



Attendance Management

Procedure

April 2009

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The Procedure

1. Types of sickness absence

There are two types of sickness that lead to absence from the workplace:

- **Intermittent short-term sickness**
This is frequent, intermittent short term sickness that may be due to a variety of minor, unlinked illnesses, or it may be due to one (or more) underlying medical causes.
- **Continuous long-term sickness**
This is a serious, continuing illness, disease or serious injury of a long-term nature that results in the individual being absent from the workplace for a continuous period of time, usually at least four weeks.

It is possible that this type of illness could be considered a disability in the context of the Disability Discrimination Act. (Refer to guidance on page 23.)

- **Relationship with Sick Pay**
Particularly in the case of short term sickness there is no need to exhaust the employee's sick pay entitlement before taking action, even in the case of industrial injury. However discretion, sensitivity and good practice are essential ingredients in handling individual cases. The system of having trigger levels for taking managerial action is meant to prevent matters drifting, and to ensure that each case gets due consideration – not to impose hasty decisions.

2. Keeping in Contact

When an employee is absent from work due to sickness it is important that contact is maintained between manager and employee. This is to ensure that the employee does not feel isolated, vulnerable or out of touch.

Keeping in touch with staff who are sick lets them know they are missed, ensures they receive any support which they need and eases their return to work. Contact is especially important in cases of long term sickness.

2.1 The manager will:

- Where feasible, maintain regular, sensitive contact with the employee. If the employee does not want contact with the line manager then the HR manager must be informed.
- Contact may be made by telephone, by letter, E mail or (in agreement with the employee) by home visit.
- The manager/representative will record all contact details on the contact log.
[CONTACT LOG](#)

- The circumstances of the sickness and the views of the individual must be taken into account when keeping in touch with them. For example, when an individual is in hospital, it may be difficult to maintain regular contact.

3 INVESTIGATING SICKNESS

3.1 On Return to Work

Following each period of sickness absence the employee's manager will meet with the employee as soon as possible after their return to work to discuss the sickness. The purpose of the interview is to:

- Welcome the employee back to work
- Ensure that there is an accurate record of the absence and appropriate certification requirements have been met
- Establish if there was an occupational factor which may have contributed to the sickness and assure the employee that any work-related issues will be addressed
- Establish that the employee is fit to resume his/her normal duties
- Discuss whether the illness is likely to reoccur
- Ascertain whether or not any adjustments can be made to prevent a recurrence
- Update the employee on work issues

A record of the meeting should be made on the Council's return to work meeting form [RETURN TO WORK DISCUSSION FORM](#)

Managers should be sympathetic, sickness absence sometimes masks an underlying problem. Talk to the employee and encourage them to discuss any health, domestic or work problems that may be contributing to their sickness.

3.2 Sickness Record is Causing Concern

The manager should be concerned where the level and/or pattern of sickness absence gives cause for concern, for example, where the employee regularly reports sick on the same day of the week e.g. Monday or Friday.

The manager should also be concerned if, including the most recent episode of sickness, the employee has been sick during the past three months for a total of three or more working days. In such circumstances the manager should also use the interview to: -

- Review the employee's sickness record
- Consider any previous relevant medical information, which is available
- Explain the impact of the sickness absence on the service and on work colleagues
- Reinforce what is regarded as an acceptable level and or pattern of sickness

- Show that the manager regards the level/pattern of sickness as a cause for concern
- Discuss the reasons for the sickness absence and any explanation the employee has to offer
- Consider whether there is anything that management can do to help the employee to reduce the level of sickness e.g. any reasonable adjustments that can be made if the employee's sickness is caused by a disability.
- If the manager considers that medical advice would be helpful, or if the employee would benefit from having access to the counselling service s/he should be referred to the Occupational Health Service.
- Discuss with the employee that continued absence may trigger action under the formal process.

The employee should be immediately referred to the Occupational Health Service [Confidential Referral to Occupational Health Service](#) if it appears that the employee's sickness is caused by work-related stress, working conditions, work activities or work equipment. The relevant Departmental Health & Safety Advisor within Health, Safety & Licensing should also be informed in these circumstances.

- 3.3** Corporate Health & Safety Guidance on managing work related stress can be located at: <http://www.intranet.brent.gov.uk/HSlintranet.nsf>

It is advisable for managers to confirm any discussions in writing [CONCERNS LETTER](#)

4. MANAGING SHORT TERM SICKNESS

4.1 Pre-Assessment Process

If the employee's sickness absence reaches the trigger for action under short-term sickness, the manager will undertake a pre-assessment process to consider the following key issues:

- What is the overall pattern and level of sickness
- What are the reasons for absence - is it what appears to be a one-off illness (e.g flu)
- Is the absence related to a DDA defined disability or is it pregnancy related
- Is medical advice required from Occupational Health before deciding on a course of action

Having taken these factors into account, the manager must then decide whether or not the case should be progressed to a formal stage 1 meeting.

It is not necessary for the employee to be present during the pre-assessment process. Managers should document their considerations on a pre-assessment form. [PRE-ASSESSMENT FORM](#)

(A separate review process applies to cases of continuous long term absences of four weeks or more)

4.2 SHORT TERM SICKNESS ABSENCE – TRIGGERS FOR ACTION & TARGET SETTING

| | Triggers | Action for Manager & Targets |
|----|---|---|
| 1. | <p>Either</p> <p>4 occasions of sickness in a rolling 3 month period</p> <p>Or</p> <p>3 or more occasions of sickness amounting to at least 9 working days in a rolling 12 month period</p> | <ul style="list-style-type: none"> ➤ Carry out pre-assessment. (see para.4.1) ➤ Consider whether a referral to Occupational Health is required ➤ If, having done this the level of sickness is still a cause for concern, convene a Stage 1 Review meeting at which set initial target normally no more than 3 working days of sickness in 3 months |
| 2. | Failure to meet the target level set at the Stage 1 Review Meeting | <ul style="list-style-type: none"> ➤ Take into account reasons for absence ➤ Consider whether a referral to Occupational Health is required ➤ Consider progression to Stage 2 Review meeting at which set further target normally no more than 3 working days of sickness in 3 months <p><i>if target met, further target of zero days over next 3 months to be set.</i></p> |
| 3. | Failure to meet target level set at the Stage 2 Review Meeting | <ul style="list-style-type: none"> ➤ Take into account reasons for absence ➤ Consider Occupational Health advice or refer if not already done so ➤ Consider progression to Stage 3 Review meeting <p><i>if met, further target of zero days over next 3 months to be set.</i></p> |
| 4. | If employee is dismissed | Right of Appeal |

Action may be reinstated at Stage 2 of the procedure. In such cases, a review meeting will be held with the employee to establish whether there are mitigating circumstances which may affect attendance and warrant re-entry at Stage 1 rather than Stage 2.

