

AGENDA ITEM NO.6

STAFF COMMITTEE

Date	12 November 2018
Title	Overview of Sickness Absence

1. PURPOSE / SUMMARY

The purpose of this report is to provide the Staff Committee with an overview of the Council's Sickness Absence policy and process, and to provide an update on current absence information.

2. KEY ISSUES

The Council has a comprehensive framework of People Policies, and as part of this framework has policies relating to how sickness absence issues are dealt with.

The Sickness Absence Policy was fully reviewed and updated in 2013 with key input from the Corporate Management Team (CMT), Heads of Service, Managers, the Staff Side group and the wider workforce. Since that time, the policy has been re-reviewed to ensure that it remains fit for purpose

The main features of the Council's Sickness Absence Policy are:

- Clear and defined responsibilities for the Council, line managers and for employees
- A robust process for notification of absence, and for the return to work procedure
- Transparent trigger points for management support and intervention
- An emphasis on proactive absence management
- Clear guidelines on supporting long-term absences
- Extensive promotion of the Council's Occupational Health provision.

Over the last few years, the Council has been very focused on reducing sickness absence, whilst ensuring all reasonable mechanisms are in place to support staff who are unwell, and to facilitate their successful return to work.

The attached report provides a more detailed overview of the Council's policy, the work undertaken and the results achieved.

3. RECOMMENDATION

It is recommended Staff Committee:

- Note the information

Wards Affected	All
Forward Plan Reference No. (if applicable)	N/A
Portfolio Holder(s)	Cllr Anne Hay – Portfolio Holder for Finance
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1.0 Introduction

The Council's Sickness Absence Policy was fully reviewed and updated in 2013 with key input from the Corporate Management Team (CMT), Heads of Service, Managers, the (then) Staff Side group and the wider workforce. Since that time, the policy has been reviewed at intervals to ensure that it remains fit for purpose

2.0 The Policy

The main features of the Council's Sickness Absence Policy are:

- Clear and defined responsibilities for the Council, line managers and for employees
- A robust process for notification of absence, and for the return to work procedure
- Transparent trigger points for management support and intervention
- An emphasis on proactive absence management
- Clear guidelines on supporting long-term absences
- Extensive promotion of the Council's Occupational Health provision.

(The full policy is included at Appendix 1)

3.0 Progress

Over the last few years, the Council has been very focused on reducing sickness absence, whilst ensuring all reasonable mechanisms are in place to support staff who are unwell, and facilitate their successful return to work.

The Council has put in place a number of ongoing actions to help support absence management. These are:

- The Sickness Policy has also been split into short and long term sickness sections to improve the clarity of advice.
- A letter template for GPs has been created to enable consideration of options for adjusted duties and an earlier return to work where possible/appropriate.
- Management and Supervisor refresher training courses have been delivered to all the management population.
- A review of the trigger levels which prompt management intervention.
- Supporting managers to enable employees to return to work at the earliest possible opportunity (e.g. offering reduced hours, amended duties).
- Promoting more effective management use of the sickness policy.
- Improved Occupational Health provision.
- Developing a complimentary suite of People Policies, Codes of Practice and processes (such as Access to Occupational Health, Flexible Working, Stress, Wellbeing Strategy & Health Surveillance Programme, Time Off for Dependents and other Family Friendly Policies).
- Creating a team of qualified Health Champions across the Council to help provide employee support and improve the health and wellbeing. This group have developed a programme to promote health and well-being of employees inside and outside the workplace.
- Referral to specialised services such as counselling or physiotherapy where appropriate/necessary.
- Training a team of Mental Health First Aiders across the Council.

4.0 Current Performance

Actions undertaken to date have made a positive impact in reducing staff sickness across the organisation. Levels have fallen from over 10.7 days lost per employee in 2012/13 down to 7.7 days lost per employee in 2017/18.

The table below shows the Council's performance from 2012/13 to date.


Sickness Absence	
Year	Days lost per employee
2012/13	10.7
2013/14	10.4
2014/15	8.9
2015/16	8.7
2016/17	10.00
2017/18	7.7
18/19 (to end September 18)	3.03 days (Year-to-date target is 3.78)

The following table provides an overview of the Council's absence categories, and a breakdown of how each contributes to the overall absence total.

