



Managing Sickness Absence Guidance

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Managing Sickness Absence

1. Introduction

Please make sure you are familiar with CultureNL's Sickness Absence Policy and in particular the section that outlines your responsibilities as a manager.

CultureNL Ltd considers the health, safety and wellbeing of its employees to be of the highest importance. Consequently, CultureNL have produced this practical guidance that includes a structured framework to enable employee absence to be managed effectively. Although aimed at line managers, it is equally available to all staff.

A separate Employee Sickness Absence Guide has also been produced. You should also familiarise yourself with this.

Although some employee sickness is inevitable, it is recognised that work is beneficial to health, wellbeing and self-esteem and that through positive attendance at work CultureNL Ltd will be able to provide high quality services for users of our services.

The aim of this procedure is to help and support employees to return to work as soon as possible, and to reduce the incidence of sickness absence.

2. How do I ensure my employees know what they must do if they are unable to come to work due to sickness absence?

2.1 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 sets out the procedure they need to follow. This guide is available from Connect Culture NL Pages.

2.2 When is an employee meant to make contact if they are too ill to attend work?

If your employee is prevented from attending work because of illness they must follow the following notification procedure:

Day 1	The employee must telephone you (or a person you have nominated to take such contacts) personally as soon as possible, but prior to the time that they are expected to start work, on the first day of their absence. They must explain the reason for their sickness absence, indicate the first day of illness, and provide a date that they hope to be able to return to work. You should discuss any meetings or urgent work that the employee was scheduled to do, so that these can be cancelled or cover provided.
Day 4	The employee must contact you personally on the 4 th calendar day of their absence to update you on their situation.
Day 7	The employee must contact you personally on the 7 th calendar day of their absence to update you on their absence.
Weekly thereafter	If the employee's absence extends beyond 7 calendar days they must contact you personally once every week thereafter to provide you with an update on their situation.

An easy way to remember the notification timescales is **1-4-7-1**

E-mails or texts messages are **not** accepted as an appropriate method of notification other than when they are agreed for use as a reasonable adjustment in disability cases.

If the employee fails to contact you, you have the right to contact them. If an employee fails to make contact without good reason, their absence will be unauthorised and we can consider withholding elements of sick pay. Advice should be sought from HR in this regard.

If the employee is too unwell to make contact personally, then they must ensure that someone else makes contact with you on their behalf prior to the time that they are expected to start work, on the **first** day of their absence.

When the employee knows their date of return, they should contact you prior to this date so that arrangements can be made for their return. They should also confirm that they are in work (e.g. attending) on the day of return at their normal start time..

You can implement local reporting procedures in order to meet specific business needs and to provide clarity on issues such as to whom and when employees must report in your absence. If you choose to do so, please contact a member of HR to have a brief discussion on what local arrangements you are considering. However, it is important that ownership of absence reporting is with the employing Service and not devolved to a function outwith the Service management structure e.g. Payroll / HR.

Failure by an employee to follow the notification procedure can result in disciplinary action.

2.3. What happens if the employee attends work and then goes home unwell?

If your employee attends work and then subsequently feels unwell, leaves work and goes home, please note the following:

- If they have worked **less** than 50 per cent of their expected contracted hours for that day, the absence should be recorded as a half-day's sickness absence for sickness absence monitoring purposes.
- If they have worked **50 per cent or more** of their expected contracted hours for that day, the absence will not be recorded as sickness absence.

2.4 What happens if the employee has an accident at work?

If your employee suffers an injury at work or during the course of their duties, they, or someone acting on their behalf, must report the accident to you immediately.

It is essential that details of the accident are recorded on our Incident Reporting and Information System (CIRIS). Each business unit should ensure that there is an employee/employees responsible for inputting information into this system.

An online training module and a training workbook are available via CONNECT to help understand the processes associated with the use of CIRIS and accident reporting.

