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| Version: | 1.0 with flow process diagrams |
| Release No. and Date: | 4.0 – July 2014 |
| Approved by: | Employment and Appointments Committee |
| Date formally approved: | 20 July 2011 |
| Document Author: | Jayne Leather/Graham Ennis |
| Name of responsible Service Area: | Employee Services |
| Review date: | Policy will be reviewed periodically |
| Target audience: | Council wide |



**Knowsley Council**

**Employee Services**

**Sickness Absence Management Policy**

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| KMBC DOCUMENT CONTROL PAGE |
| TITLE | **Title**: **Sickness Absence Management Policy** **Publication Date:** **Document Type:**  **Employee Services Policy**Version Number: 2.0 with flow process diagrams**Brief Summary: Covers the management of sickness absence.**  |
| **ORIGINATOR** | **Document Author and Job Title: Jayne Leather, Business Advisor****Responsible Service Area: Employee Services****Policy Operational Level: Level 2: Corporate Policies and Strategies** |
| **FORMAL APPROVAL** | **Approved by:** **Date approved:**  |
| **REVIEW** | **Review Date: This policy will be reviewed periodically****Responsibility of:**  |
| **SUPERSEDES** | **Supersedes: 3.10 Sickness Absence Management Procedure****Description of Amendments:** Brought in line with the corporate procedure and the legal requirements regarding the carryover of annual leave following sickness absence. Ill health retirement qualifying criteria for Tier 2 description. Added appendix 2. Updated DDA to Equality Act 2010. Added information around sickness absence that relates to a disability, pregnancy and maternity and/or gender reassignment. New Occupational Health Referral Form. Added information around Frequent Absence Appeal Process. Change of yearly sickness target from 9 days to 8.5 days and added that future targets will be reviewed in accordance with Council Policy and sickness absence data. Added more information around phased returns. Taken out ref to Bradford Factor and added Sickness Absence Notification Form to appendices. Update to Invite to Incapability Hearing Meeting Letter. Added clarification around payment of public holidays when employee is on long term sick. Clarification whether holidays class as sickness or leave. Link to target calculator. New appendix, FAQs. Statutory annual leave may be carried forward after long term sickness. Medical capability sanctions. Updated Occupational Health Referral Form. Added sentence around Sick Pay when employee dismissed on medical grounds. Added question to FAQs regarding cosmetic surgery. Replaced Sickness Notification form with Return to Work Meeting Form. Updated manager’s attendance review meeting letter. Added note to Frequent Absence process ‘ Alternatively the manager can decide not to take any further action based on the employee’s responses’ |
| **POLICY DEPENDENCIES**  | **Link to other Council documents:****Link to Council Primary Objective:** **Link to Local Strategic Partnership Priority:**  |

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|  | **KMBC DOCUMENT CONTROL PAGE (2) Continued** |
| **EQUALITY IMPACT ASSESSMENT** | **In order to carry out an EIA you should first complete a screening matrix which can be accessed through Employee Services****Screening Matrix Complete: Yes** [x]  **No** [ ]  **Date Complete:** **Manager/Group responsible:** **Category: High** [ ]  **Medium** [ ]  **Low** [ ]  **No relevance** [ ] **Based on the category indicate the date that a further assessment must take place:**  |
| **Initial Assessment is complete: Yes** [x]  **No** [ ]  **N/A** [ ] **Date Complete: 26th January 2009** |
| **Full EIA Process is complete: Yes** [x]  **No** [ ]  **N/A** [ ] **Date Complete: March 2014** |
| **SUSTAINABILITY** **APPRAISAL**  | **To evaluate the economic, social and environmental impacts of a policy you should complete the Integrated Sustainability Appraisal Toolkit on the Policy Hub** **Policy has been appraised for sustainability: Yes** [ ] **No** [ ] **Action has been taken to mitigate any identified negative impacts:** **Yes** [ ]  **No** [ ]  **N/A** [ ] **Date Complete:**  |
| **RISK ASSESSMENT** | **A risk assessment template is available on the Corporate Risk Management intranet site.** **Policy has been risk assessed: Yes** [ ] **No** [ ] **Date complete:**  |
| **TRAINING/ AWARENESS RAISING** | **Training / awareness raising required to fully implement document: Yes** [ ] **No** [ ] **If no please state why:** **If yes indicate the date of training / awareness raising:** **Training provided by:**  |
| **POLICY LIBRARY** | **Once formally approved the document should be posted onto the Policy Library on the council intranet.** **Date Posted:** **Posted by:**  |

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| 8 | 55 | Further Indicator Hit Following a Final Written Warning Letter |  |  |  |

For further guidance in relation to this scheme, please contact Employee Services on 0151 443 2960 or 3640

You can also get this information in other formats. Please phone Customer Services on 0151 443 4031, or email customerservices@knowsley.gov.uk

**METROPOLITAN BOROUGH OF KNOWSLEY**

EMPLOYEE SERVICES POLICIES, PROCEDURES AND PRACTICES

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| **SUBJECT**: Sickness Absence Management Policy |
| **APPLICABLE** All Council Employees [except School based employees employed or**TO:** managed by a Governing Body under LMS regulations] **SOURCE:** Employment and Appointments Committee – 11 February 2009Amended – Employment and Appointments Committee – November 2010 |

**1. Policy statement**

The Council continually strives to reduce the levels of employee sickness absence by the introduction and maintenance of positive policies to improve working conditions and increase employees’ motivation. The Council aims to maintain absence levels at the lowest reasonably achievable in order to ensure that it continues to provide high quality services and improved customer service levels. The Council's current attendance target is an average of 8.5 days/shifts per employee per year by the end of 2012/13 (pro-rated for part-time employees). Future targets will be reviewed in accordance with Council Policy and sickness absence data. A [calculator](http://bertha.knowsley.gov.uk/Staff_Stuff/Your_job/Pages/Sicknessabsence.aspx) is available to assist managers and employees to work out the sickness target for part time employees.

High and frequent levels of absence seriously affect productivity and the Council’s ability to provide an efficient, high quality service. Additionally, high absence levels have the effect of increasing the workload for colleagues and cause disruption to the operation of services. Although some absence is outside of management control, levels of attendance can be improved by the implementation of positive policies and procedures. In addition to this policy, there are a number of other policies to support employees, including Time off Work Policy and Flexible and Mobile Working Policy.

 **2. Purpose**

This Policy contains a number of procedures to deal with the various aspects of sickness absence and ensures that acceptable standards of attendance are maintained. It will also assist in the early identification of situations in which individuals may be facing personal difficulty in which they may need support, or where they are experiencing problems within the working environment.

The Policy will support procedures to identify reasons for attendance difficulties and to seek ways of supporting and ensuring improved attendance including those employees with medical conditions covered by the Equality Act 2010.

* 1. **3. Responsibilities**

**3.1 Line Managers Responsibilities**

Line managers should be fully aware of all relevant guidance notes and process maps relating to any absence from work and provide employees with regular updates of any changes.

Employee Serviceswill provide support, guidance and regular updates to line managers and employees regarding employee absence.

For Sickness Frequently Asked Questions for Managers, please refer to BERTHA or see Appendix 15.

**3.2 Employee Responsibilities**

Employees reporting any absence from work should refer to BERTHA and/or their line manager.

 **4. Policy**

**4.1 Procedure for Reporting Absence**

The procedure for reporting sickness absence is outlined in the **Process Model.**

**The flow chart below is the overview of Reporting Absence**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Employee Reports in Sick** |
|  * You must personally report your absence to your Manager or Nominated Officer no later than 9.30am.
* If you are a shift worker you must personally report your absence to your Manager or Nominated Officer at least 3 hours in advance of your shift.
* You must give a clear reason for your absence.

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| **Manager/Nominated Officer Receives a Call from Employee on day 1** |
| **As the Manager or Nominated Officer you must: -** * Confirm the reason for the absence
* Confirm the anticipated length of the absence
* Confirm with the employee if there is any work outstanding
* Complete the first part of the Return to Work Meeting Form, Appendix 1 (formally Sickness Absence Notification Form)
* Report start of sickness absence details to relevant Business Support Assistant
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| **Employee absence of 4-7 days** |
|  * On your 4th day you must personally report your continued sickness absence to your Manager/Nominated Officer by 9.30am.
* If you are a shift worker you must personally report your continued sickness absence to your Manager/Nominated Officer at least 3 hours in advance of your shift.
* You must confirm the reason for your continued absence.
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| **Employee return to work before day 4** |
| * Manager must hold a return to work Meeting with the employee and complete the remaining sections on the Return to Work Meeting Form, Appendix 1 (formally Sickness Absence Notification Form).
* Report end of sickness absence details to relevant Business Support Assistant.
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| **Manager - Call received from Employee day 4** |
|  **As the Manager or Nominated Officer you must: -** * Confirm the reason for the absence
* Confirm the anticipated length of the absence
 |
| **Employee return to work before day 8** |
|  * Manager must hold a return to work Meeting with the employee and complete the remaining sections on the Return to Work Meeting Form, Appendix 1 (formally Sickness Absence Notification Form).
* Report end of sickness absence details to relevant Business Support Assistant.
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| **Employee absence of 8 plus days** |
|  * On your 8th day you must personally report your continued sickness absence to your Manager/Nominated Officer by 9.30am.
* If you are a shift worker you must personally report your continued sickness absence to your Manager/Nominated Officer at least 3 hours in advance of your shift.
* You must confirm the reason for your continued absence.
* You must submit an initial doctors note.
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| **Manager - Call received from Employee day 8** |
| **As the Manager or Nominated Officer you must: -** * Confirm the reason for the absence
* Confirm the anticipated length of the absence
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| **Employee continued absence** |
| **You must: -*** Maintain contact with your Manager/Nominated Officer on a regular basis i.e. at least once a week
* Continue to supply Doctor's Certificates in a timely manner

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| **Employee returns to work after the 8th day** |
|  * Manager must hold a return to work Meeting with the employee and complete the remaining sections on the Return to Work Meeting Form, Appendix 1 (formally Sickness Absence Notification Form).
* Report end of sickness absence details to relevant Business Support Assistant.
 |

**4.2 Absence Definitions**

**4.2.1 Frequent Absence**

Frequent absence can be identified as an attendance record that meets one or more of the following indicators: -

* A recurring reason for absence;
* A consistent pattern of absence;
* Frequency of absence, e.g. 3 absences in any rolling 6 month period;
* An absence level above the Council's yearly sickness absence target.

Most employees will be absent occasionally due to minor ailments. However, concern arises when the frequency of such absence is considered to have become excessive, or where a pattern of absences becomes apparent.

Such cases will be addressed in accordance with the Council’s Frequent Absence Medical Incapability Procedure, which is outlined in the Frequent Absence Procedure.

The sickness absence record of all Council employees will be monitored within Services.

Managers have the responsibility for monitoring the sickness absence records of their employees. Any employee absence that gives cause for concern will be addressed in accordance with this Procedure.

Reference to sickness absence relating to disability, pregnancy and maternity/or gender reassignment as defined in the Equality act 2010 will be recorded but not included in an employee’s total sickness record and will not be disclosed in any requests for a reference.  When a trigger is hit, a manager should hold a meeting to review attendance, reasons for absence, effect on service etc.  The review meeting should be seen as a supportive meeting and any additional support/ reasonable adjustments should be discussed with the employee.

The issue of a warning or moving to the next stage of the procedure will only happen if the overall circumstances mean that it is reasonable to do so, i.e if there are other absences that are not related to the disability, pregnancy and maternity/or gender reassignment.  Where an employee requires support, the manager should consult Employee Services on providing the best possible support. (See Appendix 2).

The procedure for dealing with Frequent Absences is outlined in the **Process Model.**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.

