manager feels a sickness review meeting or Occupational Health referral is needed at an earlier stage they should discuss this with HR and take the appropriate action.

In the event of long term sickness being such that an employee is approaching the exhaustion of their sick pay entitlement, HR will write to the employee to advise accordingly.

PART 17: Referral to Occupational Health

Employees will be referred to Occupational Health if:

- They are on long term sick and the Line Manager, with consent from HR, requests for a referral to be made.
- In the cases of absence due to work related stress, infectious diseases, industrial injury or musculoskeletal injury.
- The Line Manager is concerned with the employees health after conducting an informal Sickness Capability Meeting.
- Concerns with the employees health are highlighted in the Capability Programme.
- A sickness trend has been highlighted where the absences are due to a specific medical issue.
- There are general concerns with the employees health and well being

Early referral for employees who are likely to be off for up to or more than 4 weeks may help reduce the duration of the absence and can assist with a better health outcome for the employee.

The referral to Occupational Health will be made by HR. HR will provide a summary of the employees previous sickness records, any file notes which are relevant from absence review meetings will be attached as well as specific reasons for referral and clear questions. The employees current job description will also be included with the referral. It is important that questions are clear to ensure the subsequent Occupational Health report answers them specifically.

Once a referral has been made to Occupational Health, HR will write to the employee to confirm the date time and location of the referral along with an Occupational Health information leaflet and notification will be sent to the employees Line Manager.

Employees are required to attend Occupational Health appointments in person. If they are unable to attend on the date given they must inform HR immediately and another day will be arranged.

If the employee is under the care of their GP or another Consultant, they should have any medical reports to hand during their Occupational Health appointment so that they can discuss the content with Occupational Health, if they are willing to do so.

The content of the Occupational Health report will depend upon the nature of the problem and the questions that have been asked at the referral. The Occupational Health report will focus on the effects of the health problem(s) on work and will assist the Council on a return to work strategy.

The outcomes may include:

- The employee is fit to return to work. In this case no further action is required beyond the continued monitoring of the situation as necessary.
- The employee may return to work on a phased return. Consideration may be given to any reasonable adjustments including temporary restrictions of hours/duties in order to facilitate a return to work.
- The employee is unfit to return to their substantive post. In this case provided that a vacant position exists that matches the skills set of the employee, then consideration may be give to redeployment, in the line with the Redeployment policy and procedure and the needs of the business.

- Early retirement on the grounds of ill health in accordance with the eligible criteria.

If the Occupational Health report stipulates that the employee may be fit to return to work with recommendations to refer to a stress counsellor, then HR will refer the employee on to an approved third party counsellor.

It is usual for the employee to have sight of the Occupational Health report first before it is sent to HR. If an employee attempts to thwart the release of the report this will lead to disciplinary proceedings and such unwillingness and non co-operation could result in dismissal. Once HR are in receipt of the Occupational Health report, an absence review meeting will then be arranged in order for the Line Manager and a HR representative to discuss the report with the employee to determine and agree a course of action, where appropriate. HR will then confirm the outcome of the meeting in writing to the employee.

Failure to attend an Occupational Health appointment without reasonable explanation and / or refusal to release an Occupational Health report to the Council will result in occupational sick pay being stopped and action being considered under the Disciplinary policy and procedure, as aforementioned, as this will not be conducive to the duty of fulfilling terms and conditions of employment.

Please note that where there is a positive recommendation from Occupational Health for return to work and this is not supported or endorsed by the GP then medical reports will be sought from the GP (by the employee signing a consent form) and an expert opinion may be sought.

PART 18: Trigger Points

The below trigger points have been set for when an employees attendance record has hit either of the points below in any rolling 12 month period:

- 3 episodes of sickness absence or;
- 10 working days of sickness absence over 2 occasions or more

An “episode of sickness” shall mean any absence which exceeds 3 hours and 24 minutes.

It is mandatory that when a trigger point has been hit that informal action is considered in the first instance, as set out at Part 19 of this policy and procedure.

PART 19: Stage 1 - Informal Procedure

When an employee has accrued three occasions of absence or 10 working days of absence over 2 occasions or more than the Line Manager should instigate the informal stage of this policy and procedure.

It is mandatory, in accordance with this policy and procedure, that the informal procedure is considered in the first instance. This does not apply to long-term sickness and sickness related to disability, stress and pregnancy / maternity.

Sickness Capability Meeting:

Once a sickness related issue has been identified, the Line Manager, in consultation with HR, will write to the employee to attend an informal Sickness Capability Meeting to discuss their concerns with the employees attendance. The meeting will be conducted by the

employees Line Manager. Where it is considered appropriate by the Council, a member of HR must also be present.

The purpose of an informal Sickness Capability Meeting is to discuss the employees attendance and decide what measures should be taken, if any, with a view to securing the required improvement in the employees attendance.

The employee will be afforded an opportunity to respond to any comments about their attendance and to put forward any explanation they may have for the matters amounting to poor attendance, as identified by the triggers.

The outcome of the sickness capability meeting will be:

- a) a decision to take no further action (ordinarily where the employee can demonstrate that genuine reasons for their absence)
- b) a decision to withdraw the employees right to self certify sickness absence. HR should be fully consulted prior to any decision being made. HR will inform the employee in writing of the removal of self certification. For any subsequent sickness absence during this period, the employee will be required to obtain a private certificate issued by their GP. If there is a cost associated to this, the employee will be reimbursed by the Council. The withdrawal of the self certifying facility will normally be for a minimum of 8 weeks and up to a maximum of 12 weeks after which time it will be reviewed and assessed.
- c) the implementation of a Sickness Capability Programme (as set out below), which is intended to bring the employees attendance up to an acceptable level.

The Line Manager will determine the outcome of the meeting in consultation with HR and record this on the Informal Sickness Capability Meeting form see **Appendix E** of this policy and procedure. The outcome will be explained to the employee at the meeting and the Line Manager will subsequently write to the employee to confirm the same. If the outcome of the meeting is to implement a Sickness Capability Programme than measures will be determined by the Line Manager and will be set out clearly for the employee in the letter.

Sickness Capability Programme

The Sickness Capability Programme is a series of measures which are intended to improve an employees attendance, where a shortfall has been identified by the trigger points. These measures will be determined by the Line Manager and will be set out clearly for the employee in the letter which follows the Informal Sickness Capability Meeting.

Where possible, the Line Manager will consult with the employee in formulating the Sickness Capability Programme, however, the measures are ultimately for the Line Manager to determine at their absolute discretion and the Line Manager reserves the right to insist on any aspect of the Sickness Capability Programme in the absence of such agreement.

For an example of a template Sickness Capability Programme, see **Appendix F** of this policy and procedure.

Each programme will be tailored to the particular situation, but, as a minimum, will contain the following elements:

a) Timescale

The overall timescale in which the necessary improvement must be achieved will be set out, together with the timescale for reaching individual milestones, where appropriate.

Ordinarily a Sickness Capability Programme will last for a minimum of 8 weeks up to a maximum of 12 weeks.

b) Targets

The Sickness Capability Programme will specify the particular areas in which improved attendance is needed and will set out exactly how, and on what criteria, the employees attendance will be assessed. Where appropriate, specific targets will be set that will need to be achieved either by the end of the Sickness Capability Programme or at identifiable stages within it.

c) Measures

The Sickness Capability Programme will specify what measures will be taken by the Council to support the employee in improving their attendance. Such measures may include training, referral to Occupational Health, the reallocation of other duties, or the provision of additional support from colleagues.

d) Feedback

As part of the Sickness Capability Programme, the employee will be given regular feedback (every 4 weeks as a minimum) from the Line Manager indicating the extent to which the employee is on track to deliver the improvements set out in the Sickness Capability Programme.

