

Thanet District Council **Absence Management Policy & Procedure**

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Introduction	3
Scope	3
Roles & Responsibilities	3
Reporting an absence	5
Certification	5
Occupational Health	6
Return to Work Meeting	7
Sick Pay	7
Medical and dental appointments	8
Absences arising from injury, accidents or assault at work	8
Contact with infectious diseases	8
Annual leave	8
Employees with disabilities	9
General principles	9
Sickness Absence Triggers	10
Short Term Absence Management Procedure	10
Long Term Absence Management Procedure	14
Right to be accompanied	16
Equality Statement	17

Key Points:

- A return to work meeting should always be held following any period of sickness absence.
- The short term formal absence procedure has three stages:
 - First absence review - the issue of a first written warning may be considered at this stage
 - Second absence review - The outcome of the review may be the issuing of a final written warning
 - Absence Hearing - a decision to terminate employment may be considered at this hearing
- Formal warnings may also be issued for long term absence and although this is dealt with as a separate procedure, warnings for both long and short term absence may be considered together to understand an employee's capability to undertake their role.
- Trigger points are used in this policy to ensure that attendance remains at an acceptable level and support is provided to employees at the earliest opportunity.
- Employees can choose to be accompanied by a trade union representative or workplace colleague at any formal meeting, including appeals.
- The HR team should be contacted prior to initiating any formal process.
- Confidentiality will be given the utmost importance at all stages of the procedure.

1. Introduction

The Council's aim is to promote a culture of exemplary attendance through fair, consistent and effective management of sickness absence.

2. Scope

- 2.1. This policy and procedure applies to all employees of Thanet District Council with the exception of the Chief Executive, Section 151 Officer and Monitoring Officer for whom separate arrangements apply and those within their probation period. In cases of absence during the probation period, the Probation Policy should be used.
- 2.2. Employees who take unauthorised absence, or who abuse the sick pay provision or fail to follow the notification procedures may be dealt with under the disciplinary policy and procedure as appropriate and may have their pay stopped for the period of unauthorised absence.

3. Roles & Responsibilities

Employees will:

- Endeavour to maintain exemplary attendance as expected by the council through managing their health and wellbeing wherever possible to mitigate absences;
- Take responsibility for their own health and wellbeing in order to maintain good attendance at work and seek timely advice from their GP and/or other relevant professional bodies;
- Adhere to any guidance that may emerge from time to time to ensure the safety and wellbeing of you and others whilst at work;

- Comply with the requirement to report sickness absence by informing their line manager when they are unable to attend work due to sickness or if they are taken ill or are injured whilst at work;
- Attend Occupational Health appointments or other appropriate medical specialist appointments if reasonably requested to do so;
- Cooperate fully in meetings to discuss their health and wellbeing with their line manager;
- Seek clarification from their line manager if they are unsure of the sickness absence expectations and trigger points;
- Keep their line manager informed if their health is likely to, or is affecting the standard and consistency of their work;
- Consider what help and support they may need to facilitate a return to work to aid discussions with their line manager.

Managers will:

- Ensure their employees are aware of the Absence Management Policy and what is expected of them via induction and subsequent day-to-day management;
- Identify unacceptable levels of sickness absence and address these and other sickness absence issues at the earliest opportunity in a prompt, confidential and sensitive manner, ensuring consistency and fairness;
- Record sickness absence at the earliest opportunity and regularly monitor employees' attendance;
- Manage the sickness absence process in an efficient and timely manner to facilitate a return to work at the earliest opportunity;
- Conduct and record return to work discussions following a period of absence due to sickness and ensure that employees provide any appropriate documentation;
- Ensure a fair and reasonable investigation has taken place into sickness absence matters and that informal discussions have taken place before initiating the formal process;
- Chair or support First and Second Absence Review meetings when appropriate
- Ensure that any reasonable adjustments that are recommended by either the doctor or by Occupational Health are given due consideration and implemented (where appropriate) in a timely manner;
- Refer employees to Occupational Health as appropriate;
- Seek HR advice as appropriate;
- Ensure that in dealing with sickness absence cases that they are in compliance with the Equality Act 2010 (which incorporates the key provisions of the Disability Discrimination Act, as amended in 2005);
- Ensure that all employees are treated fairly and sympathetically.