**The flow chart below is the overview of Frequent Absence Procedure**



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| **Employee has hit an Indicator**  |
| **Employee has reached one of the following indicators:-** * Recurring reason for absence
* Consistent pattern of absence
* 3 absences in 6 months
* Over 8.5 day’s absence (pro-rated for part-time employees). Future targets will be reviewed in accordance with Council Policy and sickness absence data.
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| **Manager to consider record** |
| Manager considers review of absence record to decide if further action is required. |

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| **No further action required** |
| **No further action required based on: -** * No previous history or pattern of attendance problems;
* Pregnancy Related Condition;
* Merits of the case.
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| **Further action required** |
| Manager considers the attendance record and decides that further action is necessary. Manager to issue review of sickness absence letter (appendix 3). If this is the first review, it is not necessary to refer the employee to Occupational Health Unit unless there is an underlying medical condition that you are aware of.* If this is the first Manager’s review and there is an underlying medical condition or this is the second or more review, you must refer the individual to Occupational Health Unit (appendix 4).
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| **Occupational Health Unit report received if necessary** |
| Occupational Health Unit Report Received. **Manager must: -** * Set a date for the Manager's Review Meeting;
* Prepare any information that may be referred to in the Manager's Review Meeting;
* Issue letter confirming date (appendix 5) of Manager's Review Meeting.
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| **Manager's Review Meeting** |
| Manager's Review Meeting takes place.The employee must be advised that they are entitled to be represented by a trade union representative or colleague; this does not include a solicitor or other legal qualified individual.  **Manager must: -** * Consider all available evidence;
* Give the employee every opportunity to explain reason for attendance record;
* Complete the Manager’s Review Form (appendix 6).
 |
| **1st Review** |
| There are a number of outcomes available to a manager following the 1st manager's review which is dependent on the number of triggers that have been hit by the employee. These are detailed in the individual boxes. |

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| **2nd or More Review** |
| There are a number of outcomes available to a manager following the 2nd or more reviews which are dependent on the number of triggers that have been hit by the employee. These are detailed in the individual boxes. |

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| **Further Indicator Hit whilst on 6mth review** |
| **Verbal warning to be issued if the employee:** * Hit a further indicator following a Manager's Review

 The sanction will; be effective from the date of the Manager's Review or four weeks from the date of return to work whichever is the soonest Manager to issue a letter to confirm the outcome (appendix 7)Alternatively the manager can decide not to take any further action based on the employee’s responses. |

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| **One Trigger Hit** |
| **6 month review will be issued if:**  * Employee has hit one of the triggers

 The review period commences from the date of the Review Meeting or 4 weeks from the date of return to work whichever is the soonest Manager is to issue letter to confirm the outcome (appendix 7).Alternatively the manager can decide not to take any further action based on the employee’s responses. |

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| **Further Indicator Hit whilst on Verbal warning** |
| **Written warning to be issued if the employee:** * Has hit a further indicator following a Written Warning

 The sanction will; be effective from the date of the Manager's Review or four weeks from the date of return to work whichever is the soonest Manager is to issue letter to confirm the outcome (appendix 7)Alternatively the manager can decide not to take any further action based on the employee’s responses |

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| **Two Triggers Hit** |
| **Verbal warning to be issued if employee:** * Has hit two indicators

 The sanction will; be effective from the date of the Manager's Review or four weeks from the date of return to work whichever is the soonest Manager is to issue letter to confirm the outcome (appendix 7)Alternatively the manager can decide not to take any further action based on the employee’s responses. |
| **Three Triggers Hit** |
| **Written warning to be issued if employee:** * Has hit three indicators

 The sanction will; be effective from the date of the Manager's Review or four weeks from the date of return to work whichever is the soonest Manager is to issue letter to confirm the outcome (appendix 7)Alternatively the manager can decide not to take any further action based on the employee’s responses. |

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| **Further Indicator Hit whilst on Written Warning** |
| **Final Written warning to be issued if the employee:** * Has hit a further indicator following a Written Warning

 The sanction will; be effective from the date of the Manager's Review or four weeks from the date of return to work whichever is the soonest Manager is to issue letter to confirm the outcome (appendix 7)Alternatively the manager can decide not to take any further action based on the employee’s responses. |

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| **Four Triggers Hit** |
| **Final written warning to be issued if the employee:** * Has hit four indicators

 The sanction will; be effective from the date of the Manager's Review or four weeks from the date of return to work whichever is the soonest Manager is to issue letter to confirm the outcome (appendix 7)Alternatively the manager can decide not to take any further action based on the employee’s responses. |

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| **Further Indicator Hit during Final Written Warning** |
| **Further Indicator Hit during Final Written Warning:**Manager to issue a letter to employee to inform them that a further indicator has been hit during their final written warning (appendix 8)Alternatively the manager can decide not to take any further action based on the employee’s responses. |

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| **Refer to Frequent Absence Medical Incapability Hearing** |
| Refer to Frequent Absence Medical Incapability Hearing |

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| **Employee Referred to Occupational Health Unit** |
| Before setting a date for the hearing the Manager must refer the employee to the Occupational Health Unit by completing the Occupational Health Referral Form (appendix 4). |

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| **Occupational Health Unit report received – Hearing** |
| **Occupational Health Unit Report Received** **Manager must: -** * Set a date for the Hearing
* Prepare any information that may be referred to in the Hearing
* Issue letter and documentation to be used at the Hearing
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| **Invitation to attend Hearing** |
| **Invitation for employee to attend Frequent Absence Medical Incapability Hearing*** Manager will send letter of Invitation (appendix 9) for employee to attend Frequent Absence Medical Incapability Hearing.
* Employees will be given 7 day's notice to attend.
* The employee must be advised that they are entitled to be represented by a trade union or colleague; this does not include a solicitor or other legal qualified individual.
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| **Hearing - Frequent Absence Medical Incapability Hearing takes place** |
| **Frequent Absence Medical Incapability Hearing Procedure** 1. At the commencement of the meeting the Officer chairing the Hearing will ensure that no unauthorised persons are present. 2. The manager/nominated officer[s] will outline the case and his/her recommendations, together with any documentation he/she is putting to the Panel in support of his/her case. Any such documentation should also be provided to the employee[s] and Trade Union representative in advance of the meeting. 3. The employee or his/her Trade Union representative may ask questions of the manager/nominated officer[s]. 4. The members of the Panel will then have the opportunity to ask questions of the manager/nominated officer[s]. 5. The manager/nominated officer[s] will call his/her witness [if any] who will give evidence and who will be questioned by the manager/nominated officer[s]. 6. The employee or his/her Trade Union representative may question the witness. 7. The members of the Panel may question the witness. 8. The manager/nominated officer[s] may re-examine the witness. The witness will leave the room. 9. The Procedure relating to the first witness will then be repeated for any further witnesses called by the manager/nominated officer[s]. 10. The employee or his/her Trade Union representative will then outline his/her case prior to calling his/her witness. Any documentation should be provided to the Panel and the manager/nominated officer[s] prior to the meeting. 11. The manager/nominated officer[s] may ask questions of the employee/Trade Union representative. 12. The members of the Panel may ask questions of the employee/Trade Union representative. 13. The employee/Trade Union representative will call his/her first witness [if any] who will give evidence and be questioned by the employee/Trade Union representative. 14. The manager/nominated officer[s] may question the witness. 15. The Panel members may question the witness. 16. The employee/Trade Union representative may re-examine the witness. The witness will then leave the room. 17. The Procedure will then be repeated for any further witnesses called by the employee/Trade Union representative. 18. The manager/nominated officer[s] will then summarise the case. 19. The employee/Trade Union representative will then summarise his/her case. 20. The Chair of the Hearing Panel will ask the employee and his/her Trade Union representative whether he/she feels he/she has had an adequate opportunity to put his/her side of the case to the Panel. 21. All participants will withdraw from the room whilst the Panel deliberates. 22. Either party may be recalled by the Panel to clarify issues. If this is required, both parties will be asked to return to the room irrespective of whether the question is to be asked of only one of the parties. 23. Following the deliberations of the Panel, the decision will be conveyed to the employee as soon as possible. In any event this must be within 5 working days of the Hearing. The decision will be confirmed in writing. |

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| **Employee able to fulfil contract** |
| **The employee is able to fulfil the contractual obligations**If the employee is able to fulfil their contractual obligations their employment will continue.  |

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| **Employee unable to fulfil contract – Continued ….** |
| **The employee is unable to fulfil their contractual obligations**If the employee is unable to fulfil their contractual obligations their employment will be terminated with immediate effect. The Hearing Officer must write to the employee to convey the decision (appendix 10).  The letter should also include details of any notice pay that the employee is entitled to and also any outstanding leave that they should be paid for.  If however, the employee has overtaken leave they should also be advised that this will be deducted from any final payment that they receive.   The Manager must complete a Termination Form (on BERTHA) and forward this information to Employee Services toprocess..  |

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| **Employee Appeal against decision** |
| **The Employee Appeals against the decision of the Hearing Panel**The employee has the right of appeal against the decision this should be submitted to the Director within 10 working days of the decision - these appeals will be heard by the Council's Appeals (Personnel) Committee. Please Note: The length of continuous service which an employee requires to bring an unfair dismissal claim increased with effect from 6 April 2012.  Employees appointed on or after that date will need to complete two years’ service to be able to bring an unfair dismissal claim.Employees should note that the previous Regulations will still apply in their entirely to employees recruited on or before 5 April 2012.Whilst the Government envisage this change encouraging employers to recruit new employees, claims for dismissal as a result of perceived discrimination based upon any of the protected characteristics or on the basis of an employee having made a public interest disclosure (whistleblowing) can be brought at any time and are not subject to the two year qualifying period. |

**4.2.2 Long Term Absence**

Long term absence can be identified as an absence of over 4 weeks, or 20 working days. In such cases, there will be a clear need for managers to balance their responsibility to support the employee with the requirement to deliver an effective service.

The procedure for dealing with Long Term Absences is outlined in the **Process Model.**

**The flow chart below is the overview of Long Term Absence Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.

**Main Process Structure with sub-Processes**



**Long Term Absence Procedure**



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| **Long Term Absence Procedure** |
| Employee has been off for four weeks or Doctor's note indicates that the employee will be absent for four weeks or more. Manager must maintain contact with the employee (level of contact to be agreed by both parties). |

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| **Arrange Welfare Visit**  |
| The Manager must arrange a welfare visit and should confirm the date and time of the meeting in writing to the employee (appendix 11).  The employee must be advised that they are entitled to be represented by a trade union or colleague; this does not include a solicitor or other legal qualified individual.  |

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| **Welfare Meeting** |
| Manager and Employee to attend welfare meeting with an additional officer from Service Area and to complete the record of welfare visit documentation (appendix 12). Guidance for welfare meeting is available (on BERTHA). The employee must be advised that they are entitled to be represented by a trade union or colleague; this does not include a solicitor or other legal qualified individual.  |

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| **Occupational Health Referral** |
| Manager must complete Occupational Health Unit referral (appendix 4) in all cases.  |

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| **Occupational Health Report Received** |
| Once the Occupational Health Report is received the Manager must take the appropriate line of action. |

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| **No foreseeable return** |
| If there is no foreseeable return to work in the future or the employee is unable to fulfil contract due to continuing absence the Long Term Medical Incapability Process will commence. |

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| **Fit to Return** |
| If the employee is fit to return on contracted hours the Manager must contact the employee to arrange a planned return to work. |



 **See full Sub-Process below**

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| **Phased Return** |
| If an employee returns to work on reduced hours or on a phased return it is recommended that the employee would return on full pay with appropriate arrangements applied to ensure that the return to work plan (phased return to work) is restricted to the shortest applicable time-scale, recognising of course, the need to avoid associated harm to the employee’s health. The Manager must inform Employee Servicesof the employees’ return.Where medical advice is given for an employee to have a phased return (either through a GP or the Council’s OHU), then the employee comes back to work and receives full pay, from their 1st day back in.  The phased return is not classed as sickness absence and is usually for a period of up to 4 weeks, unless there are special circumstances. However, where it’s just a manager agreeing to an employee’s request to return on a phased basis, then the days/periods not worked, need to be covered by the employee’s annual leave or flexi (if applicable).  Again, this period is not classed as sickness absence. |

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| **Unfit at present** |
| Employee is unfit at present. |
| If the employee is unfit at present further welfare visits and reviews by Occupational Health must continue as appropriate. |

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| **Permanently incapable** |
|  **If the employee is permanently incapable of discharging their duties manager must: -*** Advise Employee Servicesof the outcome
* Arrange a visit with the employee to discuss
* Following the visit to the employee issue a letter to the employee (appendix 13) -
* Complete Termination Form and forward it to Employee Services
 |



**See full Sub-Process below**

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| **Requires Medical Redeployment** |
| If advised that the employee requires medical redeployment refer to the At Risk Policy – Redundancy and Redeployment. |

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| **Requires Job Redesign** |
| If recommended that the employee requires job redesign the Manager must seek advice from Employee Services, Service Area Health and Safety Adviser and link in to Access to work. |

**Incapability Hearing Sub-Process**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Long Term Absence Medical Incapability Hearing**  |

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| **Invitation to attend Hearing** |
|  Invitation for employee to attend Long Term Absence Medical Incapability Hearing.* Manager will send letter of Invitation (appendix 9) for employee to attend Long Term Absence Medical Incapability Hearing.
* Employee will be given 7 day's notice to attend.
* Manager must refer the employee to the Occupational Health Unit by completing the Occupational Health Referral Form (appendix 4).