4.3 How to decide if a trigger has been met

It is for the manager to consider whether or not the employee's sickness is such that a trigger for action has arisen, and in the interests of equity for the manager to be able to show that no one employee has been treated differently to another employee without good reason being shown.

In deciding whether a trigger for action has arisen, the manager will review the case at each stage and if he/she is still concerned about the sickness the case will proceed to the appropriate stage of the procedure.

When considering whether or not to progress to the next stage, managers should take into account the reasons and duration of sickness. For example, where during the relevant period, the employee has only a single occasion of sickness, which is medically certificated and which appears to be for a one off illness, then that sickness shall not be taken into account. An example of this may be in the case of an operation or an accident.

Managers must ensure that they review the level of sickness absence at the end of the monitoring period.

4.4 Improvement during monitoring period

If attendance is satisfactory during the monitoring period managers should advise the employee accordingly in writing at the end of the monitoring period and remind them of the need to sustain the level of improvement. The letter must also advise that if the employee has no sickness absence for a further 3 month period, then they will come out of procedure and any future sickness absence will be dealt with separately. The letter should also warn that in circumstances considered by the Council to be exceptional, in the event of further short-term sickness absence the formal procedure may start at Stage 2. [STAGE 1 REVIEW OUTCOME \(met targets\)](#)

5. Short Term Sickness - First Formal Stage (Stage 1)

If having undertaken the pre stage 1 assessment process the manager is still concerned about the sickness absence the employee will be called to attend a Formal Stage 1 meeting [STAGE 1 REVIEW INVITE](#) so that the manager can:

- Investigate further the reasons for the sickness
- Identify if the employee has any Health & Safety or Occupational Health requirements or concerns
- Bring management concerns to the attention of the employee
- Discuss the effect of the sickness and give clear information about the adverse impact of absence on the service and colleagues
- Discuss with the employee a strategy for reducing the sickness to an acceptable level.
- Consider the employee's explanation
- Discuss targets and a monitoring period (usually 3 months)
- Explain the Council's policies on sickness absence, including the management focus on whether the employee can give regular and efficient service
- If not already done, tell the employee whether they will be referred to the Occupational Health Service for assessment

5.1 **The employee is entitled to:**

- Reasonable notice (normally 7 working days if practicable) in writing of:
- The date, time and place of the meeting
- The name of the manager conducting the meeting (normally the employee's manager)
- The purpose of the meeting
- The issues to be discussed
- Rights to representation
- The opportunity to be represented by another Brent Council worker, an official employed by a trade union or a certified trade union official (but not a paid legal representative). A certified trade union official is one whom the trade union has reasonably certified in writing as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings.

- Postponement of the meeting to another reasonable time within 5 working days after the original date - **only if their representative will not be available at the time proposed**
- Give their explanation for the level of sickness absence and generally have the opportunity to put their side of the matter
- A letter normally within 5 working days confirming the issues considered the decisions and action plans made to reduce sickness. Where a target has been set the letter should tell the employee that the consequence of failure to meet the target, or of a continuation of sickness absence following the end of the review period at a level defined by the manager as unacceptable is that the employee will move to Stage 2 of the procedure. [STAGE 1 SICKNESS REVIEW OUTCOME](#)
- The right to medical confidentiality
- Access to any records or notes of matters discussed

At the end of the three month monitoring period the manager will review the level of sickness absence. If it is satisfactory the employee will be advised accordingly in writing and reminded of the need to sustain the level of improvement. If the employee has no sickness absence for a further three month period then the employee will come out of procedure. Any future sickness absence will be dealt with separately.

5.2 Absence of employee at Stage 1 Review Meeting

Should the employee fail to attend a Stage 1 Review Meeting the manager conducting the meeting will have the discretion to proceed with the meeting if no reason for the absence, considered by the manager to be satisfactory, has been given. Any submissions made on the employee's behalf by a representative, in person, or made by or on behalf of the employee in writing or by telephone will be considered.

If the employee fails to attend the meeting on the grounds of sickness, consideration should be given to proceeding with the meeting in the employee's absence, provided that the employee has received written warning that this may happen and an alternative date after the first occasion. The manager should ensure the employee is aware of the date and time of the revised date, remind him/her of the importance of attending and should if appropriate seek medical advice on whether the employee is fit to attend. Where the employee still cannot/does not attend, the manager may judge it is essential for the meeting to continue.

5.3 Short Term Sickness - Second Formal Stage (Stage 2)

If sickness absence exceeds the target set in the outcome of the Stage 1 Review meeting or continues at an unacceptable level following the end of the review period, the manager will decide in consultation with their local HR Team, whether or not to progress the matter to a Stage 2 Review meeting.

The letter convening a Stage 2 Review Meeting will state the purpose of the meeting, the manager's considerations, the employee's rights, including rights to representation, and to request postponement, on the grounds of non-availability of the employee's representative are as set out in Stage 1. [STAGE 2 REVIEW MEETING INVITE](#)

There may be times where because of the particularly sensitive nature of the illness you may have taken HR advice, apply your discretion not to take action under Stage Two of the procedure. This decision should be kept under constant review and the reasons for deciding not to proceed to Stage 2 should be recorded.

On the basis that the employee has been referred to the Occupational Health Service for assessment, one outcome could be a recommendation from the Occupational Health Advisor for a medical redeployment search because medical opinion advises that the employee is no longer able to perform the full duties of the current job. The option of a medical redeployment search should not be considered as an alternative to setting further targets but rather as an option which could be pursued during the monitoring period.

If the manager considers the level of sickness absence to be unacceptable, the letter confirming the outcome of the Stage 2 meeting will include details of the following:

- A further monitoring period during which sickness absence levels must reduce
- Targets for improved attendance,
- Make it clear to the employee that failure to reduce the level of sickness absence puts their job at risk and may result in them moving to Stage 3 of this procedure where the decision to dismiss could be made.
- The manager should also advise the employee that s/he may also move to Stage 3 of the procedure if his/her level of sick absence reverts to an unacceptable level for a further period following the end of the monitoring period. You should define the length of the further period and the level of sickness absence during that period which would be considered unacceptable.

[STAGE 2 OUTCOME \(UNSATISFACTORY\)](#)

5.4 Absence of employee at Stage 2 Review Meeting

Should the employee fail to attend a Stage 2 Review Meeting the manager conducting the meeting will have the discretion to proceed with the meeting if no reason for the absence, considered by the manager to be satisfactory, has been given. Any submissions made on the employee's behalf by a representative, in person, or made by or on behalf of the employee in writing or by telephone will be considered.

