



**Warwickshire County  
Council**

**Managing Sickness  
Absence**

*Working for  
Warwickshire*

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# **Managing Sickness Absence**

## **1. Introduction**

The supporting guidance provided in this management procedure should be applied in the context of the County Council's Sickness Absence Policy. Reference should be made in particular to the roles and responsibilities of managers.

The County Council considers the health, safety and wellbeing of its employees to be of the highest importance. Consequently, managers have been provided with this practical document that includes a structured framework to enable employee absence to be managed effectively.

Although some employee sickness may be unavoidable, it is recognised that work is beneficial to health, wellbeing and self-esteem and that through positive attendance at work the Council will be able to provide high quality services for the citizens of Warwickshire. The aim of this procedure is reduce the incidence of sickness and help employees return to work as soon as possible.

## **2. General Management Procedure**

### **2.1 Ensure the sickness procedure is communicated**

Employees are required to attend work unless unfit to do so. However, if your employee is prevented from attending work because of illness they must telephone you as soon as possible, but prior to the time that they are expected to start work. You can implement local reporting procedures in order to meet specific business needs and to provide clarity on issues such as to whom employees must report in your absence.

It is important that you communicate to your employees the procedure they need to follow before they are absent from work. Please ensure your employees have access to a copy of the Employee Sickness Absence Guide and encourage them to keep it readily available at home. This guide is available on the Intranet at <http://www.warwickshire.gov.uk/absence>

### **2.2 Maintain regular contact with absent employees**

Maintaining contact with an employee during their sickness absence is good practice and can be welcomed by the employee. It can help to relieve anxieties and enable positive discussions to take place during an absence and on return to work.

If the employee fails to contact you, you have the right to contact the employee and maintain contact on a regular basis throughout the duration of the absence.

Your employee will need to give the reason for why they are off work, the first day of sickness absence and indicate when they are likely to return to work. You should agree and plan with your employee when further contact will be made, who will initiate it and clarify that you need to be kept informed on a regular basis.

When your employee knows their date of return they must inform you of the date prior to returning to work and confirm that they are in work on the day of return.

### 2.3 Receive absence certification

All employees must provide you with:

- A Self-Certification form for each occasion of sickness absence that exceeds half a day. The employee must complete and submit this to you at their return to work discussion. The form can be found at <http://www.warwickshire.gov.uk/absence>
- A Fit Note from the doctor from the eighth calendar day of sickness and at regular intervals for the duration of their sickness absence from work.

In some circumstances, you may request that an employee provides a Fit Note to cover each period of absence from the first day of absence. (e.g. during or after annual leave). In these circumstances, the cost of the certificate will be reimbursed by the County Council on production of a receipt. Please seek advice from the HR Advisory Service before taking this action.

### 2.4 Consider the advice on the Fit Note

On the Fit Note doctors will advise one of two options:

a) Not fit for work

This means that the doctor's assessment of your employee is that they have a health condition that prevents them from working for the stated period of time. This is like the old 'sick note' where the doctor advises your employee to "refrain from work".

b) May be fit for work taking account of the following advice

This means the doctor's assessment of your employee is that their condition does not necessarily stop them from returning to work. For example, they could return to work but may not be able to complete all of their normal duties, or they could benefit from amended times of working.

If the doctor has advised that your employee 'may be fit for work', and you cannot make the adaptations or adjustments to help a return to work, you should explain the reasons for this to your employee and then use the Fit Note as if the doctor had advised 'not fit for work'. Your employee does not need to go back to their doctor for a new Fit Note to confirm this and will remain off sick until the Fit Note expires.

Where a doctor has advised that your employee may be fit for work they will include some comments on their patient's condition and, where appropriate, will tick one or more of the four tick boxes on the Fit Note.

These are the common ways to help someone with a health condition return to work:

<p><b>Phased return to work</b></p> <p>A doctor will recommend this where they believe that your employee may benefit from a gradual return to work</p>	<p>For example:</p> <ul style="list-style-type: none"><li>• An employee following an operation could return to work on reduced hours, gradually increasing to their normal hours over an agreed period of time</li><li>• An employee with a back or shoulder problem, whose job involves lifting, gradually increases the quantity or intensity of their work over an agreed period of time. This could help them return to work earlier whilst rebuilding their capacity for manual work.</li></ul>
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<p><b>Altered hours</b></p> <p>A doctor will recommend this where they believe that your employee will benefit from a change to the hours that they work, in order for them to return to work. This does not necessarily mean working fewer hours.</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• Providing the option to start (and /or leave) later could support someone who is unable to drive and struggles with rush hour public transport to continue working.</li> <li>• Allowing more flexible hours could support someone who is still receiving treatment to return to work if their duties are amended to take into account their condition.</li> </ul>
<p><b>Amended duties</b></p> <p>A doctor will recommend this where they believe your employee may be able to return to work if their duties are amended to take into account their condition.</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• Removing heavy lifting from the job of someone who has a back injury could help them to return to work whilst recovering from their injury</li> <li>• Controlling, reducing or removing a more pressured part of a job role (such as dealing with complaints), could help someone off work with stress to return to work.</li> </ul>
<p><b>Workplace adaptations</b></p> <p>A doctor will recommend this where they believe your employee may be able to return to work if their workplace is adapted to take into account their condition.</p>	<p>For example:</p> <ul style="list-style-type: none"> <li>• A ground floor workstation for an individual who has problems going up and down stairs (this may occur in cases of arthritis for example).</li> <li>• Arranging for a parking space near the entrance to the workplace, could help someone who has reduced mobility post-surgery return to work.</li> </ul>

As the line manager it is your choice after discussing the Fit Note considerations with your employee, on how to act on the doctor's advice; it is not binding. In determining what action you are able to take, you will need to consider reviewing any appropriate risk assessments for the role or activities undertaken to take into account the new risks and required controls.

Your employee can return to work at any time (including before the end of the Fit Note) without going back to see their doctor, even if the doctor has indicated they need to see the employee again, providing that a suitable assessment of any risks has taken place, for example an employee's Personal Evacuation Plan, Managing an Individual Employee's resilience Assessment.