For an example of a template Sickness Capability Programme feedback form, see **Appendix G** of this policy and procedure.

If, at any stage, the Line Manager feels that the Sickness Capability Programme is not progressing in a satisfactory way, they should discuss their concerns with HR. If it is agreed that insufficient improvement has been made then a further meeting may be held with the employee to discuss their attendance with a representative from HR present. As a result of such meeting, the Line Manager may amend (i.e. targets or attendance) and/or extend (i.e. time) any part of the Sickness Capability Programme in consultation with the representative from HR.

In any event, the Sickness Capability Programme cannot be extended for longer than 12 weeks.

If, at any stage, it is agreed that the employee has reached an acceptable standard of attendance, this will be made clear during the feedback meeting and the matter will be considered as addressed, with no need for further review (subject to paragraph (f) below). HR will be notified accordingly.

e) Review

At the end of the Sickness Capability Programme (maximum 12 weeks), the employees attendance will be reviewed. If satisfactory progress has been made, the employee will be notified of this fact in writing and they will be advised that their attendance will continue to be subject to monitoring for a further period of 12 months (as set out in point (f) below).

If the Line Manager feels that improvement has been insufficient or that the employees attendance still falls below the required standard, they may decide to amend (i.e. targets or attendance) and/or extend (i.e. time) the Sickness Capability Programme to such extent as the Line Manager considers appropriate, in consultation with HR (an extension to the Sickness Capability Programme cannot exceed the maximum of 12 weeks in totality). Alternatively they may decide to invoke

the formal procedure as set out in Part 20 of this policy and procedure, in consultation and agreement with their Head of Service and HR.

Where the maximum period of 12 weeks permitted to implement a Sickness Capability Programme has been exhausted and the Line Manager still feels that the progress has been insufficient or that the employees attendance still falls below the required standard, the Line Manager must invoke the formal procedure, in consultation with HR, as set out in Part 20 of this policy and procedure.

f) **Ongoing review**

Following the successful completion of a Sickness Capability Programme, the employees attendance will continue to be monitored. If, at any stage during the subsequent 12 months, the employees attendance again starts to fall short of an acceptable standard, their Line Manager will invoke the formal procedure as set out in Part 20 of this policy and procedure.

PART 20: Stage 2 – Formal Procedure

If the Sickness Capability Programme which is outlined in Part 19 of this policy and procedure, has not led to sufficient improvement in the employees attendance or if the employees attendance is still perceived by the Line Manager to fall below the required standard, the Line Manager may invoke the formal Sickness Capability Procedure, following consultation with HR and their Head of Service.

Please note the formal Sickness Procedure can only commence if the employee is triggered by 4 episodes of sickness or three episodes of sickness totalling 11 days or more, in the preceding 12 months.

An “episode of sickness” shall mean any absence which exceeds 3 hours and 24 minutes.

First Sickness Capability Hearing

HR will write to the employee and invite them to attend a formal first Sickness Capability Hearing. The letter will set out the reasons why the Line Manager believes that the employees attendance still falls short of an acceptable standard.

The first Sickness Capability Hearing is intended to give the employee the opportunity to respond to any concerns regarding their attendance and to make representations about any aspect of the way in which the process has been managed.

The outcome of the meeting may be a decision to:

- a) take no further action (ordinarily where the employee can show a marked improvement in attendance or can offer some exceptional mitigating circumstances which were not presented at the time of the Capability Programme being implemented);
- b) refer the matter for investigation under the Council's Disciplinary policy and procedure, where it is deemed that the issue is conduct related rather than attendance related;
- c) institute another Sickness Capability Programme (this will only usually be relevant where the employee can demonstrate that some progress towards satisfactory attendance was made during the original Sickness Capability Programme and the Capability Panel reasonably believe that further improvement will be made); or

- d) issue one of the capability sanctions to the employee (see Part 22 of this policy and procedure)

The level of sanction applied in accordance with (d), above, will be determined on the facts of the matter and will often depend on the severity of the absences and the effect that it is having on the operation of the Council.

Dismissal is not appropriate at the first Sickness Capability Hearing. An Improvement Note will ordinarily be given unless the number of absences is so severe that a Final Written Warning is justified

HR will write to the employee to advise them of the outcome of the Sickness Capability Hearing. Where a sickness capability sanction has been imposed, the letter setting out the sanction will also give the following information as a minimum:

- a) The reason and duration of the sickness capability sanction (for more information refer to Part 22 of this policy and procedure);
- b) Dates when review of the poor attendance will be undertaken (on a monthly basis);
- c) What change in the employees attendance is expected and what the further consequences there may be if the unsatisfactory attendance continues; and
- d) That a minimum of 6 weeks must pass before the second Sickness Capability Hearing can be convened, where no improvement is identified during the reviews of attendance.

Second Sickness Capability Hearing

If an employee has already received a sickness capability sanction that remains live and, following the appropriate review, the employees Line Manager believes that the employees attendance is still not acceptable or that sufficient progress has not been made, the matter may be referred by the employees Line Manager to a second Sickness Capability Hearing, in consultation with HR.

HR will write to the employee setting out the grounds on which the second Sickness Capability Hearing is being convened.

The second Sickness Capability Hearing is intended to give the employee a further opportunity to respond to any concerns regarding their attendance and to make representations about any aspect of the way in which the process has been managed.

The same Sickness Capability Officers may sit on the Sickness Capability Panel at any subsequent Sickness Capability Hearings as they have a knowledge and understanding of the facts of the case. However, the same Sickness Capability Officers shall not sit on the Sickness Capability Panel if HR deems that this would have a prejudicial effect on the interests of the employee and the Council reserves the right to change the members of the Sickness Capability Panel in its absolute discretion.

The outcome of the meeting may be a decision to:

- a) take no further action (ordinarily where the employee can show a marked improvement in attendance or can offer some exceptional mitigating circumstances which were not presented at the time of the first Capability Hearing);
- b) where an Improvement Note was issued at the first Capability Hearing, and there has been progress made towards rectifying the unsatisfactory attendance albeit not sufficient to warrant no further action, issue a Final Written Warning;

- c) where an Improvement Note was issued at the first Capability Hearing, and there has been a clear disregard by the employee to make any progress whatsoever towards rectifying the unsatisfactory attendance, to dismiss the employee;
- d) offer to redeploy the employee to an alternate post of employment within the Council if available / applicable (see below); or
- e) where a Final Written Warning was issued at the first Sickness Capability Hearing and there has been no improvement in attendance or where an Improvement Note was issued at the first Sickness Capability Hearing and the employee cannot demonstrate an effort to bring their attendance to a satisfactory level, to dismiss the employee.

HR will write to the employee to advise them of the outcome of the Sickness Capability Hearing.

Where a Final Written Warning has been issued, the letter from HR will also give the following information as a minimum:

- a) The reason for and duration of the Final Written Warning (for more information refer to Part 22 of this policy and procedure);
- b) Dates when review of the poor attendance will be undertaken (on a monthly basis);
- c) What change in the employees attendance is expected and that dismissal may result if the employees attendance does not improve; and
- d) That a minimum of 6 weeks must pass before the final Capability Hearing can be convened, where no improvement is identified during the reviews of attendance.

Where there has been a decision to dismiss, the letter from HR will set out the reasons for dismissal and it will advise the employee of their right to appeal the decision to dismiss, in accordance with Part 22 of this policy and procedure.