Category of Absence	Percentage of overall absence figure
Back/Neck	6.8%
Respiratory	4.5%
Absence from conditions covered by the Equality Act	10.2%
Eye, ear, nose throat and dental	3.8%
Genito-Urinary/Gynecological	6.4%
Heart, Blood Pressure & Circulation	2.7%
Industrial Injury	0.7%
Infections	8.2%
Musculoskeletal	15.6%
Neurological	4.8%
Pregnancy related	0.2%
Stomach/Liver/Kidney/Digestion	16.9%
Stress/Mental Health/Fatigue	19.2 %

5.0 Summary

This report demonstrates the actions undertaken by the Council to date have made a positive impact in reducing staff sickness across the organisation, and the Council will continue to review the process and policy to help drive ongoing improvements.

	PEOPLE POLICY: Sickness Absence Policy
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Introduction

- 1.1 This policy sets out Fenland District Councils approach to Sickness Absence and is complemented by an accompanying Sickness Absence Management Guidelines document.
- 1.2 For the purposes of this procedure the word 'absence' is intended to mean absence from work due to incapacity resulting from an illness or injury. The word 'manager' means the employee's immediate line manager; this could be a supervisor.
- 1.3 The main aim of this policy is to encourage reliable and regular attendance at work among all employees. Absence management procedures will be triggered when:
- an employee reaches a certain level of absence (using Bradford Points Score*) OR
 - Where they are demonstrating an unacceptable pattern of absence;
- This will ensure a consistent procedure to address instances of poor or unacceptable absence.
- *(See section 2.6 for further information on the Bradford Points Score).

Responsibilities

All Council employees have common goals and shall work together to promote well-being and attendance by:

- Helping and supporting employees who are ill;
- Enabling employees who are absent to return to work;
- Improving recruitment opportunities for people currently not working because of health reasons;
- Managing the work environment to help people maintain or improve their health.

Employee Responsibilities:

An employee will:

- Attend work whenever able;
- Follow the correct sickness absence notification procedure for every period of absence;
- Proactively manage their own health and wellbeing to reduce sickness absence;
- Maintain regular contact with their line manager throughout any periods of absence;
- Undertake treatment as guided by his/her medical practitioner that will encourage his/her return to work;
- Refrain from activities that will delay his/her return to work;
- Inform the Council of any relevant concerns;
- Complete a self-certification form on day one of return (See appendix 1);
- Attend Occupational Health appointments where requested;
- Cooperate fully/proactively with all aspects of this policy and process.

Fenland District Council's Responsibilities:

The Council will ensure that it:

- Fulfils its duty of care;
- Supports employees by actively promoting employee well-being;
- Will help and support people who have been ill to return to work;
- Will support managers in fulfilling their responsibilities to deliver services;
- Provide a consistent process for the management of absence.

Managers Responsibilities:

Managers will ensure:

- All employees are properly and adequately trained to undertake their duties, provided with the correct tools and equipment and are working in a safe way in line with the Council's Health and Safety procedures;
- All employees are fully aware of their responsibilities in relation to sickness absence and reporting procedures;
- All sickness is accurately recorded
- They investigate all instances of absence and explore opportunities for earlier return where possible;
- This process and associated guidelines are applied consistently and fairly;
- They hold a return to work discussion and documentation is completed at the earliest opportunities, i.e. day one of return;
- Regular contact is maintained with employees who are absent due to sickness to keep them up to date, offer support and monitor their progress;
- All absence information is passed to HR immediately and under confidential cover;
- All sickness absence claimed to be caused by an incident at work is promptly and properly investigated and reported in the correct way;
- All information is treated as confidential, completed fully and accurate at the time of sending to HR;
- Medical and self-certificates are passed immediately to HR;
- Guidance is sought from HR wherever appropriate and at the earliest opportunity;
- Risk assessments are undertaken, reviewed and revised as appropriate;
- A Performance Improvement Plan (PIP) is completed when an employee triggers the policy or when there is an unacceptable pattern of absence.

