

## **Managing Sickness Absence Policy**

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# Managing Sickness Absence Policy

## 1. Policy statement

- 1.1 Thurrock Council recognises the importance of managing sickness absence effectively and being committed to supporting the health, wellbeing and attendance of its employees.
- 1.2 The policy includes a procedure employees must follow to report and evidence periods of sickness absence. It also includes a procedure which managers should follow to manage absence effectively. The sick pay provisions available to Thurrock Council employees are listed in their Terms and Conditions of employment, which are received on appointment.
- 1.3 Sick pay may be withheld if employees:
  - fail to cooperate with the procedures outlined below;
  - abuse the sickness scheme, for example, reporting in sick when there is evidence that they are not;
  - become sick due to their own misconduct or neglect;
  - become sick as a result of actively participating in professional sport;
  - become sick while working in their own time for private gain;
  - behave in ways which are prejudicial to their recovery.
- 1.4 Any of the above may, in certain circumstances, lead to disciplinary action being taken against the employee.
- 1.5 Cases of ill-health will be approached in a supportive and understanding manner, with periods of sickness absence being dealt with promptly, sensitively and appropriately by managers.

## 2. Scope

- 2.1 All employees at Thurrock Council and schools based staff, where the school has adopted this policy. However, the formal management procedure does not apply to staff within their probationary period (see section on 'Induction & Probation' under Recruitment Policy & Procedure). Managers must, though, continue to apply this policy's principles of good absence management to employees in their probationary period.
- 2.2 Casual and relief workers are not covered by this policy.
- 2.3 Managers should refer to the Drug, Alcohol and Substance Misuse Policy if this appears to be the reason for poor attendance, rather than this document.

### **3. Aims & objectives**

#### **3.1** Thurrock Council aims to ensure:

- sickness absence is managed effectively and kept to a minimum to:
  - improve performance and the quality of services delivered;
  - reduce the costs of cover (for example, agency staff);
  - improve staff morale and minimise any additional workload placed on staff who have to cover for absent colleagues;
  - avoid the loss of confidence and anxiety which individuals typically suffer from, the longer they are absent from work.
- staff attendance is optimised by promoting health and well-being;
- early interventions and good communication are key factors in managing attendance successfully;
- wellbeing initiatives are promoted to encourage healthy living.

### **4. Responsibilities**

#### **4.1** **Employees** are required to:

- maintain regular and punctual attendance at work;
- safeguard their health and take appropriate action to facilitate a speedy return to fitness when they are absent from work;
- follow the rules relating to reporting and certificating sickness absence;
- maintain contact with their manager/work base during periods of sickness absence;
- be available to attend meetings and Occupational Health appointments relating to their absence or other health issues;
- actively engage in the sickness absence management process.

#### **4.2** **Managers** are required to:

- promote a healthy and safe workplace and encourage regular attendance;
- inform employees of their duties and obligations under this policy when appropriate;
- pro-actively manage the sickness absence of employees, in line with this policy, and make timely case management decisions;
- maintain regular contact with absent employees ;
- conduct return to work interviews with employees after every period of sickness absence;
- ensure the sickness absence policy and procedure is applied fairly and consistently;

- report all periods of sickness absence promptly and accurately so that records are maintained and correct payments made.

**4.3 Human Resources** are required to:

- liaise regularly with managers to ensure they are taking appropriate action to manage absences;
- provide advice, support and guidance to managers on sickness absence cases;
- review absence trends on a departmental and corporate basis, recommending pro-active and reactive solutions, as appropriate.

