

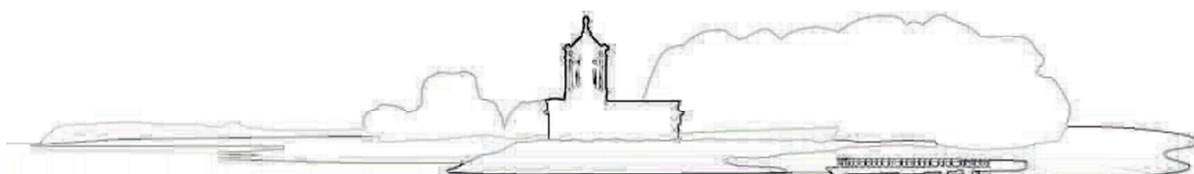


Rutland County Council

SICKNESS ABSENCE POLICY AND PROCEDURE

Version & Policy Number	Version
Guardian	Human Resources
Date Produced	March 2014
Next Review Date	April 2015

Approved by SMT	10 March 2014
Approved by LJC	27 March 2014
Approved by EAC	



Summary of document

The Sickness Absence Policy and Procedure details the procedures that are in place for managing employee absence from work caused by sickness. The policy defines the different causes and patterns of absence that can occur and the measures to be adopted to manage the impact on the employee. It specifies the roles and responsibilities of managers and employees in the absence management process.

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1. INTRODUCTION

- 1.1 Rutland County Council believes that all employees make an important contribution to the successful performance of the Authority. The Council understands, however, that at times employees may be unable to attend work when genuine sickness makes them unable to do so, or to perform their job effectively.
- 1.2 Inevitably, prolonged or repeated absence will have a negative impact on the Council's performance. Colleagues will often have to adjust to cover the work of those who are absent, sometimes to the detriment of their own job, and additional costs may be incurred by the Council in providing cover.
- 1.3 The Council recognises that the impact of absence due to sickness can be minimised by taking a positive approach to the health, wellbeing and attendance of all employees, and by making every effort to assist the recovery and return to work of those employees who are absent.

2. SCOPE

- 2.1 The policy and procedure will apply to all Rutland County Council staff except those based in Schools and Colleges, where a similar policy exists.

3. PRINCIPLES

This Policy specifies procedures which will

- 3.1 Set out clear standards for attendance, so that all employees know what is expected of them.
- 3.2 Involve regular communication with absent employees to monitor their progress, and help identify how recovery and return to work can be assisted.
- 3.3 Seek medical advice from the Council's Occupational Health Advisor or other relevant health professional and from the employee's GP, regarding the nature of the illness, and measures that can be taken to aid recovery and to improve the employee's health and wellbeing.
- 3.4 Consider whether suitable alternative employment is available for either the short or long term, that will enable the employee to return to work and to maintain an acceptable attendance record.
- 3.5 At all times, the procedures adopted by the Council will be fully compliant with relevant legislation and codes of practice. This includes

provisions relating to Disability, Pregnancy and Maternity, Data Protection, and Access to Medical Reports.

4. ABSENCE RECORDING

- 4.1 Line managers must ensure that all employee sickness absence is accurately recorded and maintained in Agresso to avoid any over/under payment of salary and any inaccuracy in absence monitoring reports.
- 4.2. All sickness absence must be supported by either a self-certificate or Fit Note.
- 4.3 If an employee is absent for less than 25% of their normal working day (either at the start or end of the day), then they may make the hours up at a later time. Absences of over 25% of the day, but less than 50% will be recorded as half day absence.

5. MANAGEMENT RESPONSIBILITY

- 5.1 Monitor the absences of all staff to identify and respond at an early stage to any trends or excessive absence levels that may be arising.
- 5.2 Ensure employee Agresso records are accurately maintained and up to date.
- 5.3 Review and monitor the working environment and arrangements, and working patterns to identify issues that may be of detriment to the health, safety and wellbeing of employees.
- 5.4 Ensure they are aware of the reasons for an employee's absence and their expected date of return.
- 5.5 Maintain regular contact with employees who are absent from work, to provide support and to identify what measures, if any, they are able to take to enable an early return to work.
- 5.5 Seek advice and guidance from the Council's Occupational Health Advisors or other relevant health professionals with respect to the cause of absence, prognosis and reasonable adjustments that may be necessary to facilitate the recovery and return to work of absent employees. This will be conducted in conjunction with Human Resources.
- 5.6 Conduct Return to Work Interviews with employees following all periods of sickness absence.

