WHISTON TOWN COUNCIL

EMPLOYEE SERVICE ATTENDANCE POLICY



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1. Purpose

The Council aims to encourage all our employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work because of ill health.

While it is understood that there will inevitably be some sickness absence among employees, the Council must pay due regard to its operational needs and public funding. If an employee is persistently absent from work, this can negatively impact the services we provide to the public and place an additional burden on the employee's colleagues and taxpayers.

The Council aims to strike a reasonable balance between the delivery of its operational needs and the genuine need of employees to take time off work because of ill health.

This policy does not form part of employees' terms and conditions of employment and may be subject to change. Any changes will be discussed with trade unions in line with the Trade Union Consultation Protocol.

2. Scope

This policy covers both short-term and long-term sickness absence. For clarity, once an employee's sickness has lasted 28 calendar days, the long-term procedure applies.

This policy is formulated on the assumption that, if the Council suspects there to be misconduct, its Disciplinary Policy will apply. For example, the Council may take disciplinary action if there is evidence that:

- absence is not genuine or not for the reason provided.
- the employee is undertaking inappropriate activities while off sick, such as carrying out work for another organisation; or
- the attendance management policy has not been complied with, for example, correct sickness absence notification and / or keep in touch procedure/s have not been followed.

This policy applies to all employees including those on temporary contracts, fixed-term appointments and probationers. It does not apply to agency workers or contractors.

3. Responsibilities

3.1 Managers

Line managers must:

- be supportive towards the employee and, where appropriate, seek to identify ways to assist the employee to improve their attendance in the future.
- speak openly to the employee about the absence and the reason for it in a fair and factual way.
- hold regular supportive work focused conversations and keep in touch discussions with employees absent due to sickness.
- consider the needs of the service and how long an absence can be supported for.
- take responsibility for managing their employee's attendance and absence.
- maintain a proper record of each employee's sickness absences by completing an absence record form for the employee. Additionally, keep confidential records of all absences, including discussions and medical certificates, and make sure that the records clearly identify the reasons for each absence. All absences and related documents must be added and updated on HCM.
- ensure employees are supported when reporting absence due to mental health by following the process in Section 6
- conduct a return-to-work meeting each time the employee returns from a period of sickness absence.
- be alert to patterns of absence, for example, frequent absences on Fridays, Mondays, or immediately before or after bank or public holidays.
- try to establish any underlying reasons for frequent absences and, where the underlying cause is identified, take steps to help the employee to manage the cause including a referral to Occupational Health
- show a reasonable degree of tolerance and sympathy towards the employee's sickness absence, while at the same time making clear that continuing frequent absences from work need to be addressed.
- check whether or not the employee's absences are in any way work related, for example as a result of workplace stress.
- be aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to any of the protected characteristics under the Equality Act 2010
- Ensure the Council's duty to consider reasonable adjustments for employees with disabilities as defined by the Equality Act 2010. It must be complied with when managing absence; consult with the HR Casework Team if unsure about anything or if special circumstances arise, (Section 7)
- Agree extended sickness absence trigger points, if appropriate, in advance of sickness where an employee has a disability and ensure these are reviewed at least annually using the Reasonable

Adjustment Passport and discussing with the HR Casework and Investigations team for consistency and monitoring (Section 7)
- Hold a return-to-work meeting with the employee within 3 working days,
- Ensure that all conversations held under this policy remain confidential.

3.2 Employees

Employees must:

- if they are unable to attend work because of ill health, notify their manager of non-attendance by telephone before 10am or no later than one hour before they are due to begin work, if the employee is required to start at a specified time. continue to notify and keep in touch with their manager regularly to provide updates on their condition and fitness for work while unable to attend work. (See Section 4.1)
- take steps to proactively manage their sickness, such as seeking medical advice and undertaking activities that will support an improvement in their health and wellbeing.
- consider whether there are elements of their role they could undertake, where appropriate with adjustments, whilst recovering from their illness. attend any meetings with their manager as required under this policy (i.e. return-to-work meetings, review meetings, occupational health appointments etc)
- co-operate with any support offered in relation to mental health absences including occupational health referrals and stress risk assessments. See Section 5.
- tell their manager of any extenuating circumstances, for example, personal or family problems or any work-related issues.
- consider that their manager is able to seek a medical report from the occupational health team and that the employee is required to attend such appointments and:
- proactively cooperate with the Council with regards to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a healthcare professional.

