



Sickness Absence Management Policy & Process

1. INTRODUCTION:

- 1.1 Cognus Limited has a duty of care for its employees' health and wellbeing. We expect our employees to attend work and perform their duties to the best of their abilities.
- 1.2 Employee attendance is essential for the successful delivery of Cognus Limited's aims and ambitions; we are therefore committed to our workforce health and wellbeing. There will be occasions when an employee is absent as a result of illness or injury, however, absence may also result in an adverse effect on the quality of services provided by Cognus Limited. The Company aims to provide any support which is reasonably practicable to help an employee who is affected by illness or injury to recuperate and if absent from work, to return once they are able to do so.
- 1.3 To ensure the Company provide the highest levels of service, we also have to commit to ensuring high standards of attendance. Procedures for recording and monitoring absence are detailed in this policy along with the responsibilities of both managers and employees in managing sickness absence. These procedures focus on ensuring all employees are treated fairly and given the appropriate support whilst maintaining service levels.
- 1.4 Cognus Limited values the diversity of its staff and is committed to promoting equal opportunities and eliminating discrimination. Therefore all parties will ensure that this procedure is applied and operated fairly and in doing so ensure that there is no discrimination on the grounds of age, gender, sexual orientation, race, religion or belief, disability, marital status, pregnancy or maternity, or gender reassignment.

2. AIM:

- 2.1 The Company aims to provide a healthy and safe working environment which promotes the wellbeing of all employees and reduces levels of absence, thereby ensuring effective service planning and delivery. We recognise the hard work of our employees and endeavours to assist those who have been absent to return to work as quickly and fully as possible. We will ensure our managers have the necessary information to monitor and manage sickness absence effectively.
- 2.2 This policy sets out actions for persistent short-term and long-term sickness absence and should be read and applied in conjunction with the Company's Capability Policy and Process. This policy outlines appropriate management actions to ensure employee's return to work. It is the responsibility of line managers to ensure that the processes laid

out in this policy and the Company's Capability Policy are carefully followed within their area of responsibility. Where an area of the process allows for the delegation of responsibility to another party, the arrangements must be confirmed in writing. Where a role or individual is subject to a joint appointment it is the responsibility of the manager to ensure that the other manager is informed, and where appropriate, agree to the course of action proposed.

- 2.3 Prior to reaching any decisions, line managers will engage fully with employees to ensure they are actively involved with the decision making process.
- 2.4 Where appropriate, the Company will refer employees to its Occupational Health (OH) provider for specialist advice. The Company believes that referral to OH can give employees additional support and specialist advice. We see OH as a positive contribution to employee's wellbeing.

3. RESPONSIBILITIES UNDER THE POLICY AND PROCEDURES:

3.1 Human Resources (HR) Responsibilities:

- a) To maintain and update this policy routinely and as appropriate to reflect legislative changes, best practice and case law.
- b) To ensure employees and managers understand their responsibilities in the context of the policy.
- c) To provide managers with training and guidance as and when needed.
- d) To support managers and panel members at formal hearings to offer procedural support, guidance and advice.
- d) To liaise with OH on behalf of managers as and when needed.
- e) To produce reports and statistical information for the management group.

3.2 Line Manager's Responsibilities:

- a) To understand and observe their responsibilities detailed in this policy.
- b) To ensure all employees are treated with dignity, respect and receive fair and consistent treatment.
- c) To ensure employees feel valued during periods of sickness absence and in the way their return to work is managed.
- d) To ensure health and safety of their team colleagues by addressing and minimising any potential risks effectively.
- e) To ensure employees are aware and observe their responsibilities regarding sickness notification and reporting procedures and when recording self-certified sickness absence via HR Self-service.