If an employee is injured during the course of their employment, or is off sick with an Industrial Illness, the employee may be entitled to payment of Industrial Injury Allowance. This is separate from Occupational Sickness Allowance and does not count against this entitlement. (Further advice is available from HR).

Note: These absences will however be taken into account for sickness absence triggers.

2.5 What absence certification is needed?

All sickness absences must be certified on a Self-Certification form and, if appropriate, on a Statement of Fitness for Work provided by the doctor. This is also known as a "Fit Note."

On return to work all employees must provide you with:

- **A Self-Certificate 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 obtained from HR.
- If the employee is absent for more than 7 calendar days, they must also provide you with a **Statement of Fitness for Work** from their doctor from the eighth calendar day of sickness and at regular intervals for the duration of their sickness absence from work.
- If the absence continues for more than a week, your employee must continue to maintain contact and ensure that their Statement of Fitness for Work is submitted to you promptly. See the table below for details:

Length of absence	Type of certificate
Up to 7 calendar days absence	Self-Certification Sickness Form
8 calendar days absence or more	Statement of Fitness for Work (Fit Note)
Continued absence beyond the end date / period indicated on the previous Fit Note	Statement of Fitness for Work (Fit Note)

Sometimes a Fit Note will provide additional information such as temporary alterations / adjustments the doctor is recommending taking account of the employee's medical condition. Further information on how to understand the information on a "Fit Note" and what actions you may need to take are covered in **Appendix 1**.

2.6 What should I do if my employee falls sick during a period of annual leave?

If your employee is sick whilst on approved annual leave they must follow the usual reporting procedure and provide a Statement of Fitness for Work from a doctor as soon as possible to cover their period of sickness absence. If they do this, they will be credited for any annual leave that occurred on the dates the Statement of Fitness for Work covers. If they do not provide a doctor's certificate we cannot treat them as being sick, and they will not be able to get their annual leave back.

If they are abroad, they must get a certificate or letter from a local doctor or health clinic that says they are ill, provides details of the reason, and gives either the dates they were ill, or the start date and an expected duration. Exceptionally, if this is not possible, they can ask their GP to provide a back dated Statement of Fitness for Work upon their return. If the GP/ doctor/ health clinic makes a charge for a Statement of Fitness for Work in these circumstances, the employee is expected to pay this charge. However, Culture NL will reimburse the employee any charges beyond the first £30 upon production of a valid receipt up to a maximum of an additional £34 e.g. if the GP charges £64, Culture NL will reimburse the employee £34.

However, annual leave or a substitute day will not be credited if sickness occurs on a public holiday, even if covered by a Statement of Fitness for Work.

2.7 What do I do when the employee returns to work?

Hold a "Return to Work Discussion"

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) but within 3 working days at the latest.

The discussion must be carried out sympathetically, 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 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 and tell them they were missed;
- Ask the employee how they are feeling (e.g. establish that they are fit enough to return);
- if the employee is returning **prior** to the date shown on their Fit Note, it is important that you carry out a risk assessment to identify that the employee is fit to return; Please see Appendix 1 “How to Understand Fit Notes” Section 3;
- Discuss any worries the employee has about returning to work, reassure them that this is normal, and agree a plan to address any such concerns;
- 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.
 - Their personal health (e.g. does the employee feel that they may be becoming ill more frequently than normal?)
 - Any domestic issues (e.g. does the employee have any worries about managing home / carer responsibilities with work?)
 - Their relationship with Supervisor/Manager (e.g. is there anything you would want me to do more/less as your manager?)
 - Their relationship with colleagues (e.g. how is the employee getting on in the team?)
 - Relationships with service users (e.g. are there any service users who present particular difficulties?)
 - Any issues linked to workload.
- check if there is anything they feel you could do to support them to ensure their return to work is sustainable;
- Alert the employee to any absence patterns that may have been identified e.g. 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 employee completes the self-certification form and the return to work record.

If the employee is returning from long term absence, you may wish to discuss how they feel about returning and discuss how they want to manage their return. e.g. what they want to say to colleagues etc.