Human Resources Responsibilities:

The HR team will:

- Provide sickness management information for managers by providing regular and accurate reports;
- Retain all medical and self-certificates on an individual's personal file;
- Support employees and managers in the application of the procedure;
- Provide advice and guidance to managers to ensure that employees are treated fairly and are kept informed;
- Promote consistency across the organisation;
- Facilitate the Council's Occupational Health process.

2. Procedure

2.1 Notification

An employee who is going to be absent must notify their manager by telephone (text/email will not be acceptable) as soon as possible on the first day of their absence, at or before the beginning of the working day.

Each team will have their own local arrangements for taking sickness calls in the manager's absence, but the employee must leave contact details for their manager to call them back at the earliest opportunity.

Only in exceptional cases can someone report an absence on the employees' behalf, but they must be able and prepared to give full information on the absence.

The employee (or person calling on their behalf) must give the following information:

- Reason for absence.
- Has the employee sought medical advice/will they be?
- Can the employee undertake adjusted duties?
- The likely duration of illness.
- The expected date of return/when next contact will be made.
- Contact details.

At this point it is reasonable for the manager to query/challenge the reason for absence if it isn't clear. The reason given will form a substantial part of the Return to Work conversation upon the employee's return.

Alternatively if the reason for absence is due to being unable to carry out normal duties, **consideration should be given to some other duties the employee can undertake in a different service area.**

The call must be recorded promptly on My View, with the reason given for absence. Managers must await the employee's return to work, or another call to extend the absence.

Where an employee fails to notify their manager correctly, then the manager will ensure that this is discussed with the employee at the earliest opportunity as part of the Return to Work discussion. If the employee fails to notify their manager of their absence again, this will be deemed as an unauthorised absence and payment will be stopped immediately.

These rules must be consistently and rigorously enforced in every team. Any employee who fails to comply should be spoken to on their return to work and advised the proper notification procedures. Failure to comply with the rules on notification after this reminder will be dealt with under the disciplinary procedure:

Failure to comply with the correct notification requirements will lead to loss of sick pay and/or disciplinary action.

In circumstances where an individual has a medical/personal issue that they would prefer to discuss confidentially, they can contact the HR team. However, they must ensure that contact is made with their line manager in the first instance.

2.2 Certification

2.2.1 Self Certificates

As soon as they return to work, the employee should complete a Sickness Absence Self Certificate (see appendix 1) and pass it to their manager for the Return to Work Discussion.

Self-certificates must be completed for all absences including half days or part rotas for the total period of absence, and must be completed fully and signed by the manager or it will be returned to the line manager. The self-certificate should be passed under confidential cover to Human Resources as soon as the Return to Work Discussion has taken place.

2.2.2 Medical Certification - Statement of Fitness for Work (“Fit Note”)

Any absence exceeding seven days will require a statement of Fitness for Work (“Fit Note”) from a certified medical practitioner, commonly the employee’s own GP. The seven day period includes days when the employee would not have worked even if they had been fit. For example a weekend worker would include weekdays and vice versa.

We reserve the right to require an employee to obtain a medical certificate of this kind for all spells of absence and undertake to make this request only in exceptional circumstances. Such an arrangement would stand for a specific period with a review at the end. The Council will reimburse the cost of this certificate in the normal way.

If a member of staff is issued with a Fit Note from their GP, stating that they can resume work with changed duties, the employee must ensure the following:

- The fit note is passed to their manager immediately, and;
- They meet with their manager to have a discussion about the recommended changes.

It is vital that all managers and supervisors ensure they fully review the recommendations as outlined by the GP as soon as they receive the Fit Note, and forward it to HR under confidential cover as soon as it is received, so that the Council is able to manage the employee's absence in the best possible way.

A GP will be able to suggest ways of helping an employee get back to work, and this might mean the consideration of:

- a phased return to work;
- flexible working;
- amended duties;
- workplace adaptations.

The GP will also be able to provide general details of the functional effect of the individual's condition.

Where possible the Council will seek to accommodate any redeployment, recommendations or adjustments proposed by the GP, and will discuss these in full

with the employee concerned. **If the employee unreasonably refuses any such redeployment, recommendations or adjustments, the Council will refer the matter to a formal capability or disciplinary process.**

It is the employee's responsibility to return to work at the earliest opportunity under revised duties (if appropriate) and should discuss this with their GP at the earliest opportunity and not wait until the expiry of a Fit Note if they can return to work earlier. It is an employee's responsibility to relay their symptoms to their GP accurately to enable a proper diagnosis and assessment of their fitness to return to work.