 The employee must be advised that they are entitled to be represented by a trade union or colleague; this does not include a solicitor or other legal qualified individual.  |

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| **Hearing** |
| Long Term Absence Medical Incapability Hearing Procedure.  1. At the commencement of the meeting the Officer chairing the Hearing will ensure that no unauthorised persons are present. 2. The manager/nominated officer[s] will outline the case and his/her recommendations, together with any documentation he/she is putting to the Panel in support of his/her case. Any such documentation should also be provided to the employee[s] and Trade Union representative in advance of the meeting. 3. The employee or his/her Trade Union representative may ask questions of the manager/nominated officer[s]. 1. The members of the Panel will then have the opportunity to ask questions of the manager/nominated officer[s].
2. The manager/nominated officer[s] will call his/her witness [if any] who will give evidence and who will be questioned by the manager/nominated officer[s].

6. The employee or his/her Trade Union representative may question the witness. 7. The members of the Panel may question the witness. 8. The manager/nominated officer[s] may re-examine the witness. The witness will leave the room. 9. The Procedure relating to the first witness will then be repeated for any further witnesses called by the manager/nominated officer[s]. 10. The employee or his/her Trade Union representative will then outline his/her case prior to calling his/her witness. Any documentation should be provided to the Panel and the manager/nominated officer[s] prior to the meeting. 11. The manager/nominated officer[s] may ask questions of the employee/Trade Union representative. 12. The members of the Panel may ask questions of the employee/Trade Union representative. 13. The employee/Trade Union representative will call his/her first witness [if any] who will give evidence and be questioned by the employee/Trade Union representative. 14. The manager/nominated officer[s] may question the witness. 15. The Panel members may question the witness. 16. The employee/Trade Union representative may re-examine the witness. The witness will then leave the room. 17. The Procedure will then be repeated for any further witnesses called by the employee/Trade Union representative. 18. The manager/nominated officer[s] will then summarise the case. 19. The employee/Trade Union representative will then summarise his/her case. 20. The Chair of the Hearing Panel will ask the employee and his/her Trade Union representative whether he/she feels he/she has had an adequate opportunity to put his/her side of the case to the Panel. 21. All participants will withdraw from the room whilst the Panel deliberates. 22. Either party may be recalled by the Panel to clarify issues. If this is required, both parties will be asked to return to the room irrespective of whether the question is to be asked of only one of the parties. 23. Following the deliberations of the Panel, the decision will be conveyed to the employee as soon as possible. In any event this must be within 5 working days of the Hearing. The decision will be confirmed in writing.  |

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| **Employee unable to fulfil contract** |
| If the employee is unable to fulfil their contractual obligations their employment will be terminated with immediate effect. The Hearing Officer must write to the employee to convey the decision. The Ill Health Confirmation letter (appendix 13) should also include details of any notice pay that the employee is entitled to and also any outstanding leave that they should be paid for. If however, the employee has overtaken leave they should also be advised that this will be deducted from any final payment that they receive.  The manager must complete a Termination Form (on BERTHA) and forward it to Employee Servicesto process.  If an employee is dismissed on medical grounds, their Sick Pay will end from the date of their termination. |

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| **Employee able to fulfil contract** |
| The employee is able to fulfil the contractual obligations.If the employee is able to fulfil their contractual obligations their employment will continue.Where the employee is capable to continue in their employment but the manager has significant concerns about their attendance, consideration should be given as to the appropriateness of a sanction being issued. |

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| **Employee Appeal against decision** |
| The employee has the right of appeal against the decision, this should be submitted to the Director within 10 working days of the decision - these appeals will be heard by the Council's Appeals (Personnel) Committee.   |

**Decision Sub-Process Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Permanently Incapable** |
| Occupational Health Report advises that the employee is permanently incapable of fulfilling duties. |

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| **Employees does not accept decision** |
| Employee does not accept decision - the employee may appeal the decision within 10 working days of the visit from the Manager in writing. |

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| **Employee accepts decision** |
| Employee accepts decision -employment is terminated on the grounds that the employee is permanently incapable of discharging their duties, informed through a further meeting with the manager and in writing. |

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| **Employee submits medical advice** |
| Employee must submit medical report from GP/Consultant advising that they are not permanently unfit to carry out the duties of their post. |

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| **Independent Decision - Permanently Incapable** |
| Employment is terminated on the grounds that the employee is permanently incapable of discharging their duties. |

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| **Independent Decision – Fit** |
| Independent Decision – Fit |

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| **Independent Decision - Permanently Incapable** |
| Employment is terminated on the grounds that the employee is permanently incapable of discharging their duties. |

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| **Access to Pension Benefits** |
| If you have to leave work at any age due to ill health you may qualify for immediate payment of your pension benefits if your employer, based on an opinion from an independent specially qualified doctor via a Ill Health Medical Certificate (see BERTHA), is satisfied that you will be permanently unable to do your own job and that you have a reduced likelihood of being capable of obtaining gainful employment before the age of 65.  **If you have no reasonable prospect of being capable of obtaining gainful employment before age 65: -** Ill Health benefits are based on the membership you would have had if you had stayed in the scheme until age 65. **If you are unlikely to be capable of obtaining gainful employment within 3 years of leaving,** but you may be capable of doing so before 65 then ill health benefits are based on your membership built up to leaving plus 25% of your prospective membership from leaving to age 65. **If you are likely to be capable of obtaining gainful employment within 3 years of leaving, or before 65 if earlier**, ill health benefits are based on your membership at leaving. Payment of these benefits will be stopped after 3 years, or earlier if you are in gainful employment or become capable of getting such employment.For more information see Ill Health Benefits for members of the Local Government Pension Scheme (on BERTHA). |

**5. Mental Health Related Absence**

 Mental Health Related Absences generally relate to stress related illness, e.g. anxiety, depression, nervous debility.

 The procedure for addressing Mental Health Related Absences is outlined in the **Process Model.**

**The flow chart below is the overview of Mental Health Related Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Mental Health Related Absence** |

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| **Absence due to Mental Health** |
|  An employee or a Doctor’s certificate indicates that an employees absence may be due to a stress related condition for example: - * Stress
* Anxiety
* Depression
* Nervous Debility
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| **Welfare Visit** |
|  **Manager to: -** Arrange Appointment and venue for Welfare Visit immediately;Issue Welfare Visit Letter (appendix 11) Manager to attend Welfare visit with additional Officer from the Service Area and to complete Record of Welfare Visit documentation (appendix 12) Manager to complete Occupational Health Referral (appendix 4) |

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| **Occupational Health Report Received** |
| Occupational Health Report Received. |

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| **Take appropriate action** |
| Manager to take appropriate action in accordance with the recommendations from Occupational Health. |

1. **Disability Related Absence**

If an employee has a disability that meets the requirements of the Equality Act 2010 (see appendix 2) sickness absences for these purposes will still be considered to be sickness absence for the purposes of this procedure but will be recorded as Disability Related Leave on the sickness absence system, with appropriate sickness benefit (i.e. SSP and OSP) payments as defined in the National Conditions of Service being payable. In cases where the absence does not relate to the employee’s disability, he/she will be treated consistently with other employees. Should circumstances arise in which these instances of absence are becoming unmanageable and are impacting on service delivery, advice must be taken from Employee Servicesand the appropriate procedure implemented in accordance with the Flowchart relating to Frequent or Long Term Absence, as appropriate.

The Equality Act 2010 obliges employers to give consideration to making ‘reasonable adjustments’ for employees who have a physical or mental impairment that will have a substantial, long term, adverse effect upon their ability to carry out normal day to day activities. Each case must be dealt with according to its own particular circumstances at the time. This does not, however, place an obligation on the organisation to establish a new post at a cost to the Authority.

Reasonable adjustments may include alterations to premises, reallocation of duties, provision of specialist equipment, and allowing the employee to have a temporary change in working hours or be absent during working hours for rehabilitation, assessment or treatment. Such adjustments should be considered in all cases where the employee’s incapability results from an underlying medical condition.

If redesigning the employee’s job is not a practical possibility, consideration must be given to the availability of alternative employment for the employee within the Authority. In these circumstances, the Council’s At Risk Policy – Redundancy and Redeployment will be implemented. If successfully redeployed, the employee’s pay will be protected in accordance with the current corporate policy on pay protection.

The procedure for dealing with Disability Related Absences is outlined in the **Process Model**.

**The flow chart below is the overview of Disability Related Absence Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Disability Related Absence** |

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| **Absence due to disability related condition** |
| An employee or a Doctor’s certificate indicates that an employees absence may be due to a Disability related Condition (see appendix 2). **Employee: -*** Must follow the procedure for reporting absence – see relevant Flow Chart
* Must attend Occupational Health Unit as requested
* Is responsible for accessing the ‘Access to Work’ Scheme

 **Manager: -*** Must ensure that the correct procedure for reporting absence is followed – see relevant Flow Chart
* Is responsible for recording absence on Return to Work Meeting Form, Appendix 1 (formally Sickness Absence Notification Form) and ensuring sickness is recorded as being disability related and send to Employee Services
* Must support the employee accessing the ‘Access to Work’ Scheme
* Responsible for referring the employee to Occupational Health Unit to identify any additional support, the need for redesign of their job or medical redeployment – see relevant Flow Chart
* On receipt of Occupational Health Unit Report take appropriate action according to outcome of report
* Responsible for following the procedure for dealing with frequent Absence or long Term Absence – see relevant Flow Charts
 |

The Access to Work programme is a government funded scheme run by Jobcentre Plus and provides financial assistance towards the extra costs of employing someone with a disability.

The Access to work scheme is outlined in the Guidance Documentation.

 **7. Emergency Action**

An employee’s Line Manager may take emergency action where he/she believes that an employee’s health and wellbeing are at risk and that the employee may be unfit to carry out his/her duties, or that his/her welfare and the welfare of other employees or service users may be put at risk by the employee’s condition.

The procedure for dealing with Emergency Action is outlined in the **Process Model.**

**The flow chart below is the overview of Emergency Action Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



|  |
| --- |
| **Emergency Action** |

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| **Emergency Action** |
| Manager may take emergency action where he/she believes that an employee’s health and wellbeing are at risk and that the employee may be unfit to carry out his/her duties or that his/her welfare and the welfare of other employees or service users may be put at risk by the employee’s condition.  **Manager Must: -*** Seek advice from the Occupational Health Unit by telephone. If out of hours contact: NHS Direct/Hospital.
* On receipt of advice take appropriate action according to outcome of report.
* It may be necessary for the individual to attend an appointment with Occupational Health e.g. following an accident at work.

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| **Employee removed from workplace** |
|  **If removed from the workplace the Employee must: -** * Follow the procedure for Reporting Absence – See relevant Process Model
 |

**8. Sensitive Issues**

Circumstances may arise from time to time where the reasons for an employee’s absence are of a sensitive nature, e.g. bereavement, terminal illness, etc. It is important that discretion is exercised in such circumstances and that the employee is treated with sensitivity and compassion. Adequate support, including access to a Counselling facility, will be offered by the Occupational Health Unit.

**9. Returning To Work**

 A Return to Work Meeting must take place after each occasion of sickness absence, including those incidents of absence that are covered by the Equality Act 2010. Normally, the Line Manager will review the absence with the employee on the day upon which the employee returns to work after absence, or as soon as is reasonably practicable for those employees who work shifts or unusual hours.

The procedure for Return to Work interviews is outlined in the **Process Model.**

**The flow chart below is the overview of the Returning to Work Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| --- |
| **Return to work process** |
| Employee Returns to work |

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| **Employee Returns to work** |
| **Manager Must:-** * Carry out a return to work meeting after each occasion of absence
* Complete the Return to Work Meeting Form, Appendix 1 (formally Sickness Absence Notification Form)
* Report end of sickness absence details to relevant Business Support Assistant
* Demonstrate to the employee that they are valued
* Address each instance of absence
* Highlight the impact of the absence on the team
* Discuss whether any further assistance can be offered
 |

 **10. Right to Representation**

Employees have the right to be represented at the Welfare, Managers Review and Hearing Stages of the process, either by a Trade Union representative or colleague. This right does not include the right to be accompanied/represented by a Solicitor or other legally qualified representative.