- 5.7 Arrange and conduct meetings under the Informal and Formal Absence Review and Long Term Sickness Absence Procedures, and to take action in accordance with the policy.
- 5.8 Respond to all occurrences of Unauthorised Absence, or of employees who fail to comply properly with absence reporting procedures, in accordance with procedure outlined in Paragraph 7.

6. EMPLOYEE RESPONSIBILITY

- 6.1 Inform management of any job related problems that they are aware of that may give rise to ill health and absence
- 6.2 Contact their manager or other officer prescribed as early as possible on the first day of absence – within 1 hour of their scheduled start time for that day (recognising that an employee may not commence work at the same time each day). It is important that a manager receives early notification in order to make alternative arrangements to cover a service. The Council acknowledges that there are exceptional circumstances where an employee may not be able to make early contact eg. serious illness or hospitalisation.

Contact should be made personally by telephone unless there is good reason otherwise. Notification by text or email is not acceptable. The employee should advise their manager of the reasons for their sickness absence and when they expect to return to work.

- 6.3 Maintain regular contact after the first day of absence by contacting the line manager or other prescribed officer, on the 4th day and then weekly, or as agreed with the manager. Such contact should be personally by telephone unless there is good reason otherwise.
- 6.4 Complete a Sickness Report form on return to work to self-certify for the first 7 days of absence. To submit a Fit Note to cover absence promptly from the 8th calendar day of absence and to ensure that the period of absence is fully and promptly certificated.
- 6.5 Conduct themselves during periods of sickness absence in a manner to ensure that they will recover as speedily as possible. To ensure that they follow medical advice and to avoid activities that are inappropriate to their recovery.

7. UNAUTHORISED ABSENCE

- 7.1 Unauthorised absence is unacceptable to the Council. It will be dealt with as a conduct issue under the terms of the Disciplinary procedure, and will be unpaid. Additionally any periods of unauthorised absence will be counted in the employee's total absence record with respect to

reaching Absence Trigger levels (refer to Paragraph 16.2). Unauthorised absence would include where the employee has not reported their absence and/or an absence that is not covered by either a self-certificate or a doctor's Fit Note.

8. RETURN TO WORK

- 8.1 Managers will conduct a Return to Work Interview with employees whenever they return to work after a period of sickness absence. Whenever possible, the interview will take place on the first day back to work; otherwise as soon as is reasonably practical. The purpose of a RTW Interview is to establish; whether or not any adjustments are required, whether the cause of the absence relates to an ongoing condition or pattern, whether the absence was in any way work related, and any other considerations that may be appropriate to the employee's future attendance at work.
- 8.2 The RTW Interview is an informal meeting, and is not part of the formal procedures relating to Absence Triggers, or Long Term Sickness Absence.
- 8.3 If an employee's doctor provides a certificate stating that they 'may be fit' for work', they should inform their line manager and/or HR to discuss any additional measures that may be needed to facilitate their return to work, taking account of their doctor's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, the employee will remain on sick leave and the Council will set a date to review the situation.

9. MEDICAL SUSPENSION

- 9.1 A medical suspension would be appropriate where there are particular health and safety risks in the workplace in the employee continuing to attend work. For example, this can occur in the case of pregnant employees or new mothers where a particular risk is identified and is dealt with under Health and Safety regulations.
- 9.2 Where any employee is too unwell to attend work for health/medical reasons, then they should either self-certify their absence (for the first 7 days) or provide a fit note to cover their sickness absence thereafter. Medical suspension in this circumstance would only be appropriate where the employee believes they are well enough to attend work and does not self-certify/provide a fit note, but, based on our own risk assessment, we believe their attendance at work would present a particular risk to their health. If necessary the Council will seek advice from its Occupational Health Adviser.
- 9.3 In cases of medical suspension, the suspension will be on full pay.

10. STRESS RELATED ABSENCE

- 10.1 Absence related to Stress (including depression and anxiety) should be subject to an early referral to Occupational Health via Human Resources. This is necessary even if the indication is that the condition relates entirely/largely to personal or domestic circumstances. The purpose of this early referral is to establish the likely duration of the absence, the likelihood of recurrence, and whether there are any measures that can be taken to support the employee and to enable an early and successful return to work.
- 10.2 The employee should also be advised of the 24 hour confidential Counselling service that is available to Council employees.

