

19. Sick absence management procedure



19.1 Introduction

The SSRO is committed to maintaining and promoting the health and well-being of all our employees and we recognise that good attendance at work is key to helping us achieve our objectives and create a high performing organisation. However, we also recognise that from time to time, staff will be absent for short and sometimes long periods due to sickness.

This procedure aims to help and encourage employees to achieve and maintain satisfactory standards of attendance. It accords with legal requirements and takes into account the Advisory, Conciliation and Arbitration Service (ACAS) principles and the Equality and Human Rights Commission Codes of Practice.

We will deal with sickness absence sensitively and support employees who are ill. Where necessary, we will consider making reasonable adjustments to the workplace and/or working arrangements to help employees undertake their duties.

We recognise that sickness absence can only be effectively managed if employees are treated fairly and consistently. This procedure provides a fair and consistent framework for supporting staff that are absent due to sickness and sets out our approach to managing sickness absence.

While the SSRO has a supportive approach to managing sickness absence, this procedure is designed to balance the needs of the SSRO's operational requirements with the needs of any employee who is unable to maintain satisfactory attendance because of sickness or ill health.

19.2 Scope

The managing sickness absence procedure applies to all permanent and fixed term employees who have successfully completed their probationary period.

The procedure applies to both frequent short-term sickness absence and long term sickness absence which can lead to sickness incapability. It also applies to employees who are at work, but are unable to fulfil the duties and responsibilities of their substantive post in a satisfactory manner and/or fulfil their contracted working hours due to an underlying medical condition.

19.3 Key principles

The key principles that underpin our approach are:

- Employees will be treated fairly, consistently and sensitively during times of illness and will be receive support to improve their attendance.
- Employees understand their responsibilities and follow sickness reporting arrangements.
- While we will support employees who are unwell, we do have a responsibility to manage attendance. We will manage sickness absence informally in the first instance. However, if the impact of the sickness absence on service, colleagues and/or other stakeholders becomes problematic or has a detrimental effect on service delivery, managers will be expected to initiate the formal procedure.

- Employees should inform their manager if they have a condition or impairment which may affect their attendance or ability to properly perform their job.
- Reasonable adjustments for employees with a disability will be fully explored in accordance with the provisions of the Equality Act 2010.
- Employees with a disability, or a specific medical condition, are encouraged to consult with their manager and/or the HR Manager. Employees should be prepared to discuss reasonable adjustments to their working environment and/or terms and conditions of employment that will help them carry out their duties.
- Employees should raise with their manager (or the HR Manager) any concerns they have with their job which they feel are making them ill or contributing to their illness/ absence.
- Employees will be informed if we consider that the level or pattern of their absence is not acceptable.
- Regular contact will be maintained with employees during periods of sickness absence.
- Employees are encouraged to cooperate with reasonable requests to attend meetings to discuss their health and/or requests to attend appointments with occupational health. Refusal or continued failure to attend occupational health appointments, without a valid reason, may result in disciplinary action being taken and may also result in decisions regarding their absence from work being made without the benefit of this advice.

All matters relating to an employee's health and welfare will be treated sensitively and in accordance with the provisions of the Access to Medical Reports Act 1988 and the General Data Protection Regulation and the Data Protection Act 2018

- Conducting return to work meetings for all absences is a key part of managing sickness absence.
- Formal action will normally be instigated only after appropriate action has been taken at the informal stages. In most cases, appropriate medical advice will be sought before any formal action is taken.
- Formal action under Stage 1 and Stage 2 of this procedure will normally be dealt with by the immediate line manager. The HR Manager may also be present at any formal meetings.
- Employees have the right to be accompanied at all stages of the formal procedure, by a colleague or trade union representative who can present matters on their behalf, sum up their case and respond to any views expressed. However, the employee is expected to answer questions directly.
- Managers will ensure that decisions are objectively taken and non- discriminatory.
- All employees have the right to appeal against any formal action.

19.4 What is sickness incapability?

Sickness incapability is where an employee has high levels of sickness absence or is incapable of carrying out their job because of ill health.