**11. Failure to Follow Procedure or Misconduct**

Misconduct can occur where the employee:

* Fails to follow the correct procedure for reporting sickness absence;
* Falsely claims sick pay;
* Falsifies any sickness documentation;
* Abuses the Council’s sickness scheme;
* Takes unauthorised absence.

The procedure for dealing with a failure to follow procedure or suspected misconduct is outlined in the **Process Model**

**The flow chart below is the overview of Failure to Follow Procedure or Misconduct**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Misconduct or failure to follow absence procedure** |

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| **Misconduct or failure to follow absence procedure** |
| **Has the following occurred:-** * Failure to follow the correct procedure for reporting absence;
* False claim for sick pay;
* Falsifying sickness documentation;
* Abuse of the Council’s sickness scheme;
* Unauthorised Absence – see relevant Flow Chart.
 |

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| **Action** |
| Refer to the **Council’s Disciplinary Process** |

 **12. Unauthorised Absences**

Where an employee has failed to follow the procedure for notification of absence, she/he will be considered to be absent without permission.

The procedure for dealing with Unauthorised Absence is outlined in the **Process Model.**

**The flow chart below is the overview of Unauthorised Absence Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



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| **Unauthorised Absence** |

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| **Failed to attend Work** |
| Has the employee failed to make contact with the Manager and failed to attend for work? |

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| **Contact** |
| **Manager must: -** Attempt to make contact with the employee by telephone or if this is not possible by home visit by the end of the day/shift. |

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| **Contact Made** |
| **Manager makes contact with the employee and must: -** * Advise of the procedure for reporting Sickness Absence and that failure to comply with the Procedure may result in a deduction of pay and action in line with the Disciplinary Procedure.

 A copy of the policy will subsequently be provided to the individual. |

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| **No Contact Made** |
| **Manager fails to make contact with the employee and must: -** * Write to the employee about the Unauthorised Absence (appendix 14)
* Advise Employee Services that the employee is on unauthorised leave and that request that pay be stopped (pay can be re-instated in line with justifiable reasons)
* Refer to the Disciplinary Procedure
 |

 **13. Occupational Health Referrals**

 Occupational Health Referrals will be made for the following reasons: -

* In the case of frequent absence if this is the first managers review only if there is an underlying medical condition or this is the second or more review;
* If the Long Term Absence Procedure is invoked;
* If advice is required in relation to a Disability Related Condition;
* If the Mental Health Related Absence Procedure is invoked;
* If the Emergency Action Procedure is invoked;
* For preventative support, including access to counselling, physiotherapy, etc.

The procedure for dealing with Occupational Health Referrals is outlined in the **Process Model**

**The flow chart below is the overview of Occupational Health Referrals Procedure**

The flow chart below and the others in this document are a representation of the e-version of the Protos flow chart that can be seen on BERTHA.



|  |
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| **Occupational Health Referral** |
| **A referral to Occupational Health will be made for the following reasons: -*** In the case of frequent absence if this is the first managers review only if there is an underlying medical condition or this is the second or more review
* If the employee is being dealt with in line with the Long Term Absence Procedure
* If the employee is being dealt with in line with the Mental Health Related Absence Procedure
* If the employee is being dealt with in line with the Disability Related Absence Procedure
* Following any work based incident whereby medical advice is required i.e. emergency procedure
* If the employee raises health concerns and requests a referral

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| **Making a referral** |
|  **Manager must: -** * Advise the employee that they are being referred to the Occupational Health Unit
* Complete the Occupational Health Referral (appendix 4)
* If employee advises that they are unable to attend – contact Occupational Health Unit at least 48 hours in advance of appointment

  **Employee must: -** * Make every effort to attend the Occupational Health Unit appointment
* Advise manager in advance if unable to attend or failure to cancel will result in employee being responsible for the payment of a cancellation fee.
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| **Report** |
| **Occupational Health Report**Occupational Health Unit will provide a full report on completion of the examination which will be sent to the Manager. **On receipt of Occupational Health Unit** **Report Manager must: -** * Advise the employee of the content of the report
* Take appropriate action according to outcome of report
 |

**14. Sick Pay**

Sick Pay, in line with the National Schemes of Conditions of Service, is provided to help employees provide for themselves and their dependants at times of sickness absence. The Council expects that the minimum sickness absence will be taken and that employees will make every effort to prevent sickness absence and, during such absence, to restrict its length and to make every effort towards a speedy recovery. Sick pay will be stopped if the employee participates in any activities that prolong their absence from the workplace.

Employees must be aware that the Authority will only provide Occupational Sick Pay if all stages of the Sickness Absence Management Procedure have been met. The Authority reserves the right to stop an employee’s pay where the employee unreasonably fails to comply with any part of the Procedure, or where the absence is prolonged due to deliberate conduct by the employee that is prejudicial to recovery. Where appropriate, the Authority may also pursue disciplinary action in such cases.

If an employee is dismissed on medical grounds, their Sick Pay will end from the date of their termination.

**15. Holidays during Sickness Absence**

At least 5 working days before any holiday is due to be taken, employees must contact their Manager to inform them of when they intend to travel/commence their holiday. The employee will be required to provide a Doctor’s Certificate from their Doctor/Medical Practitioner to cover their absence during any holiday period. If the Fit note confirms that the holiday is to aid the employee’s recuperation, the time off will be classed as sickness. However, if the holiday was pre-booked or not confirmed on the Fit note as necessary for the purposes of recuperation, the time off will be classed as holiday and holiday allowance will be reduced accordingly.

**16. Annual Leave Carry over Following Long Term Absence**

An employee will not lose any statutory annual leave if they have been prevented from using their annual leave because of sickness absence. If the employee is absent from work at the point that their annual leave year commences, any statutory leave untaken, i.e. 20 days (pro rata), because of their sickness absence, can be carried over.

If an employee returns from a period of sickness absence prior to the end of their annual leave year, and is able to take their statutory annual leave on their return, before their annual leave year expires, they should do so. If they choose not to do so the statutory annual leave cannot be carried over and will be lost. If, however, there is insufficient time to enable them to take their statutory leave or on return to work, work commitments prevent them from taking the statutory annual leave, this leave can then be carried over into the new annual leave year.

Employees can also take their statutory annual leave during sickness absence. Arrangements would still need to be confirmed with their line manager.

Employees should be encouraged to use the carried over statutory annual leave prior to returning to work following sickness absence.

In line with national conditions, where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence.  However, no substitute public or extra statutory holiday should be given.

The Council reserves the right to consider individual cases on their own merits.

**17. Ill Health Retirement**

Once advised that an employee is permanently incapable of discharging his/her duties and is not able to undertake any alternative employment within the Authority, the employee will be classified as suitable for ill-health retirement.

**The procedure for dealing with ill health retirement is outlined in the flow process diagram below.**

**Ill Health Retirement Main Process**



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| **Qualifying Criteria** |
|  **Tier I** = An employee is deemed to have no reasonable prospect of obtaining any gainful employment before normal retirement age. **Tier 2** = An employee is deemed unable to obtain gainful employment within three years of leaving employment but likely to do so before normal retirement age. **Tier 3** = An employee is deemed to have a reasonable future prospect of obtaining gainful employment within three years after leaving employment. Employee Serviceswill support managers in implementation of the process.  |

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| **Tier 2** |
| The medical officer has certified that in their opinion the employee will not obtain gainful employment within three years, but it is likely they will be able to obtain gainful employment before age 65. The Council has therefore determined that the employee should be awarded benefits under Tier 2. The pension benefits are therefore based on accrued membership, plus 25% of the membership that would have accrued, had the employee continued to work to age 65. |

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| **Tier 1** |
|  The medical officer has certified that in their opinion there is no reasonable prospect of the employee obtaining gainful employment before age 65. The Council has therefore determined that the employee should be awarded benefits under Tier 1. The pension benefits are therefore based on accrued membership, plus the membership that would have accrued, had the employee continued to work to age 65.  |

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| **Gaining Employment** |
| A person receiving benefits under Tier 3 shall inform Employee Servicesif they obtain employment. They are also required to answer any enquiries as to their current employment status, including pay and hours worked. |

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| **Tier 3** |
| A decision to allow retirement under this tier may only be taken on receipt of a medical certificate from an independent registered medical practitioner qualified in Occupational Health. |

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| **Keeping in Contact** |
| Employee Serviceswill contact the employee 18 months after they have received benefits to enquire into their present employment.  |

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| **Maintaining Contact** |
| After the first enquiry this contact should be maintained on a six month basis.  |

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| **Another Medical** |
| If after 18 months, the pensioner is not in gainful employment Knowsley shall seek a further medical certificate from an independent registered medical practitioner qualified in Occupational Health. |

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| **Action if in employment** |
| If the person is in gainful employment or the medical certificate reports that they are capable of obtaining employment the payment of benefits should be discontinued.  |

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| **Definition of Employment** |
| Gainful employment is defined as paid work not less than 30 hours for a period of at least 12 months.  |

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| **Third Anniversary** |
| In any event the payment of benefits will cease on the 3rd year anniversary of the payment. Employee Serviceswill notify the Merseyside Pension Fund of the action to stop payments and the person recognised as a pensioner. |

 **18. Appeals**

The appeals process in relation to the different elements of this policy are contained within the relevant guidance.

**19. RELATED APPENDICES**

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**Appendix 1**

**SICKNESS ABSENCE - Return to work meeting**

|  |  |
| --- | --- |
| Employee No. |  |
| Service Area |  |
| Forename |  |
| Surname |  |
| Job title |  |
| First date of sickness |  | Last date of sickness |  |
| Date returned to work |  | Date return to work meeting held |  |
| Name of manager conducting meeting |  |
| Manager’s job title |  |
| Notes of the discussion and actions agreed at the meeting including recommendations made by GP on ‘fit notes’ |
|  |

|  |  |
| --- | --- |
| Does this period of sickness absence result in a trigger being hit? If YES, you should now commence the Managers Review process http://bertha.knowsley.gov.uk/Staff\_Stuff/Your\_job/Pages/Sicknessabsence.aspx |  |
| Is the absence related to an accident at work? If YES, ensure an Accident at Work form (ARF1) has been completed http://bertha.knowsley.gov.uk/Staff\_Stuff/Your\_job/healthandsafety/Pages/default.aspx |  |
| Is the absence related to stress? If YES, ensure a welfare meeting has been completed http://bertha.knowsley.gov.uk/Staff\_Stuff/Your\_job/Pages/Sicknessabsence.aspx |  |
| Is the employee claiming that the absence at work is work related stress? If YES ensure that H&S have been informed |  |

**Note to manager:** Please provide the employee with a copy of this completed form

**Note to employee**: If you feel that the information contained on this form is not a true reflection of the meeting, you are advised to contact your manager immediately.

**Appendix 2**

**Equality Act 2010: Protected Characteristics and Work**

**Disability**

**E+W+S**

This section has no associated Explanatory Notes

1. A person (P) has a disability if;
	* 1. P has a physical or mental impairment, and
		2. The impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.

**Discrimination arising from disability**

**E+W+S**

This section has no associated Explanatory Notes

1. A person (A) discriminates against a disabled person (B) if;
	* 1. A treats B unfavourably because of something arising in consequence of B's disability, and
		2. A cannot show that the treatment is a proportionate means of achieving a legitimate aim.
	1. Subsection (1) does not apply if A shows that A did not know, and could not reasonably have been expected to know, that B had the disability.

**Gender reassignment**

**E+W+S**

1. This section has no associated Explanatory Notes
	1. A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
	2. A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
	3. In relation to the protected characteristic of gender reassignment;
		1. A reference to a person who has a particular protected characteristic is a reference to a transsexual person;
		2. A reference to persons who share a protected characteristic is a reference to transsexual persons.

**Gender reassignment discrimination: cases of absence from workE+W+S**

1. This section has no associated Explanatory Notes
	1. This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of gender reassignment.
	2. A person (A) discriminates against a transsexual person (B) if, in relation to an absence of B's that is because of gender reassignment, A treats B less favourably than A would treat B if;
		1. B's absence was because of sickness or injury, or
		2. B's absence was for some other reason and it is not reasonable for B to be treated less favourably.
	3. A person's absence is because of gender reassignment if it is because the person is proposing to undergo, is undergoing or has undergone the process (or part of the process) mentioned in above.