Employees must not return to work if they are still covered by a medical statement; with exception of specific advice on the 'Fit Note' (if this happens, managers are within their rights to send employees' home until confirmation of their fitness is obtained). If the employee wishes to return before the end of their certificate they must obtain their Doctors written permission.

If an employee returns to work after an absence of 4 or more weeks or after a recurring chronic illness, the Council reserves the right to seek medical advice via the Council's Occupational Health service to confirm they are fit to return to work (where appropriate or where there are concerns, further information and advice is available from HR).

Where an employee becomes sick whilst on annual leave and wants to claim the holiday back, they must produce a valid medical certificate from the first day of the sickness absence. The absence must still be notified to the line manager as normal and the certificate **must** be sent in as soon as possible to be eligible to claim the annual leave back. **Only** where this has been followed can the leave entitlement be reinstated.

2.2.3 Medical Appointments

Where a medical appointment is necessary:

- All appointments should be made outside of working hours wherever possible.
- Where an appointment cannot be made outside the employees working hours, the employee must provide proof of the appointment date and time (normally a copy of the appointment letter).
- Employee **must** take flexi/PAS/holiday time where appropriate; the employee may go into debit as per flexible working policy. However, where an employee is required to attend a cancer screening appointment, special leave will be approved subject to the employee providing evidence of the appointment.
- **Only** where the above is not possible, and only for treatment, the employee may be permitted to take a period of sickness absence (self-certificates to be completed as normal). For purposes of this policy, **treatment** is defined as the attempted resolution, improvement, monitoring or management of a defined health problem, following a diagnosis.
- For the purposes of this policy, **consultation** is defined as – a formal meeting with a medical professional for discussion on or advice about a medical issue, and these appointments will be in the employees own time.

- Absences for treatment appointments will not be used when calculating Bradford Points.

2.3 Absence Records

The manager will keep an accurate record of each employee's absence using the My View system.

All sickness absence will be recorded, including work-related sickness, disability and pregnancy-related absence. The number of days will contribute towards the Bradford Points Score, but disability and pregnancy-related absence will be disregarded in calculations which trigger management action.

For this reason it is essential that employees state on the Self Certificate whether the absence is work, pregnancy or disability-related; that managers check and correctly categorise the absence.

2.3.1 Exemptions:

When a manager is reviewing the number of days' sickness absence; absence due to disability should be considered separately; as should pregnancy related and industrial injury and these absences should still be managed effectively. However, such absences will be included in total sickness absence when calculating entitlement to contractual sick pay.

2.3.2 Equality Act 2010 (EA):

If an employee believes they are covered by EA, this must be confirmed by the Council's Occupational Health Advisor; and the employee, the manager, HR and Occupational Health will need to work together to ensure that all the necessary reasonable adjustments have been identified, considered and made to the job/ premises where practicable to enable the employee to continue working and maintain regular attendance at work.

For the purposes of this policy, sickness absence relating to EA will be recorded in the normal way. An employee who is covered by EA who is absent as a result of their disability, (short or long term), needs to be given different consideration by managers when they are monitoring sickness absence.

It may be appropriate to redesign/modify a job, make practical adaptations in order to meet the needs of a disabled employee or to consider redeployment or some other form of action deemed appropriate/reasonable. For further guidance on this contact Human Resources.

2.4 Return to Work Discussion

After every spell of sickness absence, including spells where the cause is not clear, the manager and the employee will have a Return to Work Discussion as soon as the employee returns to work. This is to facilitate a smooth return to work and not be used by the manager as an informal reprimand.

If they are in the same location, or if there are concerns about the level or nature of absence, the discussion will be in person. Where they are not in the same location, or there are no significant concerns about the level or nature of absence this discussion may be carried out over the telephone.

In any event the discussion must be carried out in private, in a quiet environment

free of interruptions. Sufficient time should be allowed for a proper dialogue to take place. The manager must have information relating to the individual's absence and any other relevant information to hand for referral throughout the discussion.