Very serious incapability, for example where an employee is unable to meet or maintain the required level of attendance, despite medical interventions and management support, may lead to retirement on the grounds of ill health or dismissal.

19.5 Attendance standards and trigger points

The SSRO has a series of 'trigger points' that can help managers monitor an employee's sickness absence and determine the appropriate cause of action.

Trigger points are for guidance only. Meeting a trigger point should prompt a review of the absence but does not automatically imply acting at that same point. In particular, managers should be sensitive to individual circumstances, and serious or underlying medical conditions may be taken into account when a manager determines whether or not to take action.

Managers should therefore review absence at the following points and should use their discretion in deciding an appropriate course of action. However, advice should always be sought from the HR Manager to ensure a consistent approach to managing sickness absence across the organisation.

The trigger points are:

- 5 working days (one week or separate occasions) in a rolling 6 month period;
- 20 working days continuous absence; or
- when a pattern emerges (e.g. absence is linked to weekends or public holidays etc).

A review of absence which has reached the trigger points could lead to either informal or formal action, or no action, providing, on advice from the HR Manager, the action can be justified in the circumstances and is consistent with action taken in other similar instances.

19.6 Reporting sickness absence

Employees (including homeworkers) who are unable to attend work because of sickness or injury must contact their manager by telephone (not by text or email), as soon as possible, and by no later than 10.00am on the first day of absence in accordance with the sickness notification and certification procedure.

In exceptional circumstances, i.e. where the employee is too ill to telephone their manager themselves, they must arrange someone to do this on their behalf.



The employee must provide the following information:

- when they became ill;
- the reason for their absence (e.g. migraine, chest infection etc);
- the likely duration of the absence and date of return (if known); and
- an update on progress if you are absent for more than three days and also if your absence continues into a second week.

The employee should, where possible, provide a brief indication of any pressing work tasks or issues that need to be covered in their absence.

Employees who are sick while on annual leave should follow the reporting procedure above in order to be able to claim back annual leave entitlement lost as a result of sickness

19.7 Certification

Employees must self-certify for periods of absence lasting seven calendar days or less by completing a self-certification form. This can be done, if appropriate, during the return to work interview.

On the eighth calendar day of absence, employees must obtain a fitness for work statement (Fit Note) from their doctor and submit this to their manager no later than the tenth day of absence.

If the absence continues beyond the period covered by the initial Fit Note, further Fit Notes must be submitted to give continuous cover for the period of absence. Where a fit note is due to expire, the employee should update their manager on their likelihood of return, or whether a further period of absence is probable, before the original Fit Note expires.

Fit Notes should be forwarded to the HR Manager to be placed on the employee's files.

19.8 Dealing with sickness absence - informal action

Most issues relating to sickness absence can be resolved informally, through return to work discussions, informal review meetings, one-to-one supervision sessions and day-to-day management with the aim of improving attendance.

Return to work interviews

Return to work discussions are one of the most effective ways of reducing sickness absence and should take place after each occasion of sickness absence. The manager should welcome the employee back to work and have a brief, informal conversation about the reason for the absence. These should ideally take place face to face in private but on occasions may need to be by phone. They should focus on the employee's wellbeing and:

- explore how the employee is feeling;
- ensure that the employee is fit to return to work;
- discuss the reason for their absence;

- offer appropriate help and support; and
- agree the next steps as appropriate.

If it appears that the reason for absence may be related to work place factors, steps should be taken, where appropriate, to alleviate those factors.

Informal absence review meeting

The line manager should invite the employee to a meeting (giving at least 3 working days' notice) if a more detailed conversation about the reasons for the sickness absence is required. If necessary, the employee will be provided a record of their sickness absence record over the previous 6 months.

The meeting should be supportive and the manager should explore any additional help that can be provided to improve attendance, for example, risk assessments, or additional training.

The employee has no statutory right to be accompanied by a work colleague or trade union representative to an informal absence review meeting.

19.9 Informal actions for long term sickness absence

Line managers must keep in touch with employees who are likely to be absent for some time. They should agree at the start of the absence how often contact will be made. If the absence continues, further action may be necessary, including a referral to the occupational health adviser.