Third and final Sickness Capability Hearing (if required)

Where a Final Written Warning was imposed at a second Sickness Capability Hearing, if, following the fortnightly reviews of the employees attendance, the Line Manager believes that there has still been no significant improvement in the employees attendance within the specified period, the third and final Sickness Capability Hearing will be reconvened to consider the issue for a final time. At this third and final Sickness Capability Hearing, the Sickness Capability Panel shall determine whether to dismiss the employee.

For a 'quick glance' flow chart, see **Appendix H** of this policy and procedure.

Redeployment

In exceptional cases, where an employee has high level of work related absence which includes work related stress and there is another vacant employment position which is being offered by the Council and where the Council's business interests are likely to be met by this employees skill set, the Council may, at its absolute discretion, consider redeployment within in 3 months as an alternative to dismissal, in consultation with HR. Please see Part 26 of this policy and procedure for further details.

PART 21: Sickness Capability Hearings

Minutes

In all cases, all Sickness Capability / Appeal Hearings will be minuted in writing by the HR note taker. The minutes shall be signed by all parties present at the Sickness Capability / Appeal Hearings, within 5 working days.

If the employee wishes to make minor and non-substantive amendments to the minutes, these must be agreed by the employee and the Chair of the Sickness Capability / Appeal Hearing promptly and within this 5 day period in any event, unless this is not practically possible.

Where the employee refuses to accept the minutes or wishes to make substantive changes to the minutes, then a copy of both sets of minutes shall be retained on the employees file.

Representation

No external representation (legal or otherwise) will be allowed.

The employee will be permitted to be accompanied at a Sickness Capability / Appeal Hearing by a workplace Trade Union representative, a workplace colleague or an official employed by a Trade Union. Any workplace Trade Union representative must have a certification (in the form of a letter or card) from their Trade Union as having experience of or training in representation of employees at a Capability Hearing.

The representative will be allowed to address the Sickness Capability / Appeal Hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the Sickness Capability / Appeal Hearing. The representative does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Council from explaining their case.

In any case, where there appears to be a potential conflict of interest, the request to be accompanied by that individual will be rejected. It is open for the employee to request to be accompanied by another suitable representative who meets the requirements set out above.

HR, in rejecting the request must as a bare minimum provide:

- a) written reasons for the refusal and
- b) advise the employee of their right to request a different representative in accordance with their statutory right.

In the case of an employee asking for a work colleague as a representative, HR will make the request to the Head of Service of the work colleague. The Head of Service must provide written confirmation that he/she authorises the release of the work colleague to assist, having considered the reasonable business and operation of the Council.

In the case of a Trade Union representative not being able to represent an employee in that capacity owing to membership eligibility, etc, that Trade Union representative, before acting as a work colleague, must obtain appropriate authorisation first from their Head of Service that they may act in the capacity as a work colleague. Again, this is so as to ensure that the Council's business and operation is not unreasonably hindered since there are likely to be other suitable work place colleagues that may assist.

An employee is entitled to request the assistance from any work colleague who is willing to do so, but this must be done with the Head of Service.

Witnesses

It is not possible under this policy and procedure for witnesses to be involved in a matter concerning the alleged incapability of another at the informal stage. However, it is recognised that there may be limited occasions where witnesses might be able to assist at a Sickness Capability / Appeal Hearing, where documentary evidence alone is insufficient.

Any employee wishing to call witnesses to assist with their defence at a Sickness Capability / Appeal Hearing must provide written notification of the names of the witness(es) and the service area where they are employed. The written notification must be given to HR at least 3 working days before the date of the Sickness Capability / Appeal Hearing. This is done to afford a level of protection to the employee so that allegations or suggestions of undue influence or impropriety cannot be made and so as to preserve confidentiality of the matter.

Any witness giving evidence at a Sickness Capability / Appeal Hearing who is subsequently found to have deliberately misled the hearing or who has knowingly provided untruthful or misleading evidence may be subject to a separate disciplinary case of misconduct, requiring an investigation under the Disciplinary policy and procedure.

The Sickness Capability Hearing

The Sickness Capability Panel will nominate a Sickness Capability Chair who will lead the Sickness Capability Hearing.

The Sickness Capability Panel will be assisted by a HR advisor (or suitably trained officer from Corporate Resources) who will act as advisor to ensure that correct procedures are being followed. The HR advisor will take no part in the decision making at the Sickness Capability Hearing and will not determine the sanction to be imposed. They will provide guidance for the usual sanction in respect of the nature of the poor attendance being determined in order to promote consistency in the Council.

The employee has the right to be accompanied and assisted by a Trade Union representative or work place colleague (as set out above).

The Sickness Capability Hearing will be minuted by the HR note taker.

If there is course for any witnesses to be involved in the Sickness Capability Hearing, they should not be present throughout the duration of the Capability Hearing. They should be called in, one by one, to give their evidence and asked to withdraw once they have done so.

The process of the Sickness Capability Hearing will normally be as follows. However if the Sickness Capability Chair deems it necessary for the efficiency, transparency and / or fairness of the hearing, advice may be taken from the HR advisor (or suitably trained officer from Corporate Resources) as to whether a departure from this procedural timetable may be warranted:

- a) The Sickness Capability Chair will provide an explanation of the purpose of the Sickness Capability Hearing and the procedure to be followed, introducing all those present. The Chair will ask all those present whether there is any known conflict of interest / question as to impartiality at the outset. S/he will read the grounds for convening the Capability Hearing (i.e. the employees poor attendance) aloud and ask the employee if s/he wishes to take the opportunity to admit or deny them.
- b) If at any time during the proceedings it becomes apparent that there is no case for the employee to answer, an immediate adjournment may be called by the Sickness Capability Chair, to consider making a recommendation that the Sickness Capability Hearing is concluded with a recommendation that no further action be taken. In all cases, written reasons will be provided for making such a recommendation.

- c) The Sickness Capability Hearing may be adjourned by the Sickness Capability Chair if it is considered necessary to gather further information or evidence or clarify any issue. In any event the Sickness Capability Hearing will be reconvened as soon as possible and certainly no later than 10 working days of the adjourned Sickness Capability Hearing.
- d) If the employee admits to their poor attendance, s/he will be asked if they or their representative wish to offer any explanation for the same or whether they want any mitigating circumstances taken into account. At this stage, the Sickness Capability Panel can proceed to stage (v) onwards below OR can apply their discretion to proceed as normal where necessary to determine an appropriate outcome.
- e) If the employee denies the allegations, the procedure will progress as follows in (f) – (y) below however the Sickness Capability Chair has the discretion to change the order of the procedure if necessary.
- f) The Line Manager will outline the employees poor attendance giving rise to the Sickness Capability Hearing in the presence of the employee and his/her representative.
- g) The employee or his/her representative shall be given an opportunity to reply to these comments and ask questions of the Line Manager.
- h) The Line Manager may call witnesses, if required and notified in advance (as set out above).
- i) The employee or his/her representative shall have the opportunity to question any witnesses called by the Line Manager.
- j) The Sickness Capability Panel may ask questions for clarification of the Line Manager and any witnesses.
- k) The employee or his/her representative shall outline why they believe the employee has achieved the required standard of attendance in the presence of the Line Manager.
- l) The Line Manager shall have the opportunity to ask questions of the employee, his/her representative and of any witnesses called by the employee.
- m) The Sickness Capability Panel may ask questions for clarification of the employee, his/her representative and any witnesses called by the employee.
- n) The employee or his/her representative may call witnesses.
- o) The Line Manager shall have the opportunity to question any witnesses called by the employee or his/her representative.
- p) The Sickness Capability Panel may ask questions for clarification of the employee and any witnesses.
- q) The Sickness Capability Panel will consider whether it is necessary for any other witnesses to be called in order to ensure a fair process in light of all the evidence.
- r) Where the Sickness Capability Panel calls witnesses during the Sickness Capability Hearing, the witness or witnesses shall be called in turn and for each witness the procedure shall be:

- (i) members of the Sickness Capability Panel question the witness
 - (ii) the employee or representative question the witness
 - (iii) the Line Manager questions the witness
- s) The Line Manager shall have the opportunity to sum up the case as to why they believe the employee has failed to achieve the required standard of attendance, but may not introduce any new material.
- t) The employee or his/her representative shall have the opportunity to explain outline why they believe the employee has achieved the required standard of attendance, but may not introduce any new material.
- u) The Sickness Capability Panel should ask the employee whether he or she has anything else to say or clarify.
- v) The employee, his/her representative, the Line Manager and the HR note-taker shall all withdraw.
- w) If recall is necessary, both parties (Line Manager and employee, accompanied by his/her representative) are to return regardless of the point giving rise to further clarification. The HR note taker also needs to be present to record the point of clarification.
- x) The Sickness Capability Panel shall withdraw and consider the matter in private, in consultation with the HR advisor (or suitably trained officer from Corporate Resources). They must first decide whether on the balance of probabilities, taking due regard of all the facts, the employee has failed to achieve the required standard of attendance. If it is considered that the employees attendance has fallen below the required standard, and before imposing a capability sanction they must consider:
- the level of capability sanction indicated by the procedure;
 - any special, mitigating circumstances which might make it appropriate to lessen the sanction;
 - the employees capability record and in particular whether there are any other “unexpired” capability sanctions;
 - how the Council has dealt with similar cases in the past;
 - whether the proposed capability sanction is reasonable in view of all the circumstances.
- y) The Sickness Capability Chair shall call all parties back to the Sickness Capability Hearing and inform them of the decision at the conclusion of the deliberations. Written confirmation of the decision shall be sent to the employee within 5 working days of the Sickness Capability Hearing, as well as a copy of the minutes of the Sickness Capability Hearing.

Part 22 of this policy and procedure below provides details of what information should be given to the employee on notification of any sanction.

- z) The Capability Chair, the HR advisor (or suitably trained officer from Corporate Resources) and the employee (or his/her representative) should sign the minutes of the Capability Hearing as a true record of the meeting.

If the employee wishes to make minor and non-substantive amendments to the minutes, these must be agreed by the employee (or his/her representative) and the

Sickness Capability Chair promptly and within this 5 day period in any event, unless this is not practically possible.

Where the employee refuses to accept the minutes or wishes to make substantive changes to the minutes, then both sets of minutes shall be retained on file and presented at any subsequent Sickness Capability / Appeal Hearing.

PART 22: Sickness Capability Hearing Sanctions

The Sickness Capability Chair will write to the employee setting out their reasons for reaching this decision within 5 working days of the Sickness Capability Hearing.

In all other cases, imposition of a capability sanction will only be imposed where it has been determined after a Sickness Capability Hearing that the employees attendance has failed to reach the required level.

One of the following sanctions will be applied:

Improvement Note

At the first Sickness Capability Hearing, where the employees attendance is deemed not to meet acceptable standards then an improvement note will normally be issued to the employee unless poor attendance is severe enough to warrant a final written warning or dismissal.

As a bare minimum, the employee should be advised of the following:

- a) The reason and duration of the improvement note (i.e. 6 or 12 months)
- b) That the improvement note is the lowest level of formal capability sanction to be given for unsatisfactory attendance.
- c) Dates when review of the attendance complained of in the improvement note will be undertaken
- d) What change in their attendance is expected and what the further consequences may be if the unsatisfactory attendance continues.
- e) The employee will be asked to refer to this policy and procedure for more information.

A copy of the improvement note detailing the attendance issues and the improvement that is required by the employee will be kept on the HR file for a period of 6 or 12 months depending on the circumstances of the case (such as the frequency of absences). The note will also detail the timescale that the employee has been given to improve their unsatisfactory attendance and also the dates for review.

There will be regular review meetings held monthly, as a minimum.

After 6 or 12 months (whichever is appropriate) subject to achieving and sustaining satisfactory improvement in their attendance, their improvement note will be considered to be discharged and will not be considered further should any absence related issue arise thereafter.

If however the employee fails to meet the required standard of attendance as detailed in the improvement note then the Line Manager will consult with HR and the matter will be considered for a second Sickness Capability Hearing, as set out in Part 21 of this policy and procedure.

Final Written Warning

This sanction is usually appropriate in cases where the employee attendance is so severe that it has a serious impact on the operation of the business.

Where, following the issue of an Improvement Note at a first Sickness Capability Hearing, a second Sickness Capability Hearing has been convened and the employee has made sufficient progress towards rectifying the unsatisfactory attendance albeit not sufficient to warrant no further action, it is likely that a Final Written Warning will be issued, unless there are extenuating factors which warrant a dismissal.

As a bare minimum, the employee should be advised of the following:

- a) The reason for the Final Written Warning
- b) That it is the highest sickness capability sanction to be given in cases prior to dismissal
- c) Dates when review of the unsatisfactory attendance which led to the final written warning will be undertaken
- d) What change in the employees attendance is expected and what the further consequences may be if the unsatisfactory attendance continues
- e) The employee will be asked to refer to this policy and procedure for more information.

A copy of the final written warning will be kept in the HR file of the employee for a period of 18 months. After this time the final written warning will be disregarded in terms of the attendance issue for which it was given, but will remain in the employees HR file indefinitely.

There will be regular review meetings held monthly, as a minimum.

Dismissal / summary dismissal

The employee may be dismissed at the second Sickness Capability Hearing where a Final Written Warning was issued at the first Sickness Capability Hearing and there has been no improvement, or where an Improvement Note was issued at the first Sickness Capability Hearing and the employee cannot demonstrate sufficient progress in bringing their attendance to a satisfactory level.

Alternatively, where a Final Written Warning was imposed at a second Sickness Capability Hearing and a final Sickness Capability Hearing is now required the Sickness Capability Panel may decide to dismiss the employee.

Any dismissal will be with notice or payment in lieu of notice, at the absolute discretion of the Council.

In cases of dismissal, consultation must be made with a Chief Officer and/or the Head of Corporate Resources.

In all cases of dismissal, the employee will be provided with written confirmation of the following as a bare minimum:

- a) The reason for the dismissal
- b) The date on which employment will terminate, setting out details in respect of outstanding pay, holidays, notice periods and any deductions from pay
- c) A date for the employee to collect their belongings and return Council property
- d) That they have a right of appeal, which must be in writing and must be dated and received by the Head of Corporate Resources within 5 working days of the letter of dismissal being received.
- e) The employee will be asked to refer to this policy and procedure for more information.

A summary of the sanctions that may be imposed is as follows, although each case should be determined on its own facts:

Sickness Capability sanctions
Improvement Note
Final Written Warning
Dismissal

PART 23: Confidentiality

At all stages of the sickness capability process, both the Council and the employee must ensure the confidentiality of events and discussions. This does not include sharing such confidence when seeking advice either from a Trade Union or from HR.

Any unreasonable breach of confidentiality may be treated as a disciplinary offence, requiring investigation in accordance with the Disciplinary policy and procedure.