For further information on how to carry out the return to work discussion, see Sickness Absence Management Guidelines document (available on the intranet).

2.5 Sick Pay

The information below is for guidance only. Human Resources will liaise with Payroll to confirm exact entitlements to sick pay.

2.5.1 Statutory Sick Pay (SSP) – this is payable to all employees who have been off work sick for at least 4 days in a row and who earn enough on average for it to be relevant for National Insurance purposes. It is paid up to 28 weeks.

2.5.2 Occupational Sick Pay (OSP)

Within any rolling 12 months a Local Government Employee is entitled to Occupational Sick Pay in accordance with his/her length of continuous service as show below:

during 1st year of service	1 month's full pay and (after completing 4 months service) 2 months' half pay
during 2nd year of service	2 months' full pay and 2 months' half pay
during 3rd year of service	4 months' full pay and 4 months' half pay
during 4th and 5th years	5 months' full pay and 5 months' half pay
after 5 years service	6 months' full pay and 6 months' half pay

Where proper notification procedures are not followed occupational sick pay will be withheld and/or stopped.

If holidays are taken outside of the European Union (EU), Statutory Sick Pay entitlement ceases and will not be paid. Employees must advise HR if this is the case.

2.5.3 Industrial Injury Sick Pay

A work related injury is where an employee becomes incapacitated for work by reason of an accident, injury or industrial diseases sustained in the course of his/her normal duties, but not where aggravated by the employee's own negligence or misconduct.

Where it is determined that an employee has sustained an injury/illness on duty, the Council will pay the employee an industrial injury allowance payment, equivalent of full pay up to **a maximum of 6 months**. The allowance will not be linked to the normal occupational sick pay entitlements and will not be affected if normal occupational sick has been paid in the previous 12 months.

The council does not treat 'work-related' stress as qualifying for an industrial injury allowance.

Any acceptance by Fenland District Council that an injury is work related does not indicate an acceptance of liability on behalf of Fenland District Council.

All work related incidents are reportable as defined in the Health & Safety at Work procedures/policies. Health & Safety and HR must be made aware of all such incidents promptly and reported by the team manager, in accordance with the Council's Policy.

2.5.4 Third Party and Other Accidents

If an employee has been injured by a third party or involved in some other non-work related incident (e.g. a car accident) and is subsequently absent as a result, he/she should submit all relevant medical certificates and contractual sickness entitlement will be paid as normal.

However, under these circumstances, the Council is entitled to reclaim the contractual sick pay made to the employee when and if any claim against the negligent party is settled, and the Council as an employer has a duty to disclose necessary information to any third parties involved. (Please contact HR for further details if required).

2.5.5 Withholding Sick Pay

Sick Pay may be withheld if an employee does not follow the correct absence reporting procedure, after they have received an initial reminder from their manager.

2.6 The Bradford Factor

An employee's absence is measured by the Bradford Points Score (BPS) which is calculated as follows:

The number of spells of absence in the last 12 months X number of spells of absence in the last 12 months X total number of working days lost in the last 12 months.

The BPS is used as a management tool to obtain a consistent method of taking appropriate action at the appropriate time when an employees' absence triggers management action.

2.6.1 Informal Review

If an employee's Bradford Points Score reaches **between 150 – 249** in any rolling twelve month period, or if the manager is concerned about the individual's reasons for or pattern of absence, the manager discuss this with the employee as soon as possible as part of an informal review meeting:

- Explore the reasons for the absence.
- Agree any reasonable arrangements to facilitate improved attendance. This could include a:

- referral to Occupational Health;
- recommendation to contact the Employee Assistance Programme;
- request to visit their own GP;

- temporary adjustment to working hours, environment or duties etc.

The manager should record the targets/review period on an informal capability form (See Appendix 3). The form should be signed by both the manager and member of staff.

- Arrange a follow up discussion at the end of informal review period (normally three months), include in the employee's 121's for discussion and set employee targets for improvement.
- Advise the employee that should the Bradford Points Score reach 250 or more, or if the absence issues do not improve the matter will be dealt with under the Formal Capability Procedure.
- Deal with any issues which arise.
- Send a copy of all paperwork to HR.

