

BOSTON BOROUGH COUNCIL

Absence Management Policy and Procedures

The Council recognises that employees will, from time to time, be unable to come to work because of sickness and operates a locally agreed scheme that provides for varying periods of sickness absence on full pay, followed by half pay, according to the length of recognised Local Government Service.

“Sickness” is defined as incapacity to carry out the duties and responsibilities which the employee is contractually obliged to do because of their own accident or illness. This policy therefore applies to absence caused by personal illness or accident, not to the need to take time off work because of the illness or accident of others e.g. children or partners. Please see the Family Leave Policy for full details. Where the validity of the absence is in doubt or the sick pay scheme is being abused the disciplinary procedure will apply.

Principles

This policy and associated procedure incorporate the following principles.

- **Good faith**
This policy and procedure will be applied to all members of staff (excluding casual or bank staff) who are absent due to sickness in a consistent manner and without discrimination.
- **Fairness**
Employees will be treated fairly, consistently and sensitively during times of sickness and are encouraged to use support mechanisms available to them.
- **Confidentiality**
Information relating to sickness absence will only be shared with individuals who have a need to know.
- **Representation**
Employees have the right to be accompanied at formal absence management meetings/ hearing by a council work colleague, recognised trade union officer or recognised trade union representative.

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Recording and monitoring absence

Employee Responsibilities

Employees have a duty under their terms and conditions of employment to be at work and must ensure that they adhere to their responsibilities, including:

- Employees must report sickness absence to their line manager on the first day of absence and as early as possible, preferably before but no later than, 30 minutes of their normal work starting time.
- Employees must make personal contact (not by means of a spouse/ family member/ friend) and by telephone (not by text or email). A contact number must be provided in all instances.
- It is recognised there may be instances where employees are unable to contact their Line Manager personally (e.g. admittance to hospital). In these exceptional circumstances the individual who contacts your Line Manager on your behalf must leave a contact name and number.
- When reporting absence you must provide the following information:
 - When you became ill
 - Broad nature of the illness (e.g. chest infection, migraine)
 - Whether the illness is due to an accident or injury at work
 - Whether medical attention has been sought
 - The likely date of return (if known)
- Employees unable to speak with their line manager must leave a message and a contact phone number, asking that it is passed onto the line manager as soon as possible. The employee should expect and be available to receive a return phone call to discuss the above points.
- Employees absent beyond 3 calendar days or where the absence is going to be longer than envisaged must make contact with the line manager to update them and thereafter contact to be maintained as agreed between the employee and line manager.
- Employees must complete a self-certificate for the first seven days of absence.
- Employees must obtain a fit note from a GP and submit this to their line manager on the eighth calendar day of absence and must continue to send in Fit notes for the duration of the absence, keeping line managers informed of their health and progress towards returning to work. When a Fit Note expires, employees not returning to work must ensure that a new Fit Note is sent to their line manager immediately.
- Employees must ensure medical advice and treatment is received as quickly as possible and must follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
- Employees are encouraged to attend any OH consultations, as in accordance with their conditions of service. If employees fail to attend to these appointments or fail to

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give consent to the release of the report, any decisions made regarding their absence from work will be made without the benefit of this information.

- Employees must ensure they are contactable and available to attend absence management meetings and respond in a timely manner to any communications from the Council.
- Employees must advise their Line Manager of any changes to contact details occurring during an absence.
- Employees must advise their Line Manager of any concerns with their job/ work place, which they feel are making them ill or contributing to illness/ absence.
- Employees wishing to take time off work who are not sick, must use annual leave or special leave or other approved leave. All leaves of absence must be approved by management. Other types of leave must not be used to avoid sickness absence.
- Employees may request to use accrued annual leave whilst on long term sickness. Employees are not expected to go away on holiday whilst absent due to sickness unless it is supported by a GP.
- Employees wishing to take annual leave must obtain management authorisation and have the appropriate period of annual leave deducted from their entitlement.
- Employees either at work or absent due to sickness should not undertake activities that could hinder or affect recovery. If found that employees are undertaking activities that would prevent recovery this may be managed under the Disciplinary Policy.
- Employees are encouraged to take advantage of Council initiatives to promote good health where appropriate.
- Employees are responsible for managing sickness and to taking any appropriate action, as determined by any health professional, to minimise reoccurrence of the sickness.