PART 24: Failure to attend a Sickness Capability Hearing

Prior notification to employer

If an employee is unable to attend any Sickness Capability / Appeal Hearing set out under this policy and procedure, the employee must notify HR in writing no later than 3 working days prior to the hearing.

If sickness prevents an employee from attending the Sickness Capability / Appeal Hearing then normal procedures for informing the Line Manager about sickness will apply. However, the employee must also let HR know in relation to the Sickness Capability / Appeal Hearing.

Upon cancellation of a pending meeting / hearing, the employee shall be sent notice by way of letter, setting out the time, place and date of the adjourned meeting or hearing. The letter shall remind the employee of the right to representation in the case of any Sickness Capability / Appeal Hearing.

A Sickness Capability / Appeal Hearing may be cancelled twice by the employee, with reasonable justification.

Should the employee have already cancelled the Sickness Capability / Appeal Hearing twice, and then the hearing shall go ahead at the third attempt even if the employee does not or cannot attend. This shall be made clear in the letter sending out the final adjourned date to the employee. In exceptional circumstances, this may be extended further with authority from the Head of Corporate Resources.

Failure of Employee to Attend – without notification

If an employee does not attend the Sickness Capability / Appeal Hearing and does not provide prior written explanation as set out above, giving a reasonable justification for non-attendance, a letter will be sent to the employee with details of a new date for the Sickness Capability / Appeal Hearing.

It shall be set out in the letter that if the employee does not attend the adjourned Sickness Capability / Appeal Hearing then or the hearing will take place without them and a decision

will be based on the evidence that the Sickness Capability / Appeal Hearing Panel has available to them at the time of them convening to determine the matter.

It must also be clarified in the letter that the Sickness Capability / Appeal Panel may recommend that the non-attendance of the employee be considered as a matter warranting separate investigation under the Council's Disciplinary policy and procedure.

If the employee does not attend the adjourned Sickness Capability / Appeal Hearing and has not provided a reasonable justification or written explanation for non-attendance, the Sickness Capability / Appeal Hearing Panel will proceed with the hearing at the time stipulated.

PART 25: Rehabilitation Programme

In cases of long-term absence, where the employees health has improved but not sufficiently to resume full duties, it may be appropriate to consider a rehabilitation programme to ensure an early return from the absence by allowing an incremental return to normal duties for an employee. A Rehabilitation Programme would usually run for up to a maximum of 3 months in duration.

Rehabilitation should be discussed at the earliest possible opportunity in review meetings between the Line Manager, employee and a HR representative. If rehabilitation is considered appropriate and Occupational Health advice is in agreement, a range of options can be considered. These may include:

- a) Restricted work activity
- b) Reduced working hours
- c) Temporary alternative employment before returning to normal duties
- d) Working from home

In consultation with the employee, HR and Occupational Health, the Line Manager will decide on the acceptability of a Rehabilitation Programme taking account of:

- a) Timescale
- b) Likely effects of programme for department, colleagues and employee
- c) Support and monitoring capability
- d) Expectation of return to normal duties
- e) Adaptation to the workplace environment, role or duties

Where Rehabilitation Programme is agreed it should be confirmed in writing by the Line Manager and specify:

- a) Duration
- b) Place/area of work
- c) Duties
- d) Payment (see below)
- e) Monitoring and support arrangements
- f) Re-assessment

Successful outcomes from a Rehabilitation Programme include a full recovery/return to normal work, return to work with a temporary restriction or alternative employment prior to returning to full duties. If the programme is not successful, a full review should take place in liaison with HR and Occupational Health. This may result in the employee returning from sickness absence to permanent restrictions (if this is acceptable to the Council), redeployment, or invite to a Final Capability Sickness Hearing and/or an application for retirement on the grounds of ill health.

A Rehabilitation Programme should not financially disadvantage an employee and they will receive payment as follows:

- a) If an employee is on full sick pay then the return to work on the Rehabilitation Programme should also be on full pay (irrespective of the hours worked).
- b) If an employee is in receipt of half sick pay then the return to work on the rehabilitation programme should be one of the following:
 - half pay; or
 - payment for the actual hours worked; whichever is greater
- c) If an employee is not receiving sick pay then payment should be made for the actual hours worked, provided that this amount is at least equal to or greater than Statutory Sickness Pay or Sickness Benefit received.

Periods of outstanding annual leave can also be used to aid the Rehabilitation Programme to increase payment up to the level of full pay.

A period of time spent on a Rehabilitation Programme will not be counted as sickness absence for the purpose of sick pay, sick pay entitlement, informal and formal proceedings.

PART 26: Redeployment

Redeployment may be considered for employees who are prevented from continuing their role due to ill-health or disability and where there is another vacant employment position which is being offered by the Council and where the Council's business interests are likely to be met by this employees skill set. The Council may, at its absolute discretion, consider redeployment within 3 months as an alternative to dismissal, in consultation with HR.

Redeployment will be undertaken with advice from the Occupational Health provider. The Occupational Health provider may consider that, based upon all of the information presented, a return to the existing post will not be appropriate, as there are no reasonable adjustments (either temporary or permanent) that can be made to enable this to happen.

In these circumstances, the employee should be given access to the Council's Redeployment policy and procedure, and given due consideration for suitable vacancies which meet the identified health needs. Employees must complete a redeployment pro-forma detailing the type of work they are able to undertake and at what level. In such circumstances, an employee will be given priority consideration for suitable posts if they meet the essential criteria of the person specification and have the appropriate skill sets for the alternative role.

The Council will seek redeployment opportunities for a period of three months from the date the decision to re-deploy is made. It is therefore important that the employee returns the form as soon as possible to avoid any delay in this process.

Whilst every effort will be made to find suitable alternative employment, this is subject to availability. There is no onus on the Council to create a post.

Employees who are successfully offered suitable alternative employment will have no entitlement to protection of the terms and conditions of service of their previous post and the terms and conditions of the new post will apply.

It should be noted that where an employee declines offers of suitable alternative posts then termination of employment may be a possible outcome if no alternatives can be found.

PART 27: Termination of Employment On The Grounds Of Incapability Due To Ill Health

There are various situations where this could occur:

- a) Where the Occupational Health Provider has recommended ill health retirement but the employee is not a member of the Council's Pension Scheme.
- b) Where the Occupational Health Provider has recommended ill health retirement, but the application for ill health retirement has been unsuccessful.
- c) Where the employee chooses not to apply for ill health retirement.
- d) Where the Occupational Health Provider continues to state that the employees is not yet fit to return to work or undertake alternative employment in the foreseeable future but do not recommend ill health retirement.
- e) Where the employees application for ill-health retirement is pending.
- f) Where the employee declines offers of suitable alternative employment or no alternatives can be found within the 3 month timeframe.

PART 28: Retirement On The Grounds of Ill Health

Ill health retirement is defined as: "early termination of an individual's employment as a result of ill health, giving that individual access to pension benefits before the normal retirement age".

Under the terms of the Council Pension Scheme, an employee under the age of 60 (1995 section) or under the age of 65 (2008 section) may apply to retire on the grounds of ill health after two years' pensionable service, when the following criteria have been met:

- a) The employee is a member of the Council Pension Scheme; and
- b) An appropriate clinician e.g. Occupational Health Provider, GP or Consultant has recommended and/or supported ill health retirement, i.e. confirmed that an employee is no longer fit to carry out the duties for which they were employed and is unable to undertake adjustments to job or alternative employment.

More information can be found at the Council's pension website, at: www.leics.gov.uk/pensions

The Council will make every effort to support an employees application for ill health retirement. The Occupational Provider, Pension or HR Section can support the completion of the paperwork dependent on issue. This will not preclude the Council from taking other appropriate action such as termination on the grounds of incapability due to ill health or some other substantial reason.