HR will:

- Monitor employment legislation relating to sickness absence at work in line with the Equality Act (2010) and support the Council to review and amend this policy as appropriate;
- Provide support, advice and training to the Council and its employees in the interpretation and application of this policy at any stage;
- Help to maintain the link with Occupational Health to ensure consistent management of sickness absence;
- Ensure a consistent and fair approach to the application of this policy;

- Promote health and wellbeing tools and resources to managers and employees;
- Support managers to investigate claims where individuals believe that they are being treated unfairly or unreasonably under this policy.

Service Directors & the Corporate Management Team will:

- Make suitable arrangements to ensure the appropriate application of this policy;
- Encourage all employees to promote and maintain the standards of attendance expected by the Council;
- Support managers to act fairly and consistently in relation to sickness absence and ill health matters;
- Chair or support Absence and Appeal Hearings, as appropriate;
- Encourage managers to participate in the formal Absence Management Procedure when required, ensuring release from normal duties where appropriate, to ensure investigations are dealt with swiftly;
- Attend training on the application of this policy.

4. Reporting an absence

- 4.1. If you do not feel well enough to attend work, you must notify your manager at least half an hour before your working day is due to start. In the absence of your manager, you should notify another manager within your service or your line manager's manager. Other local arrangements for reporting sickness absence may apply and employees should ensure that they are aware of these and adhere to them.
- 4.2. This notification should be made by yourself unless, in exceptional circumstances, you are unable to do so for example, if you are hospitalised or incapacitated. In these situations, a friend or family member should notify your manager of your absence as soon as is reasonably practicable.
- 4.3. The notification of your absence should be made by way of a telephone call.
- 4.4. During the initial telephone call, you should provide your manager with the reason for your absence and an anticipated return to work date. If you are unable to return on the date originally agreed, you should notify your manager using the same notification method detailed above.
- 4.5. It is expected that you will remain in regular contact with your manager throughout any period of sickness absence. The method for doing this and the regularity with which such contact will be made should be agreed with your manager when you notify them of your initial absence.

5. Certification

- 5.1. You can self-certificate for the first seven days of your sickness absence but for the purposes of statutory sick pay, absences of more than seven calendar days will require a fit note, issued by a doctor, which states that you are not fit for work.
- 5.2. The council reserves the right to request a fit note or doctors certificate for absences of less than seven days.
- 5.3. If follow-on certificates are issued by your doctor, each day must be covered without any break in order to avoid any impact on pay.

- 5.4. It is your responsibility to make a doctor's appointment to get continuation certificates before the previous one expires and to contact your manager to make them aware that you will remain off sick. Doctors are not obliged to backdate fit notes.
- 5.5. On a fit note a GP (and some other medical practitioners) 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).
- 5.6. 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, which may include a referral to Occupational Health.
- 5.7. 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 was unfit for work.
- 5.8. At any time you may be required to provide proof of your absence and/or appointments to management, for example, fit notes; proof of vaccination; official test results; consultant's letters, discharge notices etc.

6. Occupational Health

- 6.1. The council contracts with an Occupational Health (OH) provider to give advice on employees fitness to work and any reasonable adjustments that could be made to roles to facilitate a return to work.
- 6.2. A referral to OH should always be made in the cases where absence is long term (i.e. a continuous period of two weeks or more) and in cases where stress, depression or anxiety are given as the reason for absence.
- 6.3. A referral to OH may also be appropriate in cases of frequent short term absence, if an employee is provided with a fit note from their doctor which suggests reasonable adjustments could be made following a period of absence and/or if an employee is diagnosed with a condition or disability that may affect their performance or attendance at work. The HR team will be able to advise when/if a referral is appropriate.
- 6.4. The OH Adviser is an independent, objective specialist assessing and advising on what appears best for both employee and employer in relation to an individual's health and their work. They will sometimes seek a report from the employee's GP before offering advice.