NB. Failure to follow these reporting procedures may be managed under the Disciplinary Policy.

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Manager Responsibilities

Management is responsible for managing absence issues sensitively and compassionately, ensuring they follow the procedure contained in this policy and associated documents; including:

- Managers must ensure employee sickness absence is entered on to iTrent People Manager by the 6th of each month, ensuring the payroll for each employee is accurate. Please refer to: People Manager guide: Recording of Sickness Absence. Absences for dental/ medical appointments or parental leave should not be recorded as sickness absence but 'Other leave' on People Manager.
- Maternity/ Paternity or Adoption leave should not be recorded as sickness absence.
- Managers should recording and monitor all activities associated with the employee's absence using an Action Log form. The Action Log should record all support and communication related to the absence between he employee and themselves in chronological order.
- Managers should explain the Occupational Health service and refer employees, if appropriate, through People Services.
- Managers should ensure employees are aware of other supporting policies such as special leave and flexible working.
- Where absence results from a work related accident or disease, managers (or other member of staff taking the message) must inform People Services immediately so that any necessary follow- up action can be taken.
- Managers should promote the confidential Employee Assistance Helpline service to all employees when appropriate.
- Managers must ensure any information associated with the absence management procedure is transferred with the employee should they move positions within the Council.

Returning to work

Return to work discussions must be conducted between employees and line managers after every episode of absence.

Managers must complete the Return to Work form recording:

- Support mechanisms that may be beneficial following a return to work and any issues which may be affecting the employee's ability to attend work.
- Absence levels and where trigger points have been reached, including management actions as a result of this.
- Reasonable adjustments considered for employees (where applicable) including discussing with employees advice given on a fit note. When the Equality Act 2010 applies managers must ensure they investigate any possible reasonable adjustments and undertake a risk assessment. Please refer to [Guidance on disabled employees.](#)
- Considerations in respect of a phased return to work (where appropriate) following long term sickness absence. Please refer to Guidance on rehabilitation following long term ill health.

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Trigger points

The Council operates the following trigger points:

- 3 or more episodes of absence in a rolling 12 month period and/or
- 7 working days of absence in a rolling 12 month period and/or
- Absences in a short period warranting immediate action e.g. 3 episodes or 5 working days in 6 months
- A pattern of absence causing concern e.g regular Friday or Monday absences or absences regularly occurring on a particular day/ week, pre or post annual leave, school holidays, public holidays, pay day.

Trigger points for employees working fewer than 5 days in a week need to pro rata the number of days, but not the number of occasions.

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Further guidance for managers and employees

Return to Work Interviews

Return to work interviews must be conducted after every period of absence and where possible managers should carry this out on the day an individual returns (or as soon as practicable). This does not necessarily have to take place on a face to face basis and can be conducted by telephone, particular where managers/employees cover a wide geographical area or where a face to face meeting is not possible within a reasonable timeframe.

Return to work interviews are an important part of absence management and can help identify absence problems at an early stage; they also providing managers with opportunity to start a dialogue about underlying issues, which may be causing absence(s) and allow them to make any changes to support the employee.

The return to work interview needs to be separate to any Stage 1, Stage 2 Meetings and Stage 3 Hearing. The manager must ensure the return to work interview form is completed to record the discussion.

Stage 1, Stage 2 Meetings and Stage 3 Hearings

The purpose of the stage meetings is to provide assistance and support to the employee to improve his/her attendance to a satisfactory level. The aims of the absence management meetings are to:

- Establish reason(s) for the absence; is the employee suffering from a medical condition?
- Discuss possible ways of reducing absence in the future.
- Explore and consider any reasonable adjustments.
- Discuss the possibility of requiring information from OH.
- Explain to the employee about the absence management procedure and inform them of the possible actions if their level of absence is not improved.