If the employee's absence is giving cause for concern (see section below on "trigger points") you should inform the employee that a separate absence review meeting will be arranged to discuss the absence in more detail.

2.8 Long Term Absence cases – Contact Meetings

If you know your employee is going to be absent for more than 2 weeks, you should contact them to arrange a "**Contact Meeting**" to be held at a mutually convenient time and place. It is important that the meeting takes place in an appropriate place, somewhere the employee feels comfortable, possibly a neutral space outside the workplace, or a home visit. Your employee can choose to be accompanied by a trade union representative, friend or relative, if they wish.

The purpose of the meeting is to:

- Supportively discuss the nature of their sickness absence, likely prognosis and anticipated duration;
- Agree future contact arrangements. Contact will be maintained at regular intervals, ideally on a weekly basis, by regular phone calls, meetings or home visits;
- Discuss whether any assistance can be provided, such as accessing our telephone counselling programme "Time for Talking" or in the case of musculoskeletal conditions, whether referral to our Physiotherapy service would benefit the employee. Use of such interventions early into the period of sickness can reduce the length of absence overall;
- Encourage them to seek advice and support from their GP or hospital specialist;
- Discuss a potential referral to Occupational Health – if the employee has a return to work date on a medical certificate, you do not have to refer them. If there is no return date, then a referral to Occupational health should be made.

2.9 Return to Work Plan

When you know the employee is able to return to work following a long term absence, you should work with the employee to create a return to work plan, prior to their return, to assist in ensuring that any return to work is sustained and planned. This should cover the following areas:

- Potential date of return to work;
- Any short term or longer term adjustments that have been recommended by their GP on the Fit Note (see **Appendix 1** for more detail) or by occupational health, such as:
 - a phased return to work

- altered hours
- amended duties
- any workplace adaptations

A **return to work plan** template is attached to this guidance note as **Appendix 2**.

2.10 Stress

If your employee indicated that they are absent due to stress, and the cause of the stress is work related, a referral to Occupational Health must be made as soon as possible to allow identification of stressors and to ensure that measures can be taken to ensure a successful return to work.

Additionally, you should ask the employee to complete a Work Place Stress Risk Assessment as soon as possible after a notification of work related stress, so that potential stressors can be identified and measures taken to ensure a successful return to work. You may also seek the advice of HR staff when completing complex Stress Risk Assessments.

If the employee identifies you as being the source of their Work Related Stress, they can request that a more senior manager carries out Work Place Stress Risk Assessment.

2.11 Musculoskeletal conditions

If the employee is returning following a musculoskeletal condition / injury, then you may wish to make them aware of the physiotherapy services that are available through CultureNL. Further information is available from HR. Employees can receive up to 3 physiotherapy sessions at no cost to themselves.

2.12 Mental Health issues

If you think a member of your team may be experiencing a mental health problem, you may need to take the lead and raise this with them, as people often don't feel able to bring it up themselves.

You know the people in your team and you may notice changes in them. You should never make assumptions about people's mental health but clues might include:

- changes in people's behaviour or mood or how they interact with colleagues;
- changes in their timekeeping, work output, motivation levels and focus;
- struggling to make decisions, get organised and find solutions to problems;
- appearing tired, anxious or withdrawn and losing interest in activities and tasks they previously enjoyed;

- changes in eating habits, appetite and increased smoking and drinking.

You should liaise with a member of HR before talking to your employee.

2.13 How do I record an employee's sickness absences

You must ensure that you enter all employees' sickness absences into iTRENT each week via Manager Self Service. It is good practice to commence the absence record on iTRENT 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 the Self Service system 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 designated person within your Service area for them to enter into the iTRENT system.

You should then retain the completed self-certification form for your own record purposes. You should copy the Fit Note and return the original to your employee.

You may view individual employee sickness records for your team and historical trends by accessing Manager Self Service on line. The system allows you to identify individual sickness records and then take appropriate corrective action in a timely manner.