7. Return to Work Meeting

- 7.1. Managers should always meet with any member of staff returning from any sickness absence, even if it was just for one day.
- 7.2. This should usually be carried out before the employee commences work. If a face to face/virtual meeting isn't possible, the meeting could be carried out via telephone in exceptional circumstances.
- 7.3. 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.
- 7.4. 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.
- 7.5. The return to work meeting should:
 - Enable early identification of any issue which can impact on performance or the ability to attend work
 - Establish what, if any, support can be offered to the employee at the earliest opportunity (including Occupational Health referral, counselling, light duties or reduced hours for phased return etc)
 - Ensure that the employee is aware of the council's expectations regarding attendance and the operation of this policy
 - Review the sickness history to identify if a trigger has been reached or if there are any absence patterns that are of concern e.g. absence on specific days in the year (e.g. birthday), absence starting or ending adjacent to non-working days etc

8. Sick Pay

The council operates an occupational sick pay scheme as follows:

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

For the purpose of contractual sick pay, a 'months' pay is the pay the employee would normally receive if he or she had not been absent from work (excluding any non-contractual overtime payments normally received).

For the purposes of this Policy, service in a temporary capacity shall be recognised.

Where the period of sickness absence crosses two service periods, the amount of contractual sick pay shall be based on the entitlement as at day one of the absence.

9. Medical and dental appointments

- 9.1. Time off with pay can be granted for medical and dental appointments, however, it is expected that every effort will be made to arrange appointments outside of normal working hours.
- 9.2. Where this is not possible, they should be booked at the start or the end of the working day to minimise disruption.
- 9.3. Reasonable notice must be given to your manager who may request evidence of your appointment.
- 9.4. Appointments which are not bookable, for example from hospitals or specialists, can be taken as needed but, as above, you must make your manager aware as soon as possible.

10. Absences arising from injury, accidents or assault at work

- 10.1. If you are absent due to an accident, injury or assault (confirmed by an approved medical practitioner and where the appropriate accident reporting has taken place) which has arisen out of and in the course of employment, and through no fault of your own, sick pay will be paid at the normal level but the absence will not be recorded as sickness absence, nor counted towards the period of entitlement to sick pay.
- 10.2. This can apply to more than one period of absence arising as a direct result of the same incident.

11. Contact with infectious diseases

- 11.1. If you are prevented from attending work in accordance with the Health & Safety at Work Act because of contact with an infectious disease, you must inform your line manager immediately.
- 11.2. Provided that acceptable medical evidence is submitted, the absence will be paid at normal levels of sick pay, less any benefits payable under the Act but will not be treated as a sick leave for absence management purposes.

12. Annual leave

- 12.1. If you fall ill whilst on pre-booked annual leave, you should notify your manager in accordance with the normal sickness absence reporting process and provide a doctor's certificate as soon as practicable. You will be credited back the annual leave booked with effect from the date the doctor's certificate was signed.
- 12.2. During periods of ill health, you will continue to accrue annual leave. Statutory leave as defined in the working time directive may be carried forward to the following year if it is not taken due to sickness absence. Annual leave in excess of statutory leave will be lost.

- 12.3. If you are ill during public holidays or concessionary days, you cannot reclaim the time as annual leave.
- 12.4. If you are off sick and wish to go on holiday or take a period of annual leave, this should be agreed in advance with your manager and recorded in the usual way. You are still expected to be contactable and available for reasonable meetings with your manager, HR and/or Occupational Health whilst off sick, unless prior agreement for a period of annual leave has been agreed with your manager.
- 12.5. If you exhaust your sick pay, it may be possible to take and be paid for annual leave during sick leave. This should be discussed with your manager.

13. Employees with disabilities

- 13.1. The council is committed to attracting, supporting and retaining employees with disabilities. Employees are encouraged to disclose any disability they have to their line manager/HR before the start of their employment or as the condition/disability arises in order to access support.
- 13.2. Employees with a disability may be referred to Occupational Health for advice on what adjustments the council can make to their responsibilities, equipment or workplace, to enable them to carry out the functions of their post, such adjustments to be made in consultation with the employee, and the effectiveness monitored over a period of time.
- 13.3. Disability Leave is a form of reasonable adjustment in line with the requirements of the Equality Act 2010 and enables employees to take paid time away from work for pre-planned appointments or treatments, related to an employee's disability, that help maintain health and wellbeing. Disability Leave is available to employees who have a recognised disability and must be agreed by the line manager for a specified reason. This is paid time off and should not be used for disability related sickness absence. Managers may request evidence of appointments and/or treatment before agreeing to a period of leave. Where a disabled employee's condition is likely to lead to frequent, short-term sickness absences, this will be taken into consideration when monitoring attendance.