You may decide to discuss the Fit Note with the HR Advisory Service or Occupational Health Advisors too. Referrals to Occupational Health must be made through the HR Advisory Service.

### **Phased Return to Work Arrangements**

Where a phased return to work is desirable, you should meet with the employee to establish a pattern of return to work and anticipated timescales, subject to review/s. Each case must be considered in the light of the individual circumstances. All agreements reached to allow for an early return to work on a reduced hour's basis should be for a limited period normally no more than 4 weeks.

Options may include:

- Short term modification of workload so that they are not "thrown in at the deep end" and have time to settle back into work.

- Adjustment to working hours with the agreement of the individual, if possible within the constraints of service requirement.
- Mid-week return, so that two or three days back at work is followed by a weekend of rest.

In terms of administering these arrangements, you should record the employee as sick for those parts of the week that the employee does not work. Normal pay will apply for normal hours worked and the 'sick' hours will be covered by statutory and or/contractual sick pay as appropriate. A phased return to work form (see <http://www.warwickshire.gov.uk/absence>) must be completed and returned to the HR Service Centre to ensure sickness absence and allowance are correctly recorded.

As an alternative or where sick pay entitlement is insufficient, the employee may cover non-working days with other leave, e.g. annual leave or flex leave. If this is agreed it is not necessary to complete a phased return form and the information should just be recorded on HRMS in the normal way. Where the pattern of phased return is complex, please contact the HR Service Centre for advice and help in recording the pattern of phased return on HRMS.

## **2.5 Hold “Return to Work Discussions”**

Irrespective of the duration of the period of sickness absence, you will need to carry out a return to work discussion with your employee. This may be delegated to another manager in your absence.

The return to work discussion is crucial in managing attendance and must be undertaken as soon as possible after the employee returns to work (or prior if necessary to plan a phased return) and should be within 3 working days at the latest. The discussion must be carried out in private and with sufficient time, maintaining confidentiality and promoting an atmosphere of trust. The length and formality of this conversation will vary depending on the frequency and length of absence, however, if you have a concern about the individual's pattern of attendance then this is a good opportunity to explore interventions aimed at improving attendance and avoiding formal action. The scope and purpose of the return to work discussion will be to:

- Welcome the employee back to work
- Acknowledge that the employee has been missed, provide an update of any changes to his or her work and how it has been dealt with during their absence.
- Identify clearly the reasons for their absence and where relevant enquire whether the employee has consulted the doctor or attended hospital.
- Check if specific issues are contributing to absence e.g. work, medical, personal, or domestic but at all times respect the confidentiality and privacy of the employee.
- Alert the employee to any patterns, for example the persistent Monday or Friday absentee and seek an explanation.
- Discuss the advice given on the fit note, for example reasonable adjustment or revised hours / duties.
- Ensure the Self Certification Form and the Return to Work record are completed.
- Inform the employee if an informal or formal meeting is required under the Managing Sickness Absence procedure.
- Complete any appropriate risk assessments, for example, Managing an Individual Employee's Resilience Assessment

In addition to the above, if your employee:-

- has been absent long term (over 20 working days), or
  - is returning after an accident that prevents them from carrying out normal duties or
  - has been absent due to musculoskeletal injuries or
  - has been absent due to illness where stress is a factor
- then you should consider completing the relevant sections contained in the Return to Work Discussion Aid available on the intranet (health and safety > H&S topics A-Z > stress).

If your employee is returning to work after a period of stress, an Individual Employees Resilience Assessment should be completed, so that potential stressors can be identified and measures taken to ensure a successful return to work. ( [Health & Safety](#) > [Health & Safety Topics A-Z](#) > [Stress](#).) You may also seek the advice of the Staff Care Service when completing complex assessments of this kind [staffcareconfidential@warwickshire.gov.uk](mailto:staffcareconfidential@warwickshire.gov.uk)

## 2.6 Record sickness absences

Managers must ensure that they have entered all employees' sickness absences into HRMS each week via Manager Self Service. Even if there are no absences in your team, you must declare in Manager Self Service each week that the absence recording has been completed. It is good practice to commence the absence record on HRMS on the day it is reported and then complete the recording when the employee returns to work. Remember to record the date of the return to work discussion on HRMS Manager Self Service as soon as it has taken place.

If you do not have access to Self Service you must provide a completed weekly absence return showing any employee absences in your team to the HR Service Centre for them to enter into the HRMS system.

You should ensure that the Self Certification form is completed in full including the reasons for any non-escalation to the next stage of the sickness absence procedure. You should retain the completed self-certification form for your own record purposes, uploading it to the Attendance section of the HR-ER system where access permits.

## 2.7 Monitor and review employee sickness indicators

The following indicators should be considered when reviewing an individual's absence record. Details of whether the individual has reached a specific indicator are available to line managers via Manager Self Service to enable you to take appropriate action in a timely manner.

- 3 or more episodes of sickness absence in a rolling 6 month period
- 5 or more episodes of sickness absence in a rolling 12 month period
- 10 days\* (covering 1 episode or several episodes of sickness absence) in a rolling 12 month period.

\*This will be applied on a pro-rata basis for part time staff.

Only working days are counted in the rolling period that is defined as the 6 or 12 months prior to the first day of absence in any absence.

The sickness indicators will prompt you if there is a need to take action. This may be a result of:

- an extended period of sickness absence

- the result of frequent periods of sickness absence
- an increasing level of sickness absence

Where an employee’s level of absence is causing concern, this must be brought to their attention and they must be given appropriate support and opportunity to improve their attendance before action is taken affecting their employment. The general principles of the procedure are based on effective communication and reasonableness.

It is usual that any pattern of sickness absence will be addressed by a cycle of Absence Review Meetings that will involve investigation / action and a period for monitoring and review. This cycle will continue until your employee’s level of absence is no longer a cause for concern.