11. SICKNESS DURING ANNUAL LEAVE

- 11.1 An employee who is genuinely sick during a period of annual leave to the extent that this negates the purposes of the leave, may request to reclaim the appropriate period of annual leave. In such circumstances the employee must provide proper medical certification for the period of annual leave to be reclaimed.
- 11.2 Such leave should normally be retaken during the current annual leave year at a time agreed with the Manager. In circumstances where the employee is near the end of his/her leave year, or where his/her Manager agrees that the leave cannot be taken during the current leave year, then the employee can request to carry the period of leave forward to their next leave year. In this event, the Manager may specify a time within the next annual leave year by which this leave must be taken.

12. TAKING ANNUAL LEAVE DURING A PERIOD OF LONG TERM SICKNESS ABSENCE

- 12.1 An employee may request to take Annual leave during a period of Long Term Sickness Absence (absence of 4 weeks or longer), even if they are certified as unfit for work – for example, where the employee has a prior booked commitment, or where such leave may aid recovery.
- 12.2 In such circumstances, the employee must request such leave from their Manager.
- 12.3 If the request for leave is granted, the employee must undertake to conduct themselves during the period of leave in such a manner that this will not be detrimental to their medical condition, and will not jeopardise their recovery. The Manager may request medical advice

regarding any intended activities to be undertaken during the period of leave, to ensure that it is not in conflict with the full and earliest recovery and return to work. The Manager should consult with Human Resources, who may seek further advice from Occupational Health.

13. MASKING SICKNESS ABSENCE

- 13.1 Employees who are unwell and not fit to work, should not attend work in order to avoid recording of sickness absence and any subsequent adjustments to pay.
- 13.2 Where an employee has reported sickness absence, the absence from work is appropriately recorded as sickness. An employee should not seek to mask or purposely avoid recording sickness absence or to retrospectively request that such absence be recorded as annual leave/flexi or TOIL.
- 13.3 Similarly employees should not be permitted to 'work at home' to avoid recording sickness absence. An employee who is not fit to attend work, should record the absence as sickness.

14. REFERRAL TO OCCUPATIONAL HEALTH

- 14.1 The emphasis at each stage of the Sickness Absence Procedure should be to support employees who are sick and to assist them to reach and maintain an acceptable level of attendance.
- 14.2 To this end the Council may, at any time in operating this policy, ask the employee to consent to a medical examination by our Occupational Health Adviser or seek advice from another specialist health professional. The purpose of such referrals is to obtain advice with respect to the cause of absence, prognosis and reasonable measures and adjustments which may enable the employee to achieve an acceptable level of attendance.
- 14.3 Employees are asked to agree to such referrals for medical review and advice, subject to the provisions of the Access to Medical Reports Act, 1988 where applicable. In addition, that any report produced in connection with any such examination may be disclosed to the Council and that the Council may discuss the contents of the report with its advisors and the relevant medical professional. Employees are entitled to have access to the medical report before it is disclosed to the Council if they so wish.

15. WITHHOLDING OCCUPATIONAL SICK PAY

15.1 The Council reserves the right to withhold or reclaim sickness payment in relation to sickness absence arising in circumstances when it considers that it is inappropriate for the Council to incur the cost.

15.2 Such circumstances include:

- Active participation in professional sport or hazardous pursuits (eg hang-gliding, mountain climbing, jet-skiing). Employees are advised to take out insurance for such activities.
- Elective Surgery which is not a medical requirement.
- Work for gain or reward, either on the employee's own account or for service to someone other than the Council.
- Conduct and activity which is prejudicial to recovery from illness or injury, including ignoring medical advice and recommendations.
- Absence due to injury involving a third party from whom compensation may be claimed. In such circumstances the Council will regard any sickness payments made as a loan, and the employee will be required to refund the total amount, or such part as is recovered in damages, to the Council.
- Failure to comply with the Council's requirements for notification and contact during the period of absence, including failure to provide medical certification on a prompt and regular basis during the period of absence.

This list is not exhaustive.

15.3 Each case will be investigated, and any mitigating circumstances taken into consideration prior to the decision to withhold Occupational Sick Pay. In the event of the Council's sickness payment scheme being abused, following investigation this may be classified as misconduct, and may lead to action under the Disciplinary Procedure.