# Managing Sickness Absence Procedure

## 1. Reporting in sick

- 1.1 It is an individual employee's responsibility to inform their employer if they are unable to attend work due to ill-health.
- 1.2 They should do this ***no later than*** one hour before their normal start time on the first day of absence, by contacting the nurse contact centre by telephone (see details below). For shift or irregular hours workers this should be within one hour of the start of the shift, or in the case of night workers, up to two hours before the start time.
- 1.3 If the employee has not contacted the nurse contact centre by the required time, their manager or a nurse adviser will attempt to contact them at home.
- 1.4 When calling in sick an employee should give:
  - their name and/or employee number;
  - the reason for their absence;
  - their expected return to work date.
- 1.5 If an employee's expected return to work date changes, they must call the nurse contact again to update them.
- 1.6 In accordance with Acas guidelines, employees are also encouraged to contact their manager to give them any information which might be needed about their work in order to ensure cover and continuity of service provision.
- 1.7 The telephone numbers which should be used to report sickness absence to the 24-hour nurse contact centre are:

From a landline (free of charge)	0800 074 0468
From a mobile (network charges may apply)	0207 151 0531
From a minicom	0800 074 0463
- 1.8 The manager, or a responsible person nominated by the manager, will then be notified about the employee's absence, including the reason for their absence and their expected returned to work date.
- 1.9 The manager should keep in regular contact with the employee during prolonged periods of absence (see 'maintaining contact while on sick leave' below).

## **2. Certification**

- 2.1 When an employee returns from any period of sick leave, their manager will be responsible for holding a return to work interview (see Section 5 below) with them at the earliest opportunity. Managers will receive a trigger email to conduct the return to work interview. During this meeting, if the employee has not provided certification, a self certificate form should be completed, regardless of how long or short the period of absence has been.
- 2.2 If the employee is absent for more than seven calendar days, they are required to provide a fit note or Doctor's statement to cover the duration of their absence, in addition to the self certificate form.

## **3. Maintaining contact while on sick leave**

- 3.1 This is a key factor in facilitating the employee's return to work as it reinforces their connection with the workplace and reduces feelings of isolation or apprehension to return. Regular contact also helps the manager to effectively manage the absence, offer appropriate support to the employee and facilitate an effective and timely return.
- 3.2 When an employee telephones to report their absence, the nurse contact will agree the date and nature of the next contact, which may be with the nurse and/or manager (e.g. it may be appropriate for the employee to get in touch again to provide an update after a medical appointment). In the cases of long-term absence, the nurse contact will normally contact the employee at least every 4 weeks.
- 3.3 If an employee's absence is ongoing their manager must agree with them the best way to remain in regular contact. This could be by telephone, meeting at the office or home visits. The frequency of contact expected should also be agreed and must, as a minimum, be:
  - 1<sup>st</sup> calendar day of absence, then
  - 4<sup>th</sup> calendar day of absence, then
  - 8<sup>th</sup> calendar day of absence

After this, there should be regular contact, at least once a week, if the absence continues.

- 3.4 While on sick leave, employees are responsible for keeping their manager updated with their progress and for being available during their normal hours of work to attend meetings and appointments related to their sickness absence, arranged by the Council.

- 3.5 Where an employee on sick leave wishes to spend a period of time away from home (e.g. to be cared for by a relative or for recuperative purposes) they must agree this with their manager in advance and provide contact details for their temporary place of residence. In such circumstances, the manager may seek advice from OH about whether such a break will be beneficial to the individual's recovery.
- 3.6 When the employee is fit to work they should confirm their return to work date with the nurse contact centre.

#### **4. Fit notes**

- 4.1 A Statement of Fitness for Work, or 'fit note' will be issued by a Doctor to an employee who, after seven continuous days of sickness absence, remains unable to perform their full range of duties.
- 4.2 The fit note is designed to encourage employers, employees and doctors to place an emphasis on what an employee, who is suffering from ill-health, is still able to do at work, thus helping them to return as soon as they are able.
- 4.3 On a fit note a Doctor can either declare an employee unfit for work or state that they 'may be fit for work taking account of the following advice.' With the second option, the Doctor will suggest one or more of the following temporary arrangements, which may enable the employee to return to work:
- a change in duties;
  - a different working environment;
  - different hours of work;
  - a phased return to work (see below).
- 4.4 If a manager receives a fit note which states 'may be fit for work taking account of the following advice', they should arrange to meet with the employee at the earliest opportunity to discuss appropriate ways to manage the return to work process.
- 4.5 The information provided on a fit note is advisory and is not binding on either party. If, then, the manager cannot provide the support an employee needs to return to work or the employee feels unable to return then the fit note will be used in the same way as if the Doctor had advised that the employee were unfit for work.