Managers should treat individuals in a sensitive manner. Discussions between employees and managers will be kept confidential as reasonably possible. The meetings will be arranged at a suitable venue which will normally be the employee's place of work. However, in some circumstances (depending on the employee's health and well-being) this may be held at the employee's home with their consent.

A referral to OH should not be used as an alternative to carrying out an absence management meeting. A referral to OH is a separate process.

If, because of the nature of their illness the employee is unable to attend the absence management meeting/hearing, advice will be sought from OH on their fitness to attend and any reasonable adjustments which may enable the employee to attend will be considered.

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Upon receipt of advice from OH and also considering all of the circumstances of the case, management will make a decision as to whether the meeting/hearing should proceed in the employee's absence. If the manager has tried to obtain OH advice but the employee fails to attend or refuses to give consent for the report to be released then management will go ahead with the meeting without the OH advice.

If the employee is unable to attend the meeting/hearing for some other reason or their representative is unable to attend the meeting may be postponed and will be rearranged within 5 working days or as soon as is practicable. The employee should be notified of the date in writing and informed that if they are not able to attend on the revised date the meeting/hearing will proceed on this occasion in their absence.

If employees cannot attend a meeting/hearing personally they can put their case either through their representative (Council work colleague, Recognised Trade Union Representative or Trade Union Officer), or submit their case in writing in advance by no later than 5 working days in advance of the meeting/hearing.

Managers' Discretion on Trigger Points

When reviewing absences against the trigger points it may be necessary in exceptional circumstances for managers to use their discretion on what the trigger points are. This particularly applies when an employee has an underlying medical condition that is covered under the Equality Act 2010 and advice is usually obtained from OH.

Any extensions to the trigger points as a reasonable adjustment resulting from OH advice should be regularly reviewed. Please refer to the additional guidance provided within the Disabled Employees | Review of Reasonable Adjustments section of the Policy.

If management wish to apply discretion to change an employee's trigger point then this should only be applied in exceptional circumstances. The manager must be able to justify, discuss, record and seek approval with their Head of Service and People Services.

Unfit for a Prolonged Period / Ill Health Retirement

Advice may be received from OH that the employee is eligible for permanent ill health retirement or alternatively that they are deemed unfit to return to their substantive role for a prolonged period due to an underlying medical condition and redeployment is not recommended. In these scenarios it may be appropriate to escalate to a Stage 3 Absence Management Hearing, without the need for a Stage 1 or/and Stage 2 meeting taking place.

If OH recommend redeployment, the employee will be offered a formal period of time in line with this policy, to find an alternative role within the Council. It may be appropriate to escalate to a Stage 2 or 3 meeting, without the Stage 1 or 2 meeting taking place. Managers should be aware that an employee who has been found unfit to continue in

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their substantive post and who fails to secure alternative employment will face dismissal from the Council. A positive approach will be taken to redeploy the employee. Managers should be aware of the requirements of the Equality Act 2010 and the need to make reasonable adjustments to assist an employee to continue in work. The Council is committed to retaining employees who become disabled.

The above would need to be discussed with People Services and a member of CMT with the authority to dismiss. At the Stage 3 Hearing the Chair will give consideration to dismissing the employee with notice on the grounds of 'Some Other Substantial Reason' or 'Capability' (where underlying medical condition is identified).

Employee's Failure to Maintain Contact

Employees have a responsibility to respond in a timely manner to any communications from the Council and attend absence management meetings as required. This includes submission of medical fit notes on time. If the Line Manager is receiving no correspondence from the employee, i.e. via telephone or in writing, then the Line Manager should seek advice from People Services. Employees who continually fail to respond to communication may result in their circumstances being escalated to a Stage 3 Hearing, without the Stage 1 or Stage 2 Meetings taking place.

This would need to be discussed with People Services and a member of CMT with authority to dismiss. At the Stage 3 Hearing the Chair will give consideration to dismissing the employee with notice on the grounds of capability (where an underlying medical condition is identified) or 'Some Other Substantial Reason' (SOSR).

Review Periods

A default review period is normally 2 months. It is recognised there may be exceptional circumstances where a longer review period is needed, up to a maximum of 4 months.