Any decision to terminate a contract on the grounds of ill health does not guarantee an ill health pension payment. The decision on whether or not a pension will be paid is made by the Pensions Section based on information provided by the employee, the Council and Occupational Health.

PART 29: Appeals

An employee has the right to appeal against a decision to dismiss.

Any appeal may be lodged on three grounds as follows:-

1. The level of poor attendance did not warrant dismissal;
2. There has been a procedural error; and/or
3. New evidence, relevant to the matter, has come to light.

Procedure for making an appeal

Any employee wishing to appeal a decision to dismiss must do so in writing to the Head of Corporate Resources within 5 working days of receiving written notification of dismissal.

The letter of appeal must be in writing and state the reasons for the appeal. It must also attach documents that the employee wishes to be considered as part of the appeal, if any.

Documents that are not attached or referred to in the letter of appeal will not be considered as part of the appeal process, save in exceptional circumstances (for example where the existence of such documents was not known to the employee at the time of submitting the appeal)

Procedure to be followed after the submission of an appeal

The Appeal Panel shall be from a pool of three trained Members, as set out at **Appendix B**, who have no previous involvement in the matter.

At all times a HR advisor (or suitably trained officer from Corporate Resources) will sit with the Appeal Panel to advise on procedure only. They will have no bearing on the decision. No member of the Appeal Panel will have been involved in the matter previously.

The employee should be advised in writing of his or her right to be accompanied at the appeal meeting by a Trade Union representative, a workplace colleague or an official employed by a Trade Union. In all cases, any Trade Union representative who is not employed must have a written certification from the Union as being competent to accompany the employee.

PART 30: The Appeal Hearing

The appeal should be conducted in accordance with the procedure set out below, with a HR minute taker present.

Only one Sickness Capability Officer need attend the Appeal Hearing. This will ordinarily be the Sickness Capability Chair, but the attendance of the second Sickness Capability Officer will be deemed sufficient, where the Sickness Capability Chair is unable to attend.

The appeal will be heard as soon as possible but not normally later than 10 working days from the date of receiving the employees request for appeal.

It must be made clear at the outset that this is not a rehearing of the Sickness Capability Hearing but it is to consider what is stated in the appeal letter i.e. decision to dismiss disproportionate, procedural error and / or new evidence.

At all times the Chair of the Appeal Panel shall ensure that any questions asked of witnesses relate only to matters related to the grounds of appeal only.

The Appeal hearing will normally be conducted as follows. However if the Appeal Chair deems it necessary for the efficiency, transparency and / or fairness of the hearing, advice may be taken from the HR Advisor (or suitably trained officer from Corporate Resources) as to whether a departure from this procedural timetable may be warranted.

- a) Prior to the commencement of the Appeal Hearing, the Appeal Panel will appoint a Chair
- b) The Chair of the Appeal Panel will open the proceedings with an explanation of the purpose of the Appeal Hearing and the procedure to be followed, introducing those present and confirming that no member of the Appeal Panel has any conflicting interest in the matter before them. S/he will read aloud the employees reason for lodging an appeal as submitted in writing to the Head of Corporate Resources.
- c) The employee and/or his/her representative will put his/her case in the presence of the Appeal Panel outlining the grounds for the appeal and the reasons why they feel the original decision was incorrect. The employee or his/her representative shall call any witnesses or refer to any documents as necessary.
- d) Where the employee calls witnesses during the Appeal Hearing, the witness or witnesses shall be called in turn and for each witness the procedure shall be:
 - (i) the employee or representative question the witness
 - (ii) the Sickness Capability Officer questions the witness
 - (iii) members of the Appeal Panel question the witness
- e) The Sickness Capability Officer will ask questions of the employee.
- f) The Appeal Panel will ask questions of the employee.
- g) The Sickness Capability Officer will put the case for capability action in the presence of the employee and his/her representative, calling witnesses and referring to documents, as necessary. Witnesses shall be called in turn and for each witness the procedure shall be:
 - (i) the employee or representative question the witness
 - (ii) the Sickness Capability Officer questions the witness
 - (iii) members of the Appeal Panel question the witness
- h) The employee and/or representative will ask questions of the Sickness Capability Officer
- i) The Appeal Panel will ask questions of the Sickness Capability Officer
- j) The Appeal Panel will consider whether it is necessary for any other witnesses to be called in order to ensure a fair process in light of all the evidence.
- k) Where the Appeal Panel calls witnesses during the Appeal Hearing, the witness or witnesses shall be called in turn and for each witness the procedure shall be:
 - (i) members of the Appeal Panel question the witness
 - (ii) the employee or representative question the witness
 - (iii) the Sickness Capability Officer questions the witness
- l) The Sickness Capability Officer and the employee and/or his/her representative will sum up their respective cases and then withdraw.

- m) The Appeal Panel will consider the case in private with the representative from Corporate Resources. The HR advisor (or suitably trained officer from Corporate Resources) will have no part to play in the decision making process and will be present for guidance only for the Panel. The Appeal Panel must decide whether on the balance of probabilities, taking due regard of all the facts, the appeal is upheld or rejected. The decision of the Appeal Panel shall be notified to the employee verbally at the end of the hearing in the presence of the Sickness Capability Officer and shall be confirmed in writing within 5 working days of the Appeal Hearing.
- n) The decision of the Appeal Panel shall be final and there shall be no further right to appeal.

PART 31: Abuse of the Policy

In cases where abuse of this policy and procedure is suspected, which may include failure to report sickness absence at the appropriate time; non-attendance at an Occupational Health appointment without reasonable cause; unwillingness to co-operate with Occupational Health, or failure to provide access to medical records and / or withhold consent to the release of the occupational health report, failure to submit a GP's fit note at the appropriate time; submission of forged or false fit notes; deliberate conduct prejudicial to the employees own recovery; or due to the employees misconduct or neglect, then sick pay may be suspended and/or may also lead to a disciplinary action, under the Disciplinary policy and procedure, where dismissal may occur.

PART 32: General

Sample letters and assistance with letters sent to employees as a result of this procedure will be available from HR on request.

PART 33: Review and Monitoring

This policy and procedure will be reviewed jointly by Trade Unions (on behalf of the employees) and management team on a biennial basis.

In the case of the named officers and appendices being changed following training and recruitment of employees within the Council, the Head of Corporate Resources shall have delegated authority to make such updated changes, without Trade Union consultation.

PART 34: Note

For the purpose of this policy and procedure where assistance from HR is unavailable or not permissible a substitute from Corporate Resources will be nominated to assist.

At all times those who have access to email facilities will receive all communication under this policy and procedure marked "Private and Confidential" through this means.

For those employees who do not have access to email facilities or who are absent from work through sickness or otherwise, communication under this policy and procedure, marked "Private and Confidential" will be delivered by hand or by first class post.

Where guidelines have been given in this policy and procedure to take an action within a number of working days, these should be adhered to by both the employee and the Council. However, where occasionally it may be necessary to depart from this or extend timelines, approval should be sought from the Head of Corporate Resources. It is not anticipated that a departure from the timelines set out in this policy and procedure will be granted for any reason other than sickness or other exceptional or unanticipated occurrence that would otherwise render the process unfair. In all cases a written record shall be kept by HR of such requests and responses.

When HR approaches a named Officer or Member to undertake a role within any of the appendices, that Officer or Member should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner.

The ultimate responsibility however, rests with the named Officer or Member in any of the appendices, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is compromised, they should then seek to adjourn the process and make it known to HR immediately.