- f) To enter and close employee sickness on HR database system without fail.
- g) To notify HR of any long-term sickness absence immediately and to forward the appropriate paper work i.e. doctor's certificate, etc.
- h) To maintain routine contact with the employees during their absence and during periods of long-term sickness absence to visit the employee at their home, hospital or a preferred location.
- i) To address persistent short-term absence with employees without fail.
- j) To undertake return to work discussions with employees following each episode of sickness absence.
- k) To discuss an OH referral with employees when necessary and obtain their consent.
- l) To complete relevant sections of the OH referral form and liaise with HR for tailor-made advice, support and to forward to OH for processing.
- m) To ensure attendance records are maintained appropriately and kept up to date.
- n) To ensure all employees are treated fairly and equally and that no one is treated less favourably due to having a disability either seen or unseen.
- o) To complete disability risk assessments with employees following disclosure of them having a short or long-term health condition with an aim to agree control measures and any reasonable adjustments.

3.3 Employee's Responsibilities:

- a) To comply with this policy and process at all times.
- b) To ensure health and safety of others and that of their own.
- c) To understand and observe their responsibilities in respect of the sickness reporting and recording procedures.
- d) To record all periods of absence including sickness absence on HR database system routinely via HR Shared-Services.
- e) To submit a doctor's certificate for periods of sickness absence exceeding **seven consecutive days** from the date of notification (including weekends and/or non-working days)
- f) To refrain from participating in any activity inconsistent with their illness/health condition or which might aggravate it.
- g) To agree to see the Company's OH when recommended to ensure the management has adequate information about their health, recuperation and any limitations and to be fully involved in the decision making process.

- h) To comply with the directions of their own GP or the Company's OH advisor.
- i) To keep in touch with their line manager routinely to update him/her of their health, recuperation and return to work.
- j) To participate in return to work discussions and sickness absence review meetings as and when asked by their line manager.

3.4 Occupational Health (OH):

- a) Managers may, at any time, require an employee absent from work due to illness to attend an appointment with the Company's OH Team to obtain a medical opinion regarding their health, recuperation and fitness for work. Furthermore, staff do not need to be off sick to be referred. If an employee does not consent to a referral, decisions about their employment will be made without the benefit of the professional medical advice and guidance that could be provided by the Company's OH Team.
- b) The OH Team offers confidential advice and support to the employee, manager and HR during an employee's absence to help facilitate the best way forward. Advice will be based on knowledge of the illness and the employee's job. In certain circumstances and with the individual's consent, OH will seek the opinion of the employee's General Practitioner (GP) and/or Hospital Consultant.
- b) In the event of a referral, OH will arrange an appointment with the employee and produce a report. A copy of the report will also be sent to the employee.

3.5 Employee Assistance Programme:

The Company funds a 24-hour, seven day a week confidential counselling service which is run by Workplace Options. This service provides counselling both over the phone and face-to-face where appropriate. Employees can access this service by calling the helpline number on **0800 243 458** in strict confidence.

4. REPORTING OF SICKNESS ABSENCE:

- 4.1 If an employee is unable to attend work due to sickness absence, s/he must notify their line manager **by 09:00** on the morning of the absence. They will need to explain why they are unable to attend and indicate when they intend to return to work.
- 4.2 Only in exceptional circumstances when an employee is unable to contact his/her line manager due to severity of illness including hospitalisation, a member of his/her family or their partner can call on their behalf to report the employee's sickness absence.

- 4.3 If an employee is unable to call, s/he may send a mobile phone text message or an email to their line manager to report their absence, provided they call back **by 12:00 noon** on the same day to speak to their line manager.
- 4.4 In the event if the line manager did not hear from the employee **by 10:00 am** on the first day of his /her sickness absence, the manager may call the employee to enquire of their where about, health and wellbeing. If the manager is unable to speak with the employee, s/he may call the employee's next of kin after liaising with HR.
- 4.5 The Company reserves the right to withdraw sick pay if employee fails to follow the correct sickness absence reporting procedures.
- 4.6 If an employee is absent due to sickness for more than seven consecutive days (including weekends/days not normally worked) they must send a doctor's certificate from their own GP or hospital consultant directly to their manager. The line manager will scan and forward the GP certificate to HR electronically.
- 4.7 For extended periods of sickness absence, the employee should notify their manager each time a new medical certificate is issued. All medical certificates should run consecutively to ensure that there are no days during the period of absence when there is no certification.
- 4.8 It is important that employees maintain regular contact with their manager throughout the period of absence. Failure to do so, may result in their entitlement to sick pay being suspended or withdrawn altogether.