15.4 In circumstances where the Council decides to withhold Occupational Sick pay, employees whose absence has been properly certificated will still be eligible to receive SSP as appropriate.

16. ABSENCE REVIEW PROCEDURE

16.1 Stages in the Absence Review Procedure

The Procedure consists of an Informal and Formal Stage. The Informal stage of the procedure will be triggered as soon as the level of absence is breached.

At all stages of the Absence Review procedure the objective will be to consider what reasonable measures can be taken to assist the

employee to achieve an acceptable level of attendance, and to prevent further breaches of the absence trigger level in future.

All absences up to the date of return will be included in the absence review at that stage, and will not count towards the next stage of the procedure if the outcome of the review meeting is that an Absence Warning is given.

Meetings will be held on all occasions where a trigger has been met – the only exception being absence related to pregnancy, disability or industrial injury.

16.2 Absence Triggers

If a full time employee is absent on 3 or more occasions during any 6 month rolling period, or 10 days or more during any 12 month rolling period, the Informal Absence Review procedure will be triggered.

For part time employees, the trigger points will be 3 or more occasions during any 6 month rolling period, or calculated on a pro rata basis to 10 days, determined by their contract hours, during any 12 month rolling period.

17. **INFORMAL ABSENCE REVIEW**

17.1 The Line manager should arrange a meeting with the employee in order to explain the concern regarding the level of absence and that the absence triggers have been met.

There is no automatic right for the employee to be accompanied by a workplace colleague or trade union representative although in certain circumstances exception may be made, for example where it is necessary to help overcome a disability or language barrier etc.

17.2 Informal meetings should follow the following format:

- Line Manager to explain that the absence trigger has been met – submit a copy of the employee's absence record/return to work notes.
- Employee has the opportunity to respond to the comments and offer any mitigating circumstances.
- Line Manager to clarify the standard of attendance required and that the absence triggers should not be breached.
- Notes should be kept of the meeting and provided to the employee after the meeting.

17.3 The employee will be advised that they are being informally warned that their sickness absence is not acceptable and if the absence

triggers are hit again within the following six months, the formal procedure will be invoked.

- 17.4 Other, alternative steps arising from an informal meeting may be:
- Take no further action – discussion has identified mitigating circumstances that explain the sickness absence and which are now addressed.
 - Offer informal counselling – where external factors may be affecting the individual's ability to maintain a consistent level of attendance, a referral to occupational health or another relevant agency, or counselling should be offered as a means of supporting the employee in making the necessary improvements.
 - Invoke other procedures, eg. Disciplinary if there is evidence that the sickness absence was not genuine.
- 17.5 If the employee is able to maintain a good level of attendance and does not hit the absence triggers, no further action will be taken. The line manager will keep notes of their informal discussions with the employee and whilst they will be placed on the employees personal file, they will be ignored for the purposes of any future absence review hearings.
- 17.6 There is no right of appeal within the Informal Procedure.

18. FORMAL ABSENCE REVIEW PROCEDURE

- 18.1 The formal procedure will be used for more serious cases or in any case where an informal earlier discussion has not resulted in satisfactory improvement.
- 18.2 Stage 1 – First Absence Review Meeting

The employee will be informed in writing at least 5 working days in advance of the proposed date for the review meeting that the formal procedure has been triggered. The employee will be advised that he/she may be accompanied by a work colleague or trade union representative, and a representative of Human Resources will also be present at the meeting. The employee will be provided with copies of the information/documentation that will be referred to at the meeting.

The employee should notify the Council if there are any reasonable adjustments required that may facilitate their attendance at the meeting and/or their participation.

At the meeting, the Manager will discuss the absence(s) with the employee and the employee invited to provide his/her own explanation of the absence(s) and any mitigating circumstances.

Where considered appropriate the Manager may adjourn the meeting to obtain further medical advice regarding the causes of the absence, and any reasonable adjustments that may be made to improve the level of attendance in the future.

Following consideration of all the information available and where the level of absence, after discounting any absences arising from pregnancy, disability or industrial injury/illness, still breaches the trigger level, then the Manager will normally issue the employee with a First Written Absence Warning unless the Manager considers that there are exceptional mitigating circumstances and that measures are in place to prevent continued absence at an unacceptable level. If there are mitigating circumstances the employee's sickness record will be deemed to have 'started again' for the purposes of establishing any further triggers.