Contact People Services if unsure of how long the review period should be. Management should seek Head of Service approval for longer review periods.

Where a decision is taken to extend a Stage 1/2/3 review period the above timeframes will also apply. However, for the purpose of extended review periods managers also have the discretion, where appropriate, to set an extended review for a period of less than 2 months.

At the end of the review period the manager will complete the Review Checklist. Following completion of this management will make a decision based on the evidence gathered.

Abuse of Sickness Scheme

Where abuse of the sickness policy is suspected, which may include failure to report sickness absence at the appropriate time; non-attendance at OH appointments without

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reasonable cause; failure to submit GP Fit Notes at the appropriate time; submission of forged or false Fit Notes; deliberate conduct prejudicial to recovery from sickness/injury; or due to the employee's misconduct or neglect, sick pay may be suspended and consideration given to disciplinary action. People Services advice must be sought in these cases.

Dual Employment

Where employees have more than one job with the Council, managers will liaise and share information regarding the employee's absence to assess whether other actions are required to ensure an employee is not putting their health and safety at risk by continuing to attend work in their other post(s). It is important to recognise that jobs may have different responsibilities and therefore different impacts on an employee's health and any reasonable adjustments which may be required.

For example, if the employee with two jobs is being referred to OH, both roles should be described so that OH can provide advice regarding both jobs. If a description of both jobs has not been given to OH and the two jobs have different responsibilities, then the referral cannot be used to manage the absence for the role that the description has not been given.

Absence management meetings can take place to cover both roles, although managers from each service area need to be present to allow a consistent approach within the procedure.

Annual Leave Entitlement in Relation to Sickness Absence

Employees absent due to sickness accrue annual leave and may request to take annual leave during a period of sickness absence. However, employees are not expected to go away on holiday when absent due to sickness unless this is supported by their GP.

Employees who go on holiday during sick leave and have not requested annual leave will automatically have the period of time taken off their annual leave entitlement.

Employees wishing to take leave during sickness absence must request this in writing via their Line Manager. The annual leave will be deducted from an employee's leave entitlement and the employee's sickness will still be recorded on the payroll system as being absent.

Employees who have reduced to half or nil pay and wish to use annual leave to continue to receive payment, need to be agreed with their Line Manager. For managers to action this they must email the payroll team.

Employees advising they are not contactable or available to attend meetings whilst they are absent, this annual leave should be deducted from the employee's leave entitlement.

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Employees returning to work in the current leave year, should be encouraged to take their accrued annual leave entitlement to assist with their rehabilitation back to work. Should they be unable to take all of the leave, they are allowed to carry it forward into the next leave year.

Employees returning to work in a new leave year, have the right to the annual leave they have accrued during their sickness absence in the previous leave year and should, therefore carry this forward into the new leave year. Such employees should be encouraged to take most or all of this leave in a block in the first month after their return to work date or to assist with extending a phased return to work.

Employees who fall sick prior to commencing pre-booked annual/flexi leave will be able to reclaim their annual/flexi leave, as long as they comply with sickness reporting procedures, are still available for contact and meetings when absent and supply a Fit Note to cover the period they wish to reclaim.

Employees who falls sick whilst on annual/flexi leave and return wishing to reclaim a proportion of that leave, they will be required to comply with sickness reporting procedures (where practical) and provide a Fit Note to cover the period they wish to reclaim.

Employees who become fit for work whilst still on leave, must confirm the date on which they became fit to work, on their return from leave.

Sickness during the Working Day

Employees who leave work during the working day due to illness:

- Must first report this to their manage
- Will be classed as absent on that day (for sick pay and recording purposes)
- Will be required to self certify and attend a return to work interview.

Managers should determine what proportion of an employee's normal working hours have been worked and decide whether a full or half days sickness absence should be recorded.

Where such schemes are used, employees will be credited with the time actually worked for flex purposes. Such absences of ½ a day or more should be recorded on the sickness system and will count towards trigger points. Where employees report for work but are sent home before working 2 hours due to illness this will be counted as a normal sick day.

Accident or Injury at Work

Employees who consider their illness arises from an accident or injury at work must notify their Line Manager immediately so that the Accident Reporting Form can be completed.