14. General principles

- 14.1. You should not undertake any work - paid or otherwise - during a period of sickness absence unless this is agreed by a Service Director or member of the Corporate Management Team, although it is likely that such agreement will be withheld. If therapeutic work is recommended to aid your recovery, you should discuss this with your line manager and support to undertake this will be provided where possible.
- 14.2. Sick pay may be suspended in the following circumstances:
 - If you abuse the sickness scheme
 - If you do not engage with your line manager as agreed to update them on your prognosis or recovery
 - If you are absent without leave and continue to fail to make contact with your line manager
 - If you are absent on account of sickness due or attributable to deliberate conduct prejudicial to your recovery

- If you are absent on account of sickness due or attributable to your own misconduct, neglect or active participation in professional sport
- If you are absent on account of sickness due or attributable to an injury while working in your own time, for private gain or for another employer
- Failure to provide proof of sickness as per point 5.8

This list is not exhaustive and other situations may arise where a suspension of sick pay is appropriate.

Should your sick pay be suspended for any reason you will be informed in writing.

15. Sickness Absence Triggers

- 15.1. There are two types of sickness absence - short term and long term (continuous absence over two weeks), each requiring a different approach.
- 15.2. Formal warnings for sickness absence may be issued for both short term and long term sickness absence and may be considered together.
- 15.3. Absence in a 12 month rolling period which meets **any** of the following criteria and does not exceed two continuous weeks will be dealt with under the short term sickness absence procedure:
 - 3 separate episodes of absence in any 6 month period; or
 - 4 separate episodes of absence in any 12 month period
- 15.4. In addition to the above, 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 may also trigger the initiation of the Sickness Absence Management Procedure.
- 15.5. Where a period of absence exceeds a continuous period of two weeks or more, it will be dealt with under the long term sickness absence procedure.

16. Short Term Absence Management Procedure

- 16.1. When a trigger point has been reached, the manager will carry out a fact finding exercise and produce a report to establish the cause of any absence and to offer assistance based on the individual circumstances of the case.
- 16.2. In most circumstances, it is likely that this will result in the initiation of the formal process. However managers may use their discretion, as appropriate and in conjunction with HR advice.
- 16.3. The formal procedure has the following three stages:
 - First absence review hearing
 - Second absence review hearing
 - Final absence hearing

16.4. First Absence Review Hearing

- 16.4.1. The employee will be invited to the hearing in writing and will be provided with reasonable notice, usually of no less than three working days. A copy of the manager's report will be included with the written invitation.
- 16.4.2. The hearing will usually be chaired by the employee's manager supported by another manager who has not previously been involved in the case. A member of the HR team may be present to advise the panel.
- 16.4.3. The chair of the panel will present the report detailing the facts of the case up to this point.
- 16.4.4. Depending on the circumstances, the hearing may cover some of the following matters, as appropriate:
 - 16.4.4.1. Identify the frequency and reason for the absences and ensure that the employee is aware that their absence record may be giving cause for concern, and highlighting the impact on the rest of the team or authority.
 - 16.4.4.2. Advise the employee to seek medical attention to determine if there are grounds to consider that there might be an underlying medical problem, or refer to OH as appropriate
 - 16.4.4.3. Give consideration to personal problems which may be causing the absences and offer possible ways of helping the employee to resolve them
 - 16.4.4.4. If any temporary or permanent redeployment or reduction of duties/reasonable adjustment, or ill health retirement is required
 - 16.4.4.5. Explore whether the absences may be due to a work related injury; a disability defined within the Equality Act; or pregnancy, and take advice from the HR lead as appropriate
 - 16.4.4.6. Indicate that if sickness absence continues at a high level then the employee may be excluded from participating in any additional hours/overtime
- 16.4.5. At the end of the hearing, the manager will advise the employee whether or not a first formal written warning for sickness absence will be issued, providing reasons for the decision. They will explain that the next stage of the procedure will be a second absence review hearing and the potential issuing of a final written warning for sickness absence if attendance doesn't improve. They will also explain clearly what constitutes satisfactory improvement.
- 16.4.6. The outcome of the hearing will be confirmed to the employee in writing within a reasonable timeframe but usually within five working days of the hearing.
- 16.4.7. If a first written warning is issued, it will remain on file for six months and this will be confirmed in the outcome letter.
- 16.4.8. The employee will have the right to appeal against the decision to issue a first written warning for sickness absence. This will follow the process as detailed at 14.7.