In taking action, other factors that should be taken into account include:

- previous absence record;
- patterns of absence;
- length of service;
- patterns of work;
- days worked per week and
- working environment, i.e. taking account of food hygiene, working with customers / clients involving manual handling etc.

For example, it may be appropriate to have an Absence Review Meeting with a new member of staff having 2 absences in their first month of employment.

The following sections of the procedure provide more detailed guidance for managers taking action.

<b>Cause for Concern</b>	
<b>Short Term Sickness Absence</b>	<b>Refer to Section 3</b>
<b>Long Term Sickness Absence</b>	<b>Refer to Section 4</b>

## **2.8 Refer employees to Occupational Health (if appropriate)**

Occupational Health work with individuals, HR, Health, Safety and Wellbeing and Managers to reduce sickness absence by being proactive in health promotion, health assessment, supporting employees’ return to work and helping the Council to protect employees against any risk of work related ill health.

As a line manager, if you have concern about your employees’ health either due to absence or due to the risks they are exposed to as part of their work, you have the right to refer employees for a medical consultation to the Occupational Health Service. Referrals to Occupational Health must be made through the HR Advisory Service. Your employee does not have to be absent from work for a referral to be made, if you have concerns.

The Occupational Health Service, based at Barrack Street, provides advice and support in maintaining and improving employee health and minimising absence due to ill health.



Further information about the range of occupational health services is available on the Intranet in the "Occupational Health Guide for Managers" at <http://www.warwickshire.gov.uk/absence>

### **3. Procedure for Managing Short Term Sickness Absences**

#### **3.1 Definition of Short Term**

An absence of below 20 working days (pro rata for part time staff) is treated as a short term absence (this period is a nationally used definition for monitoring purposes). Short term absences are inevitable for all employees but they should only interfere with work on a relatively infrequent basis for most people and be managed with the expectation that absence will not reach unreasonable levels or prevent the employee regularly attending work.

Line managers have a responsibility to ensure that appropriate action is taken where an individual employee's short term absence becomes a cause for concern such as when hitting corporate indicators.

The procedure for managing short-term sickness absence is detailed in this section.

#### **3.2 Informal Absence Review Procedure**

If an employee's absence is identified as a cause for concern you should carry out an informal absence review. This can be done at the return to work meeting, or at a separate meeting. You should consider covering the following additional points in your conversation, such as:

- problems associated with the sickness absence
- explore the reasons for the absence
- support available and/or whether a referral to occupational health or Staff Care is appropriate
- ways in which improvement can be achieved and maintained
- consider using the corporate indicators as a target
- that a sustained improvement is required over an agreed period and that a review will take place before the end of that period

Your employee should be informed that if satisfactory improvement is not made referral to the formal stages of the procedure will be made. (Section 3.3)

It is important that you confirm the outcome of the informal absence review meeting to the employee in writing.

#### **3.3 Formal Absence Review Procedure**

Throughout this formal procedure you may seek advice from your Advisor based in the HR Advisory Service.

Your employee has the right to be accompanied by a Trade Union representative, or fellow employee at any formal meeting.

### 3.3.1 Stage 1: Manager

You should invite your employee to a formal meeting and ensure that they are provided with details of the formal absence review procedure for managing short term sickness absence.

At the meeting you will:

- inform your employee that their attendance has fallen below the standard expected.
- state the details, provide evidence (such as of the sickness record, meetings held and actions taken to date) and the impact this is having on service delivery and the team.
- give your employee the opportunity to provide an explanation of any mitigating circumstances
- consider and discuss with your employee all available options at this stage of the process to enable the employee to improve to the required standard.
- agree an appropriate way forward, which may include referral to Occupational Health, reasonable adjustment, redeployment to another suitable vacancy or ill health retirement and ensure that a plan of action is drawn up, with timescales.
- confirm that you expect a sustained improvement over the next 12 months and that you will be using the corporate indicators as a guide.
- set a review date (usually of no less than 6 months).
- explain that failure to reach the required standard during the 12 month period may lead to further formal action.

Following the meeting you should:

- confirm in writing the details of the meeting, including the actions agreed, the standard which must be achieved, the timescales within which there should be an improvement and any support that will be made available. A copy should be retained and uploaded to HR-ER, Attendance section where access allows.
- monitor the employee's progress and keep the employee updated as necessary.

At the end of the 12 month period, you should assess the attendance. If your employee's attendance is considered to be:

- satisfactory, you should inform the employee that no further action is to be taken at this stage and confirm this in writing.
- unsatisfactory, you can either extend the first formal review or refer it to a stage 2 meeting, either of which should be confirmed in writing.

You can move on to stage 2 when it becomes apparent that the standard set has not been met. You do not have to wait 12 months before moving to Stage 2.

### 3.3.2 Stage 2: Manager

The process followed at this stage should mirror the procedure for the first stage meeting giving the employee a further opportunity to improve their attendance.

Confirm that you expect sustained improvement over the next 24 months using the sickness indicators as a guide.

Review dates should remain at no less than 6 monthly periods.

It would be appropriate at this stage to make a referral to Occupational Health if this has not

already occurred.

If the employee's sickness is due to an underlying medical cause, please also refer to the long term sickness absence guidance. On-going advice from the HR Advisory Service is important in such cases for which it may be appropriate to use elements of both the short and long term sickness absence processes.

The approach to be used and how it fits with the principles of good practice contained in this guidance should be discussed with the employee.

Explain that failure to reach the required standard during the 24 month period may lead to further formal action, including the possible termination of employment on the grounds of incapability or unacceptable level of attendance.

Details of the Stage 2 meeting should be confirmed in writing to the employee. Closely monitor the employee's progress and keep the employee updated as necessary.

At the end of the 24 month review period, assess the attendance. If the employee's attendance is considered to be satisfactory, you should inform the employee that no further action is to be taken at this stage. This should be confirmed in writing.

If satisfactory improvements are not made within the agreed period of time or after other options have been exhausted, then the manager should refer the matter to Stage 3 and inform the employee of this action.

You can decide to move to Stage 3 when it becomes apparent that the standard set is not being met. You do not have to wait 24 months before moving to Stage 3.