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Employees absent from work due to accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Absence Management Procedure must be followed.

Employees absent from work as a result of an accident or injury are not entitled to sick pay if damages may be receivable from a third party. The Council may at its discretion pay sick pay provided the employee agrees to refund the amount paid from any damages awarded.

Accident or injury outside of work

Where an employee is injured as a result of an accident and recovery of damages from a third party is a possibility, entitlement to sick pay is withheld. However, sick pay may be paid where an agreement to reimburse the Council from any damages received is reached. The Council would also seek to recover the total cost of payments made to employees in the event of such absences including employers' superannuation and national insurance contributions made. Employees are required to notify the Council of any action against a third party in this regard.

Fit Notes

The Fit Note is a form employees will receive from a GP, which confirm whether the employee is either: (a) not fit for work or (b) maybe fit for work. In option (b) cases the GP will make recommendations for reasonable adjustments to help the return to work. It is for management to determine whether they can be implemented. It has been acknowledged that GPs are not Occupational Health experts and they do not have a detailed knowledge of either the work undertaken or the workplace of their patients. Where the changes cannot reasonably be made, and the employee cannot return to work, the Fit Note can be used to cover their sickness absence. Where the GP has stated they do not need to assess the employee again, this means that the employee should be able to return to work at the end of the period stated.

If an employee wants to return to work prior to the Fit Note expiring, the manager will need to ask the employee to return to their GP to seek a new Fit Note reflecting the timescales in which the employee feels they are able to return to work on. If the manager has concerns regarding an employee's return to work due to their health or with the recommendations that are on the Fit Note, the manager should carry out a risk assessment to assess their concerns.

Employers Liability Insurance does not require employees to be 100% fit for work but there is an expectation by the Council's insurers that the risks of those returning to work will be managed effectively, both for their wellbeing and safety and that of other employees and members of the public who may come into contact with them during their duties.

Further advice may be sought from People Services, Health and Safety Adviser or OH as appropriate.

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Fit for Work

A new government initiative was brought into place in September 2015 called Fit for Work. Fit for Work's aim is to help employers with getting their employees back to work as soon as appropriate. They do this by offering – free health and work advice and free referrals for an occupational health assessment.

Fit for Work intends to plug the gap in occupational health advice and support for small to medium enterprises (SME), Fit for Work can also work alongside existing employer occupational health provision as it focuses on many different aspects preventing an employee's return to work, including social and financial factors.

In certain situations where employees meet the criteria for referral to Fit for Work, an employer or GP can refer the employee to Fit for Work's occupational health provider for advice. Following this, Fit for Work may issue a Return to Work Plan giving suggestions on adaptations which may allow the employee to return to work. The Line Manager will need to consider these adjustments in the Return to Work Plan, as they are advisory and subject to operational requirements.

It is important to note that the Return to Work Plan can be accepted by a Line Manager as evidence of sickness absence as a fit note will not be issued. The Council will continue to refer employees to its own occupational health provider, as usual. Further advice may be sought from People Services.

Further information on Fit for Work can be found on the government's website – Fit for Work.

Display Screen Equipment (DSE) Assessment

An employee would be defined as a 'DSE' user if they:

- Normally use DSE for continuous or near-continuous spells of an hour or more at a time.
- Use DSE in this way more or less daily.
- Have to transfer information quickly to or from the DSE

All employees that are defined as a 'DSE' user should:

- Complete a DSE workstation assessment for main place(s) of work; Contact Healthy & safety Advisor or People Services to access.
- Follow and implement any controls or guidance issued to them in relation to reducing the risk to health and safety when using DSE.
- Undertake a dynamic workstation assessment every time a different workstation is used i.e. hot desking
- Report any problems or health issues to the Line Manager that are related to the DSE operations or task undertaken as part of the job role.
- Any significant health problems such as aches and pains should be reported to the Line Manager who may consider the need to carry out a new DSE assessment.

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Please follow the DSE online workstation assessment before referring to occupational health if they feel any health issues are related to the DSE operations.

