Sickness Absence Policy

Version Control

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Purpose	This policy is intended to support employees in respect of their health and wellbeing at work and provide a framework to support managers to effectively and sensitively manage employee sickness absence in a fair, consistent, supportive and legally compliant manner across the council.		

This policy links to:

- Our Council Plan
- Walsall Proud
- Code of Conduct
- Disciplinary Policy
- Performance and Ill Health Capability Policy
- Probation Policy
- Family Friendly Policy
- Safety Management Standards
- Equality & Diversity Protocol
- Sickness Absence Guidance
- Organisational Development Strategy
- Workforce Strategy
- Behaviour & Standards Framework
- Annual Leave and Bank Holiday Entitlement Guidance
- Flexi-time and Time off In Lieu Policy
- Leave and Time Off Policy
- Appeals Policy
- Information Governance Policy

This list is not exhaustive.

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1.0 Introduction

1.1 Walsall Council is PROUD. We are proud of our past, our present and for our future. The council is committed to reducing inequalities and ensuring all potential is maximised and its employment policies, procedures and guidelines are designed to support this vision and deliver the council's priorities.

1.2 The council is committed to creating an environment that provides opportunities for all individuals and communities to fulfil their potential. This policy provides a framework in which employees will be supported to deliver the council's priorities in line with the council's expected behaviours and values; professionalism; leadership; accountability; transparency and ethical working.

1.3 The council's values and behaviours are at the core of everything the council deliver and through a culture of continuous improvement the council will increase performance, efficiency and champion the design of services to meet the needs of customers. As a digital by design council, employees will be empowered to deliver new ways of thinking and new ways of working, encouraging innovation and creativity in a learning environment. The council is committed to technological investment to deliver transformation in order to improve the efficiency and effectiveness of its services, both internally and externally.

1.4 This policy framework promotes the council's strategic priority of internal focus ensuring all council services are customer focused, effective, efficient and equitable, and helps embed the behaviours and values expected of all employees as part of the Behaviour and Standards Framework.

1.5 Council employees have a duty to demonstrate principles of equality, diversity and inclusion across all interactions ensuring compliance with council policies, procedures and relevant legislation. The council adopts a zero tolerance approach to discrimination and will not accept any form of unlawful or unfair discrimination on the grounds of age, disability, gender, gender identity, marital or civil partnership status, race, ethnic origin, colour, nationality, pregnancy or maternity, religion or belief (or no religion or belief), sexual orientation, class or social background, political belief or Trade Union affiliation. We are committed to equal opportunities and aspire to have a diverse workforce, and an inclusive workplace culture, all of which enable better outcomes for our employees and the local residents we serve. Employees should refer to the equality and diversity protocol for further information.

1.6 The council aims to encourage all its 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. By implementing this policy, the council aims to strike a reasonable balance between the pursuit of its operational needs and the genuine need of employees to take time off work because of ill health through providing a productive and supportive working environment, including an employee health and wellbeing offer, Employee Assistance (and

counselling) Programme (EAP), Occupational Health (OH) and access to Mental Health First Aiders (MHFA) and Menopause Champions.

1.7 While the council understands that there will inevitably be some sickness absence among employees, it must also pay due regard to its operational needs. If an employee is persistently absent from work, this can damage efficiency and productivity, and place an additional burden on the employee's colleagues.

1.8 The council has other policies in place to deal with time off work for example for personal reasons, family reasons, special leave and compassionate leave etc.

2.0 Scope

2.1 This policy applies to all council employees (including Directors, Executive Directors and the Chief Executive)*;*

2.2 With the exception of;

2.2.1 School-based employees / workers where the governing body has delegated authority and for whom separate arrangements apply.

2.3 Casuals are not employees and therefore ordinarily this policy does not apply to casuals, however, under some circumstances they may be entitled to statutory sick pay (SSP). Therefore, managers are required to record the sickness via the absence functionality in One Source.