### **3.3.3 Stage 3: Formal Hearing – Head of Service (or nominated deputy)**

Advice should be sought from the HR Advisory Service during this stage.

The manager should write a statement of case, which will include details of the employment and sickness history, meetings and their outcomes, actions taken to date to support the employee, occupational health contacts and a summary of any options explored with the employee such as reasonable adjustments, redeployment to another suitable vacancy or ill health retirement. The case should be sent to the relevant Head of Service and hearing arrangements made.

The employee shall be given at least 14 calendar days written notice of the hearing. The notification should detail

- the concern over the level of attendance and
- that the hearing is to consider options, which may include the possible termination of employment and
- the employee's right to be accompanied by a trade union representative, or fellow employee
- a copy of the management statement of case should be attached.

The hearing will follow the same format as a disciplinary procedure. If any new matters come to light in the course of the hearing an adjournment should, if necessary, be allowed.

Consideration should be given to the options available other than dismissal such as reasonable adjustments, redeployment to another suitable vacancy, or ill health retirement and where necessary record why they are not appropriate / have been unsuccessful.

Following the hearing, your employee should be sent a letter detailing the outcome of

the hearing. Where dismissal is the outcome the letter should also include the reason for dismissal, the period of notice given, the date of termination and their right to appeal.

### **3.3.4 Appeal**

Any appeal at stages one or two should be made in writing to a more senior manager. In the cases of appeals against dismissal, the appeal will be heard by Elected Members. The appeal should be made in writing to the Head of HR and Organisational Development within 14 days of receipt of the letter confirming dismissal.

The appeals process will follow the same format as that outlined in the disciplinary procedure.

## **4. Procedure for Managing Long Term Sickness Absences**

### **4.1 Definition**

A long term absence is defined as a single absence of 20 working days or more. This period is a nationally used definition for monitoring purposes, and should be applied on a pro rata basis for part time staff. A long term absence can represent “one off” or ongoing medical conditions or disabilities.

This procedure should be used where:

- your employee has been off sick for more than 20 working days and where there is no imminent prospect of a return to work, or
- Where frequent short-term sickness absence is attributable to an underlying, long-term medical condition.

Whilst all situations are different, it is expected that cases will normally be resolved within 12 months. Most cases will, of course, take less time than that. You should be mindful of this expectation when monitoring long-term absence cases.

You will need to demonstrate that you are managing long term sickness absence by making positive decisions in line with this guidance. You must make a decision on the most appropriate action following discussion with your employee and taking advice as necessary. Action will normally be decided on and communicated at an Absence Review Meeting. However, it may not always be necessary to hold a meeting. For example, it may be more appropriate to inform your employee of the need to make a referral to Occupational Health via the HR Advisory Service in order that the professional medical opinion can inform an Absence Review Meeting. This action can be contained in a letter / telephone conversation or email.

Long term absence is often handled most effectively through early interventions and actions. This enables a manager to identify what practical support can be provided to facilitate a return to work.

As a manager you have the right to initiate and maintain reasonable contact with your employee in order to inform your decisions. Your employees are expected to co-operate with such contact and failure to do so may result in you making decisions based on the limited information you have available at that time.

## 4.2 Absence Review Procedure

You should normally arrange a meeting with your employee at a mutually convenient time and place.

Your employee may choose to be accompanied by a fellow employee or Trade Union representative and you should consider being accompanied by another member of staff.

The purpose of the meeting may include to:

- Enquire after the health of your absent employee; discuss the nature and likely prognosis and duration of the absence.
- Consider referral of the individual to the Occupational Health Service. The purpose and process of this and the potential outcomes should be explained.
- Discuss the outcome of a referral to the Occupational Health Service that has already been made.
- Agree future contact arrangements; contact should be maintained ideally at monthly intervals by regular phone calls, or meetings, or home visits. In exceptional circumstances, alternative arrangements can be agreed.
- Discuss whether any assistance can be provided and give details of any useful contacts such as the trade unions and Staff Care for advice and support.

The details discussed and any actions agreed should be recorded and acted upon. You should consider if you need to send any documentation to your employee.

In exceptional circumstances, if your employee is expected to return to work within a short, specified time, then a meeting may not be necessary. Such situations may include an employee who has undergone an operation where the condition and recovery is straightforward. You should, however, monitor the situation in case the sickness absence becomes more prolonged or complicated than expected. You should arrange a meeting whenever it seems appropriate.

## 4.3 Referral to Occupational Health

Occupational Health can assist you and your employee by:

- Providing a specialist occupational health assessment and advice to both parties about the effect of any health condition or other relevant problem on current and future fitness for their work or attendance.
- Providing advice about how job modification, alternative work or workplace rehabilitation may help your employee return safely to work and so cut short avoidable continuing sickness.
- Obtaining reports or advice from the employee's GP (with appropriate consent) and/or specialist to help facilitate safe rehabilitation at work
- Providing specialist medical assessment to facilitate health & safety risk assessments where this becomes necessary in the management of individual cases.

Following a discussion of the purpose, process and the potential outcomes of a referral with your employee, you should consider referring the employee to the Occupational Health Service via the HR Advisory Service to ascertain the employee's medical condition, including fitness for work, timescale for return, and any limits on the ability of your employee to perform their job.

Occupational Health may liaise with your employee's GP and/or Consultant, and if so will

arrange this direct with your employee. Employees must attend an Occupational Health appointment that has been arranged for them and sick pay may be withheld if they fail to do so without an acceptable reason. It is in the best interest of all concerned to try and resolve sickness absence matters early and co-operatively, as early intervention is usually more effective in achieving a successful return to work. This may be especially applicable to employees who are absent due to stress or musculoskeletal symptoms.

You do not have to wait until the end of a Fit Note or a formal attendance warning in order to make a referral, as often an early referral may be more beneficial to your employee in assisting their return to work.