If the employee fails to attend the meeting on the grounds of sickness, consideration should be given to proceeding with the meeting in the employee's absence, provided that the employee has received written warning that this may happen and an alternative date after the first occasion. The manager should ensure the employee is aware of the date and time of the revised date, remind him/her of the importance of attending and should if appropriate seek medical advice on whether the employee is fit to attend. Where the employee still cannot/does not attend, the manager may judge it is essential for the meeting to continue.

5.5 Short Term Sickness - Third Formal Stage (Stage 3)

If sickness absence exceeds the target set in the outcome of the Stage 2 meeting or continues at an unacceptable level following the end of the review period the manager should decide, whether to progress to the Stage 3 review. The manager should consult with the local HR Team in making this decision.

In these circumstances the employee must be referred to the Occupational Health Service for assessment following which a medical report will be provided to the manager.

Having considered the medical report the manager will make a decision as to how best to proceed. The options include:

- Implementation of any recommendations or advice that the Occupational Health Service makes.
- Extending the timescale for monitoring to allow for anticipated improvement in attendance.
- Refer the case to the relevant Director, Assistant Director or Head of Service and recommend dismissal.
- The Director, Assistant Director or Head of Service and will consider all the facts of the case and decide whether the employee should be dismissed.
- No further action at this time.

Where it is decided to convene a Stage 3 Review meeting the presenting manager will prepare a case summary and will write to the employee giving whenever practicable 7 working days notice of the date, time and place of the Formal Stage 3 meeting. [STAGE 3 REVIEW INVITE](#)

The letter should also give the name of the manager who will be conducting the meeting and should set out:

- The case summary (with supporting documentation from previous reviews) [CASE SUMMARY](#)
- The fact that the employee may be dismissed
- The opportunity to be represented as per Stage 1
- The employee will have rights to the postponement of this meeting as in Stage 1

- A letter within 5 working days of the meeting to confirm the issues considered, the decision and any right of appeal
- Notice or pay in lieu of notice if dismissed.
- Pay in lieu of notice is subject to deduction of Income Tax and National Insurance

5.6 FORMAL MEETING TO CONSIDER DISMISSAL ON ABSENCE GROUNDS

The purpose of this meeting is to consider the inability or failure of the employee to undertake the duties of the post by virtue of intermittent short-term or long-term absence, certified or self-certified as sickness absence.

The concept of an adversarial hearing at this stage should be avoided: this is not a disciplinary issue. However, the meeting does need to be structured in order that management can set out all the relevant information and the employee/employee's representative has a full opportunity to respond and set out the information they wish taken into account in the final decision.

Generally, the employee's manager will present the management case at the meeting and is called the presenting manager in subsequent parts of this policy and procedure.

5.6.1 Preparation for Meeting

The presenting manager will advise the employee in writing of the date, time and place of the meeting. Whenever practicable, 10 working days' notice of the hearing will be given. The notice should state the purpose of the meeting and that a possible outcome is dismissal from the Council's service. The notice should also advise the employee of his/her rights of representation at the meeting. The employee may request a postponement of the hearing of up to 5 working days to enable his/her representative to attend the hearing. Any alternative time and date proposed by the employee must be reasonable. The manager conducting the hearing ("the hearing officer") will decide whether the postponement should be allowed. The person chosen by the employee, as his/her representative may be another Brent Council worker, a certified trade union official (as defined earlier) or an official employed by a trade union (but not a legal representative).

The presenting manager shall provide the employee and the hearing officer with a statement of the facts of the case and any relevant documents. [CASE SUMMARY](#) These shall include a full absence record and an assessment of the effect on the individual's performance and on the service generally; together with the outcome of any previous

reviews that have been conducted under this procedure and which are still on record. It should also contain the presenting manager's recommendation concerning whether or not the employee should be dismissed and the reasons for this. This documentation must be made available to the employee at least 3 working days before the hearing.

The employee shall also be informed that she/he may be accompanied by a representative as defined above, has the right to call witnesses if desired and that s/he must provide the presenting manager with copies of any documentation s/he wishes to present and the names of any witnesses s/he intends to call not later than 3 working days before the date of the hearing. Alternatively, the employee can send in written representations that will be considered at the meeting.

5.6.2 Conduct of the Meeting

A Director, Assistant Director or Head of Service, will conduct the hearing. In the majority of cases the Director, Assistant Director or Head of Service will be assisted by a Human Resources representative. However, in certain circumstances, they may request other technical expertise as appropriate (e.g from a legal advisor, Occupational Health advisor).

5.6.3 The hearing officer will be responsible for arranging a note taker to be present.

5.6.4 The format of the meeting will be:-

- The hearing officer will open the hearing by explaining the reasons why the hearing has been arranged and the order of proceedings and answer any issues with regard to procedure.
- The presenting manager will submit his/her case and call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of the case.
- There will then be the opportunity for questions from the employee/ representative, the hearing officer and the adviser.
- Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- The employee/representative will submit her/his case and call upon any witnesses to give evidence and/or produce any necessary documentary evidence in support of her/his case.
- There will then be the opportunity for questions from the presenting manager, the hearing officer and the adviser.

- Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- The presenting manager and the employee/ representative may sum up their cases if they so wish. The employee has the right to sum up last.
- The presenting manager and the employee/ representative will withdraw whilst the hearing officer considers the case. If any recall is necessary to clarify points of uncertainty, both parties will be asked to return. In addition the hearing officer may require that other witnesses/evidence should be called/produced in order to ensure that all the necessary facts can be considered before making a decision on the case. S/he may decide to adjourn the hearing to allow or this if necessary.
- The hearing officer will decide to take such action as may be appropriate in the circumstances. Dismissal from the Council's service (either with notice or pay in lieu of notice) is one option. Pay in lieu of notice is subject to deductions for income tax and national insurance.
- The letter confirming a decision to dismiss will explain the employee's appeal rights. The hearing officer may review the decision during the notice period if fresh medical evidence is provided e.g. that the employee is now fit to work.

5.6.5 Absence of employee at Stage 3 Review Meeting

Should the employee fail to attend a Stage 3 Review Meeting the manager conducting the meeting will have the discretion to proceed with the meeting if no reason for the absence, considered by the manager to be satisfactory, has been given. Any submissions made on the employee's behalf by a representative, in person, or made by or on behalf of the employee in writing or by telephone will be considered.

If the employee fails to attend the meeting on the grounds of sickness, consideration should be given to proceeding with the meeting in the employee's absence, provided that the employee has received written warning that this may happen and an alternative date after the first occasion. The manager should ensure the employee is aware of the date and time of the revised date, remind him/her of the importance of attending and should if appropriate seek medical advice on whether the employee is fit to attend. Where the employee still cannot/does not attend, the manager may judge it is essential for the meeting to continue.