#### **5. Return to work interviews**

- 5.1 A manager should always meet with any member of staff returning from any sickness absence, even if it was just for one day. The discussion itself need only last a few minutes. The basic purpose of it is to acknowledge that the employee



has been unable to attend work due to ill-health and offer them support and encouragement on their return to work.

- 5.2 Return to work discussions should not be used to express doubts about the validity of a particular absence. If any reasonable doubt exists, the circumstances should be objectively investigated.
- 5.3 During the return to work interview the manager should cover the following areas, as appropriate:
  - welcome the employee back to work;
  - determine whether any reasonable adjustments need to be made to the working environment to ensure a safe and smooth return to work;
  - establish whether the sickness absence was work related and whether there are any health and safety issues which must be addressed;
  - ensure that the employee understands the impact their absence has had;
  - brief the employee about any developments in the workplace which have happened while they have been away, e.g. changes in staff, systems, location, equipment;
  - determine whether there are any training or development needs which have arisen during the employee's absence. Any essential training should be organised at the earliest opportunity;
  - perform a risk assessment, if appropriate;
  - check that all necessary documentation, e.g. Doctor's statements, are up to date and that a self-certification form is completed by the employee.

## **6. Phased return to work**

- 6.1 A phased return to work is a form of temporary adjustment which enables employees, who have had a long term absence, to return to work at an earlier date, with the ultimate aim of attaining full fitness for work.
- 6.2 A phased return may only be considered if it has been recommended either in a fit note or by the Council's Occupational Health service. Phased returns may last a minimum of one week and a maximum of three months, providing there is a foreseeable return to normal hours and/or duties when this process has been completed.
- 6.3 During the employee's phased return their hours and/or duties will be tailored to meet their medical needs. Their progress will be regularly reviewed by their manager to ensure that they are being fully supported in their recovery and return to full hours and/or duties.
- 6.4 During a phased return to work on reduced hours an employee will receive either the amount of pay they would have received had they continued to be on sick

leave, or the pro-rata amount of their basic salary for the actual hours worked, whichever is greater.

- 6.5 Employees continue to accrue annual leave during long term sickness absence. If, then, an individual has gone into half pay or unpaid sick leave, it may be advantageous to both them and the Council for their accrued annual leave to be used to support a phased return on reduced hours: this would allow the individual to receive full pay and allow Thurrock to manage annual leave more effectively. An example of how this could work in practice is provided below:

#### **Example of a phased return using accrued annual leave**

Ian has been on sickness absence for 3 months.

His full and half pay provision under the sickness absence scheme has been exhausted (i.e. if Ian remained on sickness absence, it would be unpaid).

As a full time employee with an annual leave entitlement of 30 days per year, 7.5 days' annual leave have been accrued during Ian's absence.

His phased return to work will be over a 4 week period.

In the first week of the phased return he will work a 2 day week and take the remaining 3 days as annual leave.

In the second week of the phased return Ian will work a 3 day week and take the remaining 2 days as annual leave.

In the third and fourth weeks of the phased return Ian will work a four day week and take the remaining 1 day per week as annual leave.

At the end of the four week period Ian will have used 7 days' annual leave.

In the fifth week Ian is back to full fitness and returns to working a 5 day week.

### **Formal procedure**

#### **7. Frequent, short-term absences**

- 7.1 The short-term absence management procedure has three stages, as follows:

- first absence review;
- second absence review;
- absence hearing.