Medical Appointments

Employees must make medical/dental/ hospital appointments outside of their normal working hours. Where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments and may be required to make up the time, either by staying late or by using flexi time where this scheme is operated.

Cancer screening appointments are considered authorised absence and time off will be paid. Managers will use their discretion to allow a reasonable amount of time off to attend appointments. Advice should be sought from People Services.

Employees must provide managers with proof of their appointment (e.g. an appointment card or copy of the appointment letter) when requesting time off to attend screening appointments.

Necessary paid time off will be given for the purpose of cancer screening.

In cases where the employee is disabled within the meaning of the Disability Discrimination Act 1995, their Line manager will consider if it is a reasonable adjustment to allow the appointment during normal working hours and will discuss this informally with them.

Time off to accompany dependants is not sickness absence and must be taken as annual leave or flexi time unless management considers there are exceptional circumstances and authorised leave of absence.

Time off for cosmetic surgery must be taken from employees own leave entitlement or flexi time unless the GP confirms the employee is unfit and should refrain from work. If the cosmetic surgery is linked to a disability related condition, please speak to People Services.

Leave to undertake IVF treatment must be expected to be taken as Special Leave for Family or Personal Reasons.

Planned Operations

Employees absent due to planned operations may reach the Council's trigger points. Managers should discuss contact arrangements with employees before the start of their planned absence and make them aware that they should still expect the Line Manager to contact them at the appropriate time to arrange the relevant Stage Meeting. This is likely to take place after one month's continuous absence unless the employee returns to work at an earlier date in which case, if the trigger has been met, the relevant Stage Meeting

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would take place following their return. Managers will need to use discretion as to the timing of this meeting to ensure employee is well enough to attend.

Managers should use this meeting to discuss with employees how they might best be supported (e.g. referral to OH, any reasonable adjustments) to enable them to return to work when they are well enough. An appropriate review period should also be set following this meeting as set out in this procedure.

Time off for being a Donor (Egg/Bone Marrow/Organ Donor)

Consistency needs to be applied to advice in relation to employees who have to take time off to undertake treatment which may be supporting others. Any pre-testing relating to being a donor should be treated as a hospital appointment. Special leave for the procedure could be applied if it is an emergency and requires only one day but if the treatment means that the employee is unwell and not able to work due to a result of the treatment it should be recorded as sickness absence.

Pregnancy Related Sickness

Pregnancy related sickness should be recorded on iTrent People Manager but will not be counted towards the trigger points.

OH Appointments

Employees absent from work due to sickness are expected to be available to attend any OH consultations, as required. Employees refusing to attend OH appointments need to understand that without such a report management decisions will be made using the information available to them.

Medical Redeployment

There will be occasions when the Council will need to consider redeploying employees within the Council. The Redeployment Policy and Procedure outlines the process for redeployment when an employee has an underlying medical condition and the employee has been deemed unfit to return to their substantive post for a prolonged period and/or no reasonable adjustments can be put in place, following medical advice. Advice must be sought from OH regarding whether redeployment should be considered. Redeployment is a positive act, which can enable the Council to maintain the skills and experience of valued employees, as well as meeting its legal obligations.

Medical Suspension

In certain circumstances it may be appropriate to medically suspend an employee, eg:

- Where employees and their GPs consider they are fit to return to work (with or without adjustments) and the manager, in conjunction with a Head of Service and People Services, believe they are not and therefore require OH advice before allowing the employee to return back to work. If the GP recommends any adjustments which, having undertaken the necessary risk assessment, the manager cannot accommodate, employees will remain off sick for the period specified on the Fit Note.

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- Medical suspension may also apply where the manager believe employees are not fit to attend work but they refuse to go on sick leave. The manager may medically suspend the employee until OH advice is received.

Wherever possible, prior to medical suspension, alternatives such as temporarily adjusting the employee's duties, reducing/changing hours of work, temporary redeployment to another role/location or working from home should be carefully considered using any advice from the GP contained on the Fit Note where appropriate. In such circumstances it would be appropriate to undertake a risk assessment, workplace assessment and/or DSE assessment.