5. RECODING OF SICKNESS ABSENCE:

- 5.1 If an employee is absent due to sickness for less than seven consecutive days (including weekends and days not normally worked), the line manager must record their sickness on the HR self-service system immediately and close it on their return to work.
- 5.2 For long-term sickness absence periods, the line manager is required to enter the employee sickness on the HR self-service system and close it upon the employee's return to work.
- 5.3 As soon as the sickness is recorded on the HR self-service system, the manager should aim to authorise the absence within 24 hours of it being entered and this in turn will notify the HR and payroll teams.
- 5.4 In the absence of the line manager, sickness may be authorised by the senior manager or a HR representative.
- 5.6 If an absence is not recorded and authorised as above, this may lead to delay, subsequent adjustment or loss of pay. Where medical certificates are required by the Company, but employees are unable to obtain one without cost, the reasonable cost will be met fully by the Company.

6. SICKNESS ABSENCE SCORE:

- 6.1 The Company has adopted the Bradford Factor (BF) as a tool for monitoring sickness absence of staff, referred in this policy as the Sickness Absence Score.
- 6.2 The Bradford Factor is a recognised way of monitoring individual sickness absence on an ongoing basis. The Bradford Factor calculates a score based on the number of times an employee is absent and the number of days they are absent in 12-month rolling period.
- 6.3 The formula used to calculate an employee's BF score is: **S x S x D**

$$\text{Number of times absent} \times \text{number of times absent} \times \text{total number of days absent} = \text{BF (Sickness Absence Score)}$$

- 6.4 The Company has agreed a total sickness score of **350** as the trigger point to initiate informal dialogue between the employee and the line manager.
- 6.5 The sickness absence score helps the Company monitor sickness absence on a 12-month rolling period of its workforce and highlights those who have reached a sickness absence score of 350 or above. The line managers should address the employees sickness absence by:
- holding an informal sickness absence review meeting to address an employee's sickness absence and to explore if there are any underlying health condition and, to agree any action points including a referral to occupational health.

- 6.6 **Example 1:** In the 12-month rolling period, Mrs Jones has been off-sick on two occasions. She was off-sick on 1st July 2018 followed by three days from 17th July to 20th July 2018. In the sickness absence management report, her sickness absence score has been calculated as follows:

$$2 \text{ (no. of times they are off)} \times 2 \text{ (no. of times they are off)} \times 4 \text{ (total days off)}$$
$$= 16 \text{ (Sickness Score)} - \text{no management action needed}$$

- Example 2:** In the 12-month rolling period, Mr Smith has been off-sick on five occasions. He was off-sick on 1st April, 19th April, 23rd May, 27th May and 1st June to 10th June 2018. In the sickness absence management report, his sickness absence score has been calculated as follows:

$$5 \text{ (no. of times they are off)} \times 5 \text{ (no. of times they are off)} \times 14 \text{ (total days off)}$$
$$= 350 \text{ (Sickness Score)} - \text{management action needed}$$

6.7 Managers are reminded to liaise with HR at every step of the way for policy and procedural guidance.

7. OCCUPATIONAL SICK PAY:

7.1 Employees absent from work owing to illness will be entitled to receive sick pay as outlined below:

Length of service	Paid Sickness Absence Entitlement
During Probation	1 week full and 1 week half pay
1 st year of employment	2 months full and 2 months half pay
2 nd year of service	3 months full and 3 months half pay
3 rd year of service	4 months full and 4 months half pay
4 th year of service	5 month full and 5 months half pay
5 th year and beyond	6 months full and 6 months half pay

Cognus Limited reserves the right to change or withdraw occupational sick pay at any time due to its financial positioning in the future by giving adequate notice to staff.

7.2 The definition of full pay will include regularly paid supplements including any recruitment and retention allowance. Sick pay is calculated on the basis of what the individual would have received had s/he been at work.

7.3 In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to statutory sick pay receivable, so long the total sum does not exceed the individual's normal pay.