2.4 This policy does not apply to contractors, consultants, agency workers or any self-employed individuals working for the council.

3.0 Principles

3.1 Sickness absence will be managed in a prompt, sensitive, fair, consistent and supportive manner and as such will apply to all cases of sickness absence, including pregnancy and disability related absence and absence caused as a result of an accident at work.

3.2 This policy applies to the management of both short term sickness (STS) and long term sickness (LTS) absence (which is defined as lasting more than 4 weeks) and details separate processes for each which can be interchangeable allowing managers to move between managing cases under both procedures (as appropriate).

3.3 In order to deal with sickness absence in a fair and consistent manner the council has adopted triggers to prompt management action where it believes that an employee's sickness absence has reached an unacceptable level that is likely to be impacting on colleagues and services. The measurement

and monitoring of sickness absence is underpinned by an ethos of supportive corrective action that helps to encourage employees to maintain acceptable standards of attendance.

3.4 The council expects attendance issues to form part of regular discussions between the manager and the employee in the course of their normal working relationship. Where an employee's attendance has been an issue, and there is "cause for concern", although a formal trigger has not been reached, managers should informally discuss the reasons, pattern and nature of the absence with a view to finding ways to support the employee to be at work in advance of any absence triggers being reached. The employee should be made aware that any further absence may trigger a formal sickness absence review (SAR) meeting.

3.5 The STS absence trigger which requires a SAR meeting to be held is triggered once the employee has either a combined total of 14 calendar days sickness absence (pro-rata) or 3 separate occurrences of absence in a rolling 12-month period.

3.6 An employee absence that lasts for a minimum of four weeks triggers the LTS absence management procedure which requires formal sickness absence review (SAR) meetings (made up of welfare visits and case reviews) to be held in order to support and facilitate the employees return to work and assist the employee to maintain their attendance.

3.7 Employees should be given 7 calendar days written notice of formal SAR meetings and are entitled to be accompanied at these meetings by their recognised trade union representative or a Walsall Council work colleague. Any meetings held as part of the sickness absence process (including return to work meetings, welfare visits, case reviews or sickness absence hearings) can be held virtually where it has not been possible to hold them in person. However, in person meetings should always be the preferred option where this is possible to aid the supportive approach and nature of this policy and procedure. Further guidance for holding virtual sickness absence meetings can be found in the sickness absence guidance.

3.8 This policy is formulated on the assumption that, if the council suspects there to be misconduct, its separate 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;
- The correct sickness absence notification and evidence procedure has not been followed.

3.9 The council pays occupational sick pay (OSP) for sickness absence (including pregnancy and disability related absence) in line with an employee's terms and conditions of employment.

3.10 OSP may be extended at the discretion of the council in exceptional circumstances e.g. cases of terminal illness (refer to section 9 of this policy).

3.11 The council reserves the right to withhold or suspend OSP at its discretion. Circumstances in which OSP may be withheld include;

- Failure to comply with this policy including reporting your absence as required, keeping in touch with your manager as agreed, providing appropriate certification/ Fit Notes as required;
- The employee refuses to attend a medical examination or OH assessment at the reasonable request of the council or fails to attend without reasonable explanation;
- The employee makes or produces any misleading or untrue statement or document concerning their fitness to work;
- The employees contract is legitimately terminated (this can occur before the expiry of OSP)

3.12 The employee will normally be entitled to receive statutory sick pay (SSP) when OSP is withheld or suspended, although the council can withhold or suspend SSP if it is not satisfied that the employee is ill, and no evidence of sickness is provided.

3.13 Employees should be given written notice if their SSP or OSP is being withheld or suspended.

3.14 The council reserves the right to cease any other payments during a period of sickness absence e.g. honorarium payments.