Decisions to medically suspend must be based on sound health and safety justification and managers must be able to demonstrate this through risk assessment. Having considered the employee's views the manager should be able to clearly explain the reasons for the decision.

If it is considered there are sufficient grounds to suspend, written approval must be given by a member of CMT with authority to dismiss. Managers should convene a suspension interview as soon as possible after the decision has been made, which should be followed up in writing using the suggested Medical Suspension Letter. The employee has a right of representation at the suspension interview. However, the unavailability of a representative must not delay convening the suspension interview or the suspension itself. If the need to medically suspend is urgent and it is not possible to convene a face to face meeting the manager may telephone the employee to inform them of the medical suspension and follow up the discussion in writing.

NB: Medical suspension is on contractual pay and does not impact on sick pay. It is also not a period of sickness absence and must not be recorded as such.

Review of medical suspension must take place once the required medical information is provided by OH. If OH advice that the employee is able to return to work, the medical suspension will be lifted.

If the employee is still unable to perform their duties, once the medical suspension is lifted managers will need to clarify if this is due to a medical condition the employee has and follow the guidance in the Underlying Medical Condition – Employee still at Work section of this policy. If not due to a medical condition managers may decide whether to invoke the capability procedure. People Services advice should be sought in these cases.

Terminal Illness

Managers should deal with such situations compassionately taking into account the wishes of the employee and their financial situation as well as the needs of the organisation. Each case will be considered on its own circumstances and advice must be sought from the pensions department (LPGS), OH and HR. There are occasions when

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employees with terminal illnesses wish to be dismissed and may be eligible for early release of pension benefits, if they are a member of the Local Government Pension Scheme. Factors to consider include the medical condition and how long the employee is expected to live, as these may be critical in establishing the most beneficial course of action.

In extreme cases employees will be kept on the payroll, even though they have exhausted their sick pay entitlement. This elevates distress by formally dismissing someone who is dying where it is to the employee's advantage to remain in service due to their entitlement to benefits such as death in service.

Underlying Medical Condition – Employee still at Work

Some employees have underlying medical conditions which affect how they carry out their roles. They may not be absent from work but they may be unable to carry out their duties and responsibilities to a satisfactory level and/or fail to fulfil their contractual working hours due to the underlying medical condition.

In such cases managers need to refer them to OH to seek advice about the underlying medical condition. If OH confirms their performance and/or ability to undertake the full duties/hours of their substantive post is affected by their underlying medical condition, the manager is advised to organise a Stage 1 Meeting.

If an employee has already been managed under this policy and that action is still active, i.e. within the 12 months live period, the manager can return to the same point in the procedure.

Managers must ensure that reasonable time has been given to consider the employees underlying medical conditions and how it these affect the employees performance.

Management may consider a further time period might be appropriate to provide any reasonable adjustments prior to escalating to the next stage of the procedure. It is recommended in these cases that advice from People Services is obtained.

At the Stage 1 Meeting the OH report should be considered, including any, reasonable adjustments. Managers should follow the Absence Management Procedure although it is recognised that not all of the points require discussion, as the aim of the Absence Management Procedure is to focus on employee absences from work. People Services advice should be obtained for these cases, including obtaining appropriate template letters.

Reasonable adjustments can assist employees to carry out their roles. Managers must ensure the Reasonable Adjustment Request Form is completed. Any such adjustments need to be reviewed on a regular basis to assess the effectiveness.

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If reasonable adjustments are not sustainable or assist the employee to fulfil their responsibilities, alternative reasonable adjustments may need to be considered or redeployment may be explored.

If an employee is suffering with stress-related illness, anxiety or depression, as determined on the Fit Note, it is essential that support is provided. If work-related issues are felt to be contributing to ill health, managers must discuss these with People Services so appropriate and reasonable action(s) can be taken swiftly.

Managers have a duty of care to employees to take reasonable steps to avoid putting them in situations that might impair their health. Managers also have a responsibility to the Council to protect it from litigation.

Statutory sick pay

SSP is not normally payable for the first 3 days of absence. Where this is due under SSP regulations it will be paid in accordance with these.