2.14 How do I monitor and review employee sickness absence?

The following indicators should be considered when reviewing an individual's absence record. Details of whether the individual has reached a specific sickness level indicator (known as "trigger points") are available to line managers via Manager Self Service.

The trigger points are:

Short-term

- Four instances of sickness absence within a 12 month rolling period; or
- Six days of sickness absence (pro-rata for part time / job share employees who work part week) within a 12 month rolling period (only working days lost due to sickness are counted, not weekends etc.);

Long-term

- More than two weeks of continuous sickness absence (pro-rata for part time / job share employees who work part week)

Pattern

- Other recurring or recognisable patterns such as sickness absence which occurs e.g.
 - on a Friday and/or a Monday
 - before or after public holidays or periods of annual leave
 - before, during or after school holidays
 - where a pattern of specific recurring dates of sickness absence occurs annually, in successive years over a three year period or more e.g. the employee is absent every January 3rd on at least three occasions, or they are off during the school easter holidays on at least three occasions .

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.

2.15 Medical Conditions covered by the disability provisions of the Equality Act

Where an employee has a medical condition that is covered by the disability provisions in the Equality Act, it may be appropriate, following receipt of advice from Occupational Health, to amend the trigger levels as a reasonable adjustment where it is evident that the disability is adversely impacting on the employees efforts to attend work. See Section 3.1 for more information on Occupational Health.

2.16 What do I do if an employee has met one of the “trigger points?”

It is usual that any pattern of sickness absence will be addressed by a cycle of Staged 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.

You must keep records of any meetings, what was agreed, and any actions that were taken.

The following sections of this document provide more detailed guidance for managers taking action.

3. Managing Sickness Absence

CultureNL have adopted a Staged approach to managing sickness absence that is cause for concern:

Stage 1	Set monitoring period and define improvement required. If no improvement or sustained return to work, then move to
Stage 2	Set monitoring period and define improvement required. If no improvement or sustained return to work, then move to
Stage 3	Final assessment and potential dismissal on the grounds of capability due to ill-health

Progression through these stages is not automatic but is subject to review.

As a line manager, you have discretion to take into account mitigating circumstances, at each of the stages. These include things like:

- whether the employee had to undergo a non-elective surgical intervention or operation,
- whether the absence was pregnancy related absence or
- whether up to the point the employee met a trigger point, they had had a very low or no sickness absence over an extended period of a year or more.

However, it is not anticipated that discretion will be used in a way which enables you to simply avoid managing problematic absence levels

Terminal illness

Where an illness or medical condition is diagnosed as one from which the individual will not recover i.e. their illness/condition is terminal, the formal stages of this procedure will not operate and any medical referral will only be to assist in the employee's wellbeing and to ascertain whether medical retirement is appropriate.

3.1 Role of Occupational Health

Occupational Health are there to provide impartial qualified advice on an employee's health, in relation to the work they do.

It is recognised that an early referral to Occupational Health can have a positive effect on absences related to stress, mental illness and musculoskeletal conditions.

In work-related stress cases a referral should be made immediately to ensure the earliest possible intervention – there is no need to wait until a trigger point is reached. Absences due to musculoskeletal or mental health should be the subject of a referral prior to a trigger being reached, where this is possible.

Where an employee's level of absence meets a trigger point (i.e. short term, long term or pattern) and is a cause for concern, you should refer the employee to Occupational Health. Further advice can be obtained from HR.

The referral is to determine whether or not there is an underlying medical reason for an absence or series of absences, and also to determine whether the employee could be covered by the disability provisions in the Equality Act and, if so, whether any reasonable adjustments are advised.

Occupational Health can also provide information that will assist in creating a return to work plan, such as:

- A timetable for returning to work;
- Advise on any suggested adjustments to the employee's duties or adaptations to their workspace

3.2 Stage 1 – Absence Review Meeting

Where an employee's level of absence exceeds a trigger point (i.e. short term, long term or pattern) and is a cause for concern, you should go through a process in order to decide if further action is necessary.