**Pregnancy and maternity discrimination: work cases**

**E+W+S**

1. This section has no associated Explanatory Notes
	1. This section has effect for the purposes of the application of Part 5 (work) to the protected characteristic of pregnancy and maternity.
	2. A person (A) discriminates against a woman if, in the protected period in relation to a pregnancy of hers, A treats her unfavourably;
		1. Because of the pregnancy, or
		2. Because of illness suffered by her as a result of it.

**Appendix 3**

PRIVATE AND CONFIDENTIAL

*Name and Address of Employee Date*

Dear *insert name*

Review of Absence Record

Following a review of your sickness absence record your attendance at work is giving cause for concern for the following reason(s) *(delete as appropriate)*

* a recurring reason for absence;
* a consistent pattern of absence;
* frequency of absence e.g. 3 absences in any rolling 6 month period;
* an absence level above the Council's yearly sickness absence target of 8.5 days;

*(Only to be used where no further action is necessary)*

In line with the revised Sickness Absence Management Procedure, Frequent Absence Medical Incapability Procedure, as you do not appear to have any previous history/pattern of attendance problems/pregnancy related condition *(delete as appropriate)*, I am happy that no further action should be taken.

*(Only to be used where further action is necessary and if this is the first managers review and there is an underlying medical condition or if this is the second or more review )*

In line with the revised Sickness Absence Management Procedure, Frequent Absence Medical Incapability Procedure, you will now be required to attend an Occupational Health Review – the date of which will be forwarded to you, in writing, directly from the Occupational Health Unit.

Following receipt of a report from the Occupational Health Unit you will be required to attend a Managers Review Meeting.

*(Only to be used if this is the first manager’s review and there is no underlying medical condition)*

In line with the revise Sickness Absence Management Procedure, Frequent Absence Medical Incapability Procedure you will now be required to attend a Managers Review Meeting.

The details of this meeting are as following:

**DATE:**

**TIME:**

**VENUE:**

*(To be used in all letters)*

This meeting will seek to: -

* clearly establish all of the facts;
* give you the opportunity to provide an explanation for your absence record; and to
* identify any mitigating circumstances

You are entitled to be represented at this meeting by your Trade Union Representative, or other (though not legal) representative.

There are three potential outcomes of this meeting, which are: -

* A 6 month review period, with a view to no further indicators (Recurring reason; Consistent Pattern; 3 in 6; Above 8.5 days) being hit during the review period. If you fail to achieve this target your case will be reconsidered under this stage of the process; or
* A sanction will be issued as follows (the sanction will be effective from the date of the review meeting or 4 weeks from the date of return to work, whichever is the soonest):-

- verbal warning – hits further indicator following Manager

 Review or hits 2 indicators

- Written warning – hits further indicator following verbal

 warning or hits 3 indicators

- Final Warning – hits further indicator following written

 warning or hits 4 indicators.

* It is decided that no further action is deemed necessary.

There is a process of appeal to your Director within 10 days of the decision.

I will therefore be contacting you, in due course, to arrange a Manager Review Meeting and would advise that you provide a copy of this letter to your Trade Union Representative, if appropriate.

Yours sincerely

*Insert Manager Name and contact details*

**Appendix 4**

|  |
| --- |
| **OCCUPATIONAL HEALTH REFERRAL FORM** |

****

**Please ensure that your employee is made fully aware of this referral to the Occupational Health Unit, before it is submitted.**

**\*Indicates that a mandatory field needs to be completed**

|  |
| --- |
| **1. Please indicate circumstances of referral\* (mark with an X as**  **appropriate)** |
| **Frequent absence**  |  | **Long term sickness** |  |
| **Fitness for duty** |  | **Health concerns** |  |
| **Pension entitlement** |  | **OH Surveillance** |  |
| **Other – please provide details** |  |
| **Is the employee in a front line service?** | **Yes** |  | **No** |  |
| **If yes, what are the most appropriate days / times for any medical appointments? Alternatively, please ring the OHU to discuss on 443 5780.** | **Mon** | **Tue** | **Weds** | **Thurs** | **Fri** |
| **Early am****(8-9 am)** | **am** | **pm** | **Late pm (4-5 pm)** |

|  |
| --- |
| **2. EMPLOYEE’S PERSONAL DETAILS** |
| Surname\*  |  |
| Forename\*  |  |
| Date of Birth\*  |  | Pay Number\*  |  |
| Date of commencement of employment\*  |  |
| Gender\*  | Male |  | Female |  |
| Home address / Tel no.\* | Name and address of GP  |
|  |  |
|  |  |
|  |  |

|  |
| --- |
| **3. JOB DETAILS** |
| Job Title\* |  |
| Service / School\* |  |
| Organisation (if not KMBC) |  |
| Division / Team (for KMBC only)\* |  | Home or mobile number\* |  |
| Location of Work i.e. Home worker or Building Name / Location\* |  |
| Grade of Post\* |  | Hours worked\* |  |
| Contract status\* | Casual | Permanent | Fixed term | Temporary |
|  |  |  |  |
| Does the employee consider themselves to have a disability?\* |  |
| Has this employee previously attended the Occupational Health Unit?\* |  |
| Please provide details of any additional post(s) held by the employee: |
|  |
| **The job will or may involve (please √ as appropriate)\*** | **Yes** | **No** |
| 1. Driving (except commuting to and from place of work) |  |  |
| 2. Driving Non LGV / PCV (where driving is an integral part of the  job, e.g. involves transporting clients or driving a company vehicle)  |  |  |
| 3. Driving LGV / PCV / FLT |  |  |
| 4. Food Handling / Preparation |  |  |
| 5. Manual Handling |  |  |
| 6. Personal Care |  |  |
| 7. Caring for / working with those with learning difficulties |  |  |
| 8. Caring for / working with the homeless |  |  |
| 9. Caring for / working with drug abusers |  |  |
| 10. Working with those who are at risk of blood borne infections e.g.  HIV, Hepatitis B or Hepatitis C |  |  |
| 11. Exposure to respiratory sensitizers e.g. chemicals, dust, drugs,  gasses, etc. (please specify below) |  |  |
| 12. Working at heights |  |  |
| 13. Working in isolation |  |  |
| 14. Exposure to skin sensitizers (please specify below) |  |  |
| 15. Exposure to noise (above 80dB(A)) |  |  |
| 16. Working with vibrating tools (in accordance with HSE guidelines) |  |  |
| 17. Working with electrical wiring (in accordance with HSE  guidelines) |  |  |
| 18. Working in confined spaces (in accordance with HSE guidelines)  |  |  |
| 19. Working night shifts (as per the Working Time Regulations 1998) |  |  |
| 20. Working as a regular display screen equipment user (a user is  defined as one who habitually uses display screen equipment as  a significant part of their normal work, or uses it more or less  daily or have to transfer information quickly to and from display  screen equipment) |  |  |
| 21. Any other occupational hazards (please specify below) |
| Please insert details here: |

|  |
| --- |
| **4. ABSENCE MANAGEMENT DETAILS** |
| **For absence referrals only (please answer all of the following) :**  |
| Is the employee currently absent due to sickness?\*  | Yes |  | No |  |
| If so, from what date?\* |  |
| Does the employee have a current GP’s fit note?\*  | Yes |  | No |  |
| If so, please state the start and expiry date of the note\*  |  |  |
| Reason for absence given by employee and/or GP note\*  |  |
| Is this absence due to an industrial injury?\* | Yes |  | No |  |
| Sickness category (See end of this form for the possible Sickness Absence categories)\* |  |  |  |  |
| Has a welfare visit taken place or been arranged to take place?\* | Yes |  | No |  |
| For frequent absence referrals, please detail the dates and reasons declared for all periods of absence within the “trigger” period.\* |
|  |
| Please detail the dates and reason declared for any other periods of sickness absence not declared above, within the previous 2 year period.\* |
|  |

|  |
| --- |
| **5. PENSION DETAILS (please √ as appropriate)\*** |
| TeachersPension | MerseysidePension Fund | None | Don’t know |
|  |  |  |  |

|  |
| --- |
| **6. ADDITIONAL INFORMATION** |
| In order for the OHU to have a complete picture of the employee, as well as the impact of their health on the service/school/organisation, you should provide relevant information as follows: |
| Details of how the absence is affecting the performance of the Service Area - *(i.e. is the post being covered by an agency temp or additional hours)* |
|  |
| Are there any other issues to bring to the attention of the OHU?\*- *(Consider any questions you want to be asked or management issues that may need to be taken into account by the OHU – on page 4 are examples of issues OHU will consider in all cases - but you may wish to add to the list here)* |
|  |
| Any Other Relevant Factors - *e.g. counselling / physiotherapy offered, other relevant circumstances – Please attach copies of any letters or information relating to the employee’s health / absence*  |
|  |

|  |
| --- |
| **7. SPECIFIC ISSUES**  |
| Please indicate by ticking the appropriate boxes the issues for which you require specific feedback to be included in the OH Medical Report, which will follow this referral. |
| **FREQUENT ABSENCE: (please √ as appropriate)** |
|  | Please advise if there are any underlying health problems, which may account for the instances of non-attendance over the time period specified. |
|  | Please advise if there are any work-related factors which may be contributing to this individual’s non-attendance. |
|  | Please advise whether this individual is currently fit to undertake the full range of his/her duties. If not, please confirm whether this individual can undertake part of their duties. |
|  | Please advise if the employee is absent due to stress that could be work related. If so, confirm all details. |
| **LONG TERM SICKNESS: (please √ as appropriate)** |
|  | Please confirm the likely duration of this individual’s absence from work as a result of their present medical condition? |
|  | Confirm the prognosis of this individual being able to return to work in the foreseeable future to perform their full range of duties? Timescale? |
|  | Confirm the prognosis of this individual being able to sustain acceptable levels of attendance in the foreseeable future. |
|  | Are there any specific duties performed by this individual, or working conditions, which may exacerbate their condition if they were to work in the near future or upon their return to work? |
|  | Would this individual be able to return to work in the near future if his/her duties or work place environment were adjusted or modified in some way? If so, what changes would need to be made. |
|  | Would this individual be able to return to work if a phased return or restricted duties were available? |
|  | Please advise if the employee is absent due to stress that could be work related. If so, confirm details. |

|  |  |
| --- | --- |
| **MANAGER’S / HEADTEACHER’S NAME:\*** | **JOB TITLE: \***  |
| **SERVICE / SCHOOL / ORGANISATION: \*** | **CONTACT TEL NO: \*** |
| **DATE: \***  | **ES CONTACT OFFICER (if known):** |

**Once completed please return by e-mail, to:**

**dcroccupationalhealthunit@knowsley.gov.uk**

**\*Please note that incomplete forms will be returned to the Manager for correct completion prior to any appointment being made and this may result in a delay to the referral process.**

**\*\*Please remember to contact the OHU if the employee is in a front-line service and you need to discuss the timing of any medical appointments and referrals.**

****

|  |
| --- |
| SICKNESS ABSENCE CATEGORIES |

Please choose from one of the categories listed below and insert the ‘letter’ only to which the referral relates (or latest absence in the case of Frequent Short-Term absence) into Section 4 of the Occupational Health Referral Form:

Sickness absence categories:

**A** – Viral bacterial infections, e.g. cold / flu, infections, etc.

**B** – Stomach, Liver, kidney and digestion, e.g. diarrhoea, vomiting, ulcers, stomach bug, etc.

**C** – Genito-urinary, e.g. urinary tract, menstrual, cystitis, etc.

**D** – Disability related

**E** – Other muscle / joint / bone problems including sports injuries, etc.

**F** – Heart related, e.g. angina, heart-attack, blood pressure, etc.

**Ga** – Work related mental health, e.g. stress, anxiety, depression, drug / alcohol, etc.

**Gb** – Non-work related mental health, e.g. stress, anxiety, depression, drug / alcohol, etc.

**H** – Pregnancy related

**I** – Back / neck problems

**J** – Cancer

**K** – Neurological, e.g. headache / migraine

**L** – Eye, ear, nose and mouth / dental, including sinusitis

**M** – Chest and respiratory, including chest infections

**N** – Diabetes

Return to Section 4 of the Occupational Health Referral Form**Appendix 5**

PRIVATE AND CONFIDENTIAL

*Name and Address of Employee Date*

Dear *insert name*

Details of Managers Attendance Review Meeting

I write further to our Return to Work Meeting on (Date) and letter of (Date) at which you were advised of the Council’s Sickness Absence Management Procedure. I am now in receipt of the Occupational Health Report (copy enclosed), and would therefore request you to attend a Managers Attendance Review Meeting to discuss this further.