3.15 Where the sickness absence is due to injuries sustained as a result of a third party and the employee is successfully able to make a claim for compensation or loss of earnings from that third party, Walsall Council is able to recover salary paid during the absence from the person(s) who are held responsible, employees / managers should refer to the council's Sickness Absence Guidance (section on third party accidents). Once the legal claim is completed, the employee is responsible for ensuring that any monies recovered in respect of the absence are repaid to the council.

3.16 Where an employee becomes sick during a period of planned annual leave, they must follow the sickness absence reporting procedure contained in this policy and obtain a Fit Note (not self-certification) for the full period of sickness in order to reclaim any annual leave. Any medical charges incurred for the provision of the Fit Note will not be reimbursed by the council.

3.17 Being unfit for work does not preclude employees taking a period of annual leave (usually) during a long term period of sickness absence to take a holiday where this would be beneficial e.g. for designated / advised rest and recuperation during a period of sickness absence relating to mental health / depression. Employees should request such annual leave in the usual manner and submit this to their line manager for approval before the period of leave commences.

3.18 Where an employee wishes to take annual leave at the end of a period of absence, this will be approved in line with usual considerations based on operational requirements.

3.19 This policy and accompanying procedure is underpinned by and should be read in conjunction with the sickness absence guidance which offers further advice and support to employees and managers in the implementation of this policy.

4.0 Accountabilities

4.1 Managers are accountable for the following;

- Applying this policy and procedure consistently, fairly and objectively in accordance with the council's aim and priorities and clearly demonstrate the council's management behaviours and values;
- Taking responsibility for monitoring and managing their employees' attendance and absence;
- Fully complying with managers' duties under the sickness absence reporting and sickness absence procedures;
- Properly recording each employee's sickness absence on One Source in a timely manner;
- Ensuring the employee provides medical evidence for sickness of more than seven calendar days;
- Conducting a return-to-work interview each time the employee returns from a period of sickness absence;
- Speaking to the employee about the absence and the reason for it in a fair and factual way;
- Being supportive towards the employee and, where appropriate, seeking to identify ways in which to assist the employee to improve their attendance in the future;
- Being alert to patterns of absence, for example frequent absences on Fridays or Mondays, or immediately before or after bank or public holidays;
- Trying to establish any underlying reasons for frequent absence and, where the underlying cause is identified, take steps to help the employee to manage the cause;
- Seeking medical advice, if appropriate, to determine whether or not there is any underlying medical cause for the employee's (frequent) absence;
- Showing 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 are unacceptable;
- Checking whether or not the employee's absences are in any way work related, for example as a result of workplace stress;
- Bearing in mind that the council may seek a medical report on an employee, for example from the employee's doctor or OH;
- Fully complying with the manager's duties to only access / process information in accordance with the data protection legislation and ensure

all absence records are maintained confidentially and in line with GDPR requirements;

- Being aware of the potential for discrimination when managing absence, particularly where the employee's ill health is related to pregnancy or disability;
- Keeping in mind the council's duty to make reasonable adjustments for employees with disabilities when managing absence;
- Using sickness absence data and associated reports to drive managerial actions;
- Ensuring employees are aware of the support mechanisms available to them via the council and emphasise the importance of raising any concerns as soon as possible to seek necessary support;
- Ensuring employees are made aware of other alternative (leave and time-off) policies where these maybe more appropriate (e.g. to prevent an employee reporting a sickness absence when they are not sick themselves and there is a more appropriate approach e.g. emergency time off for dependents);
- Consulting with HR during relevant points when managing sickness absence as identified throughout this policy and/or if unsure about anything or special circumstances arise, for example if it appears that the employee may have a disability;
- Understanding the consequences of failing to adopt these standards.