Depending on the reasons for the employee's sickness absences, you may need to refer the employee to Occupational Health. Advice on whether this is necessary should be sought from HR.

Occupational Health, following the appointment, will submit a report to you. Advice on the report and what actions may be necessary should be sought from a member of HR.

Regardless of whether a report was sought from Occupational Health, you should arrange to meet with the employee to review their sickness records, discuss these, discuss what support can be given to help the employee improve their attendance and outline what improvement in their attendance is required. This is known as an **Absence Review meeting**.

You should give the employee at least 7 calendar days' notice of the meeting and the employee will be able to be accompanied by a trade union representative or work colleague.

At the meeting you should:

- explore the reasons for the employee's sickness absence and consider any mitigating circumstances;
- discuss, where appropriate, any impact the employee's sickness absences are having on the service;
- consider any occupational health information, or consider referring the employee to occupational health in order to obtain up to date medical information;
- decide on what action to take.

Where there are no mitigating circumstances which are acceptable, you should issue a Stage 1 Improvement Required Notice for unsatisfactory levels of sickness absence, and inform the employee that their attendance will be monitored, normally for a 6 month period;

Where a pattern trigger is met, the monitoring period can be extended beyond 12 months to cover the next occurrence of the event identified in the pattern e.g. if the employee is absent on concurrent Summer School holiday periods, then the monitoring period would need to extend beyond 12 months in order to cover the next set of Summer School holidays.

You should agree what improvement in attendance is required. You should issue the employee with a written record of the meeting confirming the outcome of the meeting in writing within 7 calendar days.

3.3 What happens after Stage 1?

If the employee's sickness record meets the required improvement identified at Stage 1, then you should confirm that in writing and normal monitoring arrangements will apply thereafter.

If the employee's sickness record does not improve following a Stage 1 meeting i.e. if:

- they have had an additional short term absence(s) during the monitoring period set at Stage 1; or
- they have had an additional long term absence during the monitoring period set at Stage 1; or
- following a period of long term sickness, they have not been able to return to work within 3 months of the first day of absence, or earlier if the absence is having a significant adverse impact on service delivery.

then the procedure will move Stage 2.

There is no requirement for you to wait until the end of the monitoring period, before deciding whether to progress to Stage 2.

3.4 Stage 2

You should arrange to meet with the employee to review their sickness absence records, discuss these, discuss what support can be given to help the employee improve their attendance and outline what improvement in their attendance is required.

You should give the employee at least 7 calendar days' notice of the meeting and the employee will be able to be accompanied by a trade union representative or work colleague.

At the meeting you should:

- confirm the issues discussed at previous meetings;
- explore the reasons for the employee's sickness absence and consider any mitigating circumstances;
- discuss, where appropriate, any impact the employee's sickness absences are having on the service;

- consider any occupational health information, or consider referring the employee to occupational health in order to obtain up to date information;
- identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments;
- In cases of continuous long-term absence, consider whether the employee may be eligible for ill-health retirement; further advice should be sought from HR;
- decide on what action to take.

Where there are no mitigating factors which would prevent it, you should issue a Stage 2 Improvement Required Notice for continued unsatisfactory attendance and set a further formal monitoring period, this will normally be a further period of 6 months.

Where a pattern trigger is met, the formal monitoring period can be extended beyond 12 months to cover the next occurrence of the event identified in the pattern.

You should agree what improvement in attendance is required during the Stage 2 monitoring period. You should issue the employee with a record of the meeting confirming the outcome of the meeting in writing within 7 calendar days.

3.5 What happens after Stage 2?

If the employee's sickness record meets the required improvement identified at Stage 2, then you should confirm that in writing and normal monitoring arrangements will apply thereafter.