The First Written Absence Warning will remain in place for a period of 12 months from the date of the warning. During the period of the warning the employee will be required to maintain a satisfactory level of attendance and an Attendance Improvement Target will be agreed at the meeting. The level of attendance or target will depend on the circumstances of each individual case, for example:

- An individual who has domestic/personal related absence but has now resolved the issues, or adjustments have been made to provide support –may be expected to have minimal or no absence
- Where there has been sporadic absence and there appears to be neither underlying cause nor explanation for the absence, then a target of minimal or no absence is justified.
- In cases where an individual has an illness that is likely to be recurring, the target may be aligned to the absence triggers to enable ongoing monitoring and support.

If the employee breaches the target or trigger levels during the period of the warning, then Stage 2 of the Formal Absence Review procedure will be triggered.

The Manager will arrange reviews during the period of the warning to discuss progress, and to consider whether any further reasonable measures can be put in place to achieve an acceptable level of attendance.

The Manager will confirm the outcome of the meeting in writing.

The employee has the right to appeal against the Warning.

18.3 Stage 2 – Second Absence Review Meeting

If the employee breaches the agreed absence target during the period of the First Written Absence Warning, then a further formal review

meeting will be held. The procedure will be triggered as soon as the specified level of absence has been breached.

The employee will be informed in writing at least 5 working days in advance of the proposed date for the review meeting that the formal procedure has been triggered. The employee will be advised that he/she may be accompanied by a work colleague or trade union representative, and a representative of Human Resources will also be present at the meeting. The employee will be provided with copies of the information/documentation that will be referred to at the meeting.

The employee should notify the Council if there are any reasonable adjustments required that may facilitate their attendance at the meeting and/or their participation.

At the meeting, the Manager will discuss the absence(s) with the employee, and the employee invited to provide his/her own explanation of the absence(s) and any mitigating circumstances.

Where considered appropriate, the Manager may adjourn the meeting to obtain further medical advice regarding the causes of the absence, and any reasonable adjustments that may be made to improve the level of attendance in the future.

Following consideration of all the information available, and where the level of absence, after discounting any absences arising from pregnancy, disability or industrial injury/illness, still breaches the trigger level, then the Manager will normally issue the employee with a Final Written Absence Warning unless the Manager considers that there are exceptional mitigating circumstances, and that measures are in place to prevent continued absence at an unacceptable level.

The Final Written Absence Warning will remain in place for a period of 12 months from the date of the warning. During the period of the warning, the employee will be required to maintain a level of attendance in accordance with the Attendance Improvement Target agreed. The employee will be advised that if he/she exceeds the target level, then Stage 3 of the Formal Absence Review procedure will be triggered, and that this may lead to termination of the employee's Contract of Employment.

The Manager will arrange reviews during the period of the warning to discuss progress, and to consider whether any further reasonable measures can be put in place to achieve an acceptable level of attendance.

The Manager will confirm the outcome of the meeting in writing.

The employee has the right to appeal against the Warning.

18.4 Stage 3 – Final Absence Review Meeting

If the employee breaches the agreed absence target during the period of the Final Written Absence Warning, then a Final Absence Review meeting will be held. The procedure will be triggered as soon as the specified level of absence has been breached.

The Manager will arrange for the Final Absence Review meeting to be conducted by a Senior Manager who is authorised to dismiss. The Senior Manager should not have been previously involved in any of the formal stages of the Absence Review process.

The employee will be notified in writing at least 10 working days in advance of the proposed date for the review meeting. The employee will be advised that he/she may be accompanied by a work colleague or trade union representative, and a representative of Human Resources will also be present at the meeting. The employee will be provided, when notified of the meeting, with a full record of his/her absences and warnings under the Absence Review procedure, and any other relevant evidence and information that forms the basis of the action that the Council is considering taking against the employee. The letter will include confirmation to the employee that a possible outcome of the meeting is that they are dismissed.

The employee should notify the Council if there are any reasonable adjustments required that may facilitate their attendance at the meeting and/or their participation.

At the meeting, the Senior Manager will discuss the absence(s) with the employee. The employee will have the full opportunity to explain his/her attendance record and any mitigating circumstances at the meeting.