4.2 Employees are accountable for the following;

- All employees should support the delivery of the council's aim and priorities, clearly demonstrating the council's behaviours and values;
- Notifying their manager by telephone if they are unable to attend work due to ill health, as soon as reasonably practicable (refer to section 5.1 of this policy);
- Continuing to notify and keep in touch with their manager while they are unable to attend work;
- Being prepared to give their manager 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;
- Informing their manager of any urgent work issues and duties that require attention in their absence;
- Informing their respective managers of any other positions they may have within the authority;
- Raising any concerns relating to their health including identifying any disabilities or ongoing / underlying health conditions to their line manager as soon as possible so that appropriate support can be discussed / considered;
- Being open with their manager about the reasons for their absence, to give the manager the opportunity to provide support where possible;
- Telling their manager of any extenuating circumstances, for example personal or family problems or an unmanageable workload;
- Providing medical evidence for sickness of more than seven calendar days;

- Being available for relevant meetings / contact in relation to their sickness absence, or to make their manager aware of the reasons why they are unavailable;
- Avoiding activity which may delay their recovery and affect their eligibility for sick pay;
- Attending a return to work interviews with their manager each time they return from a period of sickness absence;
- Bearing in mind that the council may seek a medical report, for example from the employee's doctor or OH;
- Cooperating with the council with regard to the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a doctor;
- Notifying the council where they have recovered payments through a third party insurance company as a result of being off sick;
- Taking personal responsibility for their own health and wellbeing, maximising their attendance at work;
- Complying with their contractual obligations under this policy and understanding the consequences of failing to do so.

5.0 Procedure

5.1 Sickness absence reporting

5.1.1 Employees are required to call their manager to report their sickness absence by 10.00am or at least 2 hours before the start of a shift (or in line with agreed local arrangements). Employees must ensure that they make this call themselves and speak to their manager directly, unless the nature of the absence prevents them from doing so.

5.1.2 When an employee reports their sickness absence the manager should establish the reason for sickness absence, the likely length of absence, whether the employee is intending to seek medical advice, briefly whether there are any work related consequences e.g. meetings that will need to be cancelled, and confirm with the employee an appropriate contact telephone number for use during the period of absence.

5.1.3 Managers should consider early referrals to OH where this would be beneficial for the employee and/or expedite the return to work and may be appropriate in order to support and encourage a return to work in some stress related sickness absence cases (refer to section 8.0 of this policy and the sickness absence guidance).

5.1.4 The manager must record the sickness absence on the absence reporting function of One Source within 24 hours of notification, as this may affect employee sick pay.

5.1.5 Depending on the reason for sickness absence, it may be appropriate for the manager to remind the employee of the council's free confidential Employee Assistance (and counselling) Programme (EAP).

5.2 Sickness certification

5.2.1 Employees are able to self-certify for any absences of between 1-7 days (this includes weekends). Self-certification is done automatically on the employees return to work via their manager conducting a return to work (RTW) meeting and completing the relevant process (refer to section 5.3 of this policy and the sickness absence guidance).

5.2.2 Once employees have been absent for more than 7 calendar days they are required to submit a Fit Note (Statement of Fitness for Work) covering their sickness from the 8th calendar day onwards, which must reach their line manager no later than the 11th day of absence. Ongoing absence will require a Fit Note to be submitted within 3 days of the end date of the previous Fit Note and must cover the entire period of absence including any non-working days and any weekends. Managers should record the Fit Note details on One Source (refer to the sickness absence guidance).

5.2.3 The 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 specified healthcare professional (such as GP, hospital doctor, registered nurse, occupational therapist, pharmacist or physiotherapist) recommendations are followed (for example, a phased return, amended job duties, altered hours of work, or workplace adaptations).

While there is no legal obligation on the council to follow the recommendations, managers should take what the specified healthcare professional has written seriously and give fair consideration - in consultation with the employee and HR - as to whether or not any of the changes recommended by the specified healthcare professional can be accommodated.

5.3 Return to work

5.3.1 When the employee returns to work the manager must record the date on the absence reporting function of One Source within 24 hours of their return, as this may affect sick pay.