5.6.6 Factors for the Hearing Officer to consider

The Employment Appeal Tribunal has set out the following factors that should be considered before a dismissal decision is taken in a case of

persistent short-term sick absence:

- (a) The nature of the illness
- (b) The likelihood of recurrence, or some other illness arising
- (c) The length of the various absences and the spaces of good health between them
- (d) need of the employer for the work to be done by the employee
- (e) The impact of the absences on other employees
- (f) Following the correct procedure
- (g) Will the employee be able to give regular and efficient service
- (h) The extent to which the employee has been made fully aware of the department's situation and when the point of "no return" would be reached.

5.6.7 Medical advice in relation to dismissal

The decision to dismiss is not a medical one but a managerial one based, among other things, on medical opinion(s) – **BUT:**

- While the absence of a medical diagnosis or prognosis does not preclude the manager taking action to dismiss an employee, nonetheless without a medical referral an Employment Tribunal could view the dismissal as unfair.
- Managers should not make medical judgements.

5.6.8 Alternative options to dismissal

These may include:

- Reviewing the case after getting more information
- Establishing a further time scale for improvement
- Consideration of alternative employment (**medical redeployment**) within the Council if this has not already happened, and in that context to consider whether retraining will be required for the employee to perform effectively in the new role
- Referral to the Occupational Health Physician for consideration of ill health retirement or redeployment if this has not been considered previously.
- Variation of the employee's hours and/or duties with the employee's agreement
- Making reasonable adjustments to the employee's working conditions where the sick absence is caused by the employee's disability

6. LONG TERM SICKNESS ABSENCE – TRIGGERS FOR ACTION

| Trigger | Action for Manager |
|--|--|
| 4 Weeks continuous sickness | 1. Begin sympathetic and regular contact with the employee if this has not started earlier and record details on the contact log |
| | 2. Refer to Occupational Health Service for assessment |
| After 3 months continuous sickness | Undertake a case assessment |
| No later than 4 months continuous sickness | Convene Sickness Review Meeting |
| No later than 5 months continuous sickness | Refer case to senior manager to consider taking a decision to dismiss |
| If employee is dismissed | Employee right of appeal |

6.1 MANAGING LONG TERM SICKNESS

Long Term sickness is defined as continuous sickness for four weeks and where there is no definitive date for the employee to return to work in the near future.

6.2 Case Review

The manager should regularly review long term sickness cases. In order to come to a reasonable judgement the manager will need to have accurate and up to date medical information.

Normally the manager will refer the employee to the Council's Occupational Health Service once the employee has been off continuously for a period of 4 weeks, and there is no definite indication of an early return to work. [Confidential Referral to Occupational Health Service](#)

At the right time, and certainly after 3 months continuous sickness absence, the manager shall in normal circumstances make an assessment of the case based on the following considerations:

- Any recommendation/advice provided by the Occupational Health Service
- The nature of the illness and any medical information available
- The length of absence to date and the likelihood and timing of a return to work
- The level of disruption caused by the employee's sickness absence
- The need to have the work done which the employee is engaged to do
- The feasibility of continuing with any temporary arrangement
- The employee's length of service
- The work problems caused by the employee's absence, including the adverse impact on service delivery and the poor effect on the morale of other staff
- Can the service unit cope with the level of disruption caused by the employee's sickness absence, and if so for how much longer?
- Any health & safety implications to the employee or others, e.g colleagues, clients, service users etc.
- Any other relevant circumstances

6.3 Review Meeting

Having undertaken the Case Review, the manager will, in normal circumstances call the employee to a review meeting, to discuss the sickness absence and any options that may be available. [1ST LONG TERM SICKNESS REVIEW INVITE](#)

In calling the review meeting the manager will write to the employee giving wherever practicable 7 working days notice of the date, time and place of the meeting. The letter should also give the name of the manager conducting the meeting (normally the employee's manager) and should explain the purpose of the meeting.

The employee should also be advised in the letter of their rights to be represented as set out for the Stage One meeting regarding short-term sickness.

The employee will have the same rights to request a postponement as set out for the Stage One meeting regarding short-term sickness.

During the review meeting the manager will discuss with the employee the serious concern that exists about the length of the sickness absence.

The employee in turn will be given every opportunity to tell the manager about any factor or personal circumstances that they would like the manager to take into account in the overall case assessment. The manager must tell the employee if s/he feels that the employee's future employment is potentially at risk and follow this up in writing.

Following the review the manager will make a decision as to how to proceed based on the following options:

- Implement any recommendations the Occupational Health Service may make
- Set a deadline to review the circumstances again
- Refer the case to the relevant Director, Assistant Director or Head of Service and recommend whether or not to dismiss

The Director, Assistant Director or Head of Service will consider all the facts of the case at a formal hearing* and decide whether the employee should be dismissed.

If the manager decides based on the Occupational Health Service's advice to have a medical redeployment search conducted as an alternative to referring the case for consideration as to whether the employee should be dismissed, then the search should be undertaken within the employing service area and in other service areas for a period of one month. If the redeployment search is unsuccessful then at the end of the one month, the case will be referred for consideration as to whether the employee should be dismissed. The redeployment search can carry on if appropriate after the referral and up to the date of termination of employment. [Medical Redeployment](#)

**The process for the formal hearing to consider dismissal shall be the same as that for the Third Formal Stage of the Short Term Sickness procedure.*

6.4 When it is appropriate to dismiss on the grounds of long term sickness

An employer can fairly dismiss an employee due to long-term absence, based on incapacity to perform the job. It is necessary to look at the whole history and the entire picture; every case must depend on its own facts. When considering whether to dismiss an employee due to long-term absence the need to ensure the efficient operation of the service will in the final analysis override the employee's need to remain in employment. The basic question which has to be determined in every case is whether it is reasonable in all the circumstances for the manager to wait any longer for the employee to return to work and, if so, for how much longer? In the case of long term sickness, dismissal

following the employee's sick pay entitlement becoming exhausted is likely to be justifiable except in special circumstances e.g where the medical advice is that the employee is likely to be fit to return to work in the near future. In the case of long term sickness dismissal while the employee is still entitled to sick pay is likely to be premature except in special circumstances e.g where there are pressing service needs, or where the advice is that the employee is unlikely to be fit to return to work by the end of the period of his/her sick pay entitlement.

[STAGE 3 OUTCOME/OUTCOME OR LONG TERM 2ND REVIEW/OUTCOME](#)

7. APPEAL AGAINST DECISION TO DISMISS ON THE GROUNDS OF ABSENCE DUE TO ILL HEALTH.

Any employee who is dissatisfied with a decision to dismiss on the grounds of absence due to ill health may appeal to a member of management (“the appeal hearing officer”) usually immediately senior to the manager who has taken the decision. The appeal hearing officer will be at the level of seniority of Director, Assistant Director or Head of Service who will be at the same level of seniority or at a higher level than the manager who took the decision to dismiss, and will be the manager specified in the letter to the employee confirming the outcome of the hearing. The manager who took the decision to dismiss will normally present the management case at the appeal hearing. The appeal must be lodged within 10 working days of the date of the letter confirming the dismissal decision.