You must liaise with the HR Advisory Service to arrange for a referral to be made to Occupational Health. For further information, refer to the Occupational Health Guide for Managers, located on the Intranet. <http://www.warwickshire.gov.uk/absence>

Following receipt of the report from Occupational Health, you should discuss the report and the implications arising from the report with your employee. Please note that any advice given and suggested adjustments contained within a report are recommendations and the opinion of the Occupational Health Advisor. It is a management decision as to whether or not these can be accommodated.

The potential outcomes arising from an Occupational Health appointment will normally fall into the following categories:

Outcome	Action required
Fit for work: no adjustments likely to be required	You should confirm with your employee the arrangements for a return to work.
Fit for work: temporary / permanent adjustments recommended	You should discuss with your employee the adjustments outlined and whether or not they can be accommodated. If the adjustments cannot be accommodated you should endeavour to facilitate the continuation of their employment through the alternative actions outlined below such as redeployment.
Temporarily unfit for work:- <ul style="list-style-type: none"> <li>• Report from GP/Specialist</li> <li>• OHA/OHP review to be arranged</li> </ul>	You should maintain regular contact with your employee and monitor the situation. Once a GP/Specialist report is received a further outcome should be received from Occupational Health and you will need to consider the advice given at that stage. If the employee fails to give their consent to a GP/Specialist report OH will need to give their advice and you will need to consider your actions stemming from that advice without the benefit of a GP/Specialist report. If the situation does not become clear within a reasonable period of time the situation may move to another outcome and/or you may consider contacting the HR Advisory Service.

<p>Not fit for work in the foreseeable future (OH Physician decision only).</p>	<p>Where the medical advice is that your employee cannot continue to carry out their current duties due to their physical or mental health, you should endeavour to facilitate the continuation of their employment through the alternative actions outlined below such as redeployment before taking action to end the employment on the grounds of incapability due to ill health.</p> <p>If the employee is a member of the Local Government Pension Scheme and has at least two years pensionable service, they may be eligible for retirement on the grounds of ill health. If this is the case their employment will be terminated with a pension</p>
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### 4.3.1 Adjustments / Adaptations

Consideration should be given to any reasonable adjustments to the duties, hours of work, shift pattern, work environment etc. that might enable your employee to return to work or attend regularly. Advice should be sought from the HR Advisory Service regarding any adjustments affecting the employee's contract of employment. Any changes made to the contract of employment must suit the business needs of the service. If the employee is experiencing stress, refer to the "Management of Work-Related Stress & Wellbeing Managers Guide" on the Intranet (health and safety > H&S topics A-Z > Stress). If there are any health and safety issues / risks for which you need advice, contact [healthandsafety@warwickshire.gov.uk](mailto:healthandsafety@warwickshire.gov.uk) or consult the Staff Care Service at [staffcareconfidential@warwickshire.gov.uk](mailto:staffcareconfidential@warwickshire.gov.uk)

### 4.3.2 Phased Return to Work

A return to work following an extended period of sick leave can be facilitated by a graduated build up to normal contracted hours. Where either a doctor's Fit Note or an OH report includes the option of a phased return to work you should meet with your employee to establish a pattern of return to work and anticipated timescales, subject to agreed reviews. Each case must be considered in the light of the individual circumstances but it would be unusual for a phased return to extend beyond 4 weeks.

Normal pay will apply for normal hours worked and the hours not worked will be recorded as sick and covered by statutory and / or contractual sick pay as appropriate. Where the absence is for half a day or more this will count as sickness absence and will count towards normal Occupational Sick Pay entitlements. You should instruct the HR Service Centre of the planned phased return using the appropriate form at <http://www.warwickshire.gov.uk/absence>

The employee may cover non-working hours with other leave, e.g., annual leave. If it is agreed to cover non-working hours with other leave it is not necessary to complete a phased return form and the information should just be recorded on HRMS in the normal way.

Your employee should indicate on the self-certification form the parts of the week when they are not at work as part of the phased return to work arrangements.

### **4.3.3 Redeployment**

Where your employee is unable to return to their substantive post, either permanently or in the foreseeable future attempts should be made over a reasonable period of time to find suitable alternative employment. Details of this procedure are contained in the County Council's Redeployment Policy. The HR Advisory Service and Redeployment Advisor may be contacted to provide guidance regarding the redeployment process.

If after a reasonable period, of up to two months, no suitable employment can be identified, it may be appropriate to consider the continuation of employment. Redeployment may still be actively explored during the notice period.

### **4.3.4 Ill Health Retirement under the LGPS**

If medical advice indicates that your employee is permanently unfit to undertake the duties of their current post and there are no suitable redeployment opportunities, early retirement on the grounds of ill health should be considered. Under the Local Government Pension Scheme, an employee eligible for early pension benefits due to ill health must:

- have at least two years pensionable service, or have equivalent transferred rights from another pension scheme; *and*
- be certified by an independent occupational health physician as being permanently incapable of performing the duties of your post or any comparable employment on grounds of ill health or infirmity of mind or body. "Permanently incapable" means that you will, more likely than not, be incapable, until, at the earliest, your 65th birthday.

Further advice on this process can be obtained from the HR Advisory Service.

### **4.3.5 Ending the contract of Employment**

Having due regard to all the circumstances of the case and regardless of whether sick pay has been exhausted, consideration may be given to terminating the contract of employment of an employee on long term sickness absence on the following grounds:

- the employee does not meet the criteria for early retirement on grounds of ill-health
- redeployment is not appropriate or it has not been possible to redeploy the employee
- the employee has exhausted the alternatives offered for rehabilitation.
- medical opinion has established that it is unlikely that the employee will return to work and maintain an appropriate attendance record within a reasonable period of time.

## **4.4 Formal Hearing**

This process should be undertaken in conjunction with the HR Advisory Service. The employee must be fully consulted at a formal meeting that will be convened to discuss consideration of dismissal. A Strategic Director, or delegated representative, should chair the meeting. The employee should be given at least 14 calendar day's written notice of the meeting, be reminded of its purpose, their right to be accompanied by a trade union representative, fellow employee or friend, and relevant papers distributed.