5.3.2 On the employees first day back at work, or within 5 calendar days after any period of sickness absence (where this is impracticable as soon as possible thereafter), the manager will conduct a return to work (RTW) meeting to understand the reasons for the absence, establish if there are any underlying medical conditions or additional support required and discuss a reintroduction to work plan if appropriate.

5.3.3 The RTW meetings should take place in private and are supportive meetings designed to provide the opportunity for two-way communication between the employee and the manager. The manager should discuss the sickness

absence with the employee, identify any necessary support measures which may assist if necessary and the manager should record the meeting discussion (refer to the sickness absence guidance).

5.3.4 As part of the return to work meeting, the manager should also review the sickness absence history and determine if the employee has or is near to reaching an absence trigger. If the employee has not yet reached a trigger but has had, either 2 occurrences of absence **or** a combined total of 11 calendar days (pro-rata) of sickness absence in a rolling 12 month period, the manager should raise this concern with the employee, and discuss actions to improve attendance, together with any necessary support or adjustments that may be appropriate. The employee should also be reminded of the Sickness Absence Policy and the formal trigger points that lead to a SAR meeting.

5.3.5 High levels of sickness absence have an adverse impact on the council, its ability to provide a service to its customers and on other colleagues. On this basis, employees should be aware that frequent or extended periods of absence do impact on the organisation and therefore the reason why supporting the employee to improve their attendance and why managing sickness absence through a formal process is important. Employees should be aware that the Sickness Absence Policy involves a stepped management process which may ultimately lead to an employee's dismissal from employment.

5.3.6 The sickness absence guidance provides managers with additional advice on conducting supportive RTW meetings. There is no requirement for managers to provide any notification period to conduct the RTW, nor is there any requirement to be accompanied at these meetings.

5.4 Triggers for managing short-term absence

5.4.1 Using absence triggers is an important way of managing attendance in a consistent and supportive manner. The council has a set of absence triggers to help identify short-term and persistent sickness absence that instigates management action and ensures that all employees are supported and sickness absence is managed fairly.

5.4.2 An employee will activate a **'trigger'** for management intervention where their absence level reaches **any one** of the following trigger points:

- The employee has been absent for 3 or more periods / occurrences in a rolling 12 month period. For example, the following pattern of absence in a rolling 12 months would trigger;
  13th – 15th March (first occurrence irrelevant of length of absence)
  12th – 22nd May (second occurrence irrelevant of length of absence)
  28th November (third occurrence irrelevant of length of absence)

  or;

- The employee has been absent for a combined total of 14 calendar days in a rolling 12 month period (pro-rata part time based on FTE modified days which is worked out by FTE hours x total number of calendar days absence).

  Pro-rata trigger is calculated by an employee's FTE hours x 14, examples shown below:

Contracted Hours p/w	FTE hours	Trigger (FTE modified)
37	1.0	14 days
29.6	0.8	11.2 days
22.2	0.6	8.4 days
18.5	0.5	7 days
14.8	0.4	5.6 days
7.4	0.2	2.8 days

  In order to work out a part time employees total number of FTE modified days absence, the calculation is total number of calendar days absence x FTE hours.

  Examples:

  1) An employee who works 29.6 hours (0.8 FTE hours) and has 8 calendar days sickness absence, their total absence would be

     8 x 0.8 = 6.4 FTE modified days.

  The trigger point for a 29.6 hour worker in the above table is 11.2 and therefore the trigger point in this example has not been reached.

  2) An employee who works 18.5 hours (0.5 FTE hours) and has a total of 16 calendar days sickness absence over 2 occurrences, their total (FTE modified days) absence would be;

     Episode 1. 6 calendar days x 0.5 FTE = 3FTE modified days
     Episode 2. 10 calendar days x 0.5FTE= 5 FTE modified days

     3FTE + 5 FTE = 8 FTE modified days.

  The trigger point for a 18.5 hour worker in the above table is 7 and therefore the trigger point in this example has been reached.