7.2 Managers will use the formal absence management procedure when one of the trigger points has been reached.

## **8. Trigger points**

8.1 The standard trigger points for frequent, short-term absences, are:

- 3 separate episodes of absence in any 6 month period; or
- 6 working days' absence in any 12 month period (pro rata for part-time staff); or
- A pattern of absence which causes concern, e.g. absences on either side of a weekend or rest day, or if an employee narrowly avoids falling into one of the above trigger points in three consecutive years.

8.2 If one of the trigger points is reached the employee's manager should review the individual's absence record and decide, in consultation with Human Resources, whether Stage 1 of the formal procedure should be instigated. This should occur unless there are exceptional reasons for delaying such action. Where a manager decides not to take formal action they must make a written note of the reason why.

8.3 Where it is known in advance that an absence will be for at least four weeks, or where intermittent absences are related to an underlying medical condition (which has been confirmed by OH), the standard trigger points will not apply. Instead, the long-term absence procedure (see below) should be used.

## **9. Representation**

9.1 Employees may, if they wish, be accompanied at any stage of the formal procedure by either a work colleague or, if they are a member of a trade union, a representative or official of that trade union. It is the employee's responsibility to arrange to be accompanied, and they should inform their manager who they will be accompanied by.

9.2 If the employee's companion is unavailable on the date or time of the proposed meeting, one alternative will be offered within five days of the original date or, exceptionally, at another mutually agreed date.

## **10. Stage 1**

10.1 Under the first stage of the formal procedure, the manager will invite the employee to an absence review meeting in order to explore the reasons for absence(s) with the aim of identifying any appropriate means of improving attendance levels. A member of Human Resources will also be present.

10.2 At the meeting, the manager should:

1. Confirm the employee's sickness absence dates and the trigger point that has been reached.
  2. Identify any difficulties being caused by the frequency or pattern of the employee's absences.
  3. Consider any explanation the employee has for their absence level, and how confident they feel that their future attendance level will improve.
  4. Discuss with the employee whether any measures can be taken to reduce their level of sickness to an acceptable level.
  5. Explain that the Council will take all reasonable measures to support the employee in achieving an acceptable level of attendance.
  6. Set targets for future attendance and a review date, which will normally be 3-6 months (but could be shorter depending on the reasons) after the Stage 1 meeting.
  7. Decide, after consulting the employee, whether they should be referred for an Occupational Health (OH) assessment.
  8. Inform the employee that they are likely to progress to Stage 2 of this procedure if:
    - i) they fail to achieve the target for future attendance either during or at the end of the Stage 1 review period;
    - ii) they hit a further trigger point within 12 months of the Stage 1 review period ending.
  9. Consider whether it would be appropriate to require the employee to provide a Doctor's statement each time they are absent.
- 10.3 A letter should be sent to the employee, normally within 5 working days, to confirm the issues discussed at the meeting.
- 10.4 If the employee's attendance level improves in accordance with the set targets (see 6 above) and neither 8(i) nor 8(ii) above applies, no further action will be taken in connection with the employee's past sickness absences.

## **11. Stage 2**

- 11.1 If, following a Stage 1 review, the employee's sickness absence level remains unacceptable (see 8(i) & 8(ii) above), the manager will decide, in consultation with Human Resources, whether to progress to Stage 2 of the procedure. If

Stage 2 is appropriate, the manager should arrange a meeting with the employee to discuss the matter with them. A member of Human Resources will also be present.

- 11.2 The meeting should follow a similar format to the Stage 1 meeting, with details normally confirmed in writing within 5 working days. The employee should be informed that if they fail to meet a Stage 2 attendance target, or if they reach another trigger point within 12 months of a Stage 2 review period ending, an Absence Hearing (see section 15 below) is likely to be convened, which may result in the employee's dismissal from the Council's employment on the grounds of incapability due to poor attendance.
- 11.3 A letter should be sent to the employee, normally within 5 working days, to confirm the issues discussed at the meeting.