The details of this meeting are as following:

**DATE:**

**TIME:**

**VENUE:**

The meeting will seek to:

* clearly establish all of the facts;
* give you the opportunity to provide an explanation for your absence record; and to
* identify any mitigating circumstances

You are entitled to be represented at this meeting by your Trade Union Representative, or other (though not legal) representative.

There are three potential outcomes of this meeting, which are: -

* A 6 month review period, with a view to no further indicators (Recurring reason; Consistent Pattern; 3 in 6; Above 8.5 days) being hit during the review period. If you fail to achieve this target your case will be reconsidered under this stage of the process; or
* A sanction will be issued as follows (the sanction will be effective from the date of the review meeting or 4 weeks from the date of return to work, whichever is the soonest):-

- verbal warning – hits further indicator following Manager

 Review or hits 2 indicators

- Written warning – hits further indicator following verbal

 warning or hits 3 indicators

- Final Warning – hits further indicator following written

 warning or hits 4 indicators.

* It is decided that no further action is deemed necessary.

There is a process of appeal to your Director within 10 days of the decision.

I must advise that if you do not attend this Managers Attendance Review Meeting, consideration will be taken to continue in your absence and you will be forwarded the outcome in writing.

Please contact me if you have any queries.

Yours sincerely

*Insert Manager Name and contact details*

**Appendix 6**

**KNOWSLEY METROPOLITAN BOROUGH COUNCIL**

**REVIEW OF SICKNESS ABSENCE – TO BE COMPLETED FOR ALL FREQUENT ABSENCE INDICATORS**

*This form is to be completed during the meeting held with the manager and employee to review the employee’s sickness absence as a result of an ‘indicator’ being hit as outlined in the council’s sickness absence management policy.*

|  |  |
| --- | --- |
| Name of employee |  |
| Service/School |  |
| Team |  |
| Job title |  |
| Name of supervisor/manager |  |
| Date of meeting |  |
| Names of other personnel in attendance |  |

|  |
| --- |
| Details of sickness absence under review (alternatively attach a copy of individual sickness absence record available from Employee Services) |
| Date from | Date to | Duration  | Reason |
|  |  |  |  |

|  |
| --- |
| Underlying causes/contributory factors identified following discussion (if work-related stress, please state) |
|  |
| Live frequent absence warnings on file | Verbal/Written/Final Written | No further action to be taken  |  |
| Monitor Absence (state review date[s] ) |  | Verbal warning issued(send copy of letter to ES) |  |
| Written warning issued(send copy of letter of ES) |  | Final written warning issued(send copy of letter to ES) |  |
| Proceed to a Frequent Absence Medical Incapability Hearing (inform ES) |  |  |  |

|  |  |
| --- | --- |
| Additional comments/action to be taken |  |

|  |  |
| --- | --- |
| Employee has been informed that their current rate of sickness absence is unsatisfactory | Yes / No / Not applicable |
| Employee has been informed that failure to improve their sickness absence rate and then to sustain the improvement may result in further action being taken against them | Yes / No / Not Applicable |

|  |  |  |  |
| --- | --- | --- | --- |
| Manager’s signature |  | Date |  |
| Employee’s signature |  | Date |  |

|  |  |
| --- | --- |
|

|  |
| --- |
| **PLEASE SEND A COPY OF THIS FORM TO EMPLOYEE SERVICES, COMPUTER CENTRE, WESTMORLAND ROAD, HUYTON, L36 9GL – THANK YOU** |

 |

**Appendix 7**

# PRIVATE AND CONFIDENTIAL

*Name and Address of Employee Date*

Dear *Name of Employee*

**Outcome of Manager’s Review held under Frequent Absence Medical Incapability Procedure**

I am writing following the Managers Review meeting in relation to the above on *Date.* At the meeting your absence record was considered.

At the meeting a discussion with regard to your sickness absence in that you have reached the following indicators [delete where appropriate]

1. A recurring reason for absence
2. Three absences in a six month period
3. Absence of more than 8.5 days in a year
4. A consistent pattern of absence

Having fully considered the all the information presented to me at the meeting including comments made by you I have decided to: [delete where appropriate]

* Take no further action.
* Issue a six month review period. Your absence will therefore be monitored for a six month period until *end date.* It is expected that you will have no further sickness absence within this six month period. Any failure to improve will result in a further Managers Review Meeting will be held in line with the Frequent Absence Medical Incapability Procedure.
* Issue you with a verbal warning. This warning has been entered in your employment record and remains on your file for medical incapability purposes for 6 months, during which time it may be taken into account if further action is taken against you in relation to sickness absence. If your attendance improves during the 6-month period the warning will be removed from your record. However, if you hit a further indicator during this warning a further Manager’s Review will be held in line with the Frequent Absence Medical Incapability Procedure.
* Issue you with a written warning. This warning has been entered in your employment record and remains on your file for medical incapability purposes for 12 months, during which time it may be taken into account if further action is taken against you in relation to sickness absence. If your attendance improves during the 12-month period the warning will be removed from your record. However, if you hit a further indicator during this warning a further Manager’s Review will be held in line with the Frequent Absence Medical Incapability Procedure.
* Issue you with a Final Written Warning. This warning has been entered in your employment record and remains on your file for medical incapability purposes for 24 months, during which time it may be taken into account if further action is taken against you in relation to sickness absence. . If your attendance improves during the 24-month period the warning will be removed from your record. However, if you hit a further indicator during this warning a further Manager’s Review will be held in line with the Frequent Absence Medical Incapability Procedure.

[only to be included when a verbal / written / final written warning has been issued] I also confirm that you have the right to appeal against this decision and should you wish to exercise this right you should do so in writing addressed to your Director. c/o the above address within ten working days of your receipt of this letter. Within your letter you should briefly set out the reasons of your appeal which will be heard by the Director or a nominated Officer of the Service where you may be accompanied by your Trade Union or other representative, as per the Council’s policy.

If you require any further information contact *ES Support Officer Name and telephone number.*

Yours sincerely

Manager’s Name

Manager’s Telephone Number

**Appendix 8**

**PRIVATE AND CONFIDENTIAL**

*Name and Address Date*

Dear

Review of Absence Record

As you are aware, you are currently in receipt of a Final Written Warning with regard to frequent absence under the Sickness Absence Management procedure.

In my previous letter to you dated xxxxx, you were informed that if you hit a further indicator during this warning period, you would progress to a Frequent Absence Medical Incapability Hearing, the first stage of which is to attend an Occupational Health Review.

As you have now hit a further indicator, you are now required to attend an Occupational Health Review – the date of which will be forwarded to you, in writing, directly from the Occupational Health Unit.

Following receipt of a report from the Occupational Health Unit you will be required to attend a Frequent Absence Medical Incapability Hearing. The purpose of the hearing will be to consider your long-term ability to discharge the terms of your contract of employment with the Council, taking into consideration your absence from work as follows:

* the length of time you have been absent from work due to sickness being *Insert length of absence*
* the recent medical report from the Council’s Occupational Health Physician advising that you were unfit at present and the prognosis of a return to work in the near future is unclear
* your comments regarding your current medical health
* the effect on the service of your continuing absence.

You are entitled to be represented at this hearing by your Trade Union Representative, or other (though not legal) representative.

If you require any further information please contact *ES Support Officer Name and telephone number.*

Yours sincerely

Manager’s Name

Managers Telephone Number

**Appendix 9**

Invite to Medical Incapability Hearing

*(To be used in cases of Frequent Absence or Long Term Absence)*

# PRIVATE AND CONFIDENTIAL

*Name and address*

 *Date*

Dear

You are invited to attend a medical incapability hearing on *insert date of hearing*. The hearing will be held in *insert venue* at *insert time*. On arrival please report to Reception and you will be advised where to wait.

The purpose of the hearing will be to consider your long-term ability to discharge the terms of your contract of employment with the council, taking into consideration your absence from work as follows:

* the length of time you have been absent from work due to sickness being *Insert length of absence*
* the recent medical report from the Council’s Occupational Health Physician advising that you were unfit at present and the prognosis of a return to work in the near future is unclear
* your comments regarding your current medical health
* the effect on the service of your continuing absence.

The hearing will be conducted by *insert officer name and job title*, and the facts of the case will be put forward by *insert manager’s name*. I enclose copies of documentation, which will be referred to. You are entitled if you so wish, to be accompanied by a colleague or trade union representative.

I should advise you that, if you are deemed to be incapable of fulfilling your contract of employment with the Council, then you may be dismissed from the Council’s service on the grounds of medical incapability.

I would be grateful if you could indicate if you will be attending, or providing any documents/and or witnesses, or exercising your right to representation.

Should you chose not to be represented the hearing will go ahead as scheduled and the outcome will be confirmed to you in writing.

Yours sincerely

ES Officer

ES Officer Job Title

ES Officer Phone Number

Encs.

Copies to: «Hearing\_Officer»

«Managers\_Name»

«Representative»

**Appendix 10**

**Letter 3 to be drafted with Employee Services**

**PRIVATE AND CONFIDENTIAL**

Name and address

 Date:

Dear xxxxxx

The purpose of this letter is to confirm my decision following the hearing held under the Council’s Sickness Absence Management Procedure on xxxxxxxxxxxxx.

The decision I have made is that you shall be dismissed due to your incapability to fulfil your contractual obligation to the Council due to the frequency of sickness absence. Your dismissal is with notice of xxx and therefore your last day of service will be [xxxxx].

In reaching my decision, I listened to all the evidence put to me at the hearing including evidence from yourself and xxxx.

In summary I heard that during the past xxx years you have had xxxx occasions of sickness absence, totalling xxx days. I heard that your sickness absences had been addressed under the Sickness Absence Management Procedure and that you had received formal warnings, most latterly a final written warning on xxxxxx and yet there was no improvement in your attendance. In fact, since the final written warning was issued, you have had a further xxx periods of absence totalling xxx days.

I accepted that, in the main, the reasons for your absences were due to xxxxx illnesses and I noted that you had been offered counselling support through the Council’s Occupational Health Service.

In response you detailed some of the issues that have led to your absences but gave no indication that any improvement in your attendance would be maintained.

I carefully considered your response alongside information provided relating to the costs to the Service Area of your absence in terms of the need to provide cover for your duties as xxxxxxxxxxxxxxxxx within the xxxxxxxxxxxxx service and I concluded that in terms of lost productivity and unbudgeted expenditure the position was unsustainable.

On that basis, it is with regret that I believe that you should be dismissed from your employment with the Council.

I can confirm that you have the right to appeal against this decision and, should you wish to exercise this right, you should do so in writing addressed to xxxxxxxxx, Director c/o the address at the foot of this letter within ten working days of your receipt of this letter. Within your letter, you should briefly set out the reasons of your appeal which will be heard by the Council’s Employee ServicesAppeals Committee where you may be accompanied by your Trade Union or other representative in accordance with the Council’s Policy.

Yours sincerely

Name of hearing officer

**Appendix 11**

# PRIVATE AND CONFIDENTIAL

*Name and Address Date*

Dear

Further to our conversation regarding your absence, I would like to arrange for your manager, *Managers Name* and I to visit you to discuss your progress.

The purpose of this meeting is to gather some information regarding your absence, and to offer any support to you which you may find beneficial in assisting your return to work.

During the meeting, you may be asked questions around medication, doctor’s notes, hospital appointments etc. It would be helpful if you could have this information to hand for this meeting.

We will call to see you at your home on *Date of Welfare*. If this is not convenient please contact me on the number below.

Can I stress that this is a welfare visit, but if you feel more comfortable having a member of your family, colleague or trade union representative with you, please make the necessary arrangements.

I look forward to seeing you.