8. STATUTORY SICK PAY (SSP):

8.1 Eligible employees are entitled to receive up to **28 weeks** statutory sick pay (SSP) during a period of incapacity to attend work. Eligibility does not depend on length of service. If applicable this will be offset against any payments made under the occupational sick pay scheme.

8.2 The following group of staff are not entitled to receive SSP if on the first day of incapacity:

- a) They are engaged on a short-term contract of three calendar months or Less.
- b) Their average earnings are less than the lower earnings limit for National Insurance.
- c) A newly appointed employee has done no work at all under their contract of employment and/or is yet to commence employment with the Company.

- 8.3 SSP can only be paid for qualifying (i.e. working) days.
- 8.4 Employees are not eligible for SSP unless they are sick for **four consecutive qualifying days**; the first three qualifying days are called 'waiting days' and do not attract SSP payment.
- 8.5 Payment of SSP will be made on the first normal pay day practicable after the qualifying conditions have been met. The rate of SSP is reviewed annually and current rates are available from: <https://www.gov.uk/statutory-sick-pay>

9. SHORT-TERM SICKNESS ABSENCE:

- 9.1 Short-term absences is defined as intermittent or occasional days of absence of 8 days or more in any rolling year. Repeated short-term absence can be the symptom of a more serious health, work-related issue (e.g. stress or bullying) or personal problem, and so monitoring it using the sickness score can help these problems be avoided.
- 9.2 Employees are required to maintain routine contact with their line managers during the course of their sickness absence. This should be at least once a week via telephone.
- 9.2 Part day absences, i.e. less than half the normal working day or shift, arising from an employee attending work but then going home due to illness will not normally count towards sickness absence trigger points. Although any subsequent days' absence following the day of going home will. However if there is a pattern of part day absences the manager should contact HR for advice as this may be reasonably considered as an unacceptable pattern of absence warranting a formal review.
- 9.3 Managers will undertake a return to work interview for every episode of sickness absence and reserve the right to consider referring the employee to OH team for clinical assessment. In the event an employee refuses to be referred, the line manager will have no other option but to instigate formal sickness absence management process with the limited information they hold about the employee's health.
- 9.4 The Company believe that every sickness absence is genuine unless there is evidence to suggest otherwise. However repeated short-term absences can be extremely disruptive and so can become a capability issue. As such this may be dealt with under the Capability Policy and Process if all informal routes to improve an employee's attendance have failed.
- 9.5 Once a sickness absence score of 350 is reached, the manager will liaise with HR and decide the next steps.
- 9.6 The manager and HR will determine the appropriate stage of the informal or formal process by reviewing sickness absence score, pattern and history of each individual case. HR will ensure that all cases are viewed fairly and consistently, and that this policy is applied appropriately and in line with all relevant legislations.

10. LONG-TERM SICKNESS ABSENCE:

- 10.1 When an employee is absent through sickness for **over 20 consecutive working days** in one episode, the manager will arrange to meet or visit the employee unless there are special circumstances which prevent this. Managers must seek the advice of HR prior to any visit.
- 10.2 Regular contact will be maintained with employees on long-term sickness absence to ensure communication is working both ways. The manager should ascertain the employee's expectations of when they will return to work.
- 10.3 Employees on long-term sickness absence will be referred to the Company's OH Team for clinical assessment and advice. Full discussions will take place with the employee before this referral and their consent will be sought.
- 10.4 If there is no satisfactory indication of a return to work in the foreseeable future, and the team is being put under strain because of the employee's absence, consideration may then need to be given to whether continued employment is reasonable in the circumstances.
- 10.5 Taking the employee's views into account, clinical input from the occupational health and examining all the available medical evidence, the manager will have a number of options:
 - a) To allow more time for recovery and recuperation.
 - b) To consider offering a reasonable alternative role in line with the employee's health and physical limitations if practicable.
 - c) To consider any reasonable adjustments proposed by the OH to facilitate an employee's return to work including consideration for phased return to work which must not be **more than six weeks** and supported by the Company's OH team.
 - d) To explore if an employee on a long-term sickness absence can be considered for ill-health retirement.
 - e) To refer the case to their head of service to consider the future employability of the employee in accordance with the Company's Capability Policy and Process.