16.5. Second Absence Review Hearing

- 16.5.1. If, following a first absence review hearing and the issuing of a first formal warning for sickness absence, the employee's attendance remains

- unacceptable, the manager may decide, in consultation with HR, to move to a second absence review hearing.
- 16.5.2. The manager will prepare an up to date report based upon the facts of the case.
 - 16.5.3. The meeting will follow the same format as the first absence review hearing detailed above.
 - 16.5.4. The outcome of the hearing may be the issuing of a final written warning for sickness absence which will remain on file for 12 months.
 - 16.5.5. The outcome will be confirmed in writing to the employee within a reasonable timeframe but usually within five working days of the hearing.
 - 16.5.6. The outcome letter will also confirm that, should the employee fail to achieve a satisfactory level of attendance in the timeframe set out during the meeting or if they hit another trigger within 12 months of the warning being issued, a final absence hearing is likely to be convened, which may result in the employee's dismissal from the council due to poor attendance.

16.6. Final Absence Hearing

- 16.6.1. If, following the issuing of both a first and a final warning for sickness absence, there is no improvement in the employee's attendance, a final absence hearing will be arranged.
- 16.6.2. The employee will be invited to the hearing in writing with reasonable notice which will not normally be less than three working days. The invitation will confirm that the employee can choose to be accompanied by a trade union representative or workplace colleague and that a potential outcome of the hearing could be their dismissal on the grounds of capability.
- 16.6.3. The line manager will prepare a report for the hearing, a copy of which will be provided to the employee along with their invitation to the hearing. The report will detail the history of the case, the absences which have been taken into consideration and any support that has been provided to the employee along with details of any advice received from Occupational Health.
- 16.6.4. The absence hearing will be chaired by a Service Director, supported by another manager not previously involved in the case. A member of the HR team may also be present.
- 16.6.5. The purpose of the hearing is to consider all information in relation to the absences, including Occupational Health advice. If appropriate the chair of the hearing may adjourn the hearing to seek further medical advice.
- 16.6.6. Consideration will also be given at the hearing as to whether or not alternative employment, reasonable adjustments to the current role or ill-health retirement could and have been recommended prior to making a decision to terminate employment.
- 16.6.7. The hearing will be adjourned to enable the panel to reach a decision. The outcome of the hearing will be confirmed in writing within a reasonable timeframe following the hearing but usually not more than three working days. If the chair of the hearing determines that they require more information prior to making a decision, they may reconvene the hearing or undertake additional investigations. If this is the case, the employee will be informed and updated on the timeframe for a decision to be made.

- 16.6.8. If the decision is to terminate the employee's employment, this will be confirmed in writing along with confirmation of any notice/pay in lieu of notice and outstanding holiday to be paid.

16.7. Appeal Hearing

- 16.7.1. If the employee wishes to appeal the outcome of a hearing at any stage of this procedure, this should be made in writing to HR within five working days of receipt of the written outcome, clearly setting out the reasons for appeal.
- 16.7.2. An appeal is not a re-hearing of the original case but instead should be based upon one or more of the following principles:
 - 16.7.2.1. The sanction imposed is disproportionate or inconsistent with sanctions imposed on other employees in similar circumstances
 - 16.7.2.2. New evidence has come to light since the original hearing which needs to be considered
 - 16.7.2.3. The Council has failed to follow its absence management policy and procedure
- 16.7.3. An appeal hearing will be arranged as soon as reasonably practicable and the employee will be given reasonable written notice of usually not less than three working days.
- 16.7.4. The hearing will be chaired by a manager at the same level as the manager who issued the warning. In cases of dismissal, the hearing will be chaired by a Service Director not previously involved in the case or a senior manager. In both cases, another manager not previously involved in the case will make up the panel and a member of the HR team may be present.
- 16.7.5. At the hearing, the employee will be asked to give their reasons for appealing, referring to any relevant evidence and the chair of the absence hearing panel may be asked to attend the appeal hearing to explain the rationale for their decision.
- 16.7.6. Once all evidence has been considered, the hearing should be adjourned to allow the panel to consider the information put before them. If the panel requires further information or clarification prior to making a decision, this should be sought as a matter of urgency and the employee advised that there will be a delay in reaching an outcome.
- 16.7.7. Once a decision has been reached, the hearing should be reconvened or a letter written to the employee to inform them of the outcome.
- 16.7.8. The outcome of the appeal could be that the appeal is upheld or it is not upheld. This will be confirmed in writing within five working days of the hearing unless there has been a delay due to additional evidence or clarification being sought.
- 16.7.9. The decision of the appeal hearing is final and there is no further right of appeal.
- 16.7.10. If the employee is appealing against a decision to dismiss them, their dismissal date will be effective from the date in their dismissal letter, unless their appeal is upheld. The employee's employment will not continue whilst a decision regarding their appeal is reached. If the appeal is upheld, the employee will be reinstated with no break in their continuous service and their pay will be backdated to the date of dismissal.