Yours sincerely

*Name of Sender*

*Job Title of Sender*

*Phone Number of Sender*

**Appendix 12**

Record of Welfare Visit

|  |  |
| --- | --- |
| Employee’s name |  |
| Service Area |  |
| Date of meeting |  |
| Location |  |
| Others present |  |

|  |  |
| --- | --- |
| 1 | Confirm reason for absence – (if absence is due to stress, establish the cause of this stress and state if work related) |
|  |  |
| 2 | Confirm the date this period of absence commenced? |
|  |  |
| 3 | Confirm if employee has visited a doctor during the period of absence and if so what did they advise? |
|  |  |
| 4 | Confirm if taking any form of medication (list medication) |
|  |  |
| 5 | Confirm how the employee is feeling |
|  |  |
| 6 | Does the employee have an expected date to return to work? |
|  |  |
| 7 | If not, what date does the employee’s current doctor’s note expire? |
|  |  |
| 8 | Does the employee have any other employment? |
|  |  |
| 9 | If yes, provide employer ‘s details and the nature of the job in addition to the reason why the employee is/is not taking sick leave with the other employer. |
|  |  |
| 10 | Advise the employee to make contact when they visit their doctor again and confirm the outcome of that appointment (ie has the doctor’s note been extended or do they have a return to work date?) |
|  |  |
| 11 | Is there any other assistance that can be offered to the employee during their absence? |
|  |  |
| 12 | As part of the Council’s Sickness Absence Management procedure the employee will be referred to the Occupational Health Unit. They will contact the employee directly with an appointment date and time. Are there any particular dates that they would not be able to attend over the next couple of weeks? (ie due to hospital appointments, etc). |
|  |  |
| 13 | Agreed date of next welfare visit. |
|  |  |
| 14 | Comments by employee to include any other issues which may be affecting their health/return to work. |
|  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Manager’s name (block caps) |  | Manager’s job title |  |
| Manager’s signature |  | Date  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Employee’s name (block caps) |  | Employee’s job title |  |
| Employee’s signature |  | Date  |  |
| Please note that you are signing to confirm that these matters have been discussed with you. By signing you are NOT withdrawing any rights you may have under any appeals procedure |

**Discussion of Welfare Sheet – follow up visit**

|  |  |
| --- | --- |
| Employee’s name |  |
| Service Area |  |
| Date of meeting |  |
| Location |  |
| Others present |  |

|  |  |
| --- | --- |
| 1 | Confirm how they feel they are progressing since the last visit |
|  |  |
| 2 | Discuss the outcome of the employee’s last visit to Occupational Health |
|  |  |
| 3 | Confirm whether the employee has visited their doctor again and the outcome of the visit(s) |
|  |  |
| 4 | If the employee is absent from work with stress, establish the cause of stress and state whether it is work related |
|  |  |
| 5 | Confirm if the medication is the same or if it has changed |
|  |  |
| 6 | Confirm when the employee expects to return to work |
|  |  |
| 7 | Confirm the date the current medical certificate expires |
|  |  |
| 8 | Confirm that the employee will contact the line manager (you) again after their next visit to their doctor to discuss the outcome eg whether the medical certificate has been extended or whether there is a return to work date. |
|  |  |
| 9 | Confirm whether the employee requires any further assistance during their absence eg reasonable adjustments to workplace, phased return to work, working hours etc |
|  |  |
| 10 | Record any further comments the employee wishes to make |
|  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Manager’s name (block caps) |  | Manager’s job title |  |
| Manager’s signature |  | Date  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Employee’s name (block caps) |  | Employee’s job title |  |
| Employee’s signature |  | Date  |  |
| Please note that you are signing to confirm that these matters have been discussed with you. By signing you are NOT withdrawing any rights you may have under any appeals procedure |

**Appendix 13**

**PRIVATE AND CONFIDENTIAL**

Name and address

 Date:

Dear xxxxxx

The purpose of this letter is to confirm my decision following the hearing held under the Council’s Sickness Absence Management Procedure on xxxxxxxxxxxxx.

The decision I have made is that you shall be dismissed due to your incapability to fulfil your contractual obligation to the Council, as it has been determined that you are permanently incapacitated. Your dismissal is with notice of xxx and therefore your last day of service will be [xxxxx].

In reaching my decision, I listened to all the evidence put to me at the hearing including evidence from yourself and xxxx.

In summary I heard that during the past xxx years you have had xxxx occasions/days of sickness absence. I heard that your sickness absences had been addressed under the Sickness Absence Management Procedure and that you had received support from the Occupational Health Unit and Employee Servicesin trying to find you suitable alternative employment.

I accepted that, in the main, the reasons for your absences were due to xxxxx illnesses and I noted that you had been offered counselling support through the Council’s Occupational Health Service.

In response you detailed some of the issues that have led to your absences but gave no indication that any improvement in your attendance would be maintained.

I carefully considered your response alongside information provided relating to the costs to the Service Area of your absence in terms of the need to provide cover for your duties as xxxxxxxxxxxxxxxxx within the xxxxxxxxxxxxx service and I concluded that in terms of lost productivity and unbudgeted expenditure the position was unsustainable.

On that basis, it is with regret that your employment will be terminated with the Council on Date.

I can confirm that you have the right to appeal against this decision and, should you wish to exercise this right, you should do so in writing addressed to xxxxxxxxx, Director c/o the address at the foot of this letter within ten working days of your receipt of this letter. Within your letter, you should briefly set out the reasons of your appeal which will be heard by the Council’s Employee ServicesAppeals Committee where you may be accompanied by your Trade Union or other representative in accordance with the Council’s Policy.

I would like to take this opportunity of thanking you for your service with this Authority and for your personal contribution to the Service Area. Please accept our best wishes for the future and for a continued improvement in your health.

Yours sincerely

Name of hearing officer

**Appendix 14**

# PRIVATE AND CONFIDENTIAL

(Insert Name)

(Insert Address)

 Date:- (Insert Date)

Dear (First Name)

I am writing to you regarding your current absence from work dating from (Insert Date).

You are reminded that any request for leave of absence, whether paid or unpaid, must be authorised by an employee’s line manager. In that respect I am advised that since (Insert Date) you have not notified your line manager of any reason for your absence and therefore your absence must now be considered as unauthorised.

I would also remind you that if your absence is related to sickness then again you must contact your line manager to notify them of the reasons for your non attendance at work as stated in the Council’s Sickness Absence Reporting Procedure. In the first instance you must make contact with your Line Manager on the first and fourth day of your absence. In addition if you must provide a GP’s medical certificate to cover you from your 8th day of absence. You must comply with this procedure in order to receive payment under the Council’s sickness absence scheme.

Given that you have not provided any explanation for your absence, I can confirm that your pay has been suspended and this has been backdated to (Insert Date). In addition your absence has been recorded as unauthorised. I must also inform you disciplinary action in relation to your continued absence may be considered.

I would strongly urge you to contact your Manager, (Insert Line Manager’s Name), to discuss this matter and would ask that you do this immediately. Alternatively, you may wish to contact me directly on the number below.

Yours sincerely

(Employee Services Officer Name)

Employee Services Officer

Employee Services

(0151) 443 (Insert Tel. No.)

**Appendix 15**

**GUIDANCE FOR MANAGERS ON SICKNESS ABSENCE MANAGEMENT**

**AND FREQUENTLY ASKED QUESTIONS**

**Introduction**

This guidance has been designed to support the Sickness Absence Management Policy and assist staff with managerial and supervisory responsibilities to manage the sickness absence of employees. This guidance can be used to:

* Underpin Knowsley’s existing Sickness Absence Management Procedure;
* Provide information and sources of further support;
* Offer practical tips on key areas of good practice in Human Resource Management.

It is not intended to replace or substitute the Sickness Absence Management Procedure, or advice from Employee Services but will act as a source of information and guidance on many of the day to day issues you as a manager will face when managing sickness absence. The guide is an evolving document and as such if there are issues/concerns you are dealing with on a regular basis and which are not covered, please contact Employee Services so that the guide can be expanded and the knowledge and experience shared with other managers/supervisors.

**Why managing sickness absence is important for those in supervisory /management roles?**

Absence management is recognised by the Council as one of the many managerial roles of staff with supervisory responsibilities. The time associated with managing sickness absence on a daily basis is minimal in relation to the time and cost associated with managing a staff member through the relevant Council’s procedures and potential Tribunal procedures. If sickness absence is seen to be managed effectively then staff are more aware of their responsibilities within the process, and staff who are often left covering the absence(s) feel confident that the sickness is genuine and are therefore more content to undertake the additional duties required to cover sickness absence.

Managing sickness absence is therefore about creating a climate of confidence to ensure that staff are aware of the issues caused by their absence, of their responsibilities in this process and the ramifications of a failure to comply with the relevant procedures. Staff should also feel able to take the time necessary to recuperate when there is a genuine illness.

It is recognised that managing sickness absence is a more straightforward process for some categories of staff than others. This is often as a result of the standardisation of their work pattern and the nature of their work. It is important, however that a consistent approach is adopted across all categories of staff. Managers must adopt a consistent and balanced approach which places the emphasis on securing the prompt return to work of staff whilst recognising individual circumstances and improving attendance will be the ultimate aim of all managers.

Consistency is key and protects you, as a manager, against potential claims of unfair treatment from staff.

**What are the benefits of managing sickness absence?**

When sickness absence is recorded and managed effectively the following benefits have been identified for your team, service and the Council:

* A reduction in the number of staff taking unnecessary sick days which will assist you in maintaining service provision and minimising disruption;
* A reduction in unnecessary overheads e.g. savings on lost salaries and sick pay costs;
* The early identification of trends and patterns of staff absence which allows you to take the necessary action to rectify the situation at an early stage;
* Provide you with the necessary information to help support staff to recuperate who are genuinely ill;
* The easy collation of the information required to inform any subsequent procedures which may be enacted including Occupational Health referrals, disciplinary procedures etc.
* Valued staff are retained avoiding unnecessary recruitment and training costs, through the prevention of other staff being continuously overburdened with additional duties whilst colleagues are absent;
* Compliance with relevant employment legislation;
* A healthy and safe workforce.

**Managing Absences**

**What are the absence levels or triggers which fall below the Council’s recognised management standards and therefore give cause for concern?**

* Recurring reason for absence
* Consistent pattern of absence
* 3 absences in 6 months
* Over 8.5 days absence (pro-rated for part-time employees). Future targets are reviewed in accordance with the Council’s Policy and sickness absence data.

When calculating the pro-rated target of 8.5 for part-time employees, please use the sliding scale table, which will enable you to determine what the pro rata amount is based on part time hours. For any part time hours that are not contained within the sliding scale, there is a calculator contained within this document which will automatically calculate the part-time annual sickness target.

**What are the absence patterns/trends that I need to be aware of?**

There are a number of general patterns and trends that staff with management /supervisory responsibilities should be aware of:

* Absences on a Monday and Friday or the days immediately preceding/following the staff member’s normal working week;
* Days preceding/following bank holidays/closure days/annual leave;
* The same days each time;
* The same number of days each month;
* Links to work/social activities;
* Groups of staff absence on set days/times;
* A member of staff always returning from absence prior to the need for a medical certificate;
* A member of staff consistently needing to go home from work as a result of sickness;
* An increase in absence levels during school holidays, sporting events, periods of warm weather etc.
* Any absences which occur immediately after a monitoring period has ended or a sanction lapsed.
* Absences ending abruptly when pay changes.

It is essential that the standards/patterns are consistently and fairly applied.

**Reporting Sickness**

1. **What information should an employee provide when they are reporting sick?**

Employees should provide you with the details of the nature of their illness, the date or day the illness began (including Saturday and Sunday), the possible duration of the absence i.e. when they expect to return to work and details of any outstanding work and diary commitments. You should also use this opportunity to clarify any further contact arrangements and the Council’s certification procedures in respect of absence. In addition to the standardised information that will always be required there may be additional information specific to the area/role which is needed.

The employee may have been taken ill suddenly and therefore may not have had all the information to hand; in such cases, the manager can gain access to their email, diary etc.

You may need to contact the employee again if information cannot be accessed/found. Such contact should be kept to a minimum and should be conducted sensitively and wherever possible, agreed with the employee.

1. **Why does an employee need to inform their manager if they are ill during a weekend/day that they are not scheduled to work?**

Both Statutory Sick Pay (SSP) and Occupational Sick Pay (OSP) are based on a seven day week.