Whilst you should do your best to accommodate attendance by the employee, if they do not wish to attend the meeting in person, they may prefer to be represented at the meeting or to submit written documentation for consideration. The fact that they do not attend in person will not, of itself, prevent the meeting from continuing in their absence.

Where the employee is not fit to attend the meeting they may again elect to be represented at the hearing or to submit written evidence for consideration. The reason the employee gives for not being fit to attend should be taken into account when considering if the meeting should continue in their absence. For instance, contact made at short notice prior to the meeting date for a common ailment is unlikely to prevent the meeting from continuing in the employee's absence.

The chair of the meeting will inform the employee and yourself of the decision. If it is decided to end the employment contract, the employee should be given written notice in accordance with their terms and conditions of employment and confirmation of the effective date of termination. Notice is at full pay, even if the sick pay entitlement is exhausted, and runs from the date that notice is given. It will normally be expected that any outstanding annual leave will be taken during the notice period.

If it is decided that it is inappropriate to terminate the contract of employment at that time, any follow up action should be confirmed in writing.

An employee has the right of appeal to the appeals panel of three elected members, by written notice to the Head of HR and OD, within 14 days of receipt of the letter. The appeal will follow the same process as that outlined in the Disciplinary Procedure, available on the HR Intranet.

## **5. Managing Disability Related Sickness Absence**

### **5.1 Reasonable Adjustments**

You will need to ensure that employees with a physical or mental impairment (including those with a diagnosed mental illness) within the scope of the Equality Act are not unfairly discriminated against through the application of this procedure. You should be prepared to make reasonable adjustments, for example to the role, the method of undertaking the role, or working environment, in order to facilitate either a return to work or to sustain attendance at work.

During the return to work conversation you should encourage the employee to talk about the effects their condition has on their ability to carry out their duties. The employee should be involved in suggesting what reasonable adjustments should be considered and how they may be implemented.

If more specialist equipment is required, there are means of support such as Access to Work (ATW) which is a government grant scheme that provides financial support to employers to assist with the employment of disabled people. Further information and advice is available via the HR Advisory Service and HR Intranet. <http://www.warwickshire.gov.uk/absence>

If you feel that more information is required on a medical condition, then a referral should be made to Occupational Health. Further non-medical related advice may also be sought via the HR Advisory Service, Health, Safety and Wellbeing Service the local Disability Employment Advisor or specialist organisations such as the RNIB, Dyslexia Action etc.

Arrangements should also be made to review current risk assessments in light of any

change in circumstance such as specific adjustments being considered.

## **5.2 Re-training/Rehabilitation**

Dependent upon the nature of the illness or disability, re-training or rehabilitation should be investigated in conjunction with Occupational Health and the HR Advisory Service. Support is available for employees who require necessary specialist equipment due to a disability and to assist them to carry out their duties. Further details regarding Access to Work can be found at <http://www.warwickshire.gov.uk/absence>

## **5.3 Redeployment**

Dependent upon the nature or permanency of the illness consideration should be given to the employee's suitability to undertake alternative employment, if this is available and subject to advice from the Occupational Health Service. In conjunction with the employee, the HR Advisory Service and the Redeployment Advisor you will need to ensure that redeployment opportunities are fully investigated.

The aim should be to facilitate the employee's return to work in a timely manner. After a reasonable period, normally up to two months, if no suitable employment has been identified, it may be appropriate to commence the process to terminate employment. Redeployment opportunities may still be actively explored during the notice period. The HR Advisory Service and Redeployment Advisor may be contacted to provide guidance regarding the redeployment process.

## **5.4 Terminal illness**

Where your employee has a terminal illness, there is a need to consider the individual's circumstances and their continued employment in as sensitive and compassionate a way as possible. Advice should always be sought from the HR Advisory Service on the issue of continued employment and the details of pension benefits for any spouse/partner and dependants. It is important to consult with the employee about their wishes and also to be in a position to provide them with information on the options available. In cases of terminal illness, arrangements should be made to nominate a link person with the employee, so that appropriate contact can be maintained.

## **6. Frequently Asked Questions**

### **6.1 How should I record sickness absence that occurs part way through the day?**

Employees who attend work and then subsequently have to leave due to sickness absence during the course of the day should be treated as follows:

- If your employee has worked less than 50% of their expected contracted hours for that day, the absence should be recorded as a half-days sickness absence and therefore will count towards normal Occupational Sick Pay entitlements.
- If your employee has worked 50% or more of their expected contracted hours for that day, the absence should not be recorded as sickness absence

### **6.2 What should I do if my employee is on annual leave and falls sick?**

If your employee is on annual leave and notifies you that they are sick you should regard the period as sick, provided they have followed the normal reporting procedure and that the absence is covered by a Fit Note. Where the sickness is for 7 days or fewer the Council will reimburse the cost on production of a receipt. Leave will not be credited if sickness occurs on a bank or public holiday.

### **6.3 Can an employee take annual leave whilst absent due to sickness?**

It is recognised that a holiday may be beneficial to the health of an employee who is on long term sick and if they opt to take a holiday it will be deducted from their annual leave entitlement. You should therefore discuss with your employee the taking of annual leave in the leave year to which it relates. Taking annual leave whilst absent due to sickness does not constitute a return to work and will therefore not trigger an increase in contractual sick pay. All annual leave needs to be authorised in advance, even when employees are off sick.

Where your employee has been on sick leave and has been prevented from taking their full annual leave entitlement due to sickness absence then you should contact the HR Advisory Service for advice.

### **6.4 What should I do if an employee is off sick and they have annual leave booked?**

Your employee can opt not to take the annual leave booked. You should clarify what the employee wishes to do. If the employee opts not to take the annual leave it will be reimbursed and can be taken at another time. You should contact the HR Advisory Service for advice.

### **6.5 What do I do if my sick employee declines a request to meet about their absence whilst they are off sick?**

Whilst off sick employees are expected to make themselves available for scheduled meetings to discuss their sickness absence and to attend Occupational Health appointments. Employees who take annual leave without prior authorisation or do something that worsens their illness or prolongs their absence may be subject to disciplinary action so you should clarify the expectation with your employee at the earliest opportunity.