11. RETURN TO WORK:

- 11.1 If an employee has been absent from work for **over 20 consecutive working days** in one episode due to sickness, the employee must be referred to OH and should not be allowed to return to work until medically cleared to do so by the Company's OH team.

- 11.2 Any phased returns to work plan on the employee's normal working hours will need to be discussed and agreed with the Company's OH team and managers are required to sought advice from HR prior to agreeing an employee's return to work.
- 11.3 A phased return to work plan must not be **more than six weeks** and fully supported by the Company's OH team. In exceptional circumstances and at the Company's discretion, a longer period maybe considered. Managers are required to liaise with HR for information and guidance.
- 11.4 Following a long period of absence it is necessary that the return to work discussion takes places as soon as the likely return to date has been identified. This may help the employee to prepare for their return and enables the manager to arrange any additional support required.

12. RETURN TO WORK DISCUSSIONS:

- 12.1 A return to work discussion is an informal meeting between a member of staff and their line manager that takes place when the member of staff returns, or plans to return to work following a period of sickness absence.
- 12.2 On returning from every absence spell, employees and their line managers are required to meet informally to discuss any relevant matters, and to sign any necessary documentation for sick pay etc. This meeting will typically occur on an employee's first day back to work and/or before his/her intended return to work date.
- 12.3 The Company is committed to the return to work discussion because:
- a) It is good practice for a line manager to meet with all employees returning to work after sickness absence or before his/her intended return to work date.
 - b) It can be a valuable way of picking up early indications of any specific problems such as those related to a newly diagnosed health condition or difficulties in the work or home environment.
 - d) It provides an opportunity to outline support that can be offered to employees that might reduce sickness absence incidence via altered working arrangements, short-notice annual or unpaid leave, etc and, to consider and bespoke reasonable adjustments.

13. ANNUAL LEAVE AND BANK HOLIDAYS:

- 13.1 When an employee has been on long-term sick leave and has been unable to use their outstanding annual leave by the end of the annual leave year, they will be allowed to carry over any outstanding annual leave to the following holiday year. In this situation, employees will be required to take any outstanding leave prior to their return to work and immediately after they being signed fit to return to work by their general practitioner.

- 13.2 Alternatively, based on medical advice employees may be allowed to take annual leave during the course of their continuous sickness absence from work. Requests to do so should be by agreement with the manager and in consultation with HR. This includes pre-booked holidays.
- 13.3 In some situations where the clinical recommendation is to allow an employee an extended period of phased return to work in excess of six weeks, It is recommended that an appropriate proportion of the individual's accrued annual leave is used to facilitate a phased return to work.
- 13.4 If illness results in the cancellation of a pre-booked annual leave, the employee may substitute sick leave for annual leave on production of a medical certificate (from the first day of sickness), provided the normal procedure has been followed for reporting sickness absence on the first day of illness.
- 13.5 Similarly, if an employee falls sick during the course of a holiday, s/he must report his/her sickness absence by following the normal reporting procedures on the first day of illness and supply a medical certificate.
- 13.6 Employees will not be entitled to an additional day off if they fell sick on a bank holiday. Similarly, during the course of paid long-term sickness absence, employees will not be entitled for additional days off for any bank holidays that may fall during the course of their continuous paid sickness absence.

14. MEDICAL APPOINTMENTS:

- 14.1 Routine appointments should be arranged outside of working hours. Where this is not possible, appointments should be made at the beginning or end of a working day to minimise disruption.
- 14.2 In exceptional circumstances and at the Company's discretion, time-off work may be granted for emergency and/or urgent medical, dental and/or optical appointments. Managers are required to seek HR advice prior to committing to any request.
- 14.3 If an appointment is for a whole day, than this will be classed as sickness absence and shall be entered on the database system as a day-off sick from work.
- 14.5 The Company reserves the right to ask employees to provide evidence to confirm medical appointments if deemed necessary. All information will be treated with strict confidence.

15. ABSENCE DUE TO ACCIDENT AT WORK:

Any sickness absence caused by an employee suffering an injury due to an accident at work will not normally count towards employees sickness absence score and shall be recorded on the HR self-service system as 'accident at work'. Managers are reminded to speak to HR for guidance.