Where considered appropriate the Senior Manager may adjourn the meeting to obtain further medical advice regarding the causes and circumstances of the employee's absences.

Following consideration of all the information available and where the level of absence, after discounting any absences arising from pregnancy, disability or industrial injury/illness, still breaches the trigger level, then the Senior Manager will consider whether it is appropriate to terminate the employee's Contract of Employment for reason of Medical Capability, or whether to impose another appropriate sanction. Where the contract of employment is terminated, this will be with the appropriate period of notice, or, by agreement, with immediate effect with pay in lieu of notice.

The outcome of the meeting will be confirmed in writing. Termination will take place with effect from the date specified in the letter confirming dismissal.

The employee has the right to appeal against dismissal.

18.5 Pregnancy Related Absences

Pregnancy related absences will be discounted from calculations as to whether the employee has breached the trigger points. The review meeting should still take place, however, to establish whether there are any underlying issues relating to the pregnancy which may require that appropriate adjustments are put in place for the duration of the pregnancy.

18.6 Disability Related Absences

Disability related absences will normally be discounted from calculations as to whether the employee has breached the trigger points. A reasonable adjustment may be for the trigger points to be altered if it is known that a particular disability may cause a higher level of sickness absence and that this can be managed appropriately. In such circumstances Occupational Health advice will be sought to ensure that all reasonable adjustments are in place. If however, the employee's absence record, including absences relating to disability, lead to an unacceptable level of disruption, then consideration will be given to progressing through the stages of the Absence Review Procedure.

18.7 Industrial Injury or Illness

Where an employee suffers an injury at work or illness which they believe to be work related, this must be reported immediately in accordance with the Council's Health & Safety procedures, and will be subject to investigation.

Any absence arising from an Industrial Injury or Illness for which the employee was not at fault will be discounted from calculations as to whether the employee has breached the trigger points.

The absence review meeting should still take place to establish whether there are any ongoing issues that require further investigation and whether there are any further reasonable adjustments required. Where appropriate the advice of Health & Safety Officers and Occupational Health will be requested and taken into consideration.

In the event that it is confirmed that the absence was directly caused as a result of an Industrial Injury or Illness and that the employee was not at fault, then the employee will receive normal pay during the period of absence and this will not count against the employee's sickness absence entitlement.

In order to avoid dismissal and maintain continuity of employment, the Council will make every effort to find alternative employment for an employee.

If an employee is absent through injuries caused by the actionable negligence of a third party in respect of which damages may be recoverable, they employee must inform their manager.

18.8 Contact with Infectious Disease

When an employee is prevented from attending work because of contact with an infectious disease but has not personally suffered illness arising from the infection, this absence will be deemed to be Medical Suspension and not Sickness Absence. As such, the employee will receive normal pay during the period of absence and this will not count against the employee's sickness absence entitlement. Where feasible and appropriate, the employee may be requested to work from home during the period of such absence.

19. **LONG TERM SICKNESS ABSENCE PROCEDURE**

19.1 Long Term Absence

Long Term Absence is defined as continuous absence of 4 weeks or more. For part time employees this equates to 4 continuous part-time weeks.

It is the intention of the Council that long term absentees will be provided with support throughout their period of absence to encourage and assist them in their return to work.

19.2 Contact during Long Term Sickness Absence

The employee is required to maintain contact with his/her Manager on a weekly basis during the first month of absence, and thereafter at intervals specified by the Manager. Contact should be by telephone and in person unless there are specific reasons why this is not possible.

In the event that an employee has not maintained contact, then the Line manager can do so – to enquire of the employee's health and also to remind the employee of the procedure.

An employee should expect to be contacted from time to time by their line manager and/or an HR representative in order to discuss their wellbeing, expected length of continued absence from work and any of their work that requires attention. Such contact is intended to provide reassurance and will be kept to a reasonable minimum.

If an employee has concerns whilst absent on sick leave, whether about the reason for the absence or their ability to return to work, they should feel free to contact their line manager and/or an HR representative at any time.

19.3 Phased Return to Work (PRTW)

In appropriate circumstances, an employee who has been on Long Term Sickness Absence may be granted a Phased Return to Work. The purpose of the PRTW will be to provide a progressive rehabilitation to work, in terms of working hours and activities. Where appropriate, guidance from the employee's GP and/or Occupational Health will be taken into consideration in putting together the PRTW programme.