Sickness Absence Policy and Procedure

APPENDIX A – Capability Officers

2 Officers shall be appointed from the following Capability Officer's Pool to form a Capability Panel, accompanied by 1 HR note taker:

The Capability Panel will be assisted by a HR advisor (or suitably trained officer from Corporate Resources) at all times.

When HR approaches a named Officer to undertake a role within any of the appendices, that Officer should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner. The ultimate responsibility however, rests with the named Officer in any of the appendices, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is comprised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with this Disciplinary policy and procedure.

Regulation & Regeneration

1. Chris Forrett
2. Jonathon Lee
3. Kirstie Rea
4. Anne Shields
5. Adrian Thorpe

Corporate Resources

1. Crystal Andrade
2. Ian Dobson
3. Lynn Middleton
4. Adam Ward

Environmental Development

1. Nick Hague
2. Carolyn Holmes
3. Avril Lennox
4. Karen Parkes
5. Margaret Smith

Operational Services

1. Brian Kew
2. Mark Sergeant

Community

1. Julie Croshaw
2. Steve Nash
3. Sandra Parker
4. John Stemp

Finance

1. Paul Loveday
2. Chris Raymakers

Customer Services

1. David Coe
2. Jacky Griffiths
3. Diljit Mahet

Heads of Service

1. Kalv Garcha
2. Andrew Kupusarevic
3. Anita Pathak-Mould

Chief Officers

1. Anne Court
2. John Dickson
3. Mark Hall

Sickness Absence Policy and Procedure

APPENDIX B – Appeal Panel Members

The Appeal Panel consisting of 3 Members from the following list will be assisted by a HR advisor (or suitably trained officer from Corporate Resources) at all times.

When HR approaches a named Member to undertake a role within Appendix D, that Member should make known to HR in writing, any conflict of interest that they believe will render them unsuitable to act in an impartial and independent manner. HR will then provide written confirmation as to whether such reason or conflict prohibits them from acting in an impartial and independent manner. The ultimate responsibility however, rests with the named Member, in that at any time, when carrying out their duties they feel that information has come to light that places them in a position where they believe that their impartiality and independence is comprised, they should then seek to adjourn the process and make it known to HR immediately.

Failure to raise any possible conflicts of interest or impartiality with HR as set out above may in itself be considered misconduct and be a matter that will then be investigated as appropriate in accordance with the Member Code of Conduct.

Elected Members

1. G A Boulter
2. J W Boyce
3. M Charlesworth
4. L Darr
5. B Dave
6. Mrs L Eaton
7. Mrs J M Gore
8. Mrs S Haq
9. J Kaufman
10. Mrs S B Morris

Sickness Absence Policy and Procedure

APPENDIX C – Notification of Absence from Work Form

CONFIDENTIAL

NOTIFICATION OF ABSENCE FROM WORK

Employee Surname:		Forenames:	
Job Title:		Section:	

I have today been advised by _____ that the above-named employee is absent from work owing to illness. The nature of the illness is _____

The illness began on _____ (day / date)

The employee is likely to return on _____ (day / date)

(Tick As Appropriate)

Was the illness due to an accident at work?	YES			NO		UNKNOWN	
If YES , has the Accident Book been completed?	YES			NO		UNKNOWN	
Has a Notice of Accident form been completed?	YES			NO		UNKNOWN	
If applicable, has a Violence and Abuse form been completed?	YES			NO		UNKNOWN	

I confirm that the above information **was / was not** * communicated to me not later than 1 hour of the above employees usual starting time (see Part 14 of the policy and procedure).

Signed (Manager):		Dated:	
Job Title:			

When completed this form should be forwarded to HR within 2 working days.

In accordance with the Data Protection Act 1998, this form will be retained on file for 1 year in secure storage and then disposed of in an appropriate manner (if the absence is unrelated to industrial injury).

Sickness Absence Policy and Procedure

APPENDIX D – Return to Work Form

**CONFIDENTIAL
SELF-CERTIFICATION FORM**

This form should be completed by the employee **on the day of return from absence**. It should then be passed to the employees “nominated” Supervisor / Section Head / Chief Officer - as appropriate at the time of your return to work discussion.

Employee Surname:		Forenames:	
Job Title:		Section:	

I certify that I was unable to attend work for the following reason (**tick main reason if more than one**):

(Please state times, days and dates absent (e.g. From **08.30 am on Monday 1/1/00**).

From _____ am / pm on _____ day, _____ (date)
and returned on _____ am / pm on _____ day, _____ (date)

Tick as appropriate if absence leads up to:

Bank Holiday:	<input type="checkbox"/>	Weekend:	<input type="checkbox"/>	**Annual Leave:	<input type="checkbox"/>	** private medical certificate required
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If “part time” please tick actual working / shift days

MON		TUES		WEDS		THUR		FRI		SAT		SUN	
-----	--	------	--	------	--	------	--	-----	--	-----	--	-----	--

1.	Back problems	7.	Genito-urinary / gynaecological (include Menstrual problems)
2.	Other musculo skeletal problems (include legs, feet, arms, hands and joint problems such as arthritis)	8.	Pregnancy related
3.	Stress / depression, mental health and fatigue (include anxiety and nervous debility / disorder)	9.	Stomach, liver, kidney, digestion (include diarrhoea and vomiting)
4.	Infections (include influenza, cold, cough and throat)	10.	Heart, blood pressure, circulation
5.	Neurological (include headaches and migraines).	11.	Chest, respiratory (include asthma, bronchitis, hayfever and chest infections)
6.	Eye, ear, nose and mouth / dental (include sinusitis)	12.	Other conditions not covered by 1 to 11 above (please state below)

Has Self-Certification been withdrawn? YES

NO

If 'YES' state review date: _____

1. Did you visit your GP or Hospital?	YES	NO		
2. Were you issued with a 'Fit Note'?	YES	NO		
3. Was your illness related to your stated disability?	YES	NO		
4. Was the illness due to an accident at work?	YES	NO		
5. Were you following the correct operating procedures?	YES	NO		
6. If YES, has the Accident Book been completed?	YES	NO	UNKNOWN	
7. Has a Notice of Accident form been completed?	YES	NO	UNKNOWN	
8. If applicable, has a Violence and Abuse form been completed?	YES	NO	UNKNOWN	

I declare that I have not worked during the sickness which I have stated above and that the information given above is complete and correct. I agree that my employer can make any necessary enquiries to confirm my reasons for absence.

Signed (EMPLOYEE):		Dated:	
Signed (MANAGER):		Dated:	

OADBY AND WIGSTON BOROUGH COUNCIL

CONFIDENTIAL

RETURN TO WORK DISCUSSION

COMPLETION OF THIS SECTION OF THE FORM IS MANDATORY

Total number of **working / shift** days absent:

No. of Working Days:	<input type="text"/>	F.T.E.	<input type="text"/>	* Total Days:	<input type="text"/>	* incl. Sat / Sun
(Tick As Appropriate)	<input type="checkbox"/>	Weekend:	<input type="checkbox"/>	**Annual Leave:	<input type="checkbox"/>	** private medical certificate required
Bank Holiday:	<input type="checkbox"/>					

Notes / Comments:

Manager: (Tick As Appropriate)

Were correct absence reporting procedures followed:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>
Any further action to be taken? i.e. support or advice (if 'YES' please outline)	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	<input type="checkbox"/>

Withdrawal of Self Certification: YES NO Review Date: _____

Signed (EMPLOYEE):	<input type="text"/>	Date of Discussion:	<input type="text"/>
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I confirm that the information given in this ESSP2 form is complete.