4. Notification and Evidence of Sickness Absence

4.1 Reporting Absence

On the first day of sickness absence, the employee must inform their manager as soon as reasonably practicable that they will not be working because of illness or injury. The employee should notify their manager of

non-attendance by telephone before 10am or no later than one hour before they are due to begin work, if the employee is required to start at a specified time. If the employee's manager is unavailable, the employee should contact the next most appropriate person within the department. If sickness absence is reported to anyone other than the manager, the employee must leave a contact number and be available to speak to their manager when they are available.

The employee should provide a clear reason (i.e. the nature of the illness or injury) why they cannot attend work and estimate how long they think the absence will last. The employee should also be prepared to discuss briefly any consequences of their absence, for example if internal/external appointments need to be cancelled or any essential work needs to be covered.

Notification of sickness absence must be via telephone, rather than text message, email or social media. In exceptional circumstances where the employee is unable to telephone (for example, because of hospitalisation), another person such as a friend or relative can contact the Council on their behalf.

If an employee comes to work but needs to leave during the day because of ill health, they should inform their manager before leaving work. If the manager is unavailable, the employee should inform the next most appropriate person within the department.

Sickness absence that begins part way through the day will count as one full day's sickness absence if the employee leaves before completing 50% of their working day. Where sickness absence begins after the employee has completed 50% of their working day, this should be recorded as half a day's absence.

For each subsequent sick day after the first day of absence during the first week of absence, the employee should telephone their manager as soon as reasonably practicable in the morning. However, managers should use their judgement and can agree different arrangements with the employee, for example, if the employee is hospitalised. After the first week, contact should be weekly. Contact should be maintained throughout the absence.

4.2 Statement of Fitness For Work (Fit Note)

While the first seven calendar days of sickness can be self-certificated, all sickness that last longer than seven calendar days require medical evidence. This medical evidence will normally be in the form of a fit note, also known as a "statement of fitness for work".

As well as being issued by doctors, fit notes can be issued by nurses, occupational therapists, pharmacists and physiotherapists who have assessed their fitness for work. Fit notes cannot be issued on request or via over-the-counter services without an assessment. Employees will not

be penalised for delays if they have explored all options open to them and have discussed the reasons for delay with their line manager.

If the employee's sickness lasts for eight calendar days or more, the employee and their manager must ensure that the employee provides a fit note as soon as possible. A fit note may state that the employee:

- is "not fit for work", in which case the employee should remain off work; or
- "may be fit for work", if the healthcare professional's recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

Employees must continue to send Fit Notes for the duration of their absence. When a Fit Note expires, employees not returning to work must send a new Fit Note to their manager ensuring that it is received on the day it is due. Should employees not be able to produce a Fit Note on the required day they must immediately contact their manager to discuss the delay.

5. Sick Pay

The National Agreement on Pay and Conditions of Service (Green Book) sets out the sickness entitlements for employees. These entitlements are based on length of service.

During 1st year of service	1-month full pay and (after completing 4 months service) 2 months half pay
During 2nd year of service	2 months full pay followed by 2 months half pay
During 3rd year of service	4 months full pay followed by 4 months half pay
During 4th and 5th year of service	5 months full pay followed by 5 months half pay
After 5 years' service	6 months full pay followed by 6 months half pay

The Council has discretion to extend the period of sick pay in exceptional cases. The decision as to whether discretion should apply must be made in conjunction with the Chief Executive and the Head of Workforce.