Other informal action

Where appropriate, as part of the informal process, monitoring of attendance or the development of an attendance plan may be considered prior to taking formal action. Furthermore, as part of the informal process, managers may advise the employee that their attendance is below the required standard and that further absence may lead to formal action being taken. This may include dismissal. This will be confirmed in writing and a copy placed on the employee's personal file. This record will only be relevant in the event that formal action subsequently becomes necessary.

If, as a result of the informal process, attendance levels improve to an acceptable standard, this should be confirmed in writing to the employee with a copy placed on the employee's personal file.

19.10 Occupational health referrals

Where necessary, the HR Manager will arrange a referral to the occupational health (OH) adviser to seek advice on the employee's fitness for work. A referral may be made for frequent short-term or intermittent sickness absence or long-term sickness absence and may also be made whether or not the employee is, or has been, absent from work on ill health grounds.

The HR Manager will liaise with the occupational health adviser if specialist medical information is required from the employee's General Practitioner, Specialist or Consultant. A discussion will take place with the employee to explain the process and obtain their consent prior to the referral taking place.

Any occupational health report will also be made available to the employee.

Employees are expected to attend any OH appointments made for them.

Where an employee declines to attend an OH appointment or to undergo an independent medical appointment, any subsequent management decisions will be made using the information available.

As a matter of good practice, formal action should not normally be taken without appropriate and up to date OH advice.

Rehabilitation plans

Where the employee has been on long term sickness absence but is likely to make a full recovery, the OH will provide a detailed report of the support and rehabilitation required to assist the employee's return to work.



The rehabilitation period will vary depending on circumstances, but would normally be expected to last between four and eight weeks. Hours and days worked should increase gradually over this period until the normal working pattern and duties are resumed. Payment will be made for the actual days or hours worked with the remainder of the employee's normal working time classified as sickness absence until normal working is resumed.

19.11 Formal action

If informal efforts to improve an employee's sickness absence levels have not been successful, or a case of serious sickness incapability is having a significant impact on service delivery or the work group, the manager should consider inviting the employee to a formal sickness absence review meeting.

There are three formal stages to the Sickness Absence Management Procedure with the provision of an appeal at each stage. Timescales for each stage will depend on individual circumstances and some sickness absence issues may be dealt with over a longer or shorter period than others. The point at which a manager decides to move an employee to the next stage of the procedure will vary from case to case. Factors to take into account include:

- the issues causing the absence;
- the effect the absence is having on service delivery and/or colleagues;
- any additional support that could be given; and
- whether attendance has improved as a result of the informal processes.

On occasion, and following medical advice, it may be the case that if there is no possibility of a return to work within a realistic timeframe, then it may be necessary to escalate the procedure by going straight to Stage 3.

Stage 1

Employees will be required to attend a formal Stage 1 absence management meeting where:

- the circumstances of the sickness absence requires formal action at an early stage; or
- following earlier discussions, there has been a recurrence of unsatisfactory attendance previously addressed through the informal process; or
- following earlier discussions the required attendance levels have not been attained; and/or
- the sickness absence is having an ongoing adverse impact on service delivery and/ or colleagues.

The manager will normally be expected to chair the meeting. However, another manager at the same or higher level may be asked to convene and chair the meeting if the employee's manager feels compromised, in which case advice should be sought from the HR Manager.

Before convening the meeting, the manager should seek up to date medical advice from OH on the employee's health including, if necessary, whether they are fit enough to attend a formal meeting. This is specifically relevant in the case of employees who are on long term sickness absence.

Meetings will normally take place in the office. However, where the employee is unable to come to the office for the meeting, the manager may wish to consider holding the meeting at the employee's home, with the employee's permission, or at some mutually agreed venue. In such cases, the manager should always be accompanied.

The manager will write to the employee to invite them to the Stage 1 meeting, giving them reasonable notice (between 5 - 8 working days) of the meeting, including the date, time and location and including a copy of this procedure.