17. Long Term Absence Management Procedure

Long term absence is defined as a period of medically certified sickness absence that is continuous for at least two weeks.

- 17.1. When an employee is suffering a long term illness, line managers are expected to exercise judgement in respect of the appropriate timing of Occupational Health referrals and the scheduling of meetings based on the individual circumstances (e.g. it may not be appropriate to make arrangements if the employee is seriously ill or could not reasonably be expected to attend). HR can advise as appropriate.
- 17.2. Normally after two weeks, or earlier if long term absence can be predicted, the manager should invite the employee to a meeting, accompanied by a member of the HR team. This must be confirmed in writing and may take place either at the employee's home or workplace if their medical condition allows. The meeting will:
 - 17.2.1. Help to gain further information relating to the absence,
 - 17.2.2. Inform the employee that they will be referred to Occupational Health to establish the likely length of the absence and the long term effect on capability in relation to job performance and attendance at work,
 - 17.2.3. Address, where possible, any needs or concerns of the employee,
 - 17.2.4. Determine whether the employee may qualify as having a disability under the Equality Act 2010,
 - 17.2.5. Consider offering appropriate alternative work if this would enable the employee to return to work
- 17.3. On receipt of the Occupational Health report a further meeting will be arranged with the line manager and the employee. HR may be present. The purpose of the meeting will be to discuss the report and to give consideration to the options available which may include:
 - 17.3.1. The employee being expected to be fully fit for their duties on an on-going basis in the near future, setting a possible start date and possibly including a phased return to work and/or temporary modification of duties for an interim duration,
 - 17.3.2. The employee being capable of undertaking modified duties, giving consideration to making reasonable adjustments within the workplace (e.g. amended duties, part-time working, redeployment, re-training)
 - 17.3.3. If no improvement can be expected in the short term, stating when reviews will take place and whether the employee requires further medical treatment or referral
- 17.4. Should the individual be unable to fulfil the duties of a post within the council for the foreseeable future, consideration should be given to whether an application for retirement on the grounds of ill health is recommended, if the employee is in the Local Government Pension Scheme. An Occupational health doctor will be required to assess the case and any ill health retirement recommendations will be subject to the discretion of the employer.
- 17.5. The employee must provide a contact point during the absence and maintain contact with their line manager, keeping them informed of any changes in condition and at regular intervals. The manager will be able to contact the employee directly or via family members or other intermediaries (e.g. Occupational Health) depending

on the medical condition and advice. If an employee refuses to maintain contact sick pay may be withheld and the Disciplinary procedure may be invoked.

- 17.6. Depending on circumstances, the employee may not be allowed to return to work until Occupational Health has declared them fit to return. Where declared fit an employee must return to work.
- 17.7. A formal warning for sickness absence may be issued where appropriate for staff who are absent for more than 2 weeks. This must be confirmed in writing to the employee, clarifying that exceeding 2 formal warnings in a rolling 12 month period may result in dismissal.

17.8. Redeployment on medical grounds

- 17.8.1. Finding alternative employment will only be considered where it is necessary for medical reasons, in instances of long term sickness and disability related absence, and recommended by Occupational Health. The initial search for an alternative role should be explored within the service and/or directorate prior to considering a move across the Council.
- 17.8.2. Individuals must be aware that there may be occasions where alternative roles cannot be sourced or would not be suitable. In those instances, where relevant, ill health retirement will be considered or ultimately dismissal due to capability with notice.