16. SICKNESS DURING PREGNANCY:

- 16.1 If an employee is unwell during pregnancy, they must follow the normal sickness reporting procedures.
- 16.2 Managers must record any pregnancy-related sickness absence separately from other sick leave. Pregnancy-related sickness absence must not be used as a reason for disciplinary action, dismissal or redundancy.
- 16.3 If an employee is signed off sick with a pregnancy-related illness in the last four weeks before the expected week of childbirth, their maternity leave will start from immediately.

17. THE PROCESS FOR THE MANAGEMENT OF SICKNESS ABSENCE:

17.1 Stage 1 - Informal Review Meeting:

- The manager should seek to resolve minor issues informally and expediently whenever possible.
- The manager will arrange an informal sickness absence review meeting with the employee to explore the situation, employee's health and/or enquire if there are any underlying health conditions. If a disclosure of a short or long-term health condition is made by the employee, the manager will complete a disability risk assessment and discuss any control measures including a referral to OH.
- The manager will outline expectations and agree improvement targets with the employee for an agreed period from a minimum of six-weeks to a maximum of twelve-weeks.
- The manager will document any issue raised and discussed, including any agreed outcomes, support and timescales and retain these securely and confidentially in accordance with the Data Protection principles
- There is no requirement for managers to give employees notice for this meeting and these meetings can be held immediately after a return to work discussion.
- The manager will arrange follow up meetings with the employee to discuss health, recuperation, wellbeing and sustained improvement in attendance.
- If desired improvement has been made, the process will stop. In the event if the desired and sustained improvement in attendance is not achieved within the agreed period, the manager will escalate the matter to next stage.

18. STAGE 2 - FORMAL REVIEW MEETING:

If there has been insufficient sustained improvement in attendance levels, the manager should decide, in discussion with HR, together with any medical advice, whether the individual's failure to attend work regularly, justifies further action. Formal proceedings shall not begin until the manager has established the facts. In order to establish the facts the manager will collate all the relevant information, conducting further necessary enquiries as appropriate. Potential formal options include but are not limited to:

- Stage two review meeting to discuss reoccurring sickness absence, employee health, treatment and to explore if there are any underlying health conditions and to agree a further review period for no more than six-weeks.
- Temporary unpaid reduction in working hours to facilitate recuperation and health needs. This may be appropriate in some cases where the illnesses/disability is likely to result in recurrent absences. Managers are required to seek HR advice prior to agreeing this.
- Consideration for a temporary redeployment to another suitable, alternative role.
- A further referral to OH for clinical advice and to obtain a report from employee's GP and/or hospital consultant.
- The manager will give the employee **five-working days' written notice** and the right of being accompanied at the stage 2 formal review meeting. A member of the HR team may attend also to give procedural guidance and support. The manager will arrange a note-taker to attend to capture salient points of the meeting for management purposes.
- The manager will communicate his/her decision in writing to the employee and outline the next steps if sustained improvement in attendance is not achieved. The manager will arrange follow up meetings with the employee to discuss health, recuperation, wellbeing and sustained improvement in attendance.
- If desired improvement has been made, the process will stop. In the event if the desired and sustained improvement in attendance is not achieved within the agreed period, the manager will escalate the matter to stage 3, capability process.

19. STAGE 3: CAPABILITY PROCESS:

19.1 Where the medical opinion suggests that a return to the staff member's existing role, within a reasonable timeframe, is not deemed possible due to the nature of the individual's condition/circumstances (resulting in an actual or anticipated prolonged or

indefinite absence) it may be necessary for the manager to consider other potential formal options, including:

- Stage 3 capability hearing in line with the Company's Capability Policy and Process to discuss recurring or long-term sickness absence, employee's health, treatment and to explore if there are any other underlying health conditions or factors not yet disclosed and, to agree a further review period.
- Considerations for reduction in hours on a permanent basis.
- Redeployment to an alternative role (including retraining as appropriate).
- Ill-health retirement consideration.
- Dismissal on grounds of ill-health – incapacity.