## **12. Long-term absence**

- 12.1 Long-term absence cases are those where (i) an employee has been absent for at least 4 weeks continuously; (ii) it is known that they are likely to be absent for such a period due to illness, or (iii) they are taking, or are likely to take, frequent absences due to an underlying medical condition.
- 12.2 The manager should maintain contact with the employee from when they first fall ill, in accordance with the 'maintaining contact while on sick leave' section above.

## **13. Referral to Occupational Health (OH) service**

- 13.1 When a long-term absence occurs or is likely to occur, managers should, in consultation with Human Resources, decide whether a referral should be made to OH. OH will provide advice about the employee's fitness for work and any work adjustments which should be considered.
- 13.2 A referral to Occupational Health should also be initiated for any period of absence citing stress, anxiety or depression.

## **14. Absences of 4 weeks to 6 months**

- 14.1 When the employee returns to work after 4 weeks but before six months' sickness absence, the case should be referred to their manager's manager, or a nominated deputy, for review.
- 14.2 The full absence record, reasons for absence and comments of the manager should be considered. The reviewing manager should also be given the OH report and details of any previous action taken under this procedure which is still 'live'.

14.3 The reviewing manager should, in the light of the information available to them, choose one of the following:

- i) Conclude that no formal action should be taken, but that an informal discussion should take place between the manager and employee to review the position and check that necessary assistance is being obtained. This course of action may be appropriate if, for example, the employee is required to undergo surgery and OH advice is that there is a standard recovery period, after which further related bouts of ill-health are unlikely.
- ii) If formal action has been taken under this procedure within the past 18 months (either as a result of short-term or long-term absence), the case may be referred to an absence hearing (see section 15), without further review.
- iii) Write to the employee to ask them to attend a meeting to review their absence level. The employee should be advised that they have the right to be accompanied by their trade union representative or a work colleague.

The review meeting should cover the following areas:

- the circumstances of the absence and likely chances of improvement;
- any reasonable assistance or work adjustment which could be of help improving attendance.

Unless it is clearly inappropriate in the light of the medical condition and prognosis, the employee should be informed that a significant improvement is required and that regular monitoring will take place for a period of between 6 and 12 months, depending on the circumstances of the case.

If, at the end of the monitoring period, a satisfactory improvement in attendance has not occurred, or if there is a significant deterioration in attendance during the monitoring period, the case will be referred for an absence hearing, which could lead to dismissal from the Council's service.

Where, at the end of the review period, satisfactory improvement has resulted, the employee shall be interviewed and informed accordingly. The employee should be advised that their improved level of attendance should be maintained for a further 12 months, otherwise a referral to an absence hearing may occur.

Where an employee's level of sickness absence has been reviewed but satisfactory improvement in the level of attendance has not resulted, or if

there is a significant deterioration before the date set for review, the case shall be referred for an absence hearing.

A letter should be sent to the employee, normally within 5 working days, to confirm the issues discussed at the meeting.

## **15. Absences of 6 months or more**

- 15.1 If an employee is, or is likely to be, on sick leave for six months or more, the OH service will be asked to give their opinion (in liaison with the employee's Doctor) as to whether the employee is permanently unfit to continue their employment.
- 15.2 If OH concludes that the employee is permanently unfit to undertake their normal duties on medical grounds, they will be given notice of termination, in accordance with their contract of employment (see below). They will have the right to be put on the redeployment register for the duration of their notice period, and:
  - i) employees who are in the Local Government Pension Scheme (LGPS) should be referred to an Independent Occupational Health Physician, who will be asked to confirm the employee's eligibility for ill-health retirement;
  - ii) employees who are not in the LGPS should be retired on the grounds of ill-health at the end of their notice period.
- 15.3 Pay in lieu of notice may be granted by mutual agreement, although employees are advised to check that this will not significantly affect their pension entitlements.
- 15.4 If OH conclude that the employee is not permanently unfit to undertake their normal duties, the case should be referred to a reviewing manager, as per the procedure described under 'absences of 4 weeks to 6 months' above, who should decide which of the three options is appropriate.