If the employee's sickness record does **not** improve following a Stage 2 meeting i.e. if :

- they have had an additional short term absence(s) during the monitoring period set at Stage 2; or
- they have had an additional long term absence during the monitoring period set at Stage 2; or
- following a period of long term sickness they have not been able to return to work within 6 months of the first day of absence, or earlier if the absence is having a significant adverse impact on service delivery. then the procedure will move Stage 3.

There is **no** requirement for you to wait until the end of the monitoring period, before deciding whether to progress to Stage 3.

3.6 Stage 3

At this stage, the line manager who has been managing the case through Stage 1 and Stage 2 should write a summary report of the case, including details of the employee's role, sickness absence history, dates and summaries of any meetings held, actions taken to date to support the

employee, occupational health referrals, a summary of any other support options considered such as reasonable adjustments etc.

As Stage 3 can result in the employee potentially being dismissed, you must obtain an up to date medical report from Occupational Health, before arranging a Stage 3 meeting. This is so that we can ask Occupational Health whether:

- there are any further actions we can take to assist the employee to improve attendance or facilitate a sustained return to work within a reasonable timescale; or
- the employee may be likely to achieve a sustained return to work in the near future;
- whether redeployment should be considered; or (in appropriate cases)
- whether early retirement on the basis of permanent ill health is a possibility.

When the report is received, a Stage 3 meeting will be arranged.

The meeting will follow the same format as a disciplinary hearing. The meeting will not normally be chaired by the line manager who has chaired Stage 1 and Stage 2, but will be with an appropriate manager with delegated authority to dismiss, normally a Service Manager or nominated equivalent, as one possible outcome of the meeting may be dismissal by reason of lack of capability due to ill health.

The Service Manager should give the employee at least 7 calendar days' notice of the meeting, provide the employee with a copy of the report and any relevant documents e.g. Stage 1 and 2 Outcome letters and advise the employee of their right to be accompanied by a trade union representative or work colleague. A member of HR must be present at the Stage 3 meeting.

At the meeting, the Service Manager will consider all the available information, including:

- Confirmation that the Improvement Required Notice issued at Stage 2 is still "live";
- carry out a review of Stage 1 and Stage 2 outcomes to ensure that these were applied in line with the procedure;
- the employee's sickness absence record and its impact on other employees and service delivery;
- the likelihood of improved attendance or a sustained return to work;
- anything the employee or their representative raise or submit at the meeting ;
- where appropriate, what actions have been taken or adjustments made to attempt to enable the employee to continue in employment;
- any mitigating factors;
- the medical advice received including consideration of termination of employment due to ill-health/ re-deployment;

3.7 Possible Stage 3 Meeting Outcomes

Redeployment

Where Occupational Health have indicated that the employee is unable to return to their substantive post and have recommended redeployment, CultureNL will search for suitable alternative employment as detailed in the Redeployment Policy. If no suitable alternative employment is identified, then the Stage 3 meeting may be re-convened so that a decision can be made.

Dismissal on the grounds of capability due to ill health

Having due regard to all the circumstances of the employee's case and regardless of whether sick pay allowance has been exhausted, consideration may be given to terminating the employee's contract of employment, where it is decided that no other options, including redeployment, can be pursued which will improve attendance or facilitate a sustained return to work.

Where a decision to terminate the employee's contract is taken, the employee must be informed that they are being dismissed on grounds of capability due to ill-health. This decision must be confirmed in writing, within 7 calendar days of the meeting. The letter will indicate that there is a right of appeal against the decision.

Termination of employment on grounds of capability due to permanent ill-health

Where Occupational Health indicate that they consider the employee to be permanently unfit to carry out the duties of their post or a comparable post, and where redeployment to suitable alternative employment is either not appropriate or cannot be identified from a trawl of CultureNL vacancies, then the employee should be informed that:

- (a) if they are a member of the Pension Scheme, that their services will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits (determined by Occupational Health); or
- (b) If they are not a member of the Pension Scheme and therefore cannot access the Scheme's provisions, that they will be dismissed on the grounds of capability due to permanent ill health

If the employee disagrees with the decision made at Stage 3, they may submit an appeal by writing to Jillian Ferrie, Chief Executive within 14 days of receiving a Stage 3 outcome letter. They should also send a copy of their appeal to the relevant service area Service Manager.