19.2 Redeployment:

Managers will be responsible for exploring the possibility of redeployment to an alternative role within the Company in collaboration with HR and where the OH advise indicates that it is unlikely that a staff member will be able to carry out the particular duties of their current post (with or without reasonable adjustments) within the foreseeable future.

19.3 Ill Health Retirement:

- Where a staff member's health has deteriorated as such that they can no longer perform their duties, and all reasonable efforts to redesign the job or to redeploy the individual have been unsuccessful or are not practicable, then it may be appropriate for retirement on grounds of ill-health to be considered.
- Ill health retirement is not automatic and only granted after the approval of the relevant pension fund's trustees. The Trustees decision would be based on the medical evidence presented.
- Considerations for ill health retirement must be addressed to HR who will treat any such enquiries with strict confidence and offer technical guidance and support.

19.4 Capability Hearing:

- A capability hearing can only be invoked with the involvement of HR, and after the facts have been established, including a management referral to OH if not already done so, or where up to date information is required. In cases where a staff member chooses to withhold consent to be referred to OH and/or withhold

consent to disclose medical reports, decisions regarding further employment shall be made on the basis of the information available.

- At a capability hearing, the panel will consider terminating the contract should the employee become incapable of performing his/her duties due to ill health. This may need to be considered where adjustments, redeployment and ill health retirement are deemed to be unreasonable, unavailable, ineffective or inappropriate.
- Where there is found to be a need to proceed to the final stage capability hearing, the employee will be invited, in writing, to attend the hearing. The notice will usually be provided **5 working days in advance of the hearing**. The employee will have a right to be accompanied or represented by an official of a recognised trade union or a staff member.
- The hearing invite letter will advise the employee the reasons for the meeting, the nature of the proposed discussion and possible outcomes.
- In advance of the hearing, the employee will be provided with all the evidence that will be referred to during proceedings. This may include written documents depending upon the details of the case. The exact material to be provided to the employee shall vary according to details of the case. Where further time is required to consider the evidence, there will be the ability to seek a reasonable adjournment where appropriate.
- Only in exceptional circumstances, the hearing may be postponed for **further five working days**. If due to ill health, the employee is unable to attend, s/he may choose to submit a written statement for the panel's consideration or ask his/her trade union or staff representative to attend on his/her behalf.
- If the employee decides to provide any documentation in support of his/her case, these should be submitted to the chair of the panel **at least three days in advance** of the hearing. Where further time is required to consider the evidence, the panel have the ability to implement a reasonable adjournment.

17.4 Hearing Format:

- At the hearing the Chair should outline to the employee, the nature of the attendance/ill health issue; impact of absence(s) and the actions/support already implemented/considered; and the improvements in attendance required. Reference should also be made at this stage to any medical opinion relevant to the case. The individual will be given the opportunity to state their case.

- The panel will consist of a minimum of 2 members (unless otherwise agreed), who will be appropriately skilled managers. The Chair of the panel will be the relevant head of service or their nominated standby. The panel membership shall be made known to the employee in advance of the hearing.
- The panel should seek to explore with the individual the reasons for the absence(s) and any potential reasonable interventions or support which may be needed to remedy the situation.
- The panel should review clinical evidence and OH report to make an informed judgment on employee's health and fitness for work. The individual will be given the opportunity to state their case.
- The panel will consider the case and decide what the appropriate action should be. This may include and is not limited to the following:
 - a) Decision deferred pending further medical information.
 - b) Further consideration in relation to reasonable adjustments, supported by further monitoring/review periods.
 - c) Further consideration in relation to redeployment, or retirement options.
 - d) Referral to another more relevant procedure.
 - e) Dismissal relating to the incapacity of the employee.
 - f) Any other reasonable options agreed by both the panel and the employee.
- The employee will be informed of the outcome, in writing **within 10 working days following the hearing**. Where the usual timeframe is not practicable, this will be communicated, with reasons and an alternative timeframe specified.
- Where a remedy/action other than dismissal is identified, the outcome letter will advise of any agreed action/support. The outcome letter will caution the employee that in the event if the chosen option does not result in necessary improvements or prove unsuccessful within the defined timescale, this may result in dismissal.
- The outcome letter will give the employee the right of appeal.