5.4.3 Managers should apply the formal procedure where an employee has activated a formal trigger. The employee should be notified of this during their RTW meeting and informed that they will be invited to attend a formal sickness absence review (SAR) meeting to discuss their attendance and any additional support that maybe required.

5.4.4 Where an employee triggers a STS absence and is likely to continue to remain off sick for at least 4 weeks, their absence should be managed under the LTS process (refer to section 5.6 of this policy).

5.4.5 Previous absence(s) in the rolling 12-month period should be considered at the point an employee returns to work to establish whether the STS triggers have been breached.

5.5 Sickness absence review meetings (when a trigger has been reached)

5.5.1 The formal sickness absence review (SAR) meetings provide the opportunity for the manager and employee to discuss the employee's attendance, the consequences of this and to explore what additional support could be considered. Managers should refer to the sickness absence guidance for further advice on conducting SAR's.

5.5.2 SAR steps and the possible outcomes are outlined below;

Current Live Warning Status	Action	Possible Outcomes	Note
If the employee has no active absence warnings (and reaches a trigger on RTW) (refer to 5.4.2 triggers)	Step 1 SAR meeting	First Absence Warning*	A First Absence Warning must be confirmed in writing and is active for 12 months from the date the absence ended
If the employee has an active First Absence Warning (and reaches a trigger on RTW***) (refer to 5.4.2 triggers)	Step 2 SAR meeting	Final Absence Warning* Extend absence review period**	A Final Absence Warning must be confirmed in writing and is active for 12 months from the date the absence ended, and then reverts to a First Absence Warning for a further 12 months
If the employee has an active Final Absence Warning (and reaches a trigger on RTW***) (refer to 5.4.2 triggers)	Step 3 SAR meeting - Full case review to be held in order to determine whether to proceed to hearing step	Progress to Sickness Absence Hearing Extend absence review period**	The employee should be informed that a decision to progress to a hearing may result in dismissal

*There is no right of appeal against absence warnings issued at steps 1 and 2 or a decision to progress to a hearing at step 3.

**Extensions to the absence review period can only be actioned once in any live warning period and must be for no longer than 6 months.
***Absence triggers should be calculated after every return to work and will cover all absences in the rolling 12 months (albeit some of those absences will also have been used to calculate triggers for previous warnings).

5.5.3 In exceptional circumstances managers may decide to take no action at any of the above steps, however this should only be used in extenuating circumstances and the justification must be clearly recorded. If no action is taken, the employee retains any current live warning status.

5.5.4 The sickness absence guidance provides further detail on extending absence review periods, taking no action, what might constitute extenuating circumstances, what should be discussed during SAR meetings and the process for confirming and recording SAR meeting discussions and outcomes.

5.6 Managing long-term sickness absence (trigger 4 weeks + continuous absence)

5.6.1 Where an employee is / or will be absent for four weeks or more the long term sickness (LTS) absence management procedure is triggered and consists of progressive formal sickness absence review (SAR) meetings (made up of welfare visits and case reviews) in order to support and facilitate the employees return to work.

5.6.2 Managers must complete as a minimum the four steps outlined below:

LTS Step	Approximate Timeframe	Note
Early contact **Welfare Visit/Contact**	4 weeks into absence – however this can be carried out at any point up to 4 weeks	This contact can be carried out via telephone, by mutual agreement
Step 1 **8 week Case Review**	8 weeks into absence	HR may be in attendance at this meeting
Step 2 **12 week Case Review**	12 weeks into absence	HR may be in attendance at this meeting
Step 3 **16 week Final Case Review**	16 weeks into absence	HR should be in attendance at this meeting

5.6.3 These steps normally take place over a 16 week period, with 4 week intervals between each step, however these timeframes are indicative and managers should apply appropriate flexibility in conducting the steps in order to be

supportive and practicable e.g. delaying a meeting by a week is reasonable to wait for an occupational health assessment. Meetings can also be brought forward where this is practicable and justified.