Action short of dismissal

After considering all the information at a Stage 3 meeting, a Service Manager may apply their discretion where circumstances merit this, or where there are mitigating circumstances, and choose to take further action short of dismissal, by extending Stage 2 monitoring on an exceptional basis.

If action short of dismissal is taken, then details of this should be sent to the employee in writing, and their situation will continue to be monitored. The

letter confirming the decision will normally be issued within 7 calendar days of the meeting.

A further stage 3 meeting may be necessary should the expected improvement not happen or sickness absence re-occurs.

4. Miscellaneous

4.1 What do I do if the employee needs time off to attend their GP or Hospital Appointments?

(a) non-emergency medical treatment from optician, dentist or GP

Employees requiring non-emergency occasional medical treatment from opticians, dentists or GPs should make arrangements to obtain such treatment outwith working hours. Where this is not possible, appointments must be made for the beginning or end of the working day.

Employees should try and give you as much notice as possible of an appointment so that you can arrange cover (if appropriate). If you cannot arrange cover because of short notice, you can ask the employee to re-arrange the appointment.

Time will not be credited for any appointments or part appointments that occurred outwith the employee's normal working hours.

(b) hospital appointments

An employee who has been referred to a hospital for examination/treatment should, where feasible, try to arrange appointments outwith normal working hours. If this is not possible, then paid leave, up to a maximum of contracted daily hours, will be granted for attendance at hospital.

A hospital appointment card or a letter from the hospital will require to be produced, to be checked by the employee's manager prior to authorisation of leave.

For short-term medical conditions, elective surgery or routine treatment relating to a non-serious illness, where an employee is required to attend hospital on more than 4 occasions in a rolling 12 month period, the ongoing availability of special leave for this purpose should be discussed with the line manager in the first instance. In these circumstances the use of flexi-leave / annual leave or unpaid leave should be considered.

No such restriction will apply where treatment relates to a serious illness or chronic condition.

Time will not be credited for any appointments or part appointments that occurred outwith your normal working hours.

Further details can be found in the Special Leave Policy.

4.2. Reduction (Abatement) of Annual Leave

Culture NL can reduce an employee's annual leave entitlement where an employee has been absent through sickness for either:

- a continuous period exceeding three months (in the same leave year or spanning two leave years) or
- where the total number of days absent added together exceed three months in total over a leave year.

We cannot reduce an employee's annual leave below the Statutory minimum of 28 days in a leave year, but we can include any fixed public holidays that they had outwith their period(s) of sickness absence, towards that figure.

If the employee works part time or job share, then their annual leave entitlement will be reduced proportional to the 28 day figure.

Where an employee has a medical condition that is covered by the disability provisions in the Equality Act, it is not normally appropriate to include disability related absences towards the three month total; further advice should be sought from HR.

If you think your employee's absence totals mean that their annual leave entitlement needs to be reduced, you should seek advice from HR as this area can sometimes be complicated.

4.3 Record Keeping

Managers should retain file notes of telephone conversations with absent employees, as well as records of telephone messages left.

Ideally, telephone conversations and messages should be followed up with letters summarising the steps taken to contact the employee and any action plans agreed, such as arranging to visit the employee at their house, or requesting that they provide copies of up-to-date **sickness** certificates.

Letters should be written in a non-judgmental, factual style as they are likely to be disclosable in any tribunal proceedings.

Records should be stored confidentially and securely and only used for the purposes for which they are collected.

Appendix 1 – How to understand “Fit Notes”

- 1 Statements of Fitness for Work (also known as “Fit Notes”) will always show the period that the fit note covers. This will either be from the date of assessment (when the doctor assessed the employee) and cover a set period e.g. “1 month” or between a particular start and end date. The dates are inclusive, so a fit note that is dated from 2 April to 10 April will no longer apply from the 11 April.