Before the follow up discussion, the manager will review the employee's attendance during the informal review period ready for the discussion with the employee.

If the absence has dropped back below the trigger point or target set, the employee should be praised, encouraged to maintain a satisfactory level of attendance and informed that the informal review is closed.

If the level of absence has not improved, or has worsened, the manager will decide whether to progress the matter via the Formal Capability Procedure. This is usually the next step, but managers will use their discretion so that exceptional circumstances can be taken into account.

In such cases the manager will normally extend the review period and agree a new review date with the employee.

Unless there are exceptional circumstances which warrant an extension, the matter will be referred to the Capability Procedure. Managers must ensure that they undertake an informal review with an employee before progressing to the formal action stage of the procedure.

The Council may require the individual to be referred to the Occupational Health Advisor for expert medical advice/input to enable them to fully understand the nature of the absence and provide the necessary support and management.

It is imperative Occupational Health appointments are kept, or rearranged with 24 hours' notice to ensure the service runs effectively and timely advice can be sought. Adjustments may be able to be made in the form of phone appointments, dependant on the nature of absence and circumstances of the employee if they cannot leave the house.

Unreasonable refusal to participate in any part of the process will result in formal action being taken.

2.7 Capability Procedure

If an employee's Bradford Points Score reaches 250 or more in any rolling twelve month period, or an informal discussion has not had the desired effect to improve

an individual's absence, the manager will formally review the employee's absence in accordance with the Capability Policy and Procedure.

Whenever a 250 trigger point is activated and an informal process has been unsuccessful, the manager should refer the issue to the formal stages of the process and a formal hearing will be arranged.

In preparation of the formal hearing the manager will need to:

- Gain accurate assessment of the number of days' absence the employee has had and the number of separate absence occasions.
- Write/meet the employee inviting him/her to a formal attendance review meeting, enclosing a statement summarising the employee's periods of absence during the defined period.
- Invite employee to explain the reasons for his/her absences, and give him/her the opportunity to put forward any mitigating factors.
- Ensure the employee understands the requirement of the attendance procedure, the reasons why the procedure is in place, and the possible consequences of a continuing unsatisfactory level of attendance.
- Enquire whether there is anything that the manager can do to facilitate an improvement in the employee's level of attendance.
- Keep a record of the key points discussed at the meeting and the outcome.

Please refer to the remaining sections of this procedure, and the Council's Capability Policy and Procedure, or the HR team for more information.

2.8 Long Term Sickness

If an employee has been continuously absent for more than four weeks the manager will arrange a home visit (or a meeting at another agreed location), unless a firm date of return has already been agreed, or the circumstances make a visit impractical.

Home visits must take place regularly until the absence ends. Managers must ensure they maintain contact with the individual throughout their absence. The individual also has a responsibility to maintain contact with their managers throughout their absence from work, ideally on a weekly basis, to ensure that the manager is kept up to date with the individual's progress.

The visit is an opportunity to check on the welfare of the employee, and keep them informed about news and changes in the workplace. It is also an opportunity to make arrangements for the individual to be referred to the Occupational Health Advisor, to make sure that the employee knows when their full or half sick pay or Statutory Sick Pay will expire, to explore options for rehabilitation back into work, discussions about possible redeployment or to raise the prospect of ill health retirement or dismissal on grounds of capability if this becomes appropriate.

The manager will contact the employee to make arrangements for the home visit (or meeting at other agreed location) setting out the suggested date and time and letting the employee know what the visit is about. A member of the Human

Resources team may accompany the manager if necessary, or if requested by the employee.

Following the visit, notes should be made recording the points discussed and any action agreed. These notes should be sent to Human Resources for the employee's file to ensure a full history of the absence is kept. During any periods of long term sick it is important to keep a full chronology of absences and contact made with the employee for future reference.

If faced with unreasonable refusal to co-operate, the employee should be made aware that the absence will continue to be managed regardless of the refusal to cooperate and that continued refusal could have a detrimental effect on any decisions about longer term prospects on employment, as decisions will not be based on the fullest information.

In any event the manager will write and confirm that they have tried to make the arrangements, spell out what would have been discussed and ask the employee, or their next of kin to respond in writing by a certain date.