## **16. Absence hearing**

- 16.1 An absence hearing should be arranged if short term or long term absences persist, in accordance with the circumstances described above. The purpose of the hearing is to consider whether the employee should be dismissed from the Council's employment.
- 16.2 The meeting will be chaired by a senior manager who has authority to dismiss. An member of Human Resources will provide procedural advice to the Chair and both the employee and manager will normally be in attendance. The employee continues to have the right to be accompanied and the manager may be accompanied by a member of Human Resources, if required.

16.3 In considering whether to dismiss the employee, the Chair will take the following factors into consideration:

- the nature of any illness and medical opinions received;
- the length and frequency of absences and periods of attendance between them;
- the likelihood of continued or further periods of absence;
- the impact the absence is having on the efficiency of the service.

16.4 The options open to the Chair are either to dismiss the employee or, in exceptional circumstances, give a final, 3 month opportunity to improve, at the end of which the absence hearing will reconvene to decide on the most appropriate action. This could still be dismissal, if there has been insufficient improvement, or a further period of monitoring and review in accordance with an earlier stage of this procedure, if improvement has occurred.

## 17. Decision to dismiss

17.1 Where the decision is taken to dismiss an employee, it will be on the grounds of incapability due to persistent absenteeism.

17.2 The employee will be informed as soon as is reasonably practicable, and given their contractual notice, during which they will receive full pay.

17.3 The employee will also be informed about their right to appeal against the decision to dismiss them.

## 18. Appeals

18.1 An employee has the right to appeal against a decision to dismiss them. They must do so in writing to the person who has issued the dismissal and within 5 working days of receiving the decision in writing. The grounds of appeal must be specified and fall into one or more of the following categories:

- there were significant procedural irregularities in the procedure which could have affected its outcome;
- the manager made an unreasonable decision about a significant **fact**. For example, where a manager unreasonably decides that a particular event must have taken place;
- a belief that the **outcome** of the hearing was one which no reasonable person could have come to. Merely disagreeing with the manager's decision is not sufficient;
- New factual evidence has come to light which could not have been introduced at an earlier stage, and which could have had a significant effect on the decision taken. Employees cannot present new evidence



which was previously available and could have been presented at an earlier stage.

- 18.2 Appeals should be heard by senior managers and/or members who have not previously been involved in the case, accompanied by Human Resources.
- 18.3 The appeal hearing should take place within four weeks of the written appeal being received. The outcome of an appeal hearing will be either to uphold the original decision, substitute it for a lesser penalty or withdraw it. The decision will be final.
- 18.4 The employee will be given at least 10 working days' notice of the date of the appeal hearing, unless an earlier date is mutually agreed, and will be reminded of their right to be accompanied.
- 18.5 Documentation should be submitted to those directly involved in the hearing no later than 5 working days before the arranged date. This deadline can be extended or shortened by mutual agreement.
- 18.6 At the appeal hearing, the employee or their representative will present their grounds for appeal first. The management side and panel members will then have the opportunity to question the employee, if they wish them to clarify their case. Management will then respond to the appeal, and answer any questions the employee (or their representative) and panel members may have.
- 18.7 The decision made by the panel will be final.

## **Other Considerations**

### **19. Diversity**

- 19.1 Managers and employees have a responsibility to promote the Council's Equal Opportunities Policy, treating others with respect, valuing diversity and avoiding discrimination.
- 19.2 During the managing sickness absence process it is important that managers recognise and consider any relevant issues in relation to the following:
  - age
  - disability
  - gender re-assignment
  - marriage/civil partnership
  - pregnancy and maternity

- race
- sex
- sexual orientation
- religion or belief

19.3 In particular, reasonable adjustments must be made where an employee has, or develops, a disability which affects their attendance levels and therefore their ability to perform their job. A referral to Occupational Health may be appropriate to establish whether any measures, support or adjustments are required to meet the needs of disabled employees at work. The Council also has a Disabled Persons' Employment Policy which contains information in relation to this.