Periods of absence not covered by a Fit Note or self certificate will not be paid where pay may be due. Payments are made in accordance with current legislation and in conjunction with the Councils terms and conditions.

The number of hours you work are irrelevant as far as entitlement to statutory sick pay (SSP) is concerned, as long as you earn at least the equivalent of the lower earnings limit for National Insurance purposes.

The first three days of absence are classed as “waiting days”, meaning that SSP is payable on the fourth qualifying day for a maximum period of 28 weeks. SSP is payable for days known as Qualifying Days (QD’s). Normally your QD’s will coincide with your working days. For example where you work a standard Monday to Friday week, the qualifying days will be Monday to Friday.

Any period of sickness absence extending beyond 3 calendar days is called a “period of incapacity for work “(PIW). If a PIW occurs within 56 calendar days of a previous PIW, the two periods are linked for the purposes of paying SSP. Where this happens there is no requirement for waiting days in the second PIW.

Occupational Sick pay

Entitlement to Occupational Sick Pay (OSP) is as follows:	
First 4 months of service	One month full pay*
First year of service (after 4 months)	2 months full pay* and 2 months half pay*
After 1 year of service complete	4 months full pay* & 4 months half pay*

In exceptional circumstances an extension to sick pay entitlement may be considered at the discretion of the Chief Executive and Head of HR in the following

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circumstances:

- Terminal illness;
- Cancer;
- Other extenuating circumstances;
- Any illness or injury arising from an accident at work unless due to negligence or misconduct on behalf of the employee concerned.

Entitlement to an extension of sick pay however is not automatic.

There are both Government and occupational sick pay limits. Sick payments made in the 12 months immediately preceding the first day of absence are taken into account when calculating the amount.

*Full pay means the amount, when added to statutory sick pay and incapacity benefit, will be the equivalent of your normal pay.

*Half pay means the amount, when added to statutory sick pay and incapacity benefit will be the equivalent of half your normal pay.

Locally agreed terms and conditions in relation to pay during absence.

No pay will be given for the first 2 days of any period of absence. Pay will not be withheld where urgent or planned hospitalisation is required unless a procedure is elective.

Any member of staff having 5 days of sickness or less in each tax year (April to March) would be re-paid any pay withheld from the first 1-2 days of any period of absence. This re-payment would be made in the May following the year the absence was taken in e.g. absence between April 2013 and March 2014 would be re-paid in May 2014. Any member of staff leaving part way through the year will not fulfil the requirements of the scheme and would therefore not be entitled to any repayment. Pregnant staff will be exempt from these rules for maternity related absences. Repayment of any withheld pay will be made at the rate the pay was deducted during the relevant tax year.

For employees joining the authority part way through the year, the 5 days will be apportioned to the number of completed months in the year, for example, joining date of 1 July, by 31 March employee will have completed 9 months service. The number of sick days used to calculate their entitlement to repayment of any sick days would be $5 \times \frac{9}{12} = 3.75$ days. If the employee took 4 days sickness in the 9 month period they would not receive repayment of withheld pay in May.

Upon the employees return to work line managers may be able to agree to payment for the sick day(s) taken in lieu of annual leave to ease the financial burden. In the event of this being agreed absences should still be recorded as sick leave but pay will reflect the

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substitution. Line managers should take into remaining annual leave entitlement and previous absences prior to agreeing to this. Where this is agreed leave balance will be adjusted to reflect the substitution and sickness absence should be recorded as normal on iTrent People Manager.

Where leave is substituted for unpaid sick leave for payment purposes, in the event of an employee taking less than 5 days sick leave over the course of a year the employee will not be able to re-substitute paid sick leave for annual leave and re-claim used annual leave entitlement.

Any unpaid leave for sickness reasons does not affect service with the Local Government Pension Scheme. If you have pay deducted through sickness the Council will notify the pension team of this. The Council will continue to make employers contributions for your full service including any period of unpaid leave for these reasons.

Incremental awards

During periods of absence, any increments falling due will be withheld. Discussions during return to work interviews or stage 1, stage 2 meetings or stage 3 hearings will give consideration to the appropriate timing of re-instating the award.