17.9. Ill Health Retirement

- 17.9.1. Retirement on the grounds of ill health can only be considered after all other options have been exhausted, and where an independent registered medical practitioner, qualified in Occupational Health medicine, has determined that an employee meets the criteria for ill health retirement, in accordance with the Local Government Pension Scheme (LGPS) Regulations.
- 17.9.2. LGPS Regulations require that for there to be an entitlement to an ill health retirement pension:
 - the employer has to terminate the member's employment on the grounds of ill health or infirmity of mind or body before the member's Normal Pension Age and;
 - before deciding whether the member meets the conditions for an ill-health retirement pension and, if so, which tier of benefit to award, the employer must obtain a certificate from an Independent Registered Medical Practitioner (IRMP) who has been approved by the administering authority
- 17.9.3. The following criteria have to be satisfied before an ill health retirement can take place:
 - The member's employment must be terminated by the employer on the grounds of ill health or infirmity of mind or body.
 - At the date of termination the member must be under their Normal Pension Age in the current 2014 scheme.
 - At the date of termination the member must have met two years' qualifying service in the LGPS.

- The member must, as a result of ill health or infirmity of mind or body, be permanently incapable of discharging efficiently the duties of the employment the member was engaged in and;
 - The member, as a result of ill health or infirmity of mind or body, must not be immediately capable of undertaking any gainful employment. (Gainful employment is defined as paid employment for not less than 30 hours in each week for a period of not less than 12 months).
- 17.9.4. Where ill health retirement is an option because an employee is deemed to be permanently incapable of doing their job, one of three tiers of benefit can be awarded. Each tier looks at the employee's capacity to carry out gainful employment in the future.
- 17.9.5. An IRMP, who has had no previous dealings with the case, will be engaged by the Occupational Health provider to carry out an ill health retirement assessment. This will be organised through HR.

17.10. Termination of employment on grounds of capability due to ill-health

- 17.10.1. Where long term sickness absence continues and there is no prospect of a return to work within a reasonable timeframe or an employee is unable to maintain their attendance due to an ongoing medical condition, consideration will be given to escalation to a Final Absence Hearing on the grounds of capability due to ill health. This Hearing may result in the employee's dismissal (see section 16.6). The hearing will need to review whether all reasonable adjustments have been considered and whether an alternative role has been found/cannot be found/is not considered suitable.
- 17.10.2. If termination of employment on grounds of capability is given, notice will be based on full pay, even if the sick pay entitlement is exhausted, or pay in lieu of notice may be given (N.B. Dismissal may take place before sick pay expires).
- 17.10.3. Employees have a right of appeal against termination of employment on ill health grounds and must be advised of that right. Any appeal must be made in writing to HR, following the appeal process detailed at 16.7.

18. Right to be accompanied

- 18.1. Employees have the right to be accompanied by a fellow worker or trade union representative at any formal meeting or subsequent appeal during this process.
- 18.2. The automatic right to be accompanied does not apply at any informal stage of this procedure but if requested then it will be allowed, provided that it does not cause any delay to the process.
- 18.3. The council reserves the right to refuse accompaniment by a person who is deemed to be unsuitable by the HR team. Examples of unsuitability would include someone who has a vested interest in the outcome of the grievance and anyone who has previously behaved inappropriately during a hearing.
- 18.4. If the employee's trade union representative or workplace colleague is not available at the time arranged for the hearing, the employee may request an alternative hearing date provided that it is within a reasonable timeframe, which will be determined by the chair of the panel. A postponement will normally also be granted

where, to do otherwise would seriously prejudice the ability of either party to present their case. A hearing will normally only be rearranged once and the chair of the hearing may determine an outcome on the evidence available without the employee being present if they are unable to attend a hearing that has already been rearranged.

19. Equality Statement

The Council is committed to promoting equality, valuing diversity and combating unfair treatment. The Council will endeavour to ensure equal access to its policies and procedures and will combat discrimination or less favourable treatment on the grounds of any irrelevant consideration, in accordance with the Equality Act 2010.