5.6.4 Ongoing and regular contact should be maintained with employees while they are on LTS absence and managers may hold additional meetings in order to provide further support to the employee and progress the management of the absence.

5.6.5 The sickness absence guidance provides further detail on managing LTS absence, including maintaining contact, what should be discussed during case review meetings, the additional support that should be provided to employees, OH referrals / assessments and the process for confirming and recording contact and case review meeting discussions and outcomes. OH referrals should be considered throughout the process and referrals made when these will be most beneficial to support the employee or expedite a return to work, managers should document the rationale for referrals / non-referrals at step 1, 2 and 3 of the LTS process (refer to the sickness absence guidance for further information).

5.6.6 When a RTW from LTS absence is achieved, managers should give consideration to the appropriateness of offering the employee a phased RTW (refer to section 5.7 of this policy).

5.6.7 On the employees RTW the normal process for managing attendance in cases where the trigger has been reached should be followed (refer to section 5.5 of this policy).

5.6.8 If the employee is unable to sustain their RTW, resulting in a further period of LTS absence within 6 months of their RTW date, it may be appropriate to commence the LTS absence management process at the same step they were at when they returned to work. Alternatively, it may be appropriate to recommence at the beginning of the LTS absence management process. Managers will make such decisions on a case by case basis dependent up on the circumstances of the employee.

5.7 Phased Return to Work

5.7.1 The council recognises that an employee returning to work (usually following a long period of absence) may require a period of time to enable them to settle back into the workplace and their job role. Consideration may be given to adjusting hours worked and/or tasks undertaken or a phased RTW of between 1 to 4 weeks may be agreed between the employee and the manager dependent on the circumstances.

5.7.2 A phased return is not an automatic entitlement and the manager will need to make a decision based upon the information available. The nature of the phased return should meet the needs of the employee and the service and any phased RTW arrangement should be regularly reviewed by the manager and adjusted accordingly.

5.7.3 Any further extensions beyond a 4 week phased RTW will normally only be agreed on medical advice (e.g. from GP's / Consultants / Surgeons) and in such circumstances, the employee will be required to use annual leave, to supplement the extension. Flexi-hours or TOIL accrued prior to the absence may also be used.

5.7.4 At the end of the phased return period, employees are expected to return to work on normal contractual hours and duties. If this is not possible (i.e. based upon medical grounds), then reduced hours may be considered on a temporary or permanent basis (pay will be affected), subject to service delivery, or alternatively other options may be considered under the performance & ill health capability policy.

6.0 Disability related absence

6.1 Employees are encouraged to advise their manager if they have a disability and/or their absence is related to an ongoing / underlying medical condition so that appropriate support can be provided. Managers should consider and discuss reasonable adjustments with the employee at an early stage, additionally OH intervention may be relevant to support complex discussions / cases. Whilst managers should be taking reasonable steps to prevent any substantial disadvantage to an employee with a disability, where reasonable adjustments have been implemented and attendance levels are still unacceptable the employee's absence should continue to be managed in accordance with this policy.

6.2 The sickness absence guidance provides further detail on disability related absence and offers advice and guidance for managers regarding further support that can be offered during the sickness absence process.

7.0 Maternity related absence

7.1 Where it is confirmed that absences are related to pregnancy / maternity, managers will need to automatically discount these occurrences / days as they will not contribute to the absence triggers.

7.2 If the employee is absent from work with a pregnancy-related illness within 4 weeks of their due date, maternity leave will start automatically (refer to the council's family friendly policy for further guidance).

8.0 Stress related absence

8.1 Stress is a major cause of sickness absence in the workplace and is most effectively supported in the early stages of absence. Where sickness absence is stress related managers should be making contact with the employee as soon as possible in order to fully support the employee. Where elements of the stress related sickness absence could be linked to the work environment,

or aspects of the role, then the earlier managers and employees have an open and honest conversation, the sooner supportive measures can be put in place to address / improve the situation and these are often more successfully addressed at the lowest possible level by direct line management as early as possible before any escalation. However where this is not possible or appropriate, it may be more appropriate to provide specific support (through an OH referral) or facilitate discussion through other parties (e.g. senior management) dependent on the case. Managers should ensure that the employee is reminded of the councils free confidential Employee Assistance (and counselling) Programme (EAP).