## **6.6 What do I do if my employee fails to produce medical certification?**

If your employee has failed to produce medical certification (Fit for Work Certificate) within 2 working days of it being due, you should contact the individual to remind them of their obligation. If the certification is still not forthcoming after having discussed the matter with the HR Advisory Service then the occupational sick pay will be stopped from the first day of the absence or from the date the previous fit note expired.

## **6.7 What happens if my employee has a doctor, dentist or hospital appointment?**

Your employees should make all reasonable efforts to ensure that medical appointments (doctors, dentists, etc.) are made outside normal working hours. Where an appointment has to be attended during the normal working day employees should aim to cause the least disruption to their work and make up any time lost. These absences are not recorded as employee sickness.

## **6.8 What should I do if I have observed signs and symptoms of stress in my employee?**

If signs and symptoms are observed and you are worried about an employee then you should speak to your HR Advisor as a referral to Occupational Health may be required. Advise the employee to seek advice from their GP and how they can receive support at work through the Staff Care Service.

Together with the employee you should complete a 'Managing an Individual Employee's Resilience Assessment Tool ' to see if there are work-related elements that can be prevented/ managed/ resolved. If the stress is evident in the team then complete the 'Managing Resilience within a Team/Role Assessment Tool'. These risk assessment tools are available under Stress on the H&S intranet page. Further information can be found in the 'Managing Resilience, Stress and Wellbeing Policy'.

## **6.9 Where can I receive further advice from?**

If you wish to seek further advice to help you manage employee sickness, contact the HR Advisory Service.

March 2017

## 7. Appendices

### Appendix: Sample Statement of Fitness for Work Form

Statement of Fitness for Work For social security or Statutory Sick Pay	
Patient's name	<input type="text" value="Mr, Mrs, Miss, Ms"/>
I assessed your case on:	<input type="text" value="/ /"/>
and, because of the following condition(s):	<input type="text"/>
I advise you that:	<input type="checkbox"/> you are not fit for work. <input type="checkbox"/> you may be fit for work taking account of the following advice:
If available, and with your employer's agreement, you may benefit from:	
<input type="checkbox"/> a phased return to work	<input type="checkbox"/> amended duties
<input type="checkbox"/> altered hours	<input type="checkbox"/> workplace adaptations
Comments, including functional effects of your condition(s):	
<h1>Sample</h1>	
This will be the case for	<input type="text"/>
or from	<input type="text" value="/ /"/>
to	<input type="text" value="/ /"/>
I will/will not need to assess your fitness for work again at the end of this period. (Please delete as applicable)	
Doctor's signature	<input type="text"/>
Date of statement	<input type="text" value="/ /"/>
Doctor's address	<input type="text"/>

Med 3 04/10

# Self-Certification Form

This form should be completed by employees and managers, and a return to work discussion held following all periods of sickness absence, as soon as possible following the employee's return to work. For periods of sickness absence of 8 days or longer, a Fit Note must also be obtained.

## Record of absence. To be completed by the employee.

Employee Name		Assignment Number	
<input type="text"/>		<input type="text"/>	
Job Title		Team	
<input type="text"/>		<input type="text"/>	
First Date of Sickness		Last Date of Sickness	
<input type="text"/> AM/PM		<input type="text"/> AM/PM	
Working Days Absent		Working Hours Lost	
<input type="text"/>		<input type="text"/>	
Reason for Absence			
<input type="text"/>			
Is absence due to a work related injury/ activity/ incident?		If YES, enter details onto the Accident Recording System.	
<input type="checkbox"/> Yes <input type="checkbox"/> No			

## Record of Return to Work Discussion. To be completed by the manager in line with the Sickness Absence Management Procedure.

Have any of the following indicators been reached?

<input type="checkbox"/> 3 episodes or more in the last 6 months	<input type="checkbox"/> 5 episodes or more in the last 12 months	<input type="checkbox"/> 10 days or more in the last 12 months
--	---	--

Details of Return to Work Discussion, and any agreed actions, should be noted below.  
 If YES to any indicators, an informal review should be conducted as detailed in the procedure.  
 If an informal meeting has taken place previously, a formal meeting should be scheduled.  
 If a formal meeting is not required the reason for this should be recorded here.