When an employee is covered by a fit note, they can come back to work at any time (including before the end of the fit note) without going back to see their doctor – even if their doctor has indicated on a fit note that they need to assess them again. However, if the employee returns before the end of the date on the fit note, a risk assessment will be required. Please see Section 3 below.

On the Statement of Fitness for Work, 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 Statement as if the doctor had advised ‘not fit for work’. Your employee does not need to go back to their doctor for a new Statement to confirm this and will remain absent 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 Statement.

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

<p>Phased return to work 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"> • An employee following an operation could return to work on reduced hours, gradually increasing to their normal hours over an agreed period of time • 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
<p>Altered hours 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"> • 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. • 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.
<p>Amended duties 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"> • 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 • 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.
<p>Workplace adaptations 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"> • Making structural or other physical changes such as widening a doorway, providing a ramp or moving furniture for a wheelchair user; • Providing special equipment such as an adapted keyboard for someone with arthritis or a large

	screen for a visually impaired workers.,
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- 3** In determining what action you are able to take as a result of advice given on a fit note, you will need to consider reviewing any appropriate risk assessments for the role or activities undertaken to take account of any new risks and required controls.

A risk assessment is nothing more than a careful consideration of what, in your workplace, could cause harm to people, so you can weigh up whether you have taken enough precautions or if more should be done to prevent harm.

It will be helpful to discuss the fit note considerations initially with a member of HR, and then with your employee.

As the line manager, it is your choice after discussing the Statement with your employee, on how to act on the doctor’s advice; it is not binding.

Where it is not possible for you to provide the support suggested on the Fit Note for an employee to return to work, you and your employee should use the statement as if the doctor had advised ‘not fit for work’. The reason for not implementing should be explained to the employee and your employee will remain off sick for the remainder of the period that the fit note covers without the necessity for the employee to return to their doctor. You should consider any further support you may be able to offer e.g. Employee Counselling Service, referral to occupational health or referral to physiotherapy.

- 4** Where a phased return to work is desirable, you must meet with the employee to establish a pattern of return to work and anticipated timescales, subject to frequent and agreed reviews. 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 hours basis should be for a limited period of up to 4 weeks but may be for less time depending upon the circumstances of each case and upon operational requirements.

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.

Normal contractual pay will apply during phased return periods of up to 4 weeks. Exceptionally, if a longer phased return period is recommended either by Occupational Health or the employee's GP, then any phased return period beyond 4 weeks will be paid as follows: normal contractual pay will apply for any contractual hours worked and non-working hours/ days will be covered with other leave, e.g. annual leave, flex leave or toil or unpaid leave. Where the pattern of phased return is complex, please contact the HR for advice.

Appendix 2 - Return to Work Plan

1. Employee Details

Name of Employee	Payroll Number / Reference
Job title	Contractual hours of work
Location	
Name of Manager	
Date meeting held	

2. Return to Work Arrangements

Details of Adjustments recommended by GP/ Medical Practitioner/ Occupational Health

Details of an altered hours recommended (and duration) (for phased return to work, please also complete the section titled "Phased Return to Work")

Details of any amended duties (and duration) e.g. duties and tasks that are to be avoided or restricted, e.g. no heavy lifting etc or that are only to be undertaken with the assistance of another employee

Details of any Workplace Adaptions recommended e.g. Describe workplace aids or modifications, e.g. special tools, equipment, training, etc.

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Phased Return To Work (if applicable) Hours of work

It is recommended that reduced hours are gradually increased over a maximum of 4 weeks

Week 1	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
Week 2	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
Week 3	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w
Week 4	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total p/w

Any other agreed reasonable adjustments

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3. Signature of key people involved

Employee – I agree I will participate in these return to work arrangements.

Name	Signed	Date

Line Manager / Supervisor – I will implement these return to work arrangements.

Name	Signed	Date

A copy should be retained by both parties.