The appeal must be made in writing and must clearly and specifically state in detail the ground or grounds for appeal and the detailed basis for each ground of appeal relied on. The ground(s) for appeal must fall within one or more of the following categories: -

- I. **Procedural flaw**; there was a procedural irregularity which had a material effect on the dismissal decision.
- II. **The decision on the facts**; the hearing officer came to a conclusion on a material point of fact which no reasonable person could have come to,
- III. **The sanction was too severe**; the decision to opt for dismissal rather than an alternative option was one that would not have been reached by any reasonable person
- IV. **New evidence**; there is evidence which the employee wishes to introduce for the first time at the appeal which could not reasonably have been raised at the original hearing and the absence of which had a material effect on the dismissal decision.

7.1 Where the letter of appeal does not provide the necessary information to allow it to be processed the Strategic Human Resources Manager will write to the employee seeking clarification. This may extend the timescales for hearing an appeal.

7.2 The hearing officer will arrange for the appeal to be heard as far as reasonably practicable, within 15 working days of receipt of the appeal or as soon as reasonably practicable thereafter.

7.3 For the appeal the employee will be asked to attend a hearing where s/he has the right to be accompanied by either another Brent Council worker, a certified trade union official (as defined earlier) or an official employed by a trade union who may act as their representative. The

letter inviting the employee to attend the hearing should advise the employee of his/her rights of representation at the hearing. Whenever practicable the employee will be given 7 working days' notice of the appeal hearing. The meeting may be postponed by up to 5 working days to enable the employee's chosen representative to attend. Any alternative time and date proposed by the employee must be reasonable. The appeal hearing officer will decide whether the postponement should be allowed. The appeal hearing will not constitute a full re-hearing of the case. It will only address the specific grounds of appeal set out in the letter of appeal. The appeal hearing officer can refuse to consider any new evidence if s/he decides it is unreasonable for it to be raised for the first time at the appeal.

- 7.4** The hearing officer and the employee will provide each other with any documents to be used by them and the names of any witnesses to be called by the third working day before the appeal hearing.
- 7.5** The appeal hearing officer will chair the meeting . In all cases the Director/Assistant Director or Head of Service will be assisted by a Human Resources representative. However, in certain circumstances, the Director/Assistant Director or Head of Service may request other technical expertise as appropriate (e.g from a legal advisor, Occupational Health advisor). This manager will not have been previously involved, directly or indirectly with the case. The appeal hearing officer's decision will be final and there shall be no further internal right of appeal.
- 7.6** The procedure to be adopted at the appeal meeting shall be as follows:-
- (a) The Chair of the meeting (the appeal hearing officer) will introduce all parties and state the purpose of the appeal meeting. S/he will then summarise the order of the proceedings and answer any issues with regard to procedure.
 - (b) The employee and/or his/her representative may present their case based on the grounds specified when submitting the appeal. At this stage the employee will be entitled to refer to documentation in connection with the grounds for appeal and call any witnesses necessary in connection with the grounds for appeal.
 - (c) The management representative, the Chair and the adviser may ask questions of the employee, the employee's representative and any witnesses. Any witnesses shall withdraw after giving evidence and answering any questions put to them.

- (d) The management representative will then answer the employee's presentation, call witnesses as necessary in connection with the grounds of appeal and use any relevant documents.
- (e) The employee and/or his/her representative, the Chair and the adviser may ask questions of the management representative and any witnesses. At the Chair's discretion a party may be allowed to ask questions of their own witnesses arising from questions of the other party. Any witnesses shall withdraw after giving evidence and answering any questions put to them.
- (f) The management representative will summarise their appeal case.
- (g) The employee and/or his/her representative will summarise their appeal case.
- (h) The parties to the case will be asked by the Chair to withdraw.
- (i) The Chair will deliberate and come to a decision,
- (j) The parties will be recalled and given the Chair's decision in the matter.
- (k) The appeal decision and the reasons for it will be confirmed in writing to the appellant and the management representative by the chair normally within five working days of the hearing.

7.7 The appeal hearing officer will have the authority to confirm the dismissal decision or to overturn it. In the latter event re-instatement or re-engagement with continuous service will apply and s/he shall have the authority to decide on an alternative option to dismissal that may include those set out on page 18.

Where the appeal hearing officer decides to uphold the appeal in the case of procedural flaw or new evidence she/he will have the discretion to refer the case back for a rehearing or to rehear the case him/herself. Where the case is referred back for a rehearing she/he will decide, depending on the circumstances, whether the case should be reheard by the same officer who originally heard the case or by a different hearing officer.

If the appeal is on the grounds of new evidence, referral to any of the managers specified above will be for consideration of the new evidence only.

GENERAL ADVICE

i Annual Leave During Sickness

Annual leave will accrue during sickness absence and the normal restrictions will apply. E.g if leave cannot be taken within the leave year 1st April – 31st March, then it will be lost. You may carry forward up to 5 days to be taken by 31 March of the next leave year, subject to agreement in advance by the line manager to the dates when the leave can be taken.

ii Case Conference

In a small number of cases there may be a discrepancy between the views of the occupational health advisor and the manager on an individual's capability for work and this may not be resolved by additional medical referrals. In such cases it is much more productive to hold a case conference. Matters can then be discussed in a more constructive way than through the exchange of letters, and hopefully come to a mutually acceptable resolution to the problem.

Case conferences may also be helpful in looking at proposed phased return arrangements following a period of long term sickness.

People attending the case conference would normally include: The employee, the employee's representative, the employee's manager, a human resources advisor and an occupational health advisor. [CASE CONFERENCE AGENDA](#)

III The Disability Discrimination Act (DDA) 1995

The DDA defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

- Substantial means neither minor nor trivial
- Long term means that the effect of the impairment has lasted or is likely to last for at least 12 months (there are special rules covering recurring or fluctuating conditions)
- Normal day-to-day activities include everyday things like eating, washing, walking and going shopping
- A normal day-to-day activity must affect one of the 'capacities' listed in the Act which include mobility, manual dexterity, speech, hearing, seeing and memory.

Under the DDA, the employer has a duty to make 'reasonable adjustments' to make sure the employee with a disability is not put at a substantial disadvantage by employment arrangements or any physical

feature of the workplace. What is “reasonable” depends on all the circumstances of the case including the individual situation and the size and resources of the organisation.