18. DISMISSAL:

- In reaching a decision on dismissal careful consideration of other options will be given. If, on balance, the other options are deemed inappropriate due to the circumstances of the case, and the employee is dismissed, they will be provided in writing with reasons for dismissal, the date on which the employment will terminate, and the right of appeal.

- The authority to dismiss rests only with the relevant Head of Service or as delegated with support from the Head of People (HR).

19. APPEAL:

- The employee has the right of appeal against any decisions made. The appeal should be made in writing to the Managing Director **within ten working days from the date of the decision letter.**
- In the case of appeals against dismissal, the decision to dismiss shall not take effect until the appeal panel has determined the outcome of any appeal.
- The appeal process is a review of the decision to dismiss based on one or more of the following grounds:
 - a) That new evidence is available which was not presented at the original hearing.
 - b) The dismissal hearing was materially flawed on procedural grounds.
 - c) The decision to dismiss was not reasonable in the circumstances.
- Only in exceptional circumstances, the appeal hearing may be postponed for further five working days. If due to ill health, the employee is unable to attend, s/he may choose to submit a written statement for the panel's consideration or ask his/her trade union representative to attend on his/her behalf. There is no further right of appeal within the Company.

20. Exploitation of the Company Sickness Absence Management Policy:

- If an employee is absent from work on sick leave, it is unacceptable that they should at the same time be working from home, including voluntary or unpaid work, for another employer or on a self-employed basis during the hours they are normally contracted to work for the Company. This includes working in another department or unit within the Company.
- Abuse of the Company's Occupational Sick Pay Scheme may be seen as fraud - a gross misconduct and may depending on the circumstances, result in disciplinary action including dismissal. In addition it may be considered as an offence under the Theft Act (1988) or the Fraud Act (2006) resulting in external criminal investigations.

Appendix 1

Return to Work Discussion Record Form following sickness

Employee name:		
Employee number:		
Department/Unit:		
Date joined the Company:		
From	Dates of absence	To
	Date	
	Day	
	am/pm	
Total number of working days lost:		
Sickness record over last 12 months		
Dates	Reason	
Discuss reasons for absence and detail below:		

Was employee referred to occupational health? Yes/No	
If yes, provide details of any return to work plan:	
Is the employee fit to return to work? Yes/No	
Is the employee on any medication which may affect performance? If yes, give details of medication and details of adjustments.	
Are any actions to be taken under sickness absence policy? Yes/No. Give details	
Manager's name:	
Signature:	
Date:	
Employee's name:	
Signature:	
Date:	

Appendix 2

Workplace Options – Employee Assistance Programme (EAP)

Workplace Options is a confidential, independent, expert provider of employee support services paid for by the Council to help you balance your work, family and personal life. It is available 24 hours a day, 7 days a week, 365 days a year and is accessible by phone, email, online and via instant messaging. Their experts can provide practical information, fact sheets and packs, referrals to services in your local area and short-term counselling.

Their comprehensive website www.workplaceoptions.com (Username: Sutton, Password Employee) offers extensive resources including articles, searchable databases and regular online seminars. (Add monthly theme calendar)

Topics include:

- Work-life balance
- Workplace pressure
- Managing change
- Personal development
- Emotional Wellbeing
- Bereavement and Loss
- Managing Stress
- Personal and Family Relationships
- Health and wellness
- Life events
- Disability and illness
- Child and elder care
- Debt and money management
- Consumer rights

Confidentiality is the foundation of the service and Workplace Options is bound by professional standards regarding confidentiality and the disclosure of details of individuals who have contacted them. You can be assured that when you contact the EAP, the only information you have to provide is that you are an employee of London Borough of Sutton. Any additional information you share is at your discretion and appropriate to your need.

Freephone: 0800 243 458

Email: assistance@workplaceoptions.com

Website: www.workplaceoptions.com User name: Sutton Password: employee

Minicom: 020 8987 6574

Document: Sickness Absence Management Policy & Process

Author: Amir Gill

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