A template to record the programme, and agreement, for the Phased Return is at Appendix B. The agreement will include provision for full pay for the first 4 weeks of the PRTW following which the arrangement will be reviewed with advice from Human Resources. This may include; a further period of full pay for a phased return, consideration of a temporary reduction in hours, a combined period of sickness absence/attendance at work or use of annual leave – these variations will require agreement of the employee.

PRTW will normally be of 2 to 4 weeks duration and progress will be reviewed at regular agreed intervals. In exceptional circumstances the Manager may agree to extend the period to a maximum of 6 weeks or more with advice from Human Resources and Occupational Health. Such circumstances may include recovery from a serious injury/illness or a recurring illness.

At the end of the period of PRTW consideration may be given, where appropriate, to allowing the employee to reduce his/her contracted working hours on a temporary or permanent basis if it is necessary for him/her to continue to work for less hours on an extended basis.

19.4 Formal Review meetings

The First Formal Review meeting will take place after 4 weeks of absence. However, a later date will be necessary if the employee is not able to attend at this time, eg. hospitalisation, serious/life threatening illness. Whenever possible this review will take place at the Council's offices. If this is not possible then a home visit or a meeting at an agreed alternative location may take place

The purpose of the review will be to discuss:

- The cause and likely duration of the absence.
- Any reasonable arrangements/adjustments that the Council may put in place to enable an early return to work.

- Referral to the Council's Occupational Health Advisor. Such a referral will normally take place at this stage if there has been no previous referral during the period of absence.

Further Formal Review meetings will take place at monthly intervals or at other times specified by the Manager. Further reference to Occupational Health will normally take place after 3 months continuous absence if there is no immediate indication of a return to work.

19.5 Alternative Employment

During the period of Long Term Sickness Absence, consideration will be given to any reasonable measures or adjustments that may be made to enable the employee to return to work. Where practical and sustainable, reasonable adjustments will be made to the employee's current post.

If, during the period of absence, there is a clear indication that the employee will be unable to return to the current post, either on a permanent basis, or within the foreseeable future, consideration will be given to whether there is a suitable alternative role within the Council to which the employee could transfer on a temporary or permanent basis. This will be in full agreement with the employee.

If the employee is transferred to a different role, then the correct Terms & Conditions for the alternative role will apply.

19.6 Early Retirement on Ill Health Grounds

In circumstances where an employee's health is likely to prevent them from returning to employment, then Early Retirement on Ill health grounds may be pursued. All other options and alternatives must have been exhausted.

The Local Government Pension Scheme and Teachers Pension Scheme contain provision for an employee to be retired early on the grounds of ill health. An employee will be required to undergo an assessment with Occupational Health who will determine whether the employee meets the criteria for either full or partial ill-health retirement. Human Resources will make arrangements for the referral and provide the relevant information to Occupational Health and the relevant pension provider.

Consideration of such pension provisions should be considered before any decisions to dismiss on ill health grounds.

19.7 Ill Health Capability Hearing

Where it becomes evident that there is no clear indication of an early return to work, or, if the search for a suitable alternative role has been

unsuccessful, then the Manager will consider whether it is appropriate to arrange an Ill Health Capability Hearing, which is the final stage of the Long Term Absence Review procedure. The purpose of this meeting is to consider whether it is appropriate to terminate the employee's Contract of Employment due to Capability on Medical grounds.

The number of Review meetings and the timescale at which the decision is made to proceed to an Ill-Health Capability Hearing, is based on the circumstances of each individual case. In particular, an assessment of the likely return/non return to work in the foreseeable future will indicate whether a further period of time is acceptable to the Council.

The hearing will be conducted by a Senior Manager who is authorised to dismiss and who has not previously been involved in any of the formal review meetings. The Senior Manager will be provided with full relevant information regarding the periods of absence, review meetings that have taken place, medical advice that has been received, and any measures that have been taken to attempt to enable the employee to return to work.

Prior to arranging the meeting the Council may arrange for a further Occupational Health referral, if this is considered appropriate, to provide updated advice regarding the employee's current condition and prognosis for future medical condition and ability to work.

The employee will be informed in writing at least 10 working days in advance of the proposed date of the Ill Health Capability Hearing. The specific arrangements for the meeting will be determined by the circumstances of the employee but if possible the meeting will be arranged at the Council's offices. The letter will include confirmation to the employee that a possible outcome of the hearing is that they are dismissed.