The letter will also:

- confirm that the meeting is a formal Stage 1 sickness management meeting in accordance with the Sickness Absence Management Procedure;
- set out the reason for the meeting and who will be attending;
- include a short but clear outline of the sickness absence levels, the reasons for concerns and, if appropriate, the impact of the absence on service delivery and/or colleagues;
- advise the employee that they have the right to be accompanied to the meeting by a work colleague or trade union representative; and
- advise that the employee may provide documents or evidence in advance of the meeting.

The employee will be provided with a copy of the relevant documentation, to be referred to at the meeting, including a copy of this Managing Sickness Absence Procedure.

If the employee intends to refer to any documentation they must provide this information to the manager, at least two working days before the meeting. The Chair may decide not to consider any information supplied later than this.

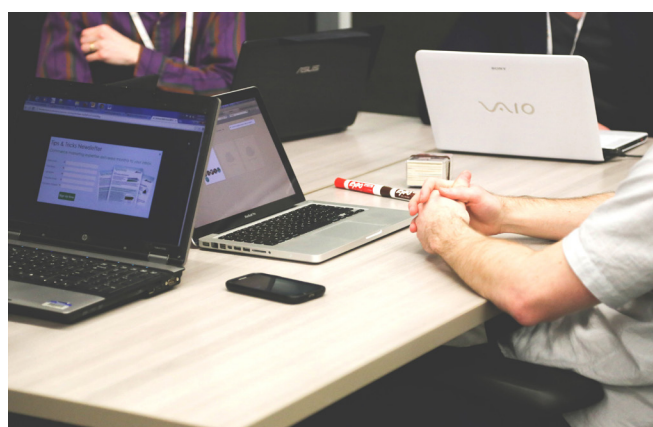
Where the employee is unable, for good reason, to attend the meeting on the proposed date, it may be postponed once and another date set. If the employee fails to attend the rescheduled meeting and no satisfactory reason is given, the manager hearing the case will have discretion to proceed in the employee's absence.

If the employee's chosen companion is unable, for good reason, to attend the meeting on the proposed date, the employee should be asked to propose another reasonable alternative date which should be within 5 working days of the original date.

The purpose of the meeting will be for the manager to:

- review the sickness record (i.e. number of days and any patterns of absence);
- discuss the reasons for absence;
- consider any relevant medical information or HR advice which is available;
- consider whether the employee may be disabled as defined by the Equality Act 2010 (see note at the end of this section);
- consider any financial implications if agency or other cover is being provided;
- identify/discuss the employee's ability to do their job and consider whether any reasonable adjustments need to be made or other reasonable steps taken;
- discuss any information that the employee provides (i.e. personal, domestic, welfare, work issues, that the absence is connected to);
- discuss the OH report, if applicable, the prognosis and timescales for improvement;
- establish the likelihood of reoccurrences or future sickness absences that may affect the employee's fitness for work; and
- explain the impact on the service delivery and/ or work colleagues who are required to cover the absence.

Some of these points may already have been established prior to the meeting. If it becomes clear that more specialist information from occupational health would inform the situation, the manager may adjourn the meeting until advice has been obtained.



Stage 1 letter of concern

Short term or intermittent sickness absence

If the manager decides that the level or pattern of sickness absence is unsatisfactory and the medical evidence confirms there is no underlying medical condition, she/he will advise the employee as set out below and issue a Stage 1 letter of concern. Managers should be particularly sensitive where there is an underlying medical condition as in these circumstances, employees may have limited control over levels of absence.

The manager will advise the employee in writing:

- that the employee's level of attendance has fallen below the required standards;
- that their absence is having an impact on service delivery and/or colleagues and/or a financial impact;
- that as a result there, is a need to improve;
- the targets and timescales for improvement (as a guide, between, 1- 2 months);
- the support, if any, that will be provided;
- that failure to meet the targets may result in a further review meeting and further formal action, including dismissal;
- that a formal Stage 1 letter of concern will be issued;
- that a copy of the letter of concern will be placed on the personal file and will remain 'live' for a period of 12 months; and
- that there is a right of appeal against the decision.