Signed (MANAGER):	<input type="text"/>	Date of Discussion:	<input type="text"/>
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- (If absence was **over 7 days in total**, and a Medical Certificate has **not yet** been forwarded to HR, please attach the Certificate to this form.)
- When completed, please forward the original form to HR **within 2 working days of date of return**.

IN ACCORDANCE WITH THE DATA PROTECTION ACT 1998, THIS FORM WILL BE RETAINED ON FILE FOR 1 YEAR IN SECURE STORAGE AND THEN DISPOSED OF IN AN APPROPRIATE MANNER (IF THE ABSENCE IS UNRELATED TO INDUSTRIAL INJURY).

HR ONLY:			
Approved By:	<input type="text"/>	Dated:	<input type="text"/>

Sickness Absence Policy and Procedure

APPENDIX E – Informal Sickness Capability Meeting Form

This form should be completed by the Line Manager in the presence of the employee and the HR representative during the informal sickness capability meeting. Once completed and signed, the original should be retained by the Line Manager and copies should be passed to the employee and HR (who will place this on the employees HR file).

Informal Sickness Capability Meeting		
Name of employee:		
Employees job title:		
Employees service area / team:		
Employees Line Manager:		
Date of Absences	Number of Working Days	Reasons
From: To:		
From: To:		
From: To:		
Notes of Interview:		
Action Being Undertaken:		
1. No further action		<input type="checkbox"/>
2. Withdrawal of the employees right to self certify sickness absence (<i>minimum 8 weeks / maximum 12 weeks</i>)		<input type="checkbox"/>
3. The implementation of a Sickness Capability Programme		<input type="checkbox"/>
Employees signature:		
Line Manager's signature:		
Date:		

Sickness Absence Policy and Procedure

APPENDIX F – Sickness Capability Programme

This form should be completed by the Line Manager in the presence of the employee and the HR representative during the informal sickness capability meeting. Once completed and signed, the original should be retained by the Line Manager and copies should be passed to the employee and HR (who will place this on the employees HR file).

Sickness Capability Programme		
Name of employee:		
Employees job title:		
Employees service area / team:		
Employees Line Manager:		
	Attendance Concern	Timescale for improvement
1		
2		
3		
Attendance concern 1 - improvement required (targets)		
Attendance concern 2 - improvement required (targets)		
Attendance concern 3 - improvement required (targets)		
Employees signature:		
Line Manager's signature:		
Date:		

Capability Policy and Procedure

APPENDIX G – Sickness Capability Programme feedback form

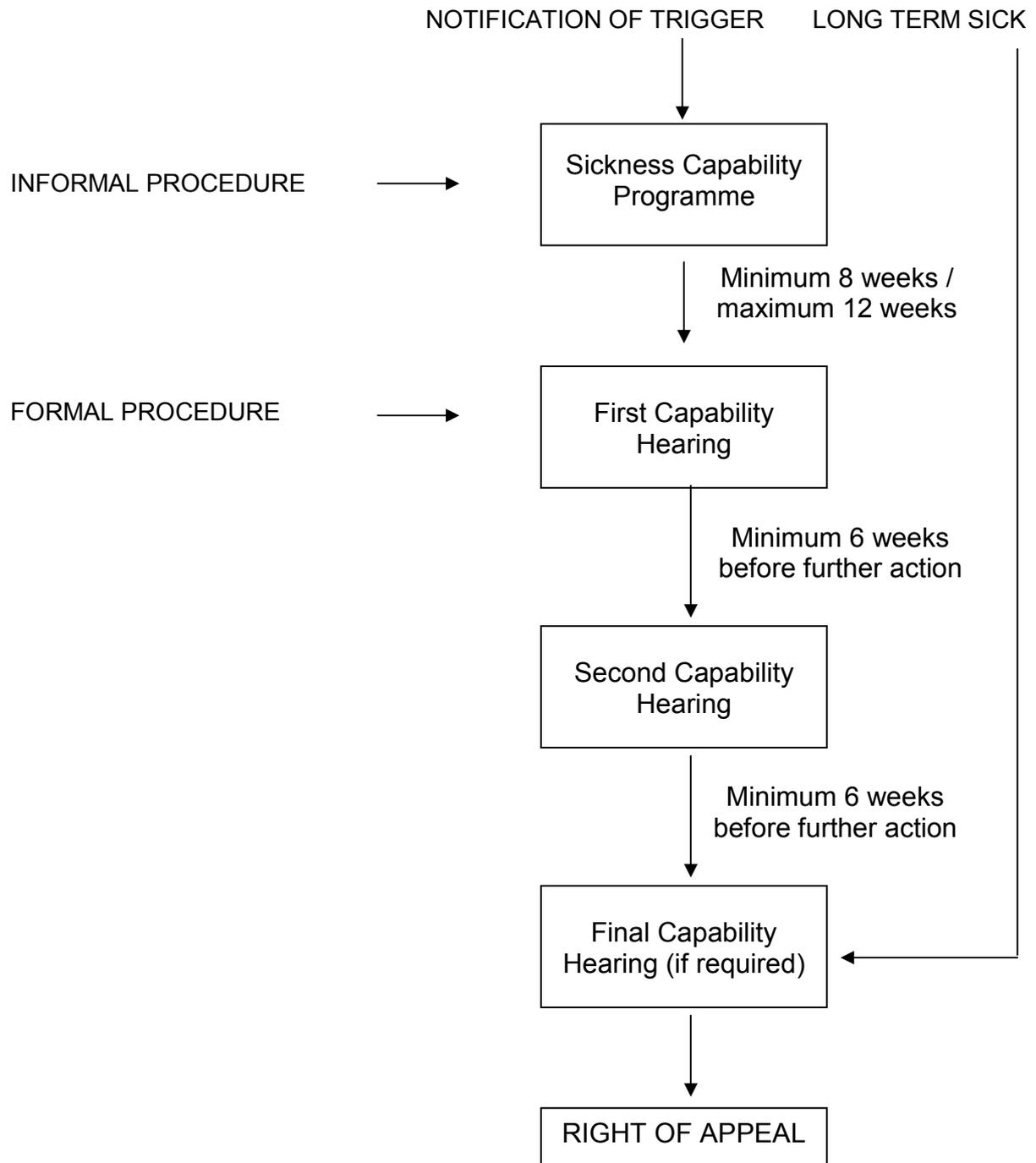
This form should be completed by the Line Manager in the presence of the employee and the HR representative during the regular (at least fortnightly) feedback meetings. Once completed and signed, the original should be retained by the Line Manager and copies should be passed to the employee and HR (who will place this on the employees HR file).

Sickness Capability Programme	
Date of Sickness Capability Programme:	
Name of employee:	
Employees job title:	
Employees service area / team:	
Employees Line Manager:	
Identify specific areas where attendance has improved since the last form was completed:	
Identify any problems that still remain and the steps being taken to address these:	
Summary of the extent of the employees overall improvement:	

Are any changes required to the Sickness Capability Programme? If yes, give details below:	
Employees feedback on the process so far and any points noted above:	
Has the employee reached an acceptable standard of attendance?	Yes / No
Date of next review meeting (if appropriate):	
Employees signature:	
Line Manager's signature:	
Date:	

Sickness Absence Policy and Procedure

APPENDIX H – 'Quick glance' flow chart



PLEASE NOTE: this is intended as a basic overview only and is not a substitute for the detailed procedure to be followed. This Appendix should be read in conjunction with the Sickness Absence policy and procedure in its entirety