The employee will be advised that he/she may be accompanied by a work colleague or trade union representative. In exceptional circumstances consideration may be given to a personal witness attending with the employee. A representative of Human Resources will also be present at the meeting.

The employee will be provided with copies of the information/documentation that will be referred to at the meeting, and will be invited to obtain additional medical information for discussion at the meeting.

The purpose of the Hearing is to consider whether there is any further reasonable action that can be taken to assist the employee to continue employment or whether employment should be terminated due to

his/her in-capability to undertake his/her duties effectively because of ill-health.

At the meeting, the Senior Manager will discuss the employee's absence and prognosis for return to work and invite the employee to provide any further evidence or comment that he/she believes to be relevant.

Where appropriate, the Senior Manager may adjourn the meeting to obtain further medical advice regarding the absence and prognosis for return to work.

In reaching the decision whether to terminate the employee's contract or not, the Senior Manager will need to consider such issues as:

- Whether medical evidence clearly indicates an inability to return to work in the foreseeable future.
- If disabled, whether all reasonable adjustments have been made to assist the employee to return to work
- Whether all reasonable options for alternative employment have been considered.
- Any representations made by the employee and/or his/her representative.
- Whether a further review period is appropriate and whether there are any other options short of dismissal.

Following consideration of all the information available and where in the judgement of the Senior Manager the employee is incapable of fulfilling his/her Contract of Employment due to his/her medical condition, the employee will be advised that his/her contract will be terminated due to Capability on Medical grounds. Termination will be with the appropriate period of notice, or, by agreement, with immediate effect with pay in lieu of notice.

The outcome of the meeting will be confirmed in writing. Termination will take place with effect from the date specified in the letter confirming dismissal.

The employee has the right to appeal against dismissal.

20. **APPEALS**

- 20.1 There is a right to appeal against Absence Warnings at all stages of the Formal Absence Review Procedure, and against a decision to terminate the Contract of Employment under both the Formal Absence Review procedure and the Long Term Sickness Absence Procedure.
- 20.2 An appeal must be in writing, and must be lodged within 10 working days of receipt of the Absence Warning or letter of Termination, giving the grounds for the appeal. The person to whom the appeal should be

lodged depends on the level of Absence Warning/Termination. The table at 20.7 identifies who the appeal should be lodged with.

- 20.3 The appeal will be heard giving 10 working days notice of the appeal hearing, which should take place within 21 days of the appeal being lodged. In exceptional circumstances it may take longer dependent on the availability of Officers, Members and other attendees.
- 20.4 The employee has the right to be accompanied by a work colleague or trade union representative at the appeal hearing and to provide information in support of his/her appeal. Such information should be provided at least 10 days before the date of the appeal.
- 20.5 The employee must inform the line manager immediately if either they or their companion cannot attend. In exceptional circumstances the review will be rearranged. However, the employee must make every effort to attend the hearing and failure to attend without good reason will normally result in the line manager taking a decision in the absence of the employee.
- 20.6 Wherever possible, an appeal will be heard by a higher authority than that who had issued the Absence Warning and who had no prior involvement in the case.
- 20.7 Subject to 20.6, the higher authority shall be as follows:-

LEVEL OF ACTION	APPEAL TO
First Written Absence Warning	Assistant Director or nominated deputy/Head of Service (or equivalent)
Final Written Absence Warning	Assistant Director or nominated deputy/Head of Service (or equivalent)
Termination	Addressed to the Corporate Support Services Manager for the Employment and Appeals Committee (acting by a panel appointed from its membership)

- 20.8 The employee will be informed of the result of the appeal and the reasons for the decision at the end of the appeal hearing, or as soon as possible afterwards. The decision will be confirmed in writing within 5 working days of the appeal hearing.
- 20.9 A decision on internal appeal may, on the information provided, or after seeking further advice or information :
- Dismiss the appeal and confirm the decision already taken
 - Substitute an alternative decision

- Uphold the appeal

20.10 If a decision to terminate employment is withdrawn, a decision may be taken to :

- Reinstatement the employee with continuous service, and award an amount to ensure that no pay has been lost for the period since termination
- Reinstatement the employee as above, but to impose another appropriate sanction

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