1. **How often should an employee contact their line manager?**

For the first eight days you should remind the member of staff to keep in touch with you on working day one, working day four and working day eight during the period of absence. You should agree arrangements and set a time when this is most suitable. This will provide you with an opportunity to find out how the member of staff is recuperating, how likely they are to return to work on the date they originally anticipated and identify and discuss any issues that have arisen i.e. the location of documents etc. However, if the employee informs you that they are likely to be fit for work sooner than the 8 days, you should ask them to make contact with you on the day they expect to return to work, if they no longer feel able to return on the anticipated day.

After eight working days, the normal expectation would be weekly contact but this should be wherever possible agreed with the member of staff. The exception to this is where a member of staff has been medically certified for a prolonged period and it is understood that they will not be returning imminently.

The Council has a Duty of Care to all its employees and whether an employee is absent for a short or long period of time, managers are expected to maintain regular contact with employees.

1. **The employee will not tell me why they are off sick. What should I do?**

If the employee refuses to tell you the reason for their absence, you must inform them that they are obliged to confirm this. If they are still not comfortable disclosing the nature of their illness to the line manager due to the illness being of a particularly sensitive nature then you should advise them of the confidentiality arrangements and the requirements of the Council’s Sickness Absence Procedure. If the absence continues beyond 7 days and you are still unaware of the nature of the illness, refer them immediately to Occupational Health for an emergency appointment.

1. **A member of my staff is always telephoning in and not speaking to the right person or providing the right information, what should I do?**

Initially you should contact the employee and advise them that they must make contact with you or a nominated officer. Upon their return you should arrange to meet with them to ascertain the reasons for their behaviour. You should inform them of the absence notification procedure and their obligations to inform you, in your absence, another nominated member of staff, of their absence and the appropriate timeframe when this should be done.

You should inform them of the disruption caused to colleagues when this is not done and ask them to confirm that they understand their obligations and that this will not happen again. You should inform them that if they do not improve in this area you will need to seek advice from Employee Services and consider taking disciplinary action through the appropriate Council procedure.

1. **If a member of staff texts or emails me to inform me they are off sick, what should I do?**

As in Question 5 above, you should make contact with the employee and advise that they must make contact with you or a nominated officer personally by telephone and not by text or email. The Council has a Duty of Care to all its employees and whether an employee is absent for a short or long period of time, both employees and managers are expected to maintain regular contact in order to ascertain what support, if any, is necessary to aid the employees’ recovery and subsequent return to work. Upon the employee’s return to work you should arrange to meet with them and explain why texting or emailing is not suitable.

1. **A member of staff sends in a fit note late. What can I do?**

You should write formally to the member of staff informing them of their responsibilities for sending GP notes as soon as practicably possible. You should also inform them when their next fit note is expected in the office and that failure to comply with Council procedure could result in deduction of pay. You should also make it clear that the Council does not accept backdated fit notes for the purposes of pay.

1. **If an employee does not submit fit notes on time, can I stop their pay?**

If an employee submits a late fit note and has not previously informed you that their note will be late, then you should inform them of their responsibilities for providing timely notes and that the Council does not accept backdated notes for the purposes of pay. If the employee is unreasonable and returns a further fit note late and has not previously informed you that they are having difficulty in obtaining an appointment with their GP, you should treat this as unauthorised absence and inform them that their pay will be stopped. You will then need to complete the appropriate documentation for payroll to authorise deduction.

1. **Is it acceptable if an employee’s partner, or nominated person calls to report their absence when they have been ill?**

Unless there is a very good reason for the employee not contacting their manager or designated person directly, for example, the employee has been detained in hospital, asking a relative, friend or partner to report their absence is not acceptable. In any event, the employee must contact you as soon as they are able to and you must relay this to the family member who reports their initial absence. The requirement of the policy is for the employee to report their absence personally.

1. **If an employee becomes unwell during the working day and they need to leave work, who should they tell?**

Employees who fall ill during their working day must inform their line manager or the designated contact for the service.

1. **A member of my team has informed me that they will be having elective cosmetic surgery. What time off are they allowed?**

For cosmetic surgery all pre-operative appointments should be taken in the employee’s own time, unless the surgery is for medical reasons and the member of staff does not have access to the flexi scheme. The day of the procedure will be classed as hospital and evidence of the appointment should be given to the line manager. Any time after this will be treated as sick and the relevant sickness absence procedure should be followed.

**Issues relating to annual leave and sickness absence**

1. **A member of staff wants to use their annual leave instead of sickness entitlement. What should they do?**

Members of staff are not under normal circumstances allowed to take annual leave instead of sickness absence when they are too ill to come to work. Nor should staff be allowed to work from home when they are too ill to come into the office.

1. **What if a member of staff is absent due to sickness before they go on annual leave?**

If a member of staff phones in sick immediately prior to taking leave, they should inform you of their first and last day of sickness. If they are going abroad, and they report sick prior and during their annual leave period, they must obtain a note from their GP saying that they are fit to travel. (see FAQ 5 below)

1. **A member of staff has just informed me that they were taken ill/injured during their annual leave. What should they do?**

If a member of staff becomes ill during the course of their annual leave, they need to obtain a fit note to cover the period of sickness. They must inform you as soon as possible that the sickness will or has interrupted their leave.

They will be entitled to take the balance of their leave entitlement at a later date after returning to work, normally this should be before the end of the leave year.

If a member of staff does not inform you that they are ill whilst on holiday or fails to provide a medical certificate they cannot reclaim the leave.

1. **A member of staff has asked to be reimbursed for their bank holidays whilst they were off on long term sickness. Are they entitled to it?**

No. In line with national terms and conditions, Part 3, paragraph 4.4, where an employee is receiving sick pay under the scheme, sick pay should continue if a public or extra statutory holiday falls during such sickness absence.  However, no substitute public or extra statutory holiday should be given.

1. **I have a member of staff absent as a result of sickness but is going on holiday. What is their entitlement?**

At least 5 working days before any holiday is due to be taken, employees must contact their Manager to inform them of when they intend to travel/commence their holiday. The employee will be required to provide a fit note from their Doctor/Medical Practitioner to cover their absence during any holiday period. If the Fit note confirms that the holiday is to aid the employee’s recuperation, then the time off will be classed as sickness. However, if the holiday was pre-booked or not confirmed on the Fit note as necessary for the purposes of recuperation, the time off will be classed as holiday and holiday allowance will be reduced accordingly.

If an employee returns from a period of sickness absence prior to the end of their annual leave year, and is able to take their annual leave on their return, before their annual leave year expires, they should do so.

1. **Can annual leave be used to facilitate phased returns?**

If the employee’s GP or Council Occupational Doctor suggest a phased return, then the employee will not be required to use their annual leave for the first four weeks. However, if the employee themselves requests a further extension to their phased return beyond 4 weeks, then they would be required to use their own leave.

1. **If an employee returns on a phased return and requests leave during this period, can they take it?**

It is advised that if Occupational Health or the employee’s GP have suggested a phased return, and the employee does not have any pre-booked leave during this period, that any requests for leave should be rejected. A phased return allows the manager time to assess the employee’s fitness to return to normal duties. A break within this period does not support the employee or employer.

1. **If I return from sickness on a phased return, can I accrue any additional time e.g. flexi time, sleep ins, stand by etc.?**

If a phased return has been suggested by your GP or Occupational Health, you can only work the hours specified and cannot accrue any additional time. However, if the phased return is suggested by yourself and agreed with your line manager, through the use of annual leave, you can accrue additional time, provided it has been agreed with your line manager first.

**Fit Notes**

1. **If an employee has a gap between fit notes, are they required to get the missing days covered?**

Yes, for the purposes of the employees’ continued absence they would need to go back to their GP to request a fit note to cover any missing days, however the Council does not accept backdated notes for the purposes of pay. It is the employee’s responsibility to know the date their fit note is due to expire and to arrange a further GP appointment in advance of the expiry date to ensure there are no gaps between the dates on fit notes.

1. **If an employee’s GP has indicated that they ‘may be fit for work’, what should I do?**

The ‘fit note’ has been designed to give you the information needed to begin a discussion with an employee on whether they can return to work in spite of their illness or injury. You should consider the doctor’s comments and discuss these with your employee. If a return to work is possible you should refer the employee back to OH in order to agree any temporary changes to their job or hours and what support you will provide to them and for how long. If you are unsure of things please contact Occupational Health or Employee Services. In order to help you identify changes which may be made following an employee’s return to work, it is advisable to undertake a risk assessment.

In addition, Managers should update OH with the date of their return to work and the agreed adjustments in place if the employee is still under review with Occupational Health. If the employee subsequently goes off sick again the Manager should advise OH of this to ensure the employee’s absence record is updated and a review appointment is arranged if necessary.

1. **What should I do if an employee wants to return to work before the end of a ‘not fit for work’ note?**

Sometimes your employee will be able to return to work before the end of the ‘fit note’ period where a doctor has previously advised that they are not fit for work. This may be because the employee has recovered faster than the doctor expected, or the doctor did not know of ways in which you could support your employee to return to work.

If the employee wishes to return to work before the end of their fit note, they may not require another referral to Occupational Health to assess their fitness, if you already have an OH report confirming they may be fit to return by a particular date or with adjustments. However, in the absence of an up to date OH report, it may be necessary to refer the employee back for a final assessment. The employee does not need a note saying they are fit for work. Unlike the sick note, the fit note does not have an option to say that they are fit for work. If the GP wants to assess the employee’s fitness for work again, they will say this on the fit note.

1. **What is a risk assessment?**

A risk assessment is nothing more than a careful consideration of what, in your workplace, could cause harm to people, so that you can weigh up whether you have taken enough precautions or should do more to prevent harm. More information can be found on BERTHA under Health and Safety.

1. **Can I request a medical statement advising that my employee is ‘fit for work’?**

Unlike the ‘sick note’, the ‘fit note’ does not include the option for doctors to advise someone that they are fully fit for work. You do not need to be fully fit to return to work and it is a myth that an employee needs to be ‘signed back’ to work by a doctor. In some cases, there may be existing procedures to ensure someone is fit to carry out their role safely and these should be followed (e.g. DVLA rules for certain classes of drivers).

If there is an end date on the ‘fit note’ an employee is not required to revisit their GP. If you feel you need a medical opinion stating that your employee is fit for work, you should speak with Employee Services or OH who will advise you accordingly.

1. **What do I do if I feel an employee appears to be acting out of character in the workplace?**

Seek advice from Employee Services as soon as possible. On rare occasions it may be necessary to medically suspend an employee with an immediate referral to Occupational Health. This form of action would need to be discussed with Employee Services before any action is taken.

**Occupational Health**

1. **A member of staff has sent a fit note in stating work related stress. What should I do?**

You should conduct a welfare visit within the first two weeks of absence and refer the employee to Occupational Health immediately.

1. **A member of staff has informed me that they require a major operation and will be off work for some time to aid their recovery. Do I still need to conduct a welfare visit or refer them to Occupational Health, given that I know why they are absent and for how long?**

Yes, regardless of the reason for absence you should always conduct welfare visits, either in person or over the telephone, when an employee is absent. You should also refer them to Occupational Health. They may not be in a position to attend Occupational Health, but in the absence of a physical visit, employees can give their consent for Occupational Health to obtain their medical records. This is vital where their long term prognosis is not good, in order to support the employee in obtaining support and/or access to their pension.

1. **Can an employee refer themselves to Occupational Health or do they need their manager to refer them?**

An employee cannot self refer to Occupational Health. However, if you are feeling unwell and would like to arrange an appointment with Occupational Health, please discuss this with your line manager who can make the necessary arrangements.

1. **Can the employee see the Occupational Health report?**

Yes, they can request a copy of the report by contacting Occupational Health.

1. **If Occupational Health deems it necessary for an employee to attend counselling, physio or other alternative therapies, can they attend during works time?**

Yes, although they must consult with their line manager when the appointment can be made, particularly where the employees works in front line services, so that cover can be provided when necessary. Where possible, appointments should be made at the beginning or end of the working day, or within the first one and half hours of the employee’s shift in line with the Time off Work Policy. If the employee wishes complete confidentiality, sessions can be arranged in their own time, but the manager will need to authorise treatment(s) as there is a cost to the organisation.

**Further information and guidance**

Department of Work and Pensions - http://www.dwp.gov.uk/

Citizens advice Bureau - http://www.adviceguide.org.uk/england/benefits\_e/benefits\_sick\_or\_disabled\_people\_and\_carers\_ew/benefits\_for\_people\_who\_are\_sick\_or\_disabled.htm