If the employee is seriously ill they may be unable or quite reasonably not welcome a visit in person. The manager should try to stay in touch with the employee's next of kin (having regard to appropriateness and tact) and work in conjunction with HR.

An employee must be individually consulted about material changes to their employment, such as significant changes to the team, restructuring, redundancy, redeployment and dismissal. This is especially important when an employee is long term sick.

Where a phased return is agreed, the employee's salary will be reduced accordingly to the reduced hours. The employee can choose to top up the shortfall with any remaining sick pay entitlement or annual leave.

2.8.1 Access to Medical information

The final decision about how to deal with an employee's sickness absence/ill health and the impact upon their employment is **managerial not medical**. However, the Council will seek up to date medical advice and information wherever possible to enable them to provide the appropriate support to the individual, and to help inform the decisions that are made. Medical advice from the approved occupational health physician will also be sought in cases where ill health retirement pension decisions are being considered.

Employees have the right to consent to medical reports being obtained, to have access to them and to comment on them before they are submitted to the Council.

In requesting a medical report, the Council is seeking to obtain as much information as possible about the true medical position of the employee so that a better decision can be made.

Where medical information and advice is requested from the individual's medical professional, the individual will be expected to assist in the provision of this information in a timely manner.

The Council meets the personal data requirement under the Data Protection Code of Practice in terms of managing sickness absence. Human Resources will send an Access to Medical Reports consent form to the employee and once signed it will be

forwarded to the occupational health provider along with job details and specific concerns or queries.

However if consent to the report is denied the absence management process will continue without the benefit of the medical information.

2.8.2 Conduct whilst on sick leave:

All employees who are absent from work due to sickness have a personal responsibility to do everything in their power to aid their return to work.

Employees are not denied the rights to go out and about as advised by their doctor, nor are they prohibited from taking holidays as long as these activities do not affect their recovery. However, an employee should have consideration for other staff and how their actions are perceived by others. If too unwell to attend work then the employee should refrain from other like duties outside of the workplace (for further advice contact Human Resources).

2.8.3 Terminal Illness

Managers dealing with cases of terminal illness need to take advice from Human Resources immediately.

2.8.4 Termination of Employment: Long Term Sickness

Where the employee has been long term sick for a period of 9 months or more HR will review the employment situation with the employee's manager, which can include the possibility of ending employment.

This position will be reviewed at regular intervals and ultimately it may become necessary from a business perspective to consider termination of employment. In these circumstances, we will:

- Consult the employee;
- Obtain up-to-date medical advice and further prognosis. It may be appropriate to progress Ill Health Retirement with Occupational Health (for further information contact HR);
- Review whether there are any other jobs that the employee could do prior to taking any decision on whether to dismiss and offer reasonable alternative where appropriate;
- Advise the employee in writing as soon as it is established that termination of employment has become a possibility;
- Meet with the employee to discuss the options and consider the employees views of continuing employment;
- Absences of this type will be referred to the final stages of the formal capability process and **exempted from the earlier stages**;
- Allow a right of appeal against any decision to dismiss the employee on grounds of long-term ill health;
- Review the employee's absence record to assess whether it is sufficient to justify dismissal.

The Council will give reasonable assistance to help employees to get back to work in the same job, or, if this is not practical, in deciding on a suitable alternative such as changes to hours, working environment or duties, or redeployment to a different job. We will consult employees and their representatives if dismissal becomes likely. We will take the employee's views into account in making such decisions. Only where rehabilitation or redeployment is not viable will we consider dismissal on grounds of capability due to ill health, or ill-health related absence. As such the final stage of the formal capability process will apply.

The principles laid down in this policy form part of all employees' contracts of employment.

3.0 Review

Human Resources will monitor this Policy and Procedure to help ensure fair and consistent application. This Policy will be reviewed at intervals to ensure that it remains fit for purpose.

Author	Human Resources
Date	November 2004
Status	Approved
Date of revisions (if applicable)	October 2010 July 2013 August 2015
Date agreed	August 2017
Date for revision	August 2019
Links to other policies	Capability Access to Occupational Health Health & Safety Disciplinary Annual Leave Flexible Working Time Off for Dependents Family Friendly Policies