There will be no taped or verbatim record of the meeting but a record will be made of the meeting and a copy will be provided to the employee, with the Stage 1 letter of concern, within 5 working days of the meeting.

Long term sickness or chronic ill health

Managers should be particularly sensitive with employees who are suffering from an underlying medical condition that is causing continuous or frequent sickness absence. In these circumstances employees may have limited control over their levels of sickness absence.

However, if the manager decides that the impact on service delivery and/or colleagues is not reasonable or sustainable and is likely to continue they will advise the employee that there will be a monitoring period (as a guide 1- 2 months) during which one or a combination of the following may be explored as appropriate:

- reasonable adjustments under the Equality Act (see note at the end of this section);
- practical advice or support e.g. counselling;
- referral to occupational health;
- redeployment options; and
- job redesign and/or other temporary adjustments such as temporary variation to duties/hours.

The manager will advise the employee in writing:

- that there is an ongoing impact on service delivery and/or colleagues and there is a need for improvement;
- that a review period (as a guide, between 1 - 2 months) will be set, giving targets for improvement, after which their attendance will be reviewed;
- that failure to meet the targets may result in a further formal meeting and further formal action, including dismissal;
- that a formal Stage 1 letter of concern will be issued;
- that a copy of the letter of concern will be placed on the personal file and will remain 'live' for a period of 12 months;
- the support, if any, that will be provided; and
- that there is a right of appeal against the decision.

There will be no taped or verbatim record of the meeting but a record will be made of the meeting and a copy will be provided to the employee, with the Stage 1 letter of concern, within 5 working days of the meeting.

Review period

The employee's absence levels will be monitored during the review period (i.e. 1-2 months) following which, the manager will consider whether there has been an improvement. This does not necessarily require a meeting with the employee.

If attendance has reached the required standard, this should be acknowledged in writing by the manager and the employee advised that this level of attendance must be maintained. The letter of concern already placed on the employee's file will remain 'live' for the remainder of the 12 month period set and the employee should be advised that any further sickness absence during this period may result in further formal action under this procedure. Depending on the circumstances, formal action may be taken under Stage 1 or Stage 2 of this procedure.

If attendance improves during the review period but does not reach the required standard, the manager may consider if any further reasonable adjustments (including more time) will allow the employee to reach the required standard. The employee should be advised that no improvement in attendance may ultimately lead to the termination of their contract of employment.

If there has been no improvement in attendance during the review period, the manager will convene a formal Stage 2 absence management meeting.



Stage 2

Employees will be required to attend a formal Stage 2 absence management meeting where:

- the sickness absence level exceeds the targets set at the Stage 1 absence management meeting; or
- initial improvements have not been sustained; or
- long term absence is continuing; and/or
- the sickness is having an ongoing adverse impact on service delivery and/or colleagues; and/or
- any reasonable adjustments under the Equality Act (e.g. phased return to work, workstation adjustments, temporary changes to working arrangements) have not facilitated a return to the full requirements of the role within the anticipated time period.

It is not necessary to wait until the end of the Stage 1 review period before moving to Stage 2. If, for example, there is insufficient improvement during the review period, or a worsening of attendance levels, the manager may decide to proceed immediately to Stage 2. This would normally be in cases where there are intermittent absences.

The manager is expected to convene (and chair) the Stage 2 formal absence management meeting. However, another manager at the same or higher level may be designated to convene and chair the meeting if the employee's manager feels compromised.

The manager (or designated manager) should convene a Stage 2 meeting in line with paragraphs above.

The purpose of the meeting will be for the manager to:

- review the sickness record since the Stage 1 meeting;
- discuss the reasons for the continued absence;
- consider any updated medical information or professional HR advice;
- consider whether the employee may be a disabled person as defined by the Equality Act 2010;
- identify/discuss the employee's ability to do their job and consider whether reasonable adjustments need to be made or other reasonable steps taken;
- discuss any additional information that the employee has to offer (personal, domestic, welfare, work issues, whether the absence is connected to an accident at work etc);
- discuss the current prognosis and timescales for improvement;
- establish the likelihood of future recurrences affecting the employee's fitness for work, including the anticipated frequency and