Supporting Attendance Policy & Procedure

Supplementary Guidance for Section 5.7 - Industrial Injury/Disease (Version: 1.0)

Version Number	Effective Date	Details of Last Revision
1.0	21 June 2021	

1. Introduction

This guidance has been developed to assist managers in applying the correct process in relation to Section 5.7 of the Supporting Attendance Policy and Procedure - Industrial Injury/Disease.

2. Definition of Industrial Injury/Disease

For the purposes of this guidance and application of Section 5.7 of the Supporting Attendance Policy and Procedure an Industrial Injury/Disease is where an employee becomes unable to attend work due to an accident, injury or occupational disease that has arisen out of or in the course of employment with the Council. This is more commonly known as a work-related injury or illness.

The work-related injury or illness must have occurred in the course of the employee carrying out their duties with the Council, and/or attributable to those duties (and not being wholly or mainly due to or seriously aggravated by the employee's own serious negligence or misconduct).

Any acceptance by the Council that the injury or illness is work related does not indicate an acceptance of liability on behalf of the Council.

The Council does not consider "work-related stress" as meeting the definition of an Industrial Injury/Disease and as such any absence due to this reason would be treated as a normal sickness absence and recorded as Work-Related Stress on iTrent.

3. Industrial Injury Allowance

Where an employee is absent from work due to an injury or illness that has arisen out of or in the course of employment with the Council, they will be entitled to receive Industrial Injury allowance.

Industrial Injury allowance is separate from normal sickness absence entitlement; however, it is calculated on the same basis. i.e. less than 6 months service, no entitlement. Information on many weeks full and half pay an employee would receive if absent due to sickness absence or a work-related injury/illness can be found here

An employee will only qualify for industrial injury allowance following a full and proper investigation by the Council and such an investigation establishes that the injury or illness occurred, arising out of or in the course of employment.

4. Absence Recording

Where an employee reports that their absence is due to a work-related injury or illness this should initially be recorded as a sickness absence on iTrent until such times a full and proper investigation is completed and the outcome of that investigation deems that the absence is work related.

Managers must also email EmployeeRelationsTeam@northlan.gov.uk with the subject header 'suspected work-related injury/illness' and provide the employees name, employee no and start date of absence.

Information on how to record an absence on iTrent can be found here

5. Investigation Steps

1. Where an employee has advised that their absence from work is due to a work-related injury or illness, the manager, or other appropriate person must record the details of the incident on CIRIS, if this has not already been done.

2. The entry on CIRIS must then be investigated and approved by the responsible person.

3. The information will then be reviewed, and a final determination made, by the Safety & Wellbeing Team, as to whether the incident is work related or not – further investigation may be required before a final decision is made and the service may also need to take some form follow up action e.g., where issues have been with working practices, risk assessments etc.

4. When Employee Relations are notified by the manager that an absence may be due to a work-related injury or illness, the ERA will check CIRIS to ensure that the incident relating to the absence has been recorded and that it has been determined that it was work related.

5. The ERA will then notify the manager that the absence from work is due to a work-related injury or illness. The manager should then advise the employee that the reason for their absence will be changed on iTrent to Industrial Injury and this will be backdated to the first day of the related absence, regardless of whether they have since returned to work.

6. Employee Relations will update the employees iTrent record to reflect this change in absence reason.

7. Employee Relations will also review any comments from the service or the Safety & Wellbeing team that would suggest that the employee contributed in some way to the incident and advise the manager whether any other action is required I.e., Disciplinary Action - see section 7.

Please note that where an employee reports that a violent incident has occurred during work this should be dealt with in the same way as above.

Guidance and information in relation to incident reporting, including how to report an incident can be found here

Further information on Incidents at Work can be obtained from the Safety & Wellbeing Team.

6. Relationship to Supporting Attendance Policy & Procedure

An employee who is absent due to a work-related injury or illness will still be subject to the same procedures as sickness absence including any formal action that is required. This may include a referral to Occupational Health to obtain advise on what support/adjustments can be put in place that would support a return to work, where possible.

Before proceeding with any action regarding an absence that is due to a work-related injury or illness managers must seek advice from Employee Relations.

The Supporting Attendance Policy & Procedure can be found here

7. Relationship to Discipline Policy

Where the investigation concludes that an incident occurred wholly or mainly because of an employee's own misconduct or neglect, formal action may also be taken under the Councils Discipline Policy.

A full investigation would still need to be carried out in accordance with the Discipline Policy but the information from CIRIS can be used to support this.

The Councils Discipline Policy can be found here