In practical terms this means that if an employee is persistently absent because of ill health which can be linked to a possible disability then managers should consider making reasonable adjustments to an employee’s working environment in order to accommodate him/her. Even if the employee’s condition does not fall under the definition of a disability, it is advisable to see what can be done to improve the attendance and productivity of an employee. Possible reasonable adjustments could include:

- Reallocating work
- Being more flexible about hours
- Providing specialist equipment
- Making adjustments to premises
- Allowing staff to attend medical appointments in respect of treatment for a DDA condition

Sickness absence caused by a disability as defined by the DDA should not be taken into account in deciding whether a trigger for action has arisen, ***other than in cases where it has more than a minor impact on service delivery.***

IV Ill health which does not lead to absence from work

There may be occasions where an employee is suffering from ill health, but this does not lead to the employee being absent from work. If the employee believes that their ill health is impacting upon their ability to undertake their job they should raise this with their line manager. The line manager should discuss the matter confidentially with the employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance from Occupational Health.

V Medical, Dentist and Optician Appointments

All staff should try, whenever possible, to attend appointments outside of their normal working hours. Individuals should be prepared to produce an appointment card or similar record of appointment if required. Where managers have concerns about the number of appointments that take place during normal working hours, it is reasonable to raise these with the individual and to agree a strategy for reducing them where possible.

An absence of 3 hours 36 minutes or more (for staff on 36 hour week) or 3 hours 30 minutes or more (for staff on 35 hour week) (pro-rata for

part-time staff) for such an appointment, should not be recorded as one day sickness.

An absence of more than 3 hours 36 minutes (for staff on 36 hour week) or 3 hours 30 minutes (for staff on 35 hour week) (pro-rata for part-time staff), will be recorded as one day's sickness.

VI Medical Redeployment

Where changes in hours or work practices have proved unsuccessful or are inappropriate it is necessary to consider, in conjunction with occupational health, whether alternative employment should be sought. The Council's matching service should be used for the purpose of identifying alternative employment opportunities.

Redeployment must always be considered before dismissing an employee to ensure that the dismissal is fair and, in cases where an employee has a disability, to comply with the DDA. It will not be necessary to seek to redeploy an employee who has confirmed she/he does not want to be redeployed or in cases where occupational health have advised that the employee will not be medically fit to perform any potentially suitable job with the Council.

Any search for medical redeployment opportunities should be undertaken for a period of one month.

When possible suitable vacancies have been identified, as well as discussing this with the employee and considering what adjustments they consider necessary, the occupational health advisor can give advice about what they consider would be appropriate for the employee and what adjustments they consider are required.

Pursuing redeployment may be unsuccessful because no suitable vacancies arise during the redeployment period. In this case it is important to ensure that all options have been thoroughly investigated and the steps taken have been documented.

If the redeployment search is unsuccessful then at the end of the one month period the case will be referred for consideration as to whether the employee should be dismissed on the basis of their incapability to undertake their duties. The redeployment search can carry on if appropriate after the referral and up to date of termination of employment.

VII Medical Suspension

The Council's conditions of service concerning entitlement to sick pay require that an employee must be certified as fit to return to work by their GP where they have been absent for more than 14 days or where more than one certificate was necessary.

In exceptional circumstances it may be necessary to suspend a member of staff on medical grounds, in order to ensure that he/she does not stay at work, or resume work if there is a risk to him or herself, to other staff or members of the public.

Where this action has been taken, but the manager is still concerned, they should consult the Council's Occupational Health Advisor for advice. However, while this is being sought the employee must be paid full pay.

VIII Planning and Co-ordinating a return-to-work plan

In many cases a phased return to work for someone returning from long-term absence will be appropriate. This recommendation will usually come from the Occupational Health Advisor. A phased return may take the form of a structured return to work over a number of weeks with regular reviews of progress. This can mean working reduced hours, or carrying out fewer/different tasks (or both), gradually building up to normal contractual arrangements. This should usually take no more than 4 weeks.

The employee will receive full pay for up to 4 weeks during a phased return programme. Progress will be reviewed weekly during the phased return to work arrangements. Pay implications of not returning to full duties at the end of the phased return to work period should be advised at the start of any phasing back to work arrangements.

At the end of the phasing back to work plan, the manager should meet with the employee to establish whether they are ready to meet the full requirements of their role, if they have not already done so. The result could be moving to the next stage of the absence management procedure, which could include a formal review of ongoing employment.

If necessary, the manager will take further advice from the Occupational Health Advisor and, in liaison with their local HR Team, consider any alternative options such as redeployment on health grounds.

If the requirement for reduced hours is likely to continue beyond 4 weeks, then it may be appropriate to consider voluntary reduced work-time with the employee, in which their salary will be reduced to reflect the work they do and the hours they work. Other options under the Council's Work Life Balance scheme may be appropriate, and should also be considered.

IX Pregnant Employees

If an employee has a pregnancy related illness, the manager should consider how this could affect them doing their job. Medical information

should still be obtained but these absences should be recorded as 'pregnancy related' and dealt with carefully in consultation with the local HR Team. These illnesses are of a temporary nature and the law gives extra rights and protection to pregnant employees. In particular an employee should not be subject to any detriment as a result of sickness which is caused wholly or partly by pregnancy. Illness could also trigger an early start to maternity leave. Please refer to the Council's maternity guidance for more information. [Maternity](#)

A New and Expectant Mothers Risk Assessment must be completed by the Line Manager in conjunction with the employee. This will highlight any alterations and/or any control measures that need to be implemented for the new/expectant mother that may even prevent illness or pregnancy related absences. Contact Health, Safety & Licensing for assistance.

X Retirement on the Grounds of Ill Health

In certain cases where an employee is suffering from chronic or acute illness which may render him/her permanently unfit to carry out his/her duties efficiently, ill health retirement should be considered prior to convening a formal meeting to consider the dismissal of the employee on absence grounds. Ill health retirement would involve the termination of the employee's employment by resignation or by mutual agreement. Where termination by mutual agreement is envisaged the employee should be asked to enter into a standard agreement using the agreed Template ([insert link](#)) attached to this procedure.

In order to be entitled to an immediate unreduced pension under the Local Government Pension Scheme an ill health certificate will be required to be obtained from an independent registered medical practitioner qualified in occupational health medicine. Managers who receive a report from Occupational Health recommending retirement on the grounds of ill health, should consult their local HR team.

In normal circumstances the manager will meet with the employee and their representative and an HR advisor, to discuss the report and its implications. [ILL HEALTH RETIREMENT](#)

From 1st April 2008 a new three tier Ill Health retirement system has been introduced. To qualify:

- (a) The employee must have at least 3 months in the pension scheme, (including any previous pensionable service which has been transferred in to this Authority).
- (b) The employer must decide to terminate the employee's employment on the grounds that the employee's Ill health renders them permanently incapable of carrying out efficiently the duties of their job and

- (c) The employer must decide that the employee has a reduced likelihood of obtaining gainful employment before age 65.