19.4 Further guidance is available from the Corporate Diversity Team.

## **20. The Role of Occupational Health**

20.1 Occupational Health (OH) provides advice to managers about employees' health in the context of their workplace and duties. Managers may need guidance about a General Practitioner's (GP's) or other Doctor's advice about an employee's fitness for work. Managers must not contact an employee's doctor direct. They should, instead, consider any recommendation on a fit note and, if appropriate, consult Human Resources about whether an OH referral should be made. Where it is deemed necessary, OH will contact the employee's Doctor. This approach helps maintain confidentiality and ensures a proper exchange of information between medical professionals.

20.2 Occupational Health may advise that an individual returns to work earlier than the date stated in their fit note. In this instance, the employee may be asked to return to their GP for an amended fit note. If the GP does not support OH's decision, OH may then liaise with the GP, Human Resources and/or the employee's manager before deciding whether to maintain or change their original advice. Please see the OH Guide to referrals for full details.

## **21. Medical redeployment**

21.1 When it has been identified that an employee cannot complete the duties of their substantive post it will be necessary to consider alternative employment opportunities. This process is termed medical redeployment.

21.2 The investigation of redeployment opportunities is also a requirement of the ill-health retirement provisions of the Local Government Pension Scheme, which states that an authority has to ensure that the employee cannot undertake any comparable employment.

- 21.3 If a redeployment opportunity is found, the employee will initially undertake a trial period of four weeks to assess whether they, and their new manager, believe that it is a suitable placement.
- 21.4 If the trial period proves successful, the employee's permanent transfer can then be confirmed.
- 21.5 If concerns arise during the trial period, the redeployee or their new manager may discuss the matter with a member of Human Resources with a view to deciding the best course of action in the circumstances. This could involve a further referral to OH in order to review the employee's capabilities, ill-health retirement or a formal sickness review hearing, where termination of services on the grounds of medical incapability will have to be considered.

## **22. Ill-health retirement**

- 22.1 This can only be certified by an Independent Registered Medical Practitioner (IRMP), appointed by the Council. Before referring to the IRMP the employee must have been deemed permanently unfit to continue in Thurrock Council's employment by OH, given notice of dismissal and put on the redeployment register.
- 22.2 Referrals to the IRMP will be arranged at the Council's expense if OH believe an employee is permanently unfit. If an employee believes they are permanently unfit but OH do not agree, the employee may request a referral to an IRMP. In this instance the employee will be required to pay for the referral in advance and will only be reimbursed if the IRMP finds them permanently unfit.
- 22.3 Notice of termination of employment will be in accordance with the contract of employment and will normally be paid in lieu. Throughout this process Human Resources will maintain contact with the employee and arrange for them to be provided with details of any pension and retirement benefits they will be eligible to receive.
- 22.4 If the IRMP concludes that ill-health retirement does not apply, the matter should be referred to a senior manager with authority to dismiss, who should decide whether the employee should be dismissed on the grounds of incapability due to persistent absenteeism.

## **23. Falling ill while on annual leave**

- 23.1 Contractual annual leave will continue to accrue during periods of sickness absence.
- 23.2 Employees who are prevented from taking at least 4 weeks' paid leave (20 days for FTE employees working a 5 day week inclusive of bank holidays) within a

leave year, due to sickness absence, have a statutory right to carry forward the difference into the next leave year.