The Council can withhold or suspend sick pay under its contractual sick pay scheme at its discretion. Circumstances in which contractual sick pay may be withheld include where:

- the employee has failed to comply with the organisation's sickness policy and procedures.
- the employee makes or produces any misleading or untrue statement or document concerning their fitness to work.

In addition, if an employee abuses the sickness scheme – including non-compliance of the provisions of this policy or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended. The employee shall have a right of appeal through the Grievance Procedure.

6. Stress Related Sickness Absence

When any employee informs their line manager that they are suffering from mental health or stress related sickness, the manager should issue the employee a 'Day 1 Mental Health Support' letter, to ensure that appropriate early intervention and support can be provided. Managers should discuss and explain to the members of staff the benefits of an early referral. See Appendix A for appropriate letter to be issued to employee.

Managers must also discuss and encourage the early completion of a stress risk assessment for any absences linked to mental health.

For more wellbeing resources please visit the Employee and Member Assistance and the Wellbeing Hub on Bertha.

7. Disability-related absences

Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, the manager must refer the employee to occupational health services and discuss with HR Casework. This includes where the employee states that they are suffering from stress.

Managers should remember that we are under a duty to make workplace adjustments for disabled employees (Refer to Workplace Adjustment Guidance). If in doubt, the manager should contact the HR Casework team for clarification.

As a reasonable adjustment managers can review and increase a trigger point, taking into account:

- the employee's absence record – the past level of absence is a good indicator of the likely level of absence in the future, although they should take into account any occupational health advice which suggests this may not be the case

- the stability of the condition – the likely level of absence will be affected by whether or not the condition is stable
- the level of absence the business can support – they will need to consider factors such as impact on the organisation.

Adjustments to triggers should be no more than 50% of the standard trigger. For example, where there is a 4 occurrences trigger, this would increase to 6 occurrences (pro-rata for part-time employees).

Any workplace adjustments should be regularly reviewed to ensure they continue to be effective or to identify whether further adjustments are needed. It is recommended that adjustments are recorded on a Workplace Adjustment Passport. The purpose of the Passport is to capture all agreed workplace adjustment requirements (physical and non-physical). This minimises the need to renegotiate workplace adjustments every time an employee moves post/moves between departments or is assigned a new line manager.

8. Medical Appointments

The Council recognises that employees will, from time to time, need to attend medical appointments. Employees must arrange medical appointments in their own time.

Where an emergency medical or dental issue arises where possible, appointments will be expected to be made outside of an employee's normal working hours. Where this is not possible, the disruption to the employee's normal working pattern should be minimal i.e., if possible, appointments should be made at the beginning or end of the employee's working day or shift, with reasonable notice being given of the appointment. See Guidance Note: Doctors-Dentists-and-Hospital-Appointments.docx

Employees must obtain approval from their manager in advance of any appointment. The manager reserves the right to ask the employee to reschedule an appointment if its timing would cause disruption to the Council's business. The manager may also, with their acceptance ask the employee to produce confirmation of the appointment.

Employees who are pregnant have the statutory right not to be unreasonably refused paid time off work for antenatal appointments where the employee's attendance has been recommended by a registered medical practitioner, midwife or nurse. Paid time off in such circumstances will automatically be granted, although employees should endeavour to arrange appointments outside working hours if possible. Nevertheless, the employee should give reasonable notice of the date and time of the appointment to their manager where possible and the manager will still

have the right to request to see the confirmation of the employee's second appointment and any subsequent appointments.

A prospective father, or partner of a pregnant woman, has the statutory right to take unpaid time off to attend up to two antenatal appointments. As a flexible employer, we do not expect employees to lose pay, instead we are committed to managers agreeing flexible working hours, such as using flexi-time where permitted.