NB Gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

If the Council decides with the support of the opinion of an independent registered medical practitioner (IRMP) in occupational health decides that the employee satisfies the above conditions, then on termination of the employee's employment s/he will receive an immediate unreduced retirement pension. The IRMP will issue an ill health retirement certificate to the employer. There are 3 tiers of ill health retirement benefits, based on the severity of the illness.

Tier 1

If the Council decides on advice from the IRMP that the employee has no reasonable prospect of getting gainful employment before the age of 65, then pension benefits are based on service up to the age of 65. Tier 1 level is not subject to any review mechanism.

Tier 2

If the Council decides on advice from the IRMP that the employee has no prospect of getting gainful employment within 3 years of leaving, but it is likely that the employee will be able to get gainful employment before age 65, then pension benefits are based on actual service, plus 25% of projected service to age 65. Tier 2 level is not subject to any review mechanism.

Tier 3

If the Council decides on advice from the IRMP that the employee is likely to get gainful employment within 3 years of leaving, the pension benefits are based on actual pensionable service only, with no service enhancement. The employee must inform the employer when they obtain gainful employment. If the Council considers that the employee is in gainful employment, then from the date the employee is considered to be in gainful employment, the pension will cease and , and any overpayment recovered by the employer.

A further review will be made after 18 months by the employer, to ascertain if the employee is in gainful employment and if the employer considers they are in gainful employment. The pension will cease from the date the employee is considered to have been in gainful employment. In all cases the pension is only payable for 3 years.

As part of the 18 month review, in cases where the employee is not in gainful employment, the employer will seek a further opinion from an independent registered medical practitioner (IRMP) in Occupational

Health. If in the Council's opinion on advice from the IRMP they are capable of obtaining gainful employment the pension will stop from the date of the letter notifying the employee of the Council's opinion and any overpayment recovered.

However, if the IRMP is of the opinion that the employee cannot obtain gainful employment within 3 years of leaving, the employer can determine whether to pay benefits at the 2nd tier rate with relevant enhancements. The higher rate of pension will then be payable from the date of the decision.

Where an employee's 3rd tier benefits cease after 3 years or as a result of earlier continuation by the Council, and the employee is then re-employed by an employer within the Local Government pension scheme, the former service cannot be aggregated with service with the new employer for LGPS purposes.

For employees who were 45 and members of the Local Government Pension Scheme before the 1st April 2008 and qualify for 1st or 2nd tier benefits, the enhancements awarded can be no less than under Regulation 28 of the 1997 Regulations, (enhancement according to the number of years in the pension scheme limited to age 65.)

Special considerations.

Where the IRMP's certificate states that in his/her opinion a member has been wholly or partly in part-time work as a result of the ill health condition, which has caused him/her to be permanently incapable of carrying out efficiently the duties of their job, this period of part-time work will count as whole time rather than part-time.

The employer must refer the employee to the Occupational Health consultant in the first instance if a request for ill health retirement has been made by the individual, or if the employer considers this to be appropriate. In all cases the employee must have 3 months pensionable service, (including any previous pensionable service which has been transferred in from another employer of pension plan provider.) The address is as follows: Connaught Compliance Services, 8th floor, York House, Empire Way, Wembley, Middlesex, HA9 0PA

Role of the employer

In the context of Ill health entitlements, the role of the Local Authority employers begins long before employment has been terminated and the question of entitlement to an Ill health benefit arises.

Former employees who have a preserved or "frozen" benefit with the Council, may also request early release of their pension benefits on the above terms, but this will be paid on actual service only.

Role and status of the Independent Registered Practitioner, (IRMP)

She/he must include a statement confirming his independent status on each Ill Health certificate issued.

XI Serious Illness

On some occasions an individual may be suffering from a serious illness (such as cancer, or has undergone an operation for example) and it will be necessary to use this procedure. Although it will be very important to deal with such cases with tact and sensitivity, it is not possible for exemptions to be made for specific illnesses. Each case will be assessed and managed according to its particular circumstances and managers will need to consider the possible effects of taking formal action.

Where all possible adjustments have been offered or made and redeployment has been sought but unsuccessful, it may be necessary to terminate employment if there is no prognosis for a return to work in the near future and the ongoing absence is continuing to have a detrimental effect on the service delivery and colleagues. Further information and advice should be sought from your local HR Team.

It will be particularly important to deal with cases involving terminal illness with sensitivity and understanding and managers should contact their local HR Team for advice in these circumstances. In these situations, it will be particularly important to explore options available to employees who are members of the pension scheme.

XII Sickness During Working Hours

If an employee becomes sick and leave work before completing half of their contracted hours for that day, they will be recorded as being sick for half a day. If they work more than half of the day, then they will be treated as if at work for the full day and sick leave will not be deemed to start.

XIII Sickness While on Annual Leave

Employees who fall sick while on annual leave will only be regarded as being sick where a doctor's medical certificate is supplied. Annual leave will be suspended from the date of that certificate and converted to sickness absence.

If employees fall ill whilst they are out of the country and are prevented from returning to work, then the same reporting and medical certification requirements will apply as if they were in the country. In addition, they must advise their manager of the anticipated duration of

any delay and a telephone number/address at where they can be contacted. In such circumstances employees should ensure that they keep in frequent contact with their line manager to update them on their progress.

XIV Work Related Injury

If an employee or manager believes that ill health or injury has been caused by work, the employee should complete the Statutory Accident Book (B1510) and the authority's Accident report form as soon as possible. The latter needs to be sent to Health, Safety & Licensing (HSL). The form is available as a hard copy or can be completed on line at: <http://www.intranet.brent.gov.uk/HSLintranet.nsf>

If the absence is caused through illness or accident which is reportable under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) Health, Safety & Licensing must be informed without delay so that the appropriate form can be submitted to the Health & Safety Executive. For more details about the Council's Accident Reporting Procedure please contact HSL.

If an employee has not completed an Accident Report Form and subsequently believes that their health or injury is caused by work, they should report this in writing, to their manager, setting out the reasons why they believe that work has contributed or caused their ill health or injury.

All accidents at work and ill health possibly resulting from work activities must be investigated, depending on the severity this can be done by either the employee's line manager or by HSL. The Line Manager should also inform their head of service and discuss the situation with their HR Manager.

Advice should also be sought from Occupational Health. The OH physician/Advisor may also suggest that specialist advice may be helpful. In such cases the authority will pay any resulting fees.

Upon completion of the investigation, a report should be sent to the Head of Service, with a copy to the employee and the HR Manager for that service area.