- 23.3 If an employee becomes sick during a period of booked annual leave (i.e. at a time when they would otherwise have been due to attend their workplace), this will be recorded as sickness absence (and annual leave re-credited) if the individual reports their sickness in the usual way and provides satisfactory evidence of their incapacity (e.g. a self certificate or medical certificate from a UK or overseas doctor). Where an individual becomes sick while overseas and there is a significant time difference, they should report their sickness to their manager at the earliest possible time.
- 23.4 Where an employee who falls sick while on holiday overseas is due to return to work, they should return to the UK as soon as their condition allows.
- 23.5 'Annual leave' must never replace 'sickness' as a recorded reason for absence when an employee reports that they are unable to work due to ill-health or injury.

## **24. Disciplinary action**

- 24.1 Any informal or formal action taken in response to genuine ill-health or injury will be taken under the provisions of this policy and must not be considered a disciplinary matter.
- 24.2 In clear cases of misconduct, the Disciplinary Procedure will be followed instead of this policy. Examples of misconduct are:
- unjustifiable failure to follow the sickness absence procedure;
  - unsatisfactory reasons for sickness absence, e.g. persistently using vague reasons such as 'ill' or 'unwell', or reasons unrelated to illness or injury;
  - persistent, unauthorised absence resulting from a failure to report absence or provide medical or self certificates;
  - carrying out an activity which cannot be reasonably consistent with the nature of sickness absence;
  - deliberate falsification of information such as medical or self certificates.

## **25. Industrial Injury**

- 25.1 Employees who sustain an injury in the course of carrying out their duties for the Council must report the matter to their manager, who is responsible for ensuring that all necessary procedures are followed. An employee who is absent from work as a consequence of an industrial injury must follow the usual notification requirements for sickness absence. Entitlements arising from industrial injuries will, however, be classed differently from entitlements to contractual sick leave and sick pay and will not count towards the trigger points in section 8.

## **26. Pregnant Employees**

- 26.1 All female employees, regardless of length of service or hours worked, have a right not to be dismissed on the grounds of pregnancy, a pregnancy-related reason or a reason relating to giving birth or maternity leave.
- 26.2 The fact that an employee is pregnant may be picked up through the normal sickness absence monitoring process of return to work discussions. Once identified it is important that work activities of new and expectant mothers are subject to specific risk assessments and appropriate information given regarding the Council's maternity scheme.
- 26.3 Pregnancy related reasons for sickness absence are not part of the absence monitoring process and will not be included as part of the trigger points for absence monitoring purposes once notified of a pregnancy has been made.

## **27. Grievance**

- 27.1 If an employee raises a grievance in connection with or during the managing sickness absence procedure the two processes shall normally run simultaneously. In exceptional circumstances, and with the agreement of the HR Operations Manager, consideration may be given to suspending one of the procedures until the other is concluded.
- 27.2 If any such grievance is found by the person hearing it, to be vexatious or raised with the intention of disrupting the managing sickness absence procedure, the employee will be subject to disciplinary action.

## **28. Notice for meetings**

- 28.1 Employees will be given at least five working days' notice for any of the above meetings except for appeals, in which case they will be given at least 10 working days notice.

## **29. Non attendance at meetings**

- 29.1 If the employee or their representative cannot attend a meeting for a reason which was not foreseeable when the meeting was arranged, the employee should notify the manager, who will then arrange another time and date within 5 working days of the original date.
- 29.2 If the employee does not attend after a second invitation the manager may continue with the procedure in their absence.

### **30. Trade union officials**

30.1 No action will be taken under this procedure against an official of one of Thurrock's recognised trade unions until the circumstances of the case have first been discussed with a senior representative or paid official of the trade union.

### **30. Monitoring**

30.1 The application of the sickness absence management policy will be monitored in the following ways:

- At a local level, managers will record and monitor sickness absence, medical appointments and occasions on which employees become unwell at work;
- Senior management and HR will monitor and support managers in proactively managing sickness within their service and, where necessary, make recommendations for action in areas where absence levels are consistently or unacceptably high;
- HR will produce regular reports on sickness absence statistics and trends for senior management, the trade unions and Diversity, and monitor the application of this policy in line with Thurrock Council's commitment to equal opportunities.