Appointments for Occupational Health will mainly be held during working hours and time-off to attend will be allowed. Examples of when a manager might refer to occupational health include to:

- seek a medical report on the employee.
- establish when the employee might be able to return to work.
- ask for guidance on the employee's condition, for example, if there is a possibility that the employee is disabled or ambiguity as to the exact nature of the condition; and
- if the employee is disabled, discuss any reasonable adjustments that could be made to accommodate the employee's disability

An occupational health referral should be offered at stage 1, 2 and 3 where necessary throughout the process.

9. Surgery

9.1 Elective Surgery and Emergency Surgery

We recognise that there are occasions when absences should not result in members of staff being progressed through the stages of the policy.

Elective surgery is a surgery that is planned in advance and is medically required but is not a medical emergency.

This relates to staff who are to have planned elective surgery. Where this is the case there will be a discussion with the manager and employee prior to commencement of their period of absence to allow for a programme to be developed to assist with their recovery and return to work.

Emergency surgery is a surgery that is not planned in advance, used for operations that require immediate admission to hospital. Where this is the case, the employee should notify the line manager as soon as possible within their period of absence to allow for a programme to be developed to assist with their recovery and return to work.

Advice will be sought from Occupational Health, NHS Choices or any other relevant body to provide guidance as to confirm the acknowledged recovery period for the planned surgery. This period will be confirmed, and the individual will not progress (trigger) the stages of the policy. However, after this agreed period, should the employee require more time off than

anticipated for example if there are complications, such as secondary infections, the sickness would then be subject to the triggers within the policy from this point onwards and the sickness will be managed in line with the long-term trigger points outlined in this process.

This will also apply where surgery is required to treat a medical condition or functional difficulty where the Equality Act may apply. The period of absence for the surgery, and the acknowledged recovery period will be supported as a workplace adjustment.

9.2 Cosmetic Surgery

Where an employee is undergoing cosmetic surgery/procedure for reasons other than for medical or psychological reasons, the employee will not be entitled to contractual sick pay and will therefore have to take time off as either annual leave or unpaid leave.

In order to determine the reasons for the cosmetic surgery/procedure a referral to Occupational Health will be necessary. If Occupational Health confirms that the surgery is for medical or psychological reasons and/or there is a disability the employee will be entitled to paid sick leave.

10. Return To Work

10.1 Actions Required by Line Manager

When an employee absence occurs, their manager should check the employee's absence record. Both to check for patterns and whether or not formal action under the Council's absence management procedure has been triggered (see Section 11 and 12).

The manager should check absences 12 months prior to the date of the employee's absence starting. For example, if the employee reports sick on 1 April, then the period to be examined is from 1 April the previous year to 31 March.

The manager should bear in mind that special considerations apply to absences related to pregnancy, menopause and disability.

When checking an absence record, the manager should also review whether or not the employee's absences have been frequent, regular or repeated. The manager should be alert to the possibility of any pattern, for example, frequent absences on Fridays, Mondays, school holidays, the festive period, or immediately before or after public holidays. Managers should, however, remain open minded and not jump to any conclusions about an employee's absences and instead should openly discuss potential patterns with the employee.

The manager must invite the employee to an informal return-to-work meeting each time the employee returns from a period of sickness absence.

10.2 Return To Work Meetings

The return-to-work meeting is an essential step in ensuring communication between the individual and the organisation. It supports the rehabilitation of the individual and is an opportunity to identify any underlying issues that may be affecting the individual

Therefore, on the first day back at work after any period of sickness absence of an employee, their manager will arrange to meet informally with them.

If this is not possible on the employee's first day back (for example, for operational reasons or because the manager is not available), the informal meeting should take place as soon as reasonably practicable, but no later than 3 days after the employee returns.

The return-to-work meeting must reflect confidentiality and sensitivity and be conducted in private

The overriding approach must be supportive. However, line managers must balance this with appropriately challenging poor attendance.