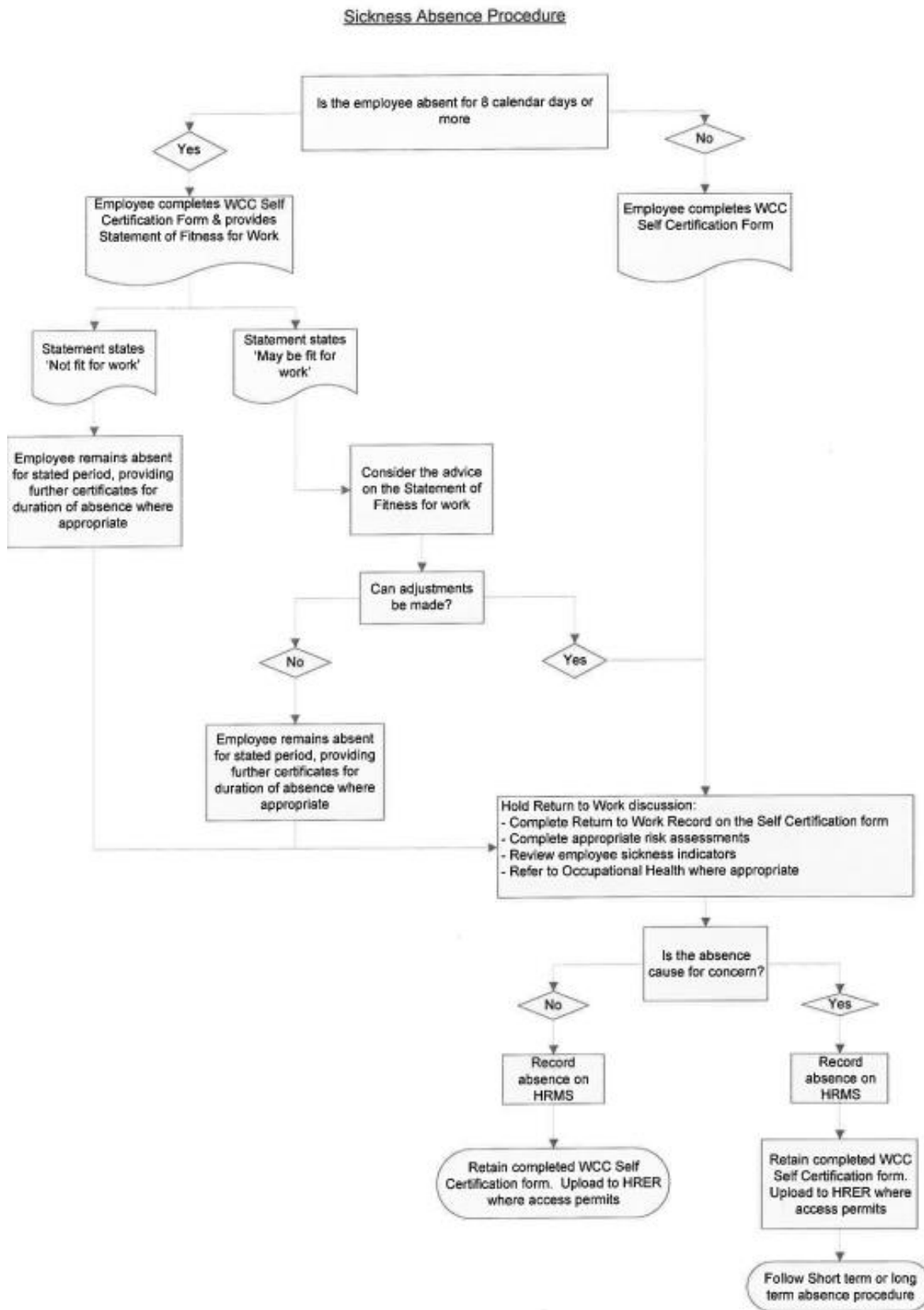
Signed by Employee	Date
<input type="text"/>	<input type="text"/>
Signed by Manager	Date
<input type="text"/>	<input type="text"/>

Record the absence on HRMS, Manager Self Service (if available) This document should be uploaded to the employees HR –ER record, Attendance section.

HR Administration | Email: [hradministration@warwickshire.gov.uk](mailto:hradministration@warwickshire.gov.uk) | Tel.: 01925 738444

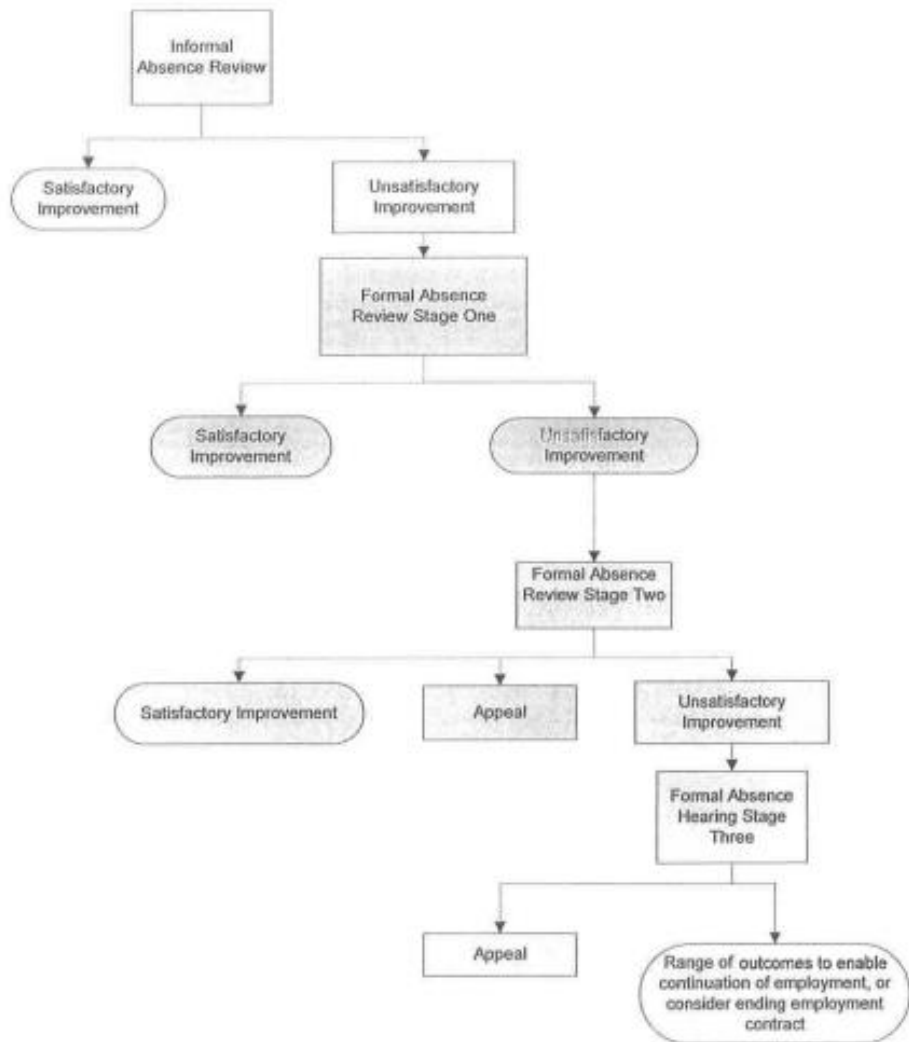
Self-Certification Form, Version 1.0 January 2013 | Page 1 of 1

Appendix: Sickness Absence Procedure Flow Chart



Appendix: Sickness Absence Procedure: Cause For Concern Flowchart

Short Term Absence



Long Term Absence