The Head of Service will determine, based on the facts available and following consultation with the HR Manager, whether or not the employee has sustained an injury or illness as a result of what they were required to do at work.

Written confirmation of the decision will be sent to the employee within 5 working days of the decision. In the event of a decision that ill health or injury is attributed to work, the authority does not accept liability.

The line manager must ensure that payroll is informed of the decision where it will affect payment of sick pay.

The employee will have the right to seek a review of the decision through the authority's Fairness at Work Policy.

Any personal injury claims received for damages against the authority should be forwarded directly to The Procurement & Risk Management Unit, Insurance Section. Normally the authority's claims handlers deal with such claims.

XV Sickness Reporting Procedures

In order for service delivery to be maintained, it is essential for line managers to know when a member of staff is unable to attend work due to illness. Failure to inform the line manager of absence may lead to the absence from work being considered as unauthorised, resulting in loss of pay and possible disciplinary action.

The procedure for sickness reporting is:

- Anyone who is not well enough to attend work, must notify their manager or alternative designated contact, by telephone before their normal starting time on the first day of absence. Managers should be advised of the nature of the illness and the likely duration of illness. A contact number should be left if the manager or nominated deputy is not available to take the call.
- Staff must keep in touch with their manager while they are off sick. If the absence is for more than 3 working days, then they must contact their manager on the 4th working day. Employees should provide their manager with regular updates on their condition at regular intervals for the duration of their absence.
- Employees must complete a self-certification form on the day that they return to work. (template 1a)
- The line manager (or designated deputy) will also conduct the return to work interview on the day of return or as soon as is practically possible. (template 1b)
- In the case of absence for more than 7 calendar days (including weekends and bank holidays etc) a medical certificate must be provided by no later than the eighth calendar day of absence. (employees will also need to complete a self-certification form to cover the first 7 days when they return).

Please note that there is a statutory requirement for employees to provide a medical certificate to cover absences from the 8th day of sickness.

Further medical certificates must be submitted as necessary to cover the total period of absence. Where the doctor's certificate is for a period longer than 14 days or where more than one certificate is necessary, a doctor's statement stating fitness to resume duties is required. Failure to comply with the certification procedures may result in loss of sick pay.

XVI Sickness Recording

- Calendar days only count for the purposes of self-certification and medical certificates.

For recording purposes only working days shall be recorded. i.e if an employee falls sick on a Friday and does not return to work until Tuesday, then this is recorded as 2 days sickness.

XVII The Council's Occupational Health Service

A manager may require an employee to attend an appointment with the Council's Occupational Health Service, for example:

- If absence levels are high or frequent or a pattern of absence emerges
- To establish whether there is any underlying medical condition or to gather more information about the sickness or prognosis for recovery
- If a manager considers that an employee is unfit for work

The Council's conditions of service state that an employee must submit to a medical examination by a medical practitioner nominated by the authority subject to the provisions of the Access to Medical Reports Act 1988 where applicable.

The current provider for Brent Council is:

***Connaught Compliance Services
8th Floor York House
Empire Way
Wembley
London
HA9 OPA***

Core Services

- Pre-employment health screening
- Management referrals for sickness absence
- Advice & guidance on fitness to work
- Statutory health surveillance
- Advice to the Council on relevant legislation

- Case conferences
- Assessment for ill-health retirement
- Training & development (sessional, ad hoc basis)
- Counselling & psychology services

Non core Services

- Vaccination and immunisation
- Health promotion events
- Rehabilitation services:
 - ⇒ physiotherapy,
 - ⇒ health and fitness,
 - ⇒ clinical exercise programmes

Where managers identify the need to refer an employee to the occupational health service, they should complete the management referral form as a MS Word document and forward it to the occupational health service by email at <mailto:brent@natbrit.com>, together with details of the individual's sickness absence record and a copy of his/her job description. The employee should be informed that the referral is taking place and the reasons for this. If electronic copies of job descriptions are not available a hard copy should be sent to the Occupational Health Service at York House (see address above).

The Occupational Health Service will assess the referral form and determine the appropriate action. This will usually involve making an appointment for the employee to see the Occupational Health Advisor or Physician, although this will be dependent on the circumstances of the individual case. The referring manager will be given advance notification in writing of the date and time of the appointment with the Occupational Health Advisor or Physician.

In order to minimise the costs and delays incurred by an employee missing an appointment, if the employee is unable to attend then they should contact the manager to give reasons for the non-attendance. If the manager is not satisfied with the reasons given she/he should remind the employee that non-attendance will be taken into account during any reviews and may also result in disciplinary action being taken.

In certain circumstances it may be possible for Occupational Health to undertake a home visit telephone conversation with the employee

Once a consultation has been undertaken the Occupational Health Service will prepare a report, which will provide clear, meaningful, actionable advice to enable managers to progress cases. The Occupational Health Service will also send a copy of the report to the relevant Service Area Human Resources Manager. A copy may also be sent to Health, Safety & Licensing if applicable.

The report will in particular state that the employee is:

- (1) fit to return to the full duties of their present post with immediate effect; or
 - (2) fit to return to full duties of the present post within a given timescale;
- or

- (3) fit to return to full duties of their present post subject to the benefit of a rehabilitation programme, for example, gradual return to work or light duties; or
- (4) fit to return to the duties of their present post with adjustments in accordance with the requirements of health and safety legislation; or
- (5) fit to return to the duties of their present post with adjustments in accordance with the requirements of the Disability Discrimination Act 1995; or
unfit for the duties of the present post, but fit for suitable alternative work if such is available, advising as to the possible nature of such alternative work; or
- (6) not fit to return at present and unable to predict when the employee might become fit; or
- (7) permanently incapacitated and therefore unfit for any duties and recommended for ill health retirement; or
- (8) disabled under the Disability Discrimination Act 1995.

If there any queries regarding the report managers should contact the designated Occupational Health Adviser named on the report.

Managers should arrange for a copy of the report to be passed to the employee concerned, either directly by hand or sent to the employee's home address.

Counselling

The counselling service is available for all situations that affect an employee's performance at work. These include work-related issues, phase of life issues, major life changes, adjustment problems, traumatic experiences, relationship problems and conditions such as anxiety and depression.

If a manager needs to refer an employee to the counselling and psychology services they should email the Occupational Health Service at [mail to: brent@natbrit.com](mailto:brent@natbrit.com) giving details of the employee's name, job title, contact details (including a telephone number), and reason for the referral. The Occupational Health Service will, if appropriate, contact the employee to make an appointment to see the counsellor.

In addition, for confidential support and advice, contact the Employee Assistance Programme by phoning 0845 2739702 This free service is provided by external specialists accredited to the British Association of Counsellors and Psychotherapists (BACP). The Counsellors are available 24 hours a day, every day of the year to discuss any matter which is causing concern.