8.2 The sickness absence guidance provides further detail on managing stress related absence. Managers should also refer to the Safety Management Standards on the Health and Safety intranet pages to establish the reasons for stress and carry out a stress risk assessment (where applicable).

9.0 Terminal illness

9.1 Where the employee is terminally ill careful and sensitive management will be required. Where employees are able and wish to continue working, managers will work with them to make adjustments where reasonable and provide all appropriate support.

9.2 The council will work to ensure the employees preferred outcome is taken into consideration and will explore all available options including the continuation of work, ill health retirement (IHR), death in service, extension of OSP or potential termination under this or any other relevant policy. Employees are advised to take their own independent pension / financial advice.

9.3 The sickness absence guidance provides further detail on managing sickness absence due to terminal illness and covers IHR and extended OSP.

10.0 Ill health retirement

10.1 Ill health retirement (IHR) may be considered for eligible employees who are members of the Local Government Pension Scheme (LGPS) where it is anticipated that the employee will not be able to return to work in any capacity for the foreseeable future. Before a decision is taken on applying for IHR, managers must;

- Ensure they consider all other possible alternatives, including redeployment where practicable;
- Ensure that the employee is a member of the LGPS, and has attained the minimum ‘vesting’ period to entitle them to a pension (advice should be taken from Payroll and Pensions team);
- Ensure that they fully consult with the employee and make them aware that they should understand that there may be possible pension implications and that the employee can take further advice from the LGPS (or an

independent financial advisor) so that they can make an informed decision;
- Ensure that any discussions with employees are handled sensitively, being mindful of the employee's medical condition;
- Explore this option at an early stage as the process may be lengthy.

10.2 IHR can only be determined via an OH assessment and approval. It is likely that OH will request additional medical reports in order to inform their decision.

10.3 Following this process, the employee will be notified as to whether IHR has been granted and, if so, the level of pension benefits that will apply.

10.4 Where IHR is approved, the employee will be offered the opportunity to attend a sickness absence hearing. However, the employee may choose not to attend if they wish, this will not affect their access to any benefits.

11.0 Medically enforced absence (medical suspension)

11.1 If a manager is concerned about an employee's state of health and believes that their health, safety or welfare, or that of others, may be at risk as a consequence of the employee continuing at work, consideration to suspend them on medical grounds may be an option. Managers must seek HR advice in these circumstances.

11.2 Any medical suspensions must be kept under close review (no less than every two weeks) to ascertain the suitability of a return to work or until the employee notifies of their sickness absence.

11.3 A referral to OH should also be made, where appropriate, with a meeting arranged following this to discuss the options available. Where it is confirmed by OH or the GP / specified healthcare professional that the employee is not fit to attend work, the employee's absence will start the date the medical suspension began. In such circumstances, sickness absence entitlement will begin to erode and the sickness absence policy will apply.

12.0 Probationers

12.1 For all new employees, sickness absence will be monitored under the probation policy with the potential to dismiss. However, the principles of return to work discussions and the application of the trigger points will still apply. Managers should speak to HR if they have concerns about a probationer's attendance record.

12.2 In deciding whether these standards are met for employees whose probation was recently completed, the attendance during the whole of the employment is considered, not just from the date that the permanent appointment was confirmed.

13.0 Appeal process

13.1 Employees have the right to appeal against their dismissal and if they wish to exercise this right, they should submit their appeal in writing to the Director of Human Resources within 10 working days of the date of their formal notice letter.

13.2 All appeals will be held in accordance with the council's appeals policy. Employees have the right to representation at appeal hearings.