The manager should:

- welcome the employee back to work.
- explain that the purpose of return-to-work meetings is to manage and monitor employees' absence and attendance to identify any problem areas and offer support where appropriate.
- inform the employee that their absence has been recorded.
- ask the employee about the reasons for their absence, ensuring that the question is asked in a supportive way without any suggestion that the employee is "to blame" for the absence.
- ask the employee whether they or the council could take any steps to reduce the likelihood of future absences.
- ask the employee whether or not they have consulted a healthcare professional or attended hospital.
- complete a return-to-work meeting form for the period of sickness absence in HCM ensuring content agreed with employee.
- if the sickness absence has lasted for eight calendar days or more, ensure that the employee also provides a fit note
- where the absence is related to mental health, discuss any actions in respect of Occupational Health referrals, stress risk assessments etc, and
- inform the employee if they have hit a trigger point, and the consequences of having done so.

10.3 Updating the Employee's Absence Record

The line manager must update the employee's absence on HCM. They must record the dates of and the reasons for the absence (i.e. the nature of the illness or injury) promptly. It is essential that the manager does this every time an employee has a sickness absence, so that the organisation can track employee's absence and ensure the employee receives the correct pay.

There may be occasions when the underlying reasons for the employee's absence are not easily classifiable. For example, the employee may have more than one health condition. If there is any doubt as to the reasons for the employee's absence, the manager should consult HR for advice.

11. Short-term Sickness Process

11.1 Short-term Trigger Points

The trigger points for short-term sickness absence formal review is:

- 8.5 days sickness absence in the previous 12 months; or
- Four instances of sickness absence in the previous 12 months.

(above applied pro rata for part-time staff)

11.2 Managers Preparation for Stage Meetings

Managers should follow the steps below for any short-term sickness absence formal review meeting held under the policy:

Invitation

The written invitation to the short-term sickness absence formal review meeting should give the employee at least seven working days' notice of the meeting. The letter should advise the employee who will be present, and that the employee can be accompanied by a fellow worker or trade union official.

The letter should explain to the employee that the purpose of the meeting is to review the employee's unsatisfactory attendance level.

The letter should warn the employee that a possible outcome of the meeting is that they may be given a warning and moved to a formal review period.

Also included, if applicable, should be:

- details of support that has been in place such as adjusted duties, reasonable adjustments, any risk assessments or any recuperative duties.

- any written correspondence sent to the employee about their absence levels; and
- any other medical evidence, such as occupational health reports.

Meeting

The short-term sickness absence formal review meeting will be chaired by the employee's manager at Stage 1 and Stage 2. Stage 3 must be chaired by a manager at PMG1 or above. The manager will usually be accompanied by a note taker.

At the meeting, the manager will:

- explain to the employee that the purpose of the meeting is to discuss the employee's unsatisfactory attendance in the previous 12 months.
- make clear to the employee that the aim of the meeting is to find ways to improve their attendance.
- allow the employee to share their views.
- discuss the impact of the absence/s on the service, including cost
- try to establish any underlying reasons for the employee's poor attendance level, for example a health issue or personal problems.
- gather as much information as possible on any underlying reasons identified, without putting undue pressure on the employee to reveal more information than they want.
- discuss and agree any steps that can be put in place to help the employee to improve their attendance.
- if there is an underlying health problem, refer the employee to occupational health, if this has not already been done.
- remind the employee of the support that is available to them, including the occupational health/employee and member assistance programme and wellbeing portal.
- inform the employee that the outcome will be confirmed in writing to them within five working days.

11.3 Stage 1 and Stage 2 Outcomes

After the meeting, the manager will set out in writing what has been decided as a result of the meeting, for example if a written improvement warning is being issued and the employee has been placed on a formal review period, or if the decision is that no further action will be taken. The letter, which should be provided to the employee within five working days of the meeting, should include details of any steps or targets that have been agreed to help the employee to improve their attendance. Plus, any support that the Council is providing for the employee.

The potential outcomes are:

Formal Review period

A manager can decide that the employee should be given a first written improvement warning and moved to a formal review period.

The letter should explain that the employee has 12 months to show an improvement in their attendance levels. The 12-month period begins from the day you returned to work from sickness absence.

The letter should warn the employee that, while on the formal review period, the consequences of reaching sickness absence levels of 8.5 working days, or four instances (pro-rata), in a rolling 12-month period will be that the employee moves to the next stage of the Council's Attendance Policy.

If the employee's sickness absence levels improve (i.e. during the formal review period, they have fewer than 8.5 days working days, or four instances in a rolling 12-month period), no further action will be taken. The manager should write to the employee explaining to them that they have completed the formal review period. The letter should give the employee the right to appeal against the warning.

No further action

In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of a stage 1 short-term sickness absence formal review meeting could be that the manager decides that it is not appropriate to move the employee to a formal review period.

If the decision is that no further action will be taken, manager should share their decision with the HR Casework team for consistency and monitoring. The letter should inform the employee of this decision and provide a clear explanation for the decision, including consequences of further absences.

11.4 Stage 3 Meeting

The Stage 3 short-term sickness absence final formal review meeting will be chaired by a manager (Grade PMG1 or above) and a HR Casework & Investigations Team representative should be present at the meeting. A note taker should be present to take notes of the meeting.

Follow 11.2. invitation and use Stage 3 Template letter to confirm possible outcomes below.

11.5 Stage 3 Outcomes

Within five days of the meeting, the manager will set out in writing the outcome of the stage 3 final meeting.

The outcome of the meeting could be:

- a decision to dismiss the employee.
- a decision to take no further action.
- an offer to make adjustments to the employee's work if appropriate.
- to explore opportunities for redeployment

The employee will have a right of appeal. The employee should be informed of their right of appeal in the outcome letter.

12. Long Term Sickness Process

The trigger points for long-term sickness absence formal review is:

- Stage 1 – 28 days
- Stage 2 – 12 weeks
- Informal Review – 20 weeks

In preparing for, arranging and holding meetings under the long-term sickness process managers should follow the steps set out above (see paragraphs 11.2 and 11.3 in respect of short-term sickness absence formal review meetings.

12.1 Informal Review – 20 weeks

If an employee remains absent after 20 weeks, an informal review meeting should be convened to discuss the employee's absence. Present at the meeting should be the Line Manager, Human Resources, the employee and their trade union representative (if applicable).

The purpose of the meeting is to seek clarity in relation to the employee's current health and whether all options have been explored including the potential for ill health retirement. From that meeting, all parties should be clear as to the next steps within the process which could include:

- Further Occupational Health advice being sought in respect of ill health retirement / redeployment

- Further informal review meetings to support the employee to return to work

If the above has been fully explored and the employee remains absent, then a Stage 3 Meeting will be convened.

12.2 Stage 3 Meeting

The Stage 3 long-term sickness absence final formal review meeting will be chaired by a manager (Grade PMG1 or above), and a HR Casework & Investigations Team representative should be present at the meeting. A note taker should be present to take notes of the meeting.

Follow 11.2. invitation and use Stage 3 Long Term Template letter to confirm possible outcomes below.

12.3 Stage 3 Outcome

After the meeting, the manager will set out in writing the outcome of the stage 3 meeting. The outcome of the meeting could be:

- a decision for the employee to remain on sick leave until they have recovered (typically where an approximate return date can be identified).
- if applicable, further steps to pursue ill-health retirement or incapability dismissal.
- a decision to dismiss the employee.
- notify that they have hit a sickness trigger, and their attendance will be monitored based on the corresponding stage once they return to work from sickness absence.
- an offer to make adjustments to the employee's work.
- redeployment; or
- advise they have the **right to appeal**

The letter should be provided to the employee within five working days of the meeting.

If the employee has not returned to work 1 month after a stage 3 meeting where a decision was taken to allow the employee a further period of absence to recover, a further stage 3 meeting will be arranged.

13. Appeals

An employee who is issued with a warning and notified of a monitoring period or is dismissed under this procedure has the right of appeal. The appeal should be sent in writing to the HR Casework & Investigations email and set out the grounds on which the employee believes that the process was flawed or unfair. Disagreement with the decision taken is not grounds for an appeal.

The employee should lodge their appeal within ten working days of receiving written confirmation of the sanction imposed on them.

There are three grounds of appeal:

- Procedural error where there is evidence the process was incorrectly followed

- New evidence has come to light that may change the outcome of the original decision
- The sanction imposed was too severe/disproportionate or not supported by the evidence

If the appeal does not satisfy the above grounds of appeal, the appeal manager should reject it and notify the employee in writing.

An appeal hearing will be convened in at least 10 working days, and within a reasonable period, after the appeal is lodged. The appeal hearing will be chaired by someone who is at least one grade higher than the manager who made the original decision. In exceptional circumstances or if this is not possible, due to serious operational challenges, a manager at the same level as the decision maker may hear the appeal together with a HR Caseworker. A note taker should be present to take notes of the meeting.

The employee will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of the decision.

The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached. The outcome of the appeal, which will be final, should be provided to the employee within five working days of the hearing.

14. Return to Work Arrangements

While the preference is for employees who have been on long-term sickness absence to return to their former post and way of working, we recognise that this is not always possible. We see the value of phasing employees back to work, temporarily adjusting their duties, or redeploying them permanently, if they cannot return to their previous role.

For example, it is well known that employees are more likely to remain at work and not go off sick again if they initially return to work on reduced duties and gradually build up.

When the employee returns to work, the employee's manager should work with them to agree and arrange to reintroduce the employee back into the workplace and ensure that arrangements are made to support the employee on their return. These arrangements should include any agreed adjustments and (where relevant) a risk assessment.

14.1 Phased Return to Work

Where an employee has been on long-term sickness absence, a phased return will often be the most successful way of returning them to work. A phased return to work allows an employee to transition from ill-health absence back to full (or sometimes permanently amended) work duties. A phased return to work could involve a gradual increase in hours, or an initial period during which the employee works from home on certain days.

The phased return to work will usually arise following medical advice, which could be:

- an Occupational Health report recommending a phased return; or
- one of the options on a fit note.

The manager can agree a phased return without an occupational health report. When considering whether a phased return to work is appropriate, managers should bear in mind that a phased return to work may be required as a workplace adjustment if the employee has a disability. A phased return to work will not be suitable where the employee remains unfit for work.

Phased return periods should not usually last longer than four weeks, except in exceptional circumstances. The number of hours worked will increase until the employee resumes their normal working pattern. Phased return plans will be agreed between the employee and the manager, having considered Occupational Health advice. It is not compulsory for an employee to have a phased return to work. (See Guidance Note – Phased Returns) - Phased Returns.docx

Exceptional circumstances for extending a phased return may consider the length of the absence the individual is returning from, the reason for the absence (such as physical injury), implementing workplace adjustments and the current progress as part of the 4-week phased return.

The individual will be paid at their contractual salary rate during the agreed period of phased return.

Where an employee is unable to return to their full hours at the end of the 4-week period the manager and employee should discuss the following:

- Whether the employee is fit for work
- Whether the employee's hours should be temporarily reduced until they are able to return to their normal working pattern.
- If the employee requests a permanent reduction to their working hours, this should be considered by the manager in line with business need.

For advice on the application of phased returns contact HR Casework for advice.

14.2 Permanent Redeployment

The Council will consider redeployment where it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to their existing role, but medical evidence does support they could fulfil an available alternative role.

Any offer to redeploy the employee will be entirely at our acceptance. Such an offer will be made only where we are confident that the employee is no longer able to continue to work in their current role and has a reasonable prospect of being able to discharge the duties in the redeployed role to the required standard within a reasonable timeframe.

While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal. If we believe that there is no alternative role available and suitable for the employee, we may be left with no option but to dismiss.

Should the employee choose to accept permanent redeployment, they will be asked to agree to a variation of contract.

Before an employee is dismissed because there is no suitable role available or because they unreasonably refuse an offer of redeployment, a Stage 3 long-term sickness absence meeting should be held (see above). If the employee is dismissed following the stage 3 meeting, they should be given the opportunity to appeal against the dismissal (see previous sections).

14.3 Return to Work Meetings

When an employee is returning to work following long-term sickness absence, their manager should arrange to meet informally with them. The return-to-work meeting should take place on the employee's first day back at work.

While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable with coming to work. The manager should therefore be open to the meeting taking place in another location. This could be the employee's home (although only if the employee is comfortable with this).

During a return-to-work meeting after long-term sickness absence, the manager should discuss:

- the arrangements for the employee's return to work, including any adjustments that are being made such as a phased return or temporary homeworking.

- what work the employee will be doing on their return to work, including an outline of work during the employee's first week back.
- any medical issues of which the employer is not already aware, such as any updated guidance from a healthcare professional.
- what arrangements will be put in place to monitor the employee's progress.
- to whom the employee should report if they have any difficulties with the arrangements and.

At the end of the return-to-work meeting, the line manager and employee should agree their next meeting to monitor the employee's progress.

15. Ill Health Retirement

If ill-health retirement is raised as an option, the employee's line manager should advise them in the first instance to contact the HR Casework & Investigations Team. This will allow the employee to find out if they qualify for, and the financial implications of accepting, ill-health retirement.

An employee can apply for Ill Health Retirement (IHR) if their health prevents them from carrying out their duties. Advice can be sought in advance from Occupational Health whether an employee is likely to meet the criteria for IHR. Regardless of the OH response received this does not prevent an application for IHR being made by the employee.

The employee should talk to their manager if they want to apply for Ill Health Retirement.

If an employee is looking at ill health retirement (IHR) certain criteria needs to be met. That is:

• The employee is permanently unable to do their job until their Normal Pension Age, and
• The employee is not immediately capable of undertaking gainful employment.

The Normal Pension Age in the LGPS is linked to an employee's State Pension age and gainful employment means paid employment for at least 30 hours a week for a period of at least a year. To assist the Council to make a decision in this matter, an Independent Doctor will be appointed to make a medical assessment on the current health situation and prognosis.

16. Accident or Injury at Work

Employees who consider their illness arises from an accident or injury at work must notify their line manager immediately and complete their own incident report form, on Bertha. Where staff cannot complete the online form, their manager should complete this for them.

Employees absent from work due to accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Attendance Management Procedure must be followed however discretion should be considered in relation to trigger points following the investigation into safety incident that led to the absence. The extent to which discretion applies would be determined by the findings of any investigation conducted by the Health and Safety team into the incident and the length of time the employee has been absent as a result.

Employees absent from work as a result of an accident or injury are not entitled to sick pay if damages may be receivable from a third party. The Council may at its discretion pay sick pay provided the employee agrees to refund the amount paid from any damages awarded.

17. Terminal Illness

Where an employee is suffering from a terminal illness, we will endeavour as far as possible to accommodate their wishes and to provide support for them and their family. This includes discussion of the possibility of ill-health retirement or the termination of employment with a lump-sum payment under their pension scheme.

While we will support employees who wish to continue working, employees with a terminal illness should bear in mind that there may come a time when they will be unable to continue working. In this case, the employee's line manager will discuss options with the employee, with the support of the HR Casework & Investigations Team.

Terminally ill employees who choose to continue working should bear in mind that, while there is no obligation to inform the organisation or any of their colleagues about the illness, it is normally better to do so, to allow appropriate support to be provided.

The organisation provides an employee and member assistance programme and access to counselling services to assist during this difficult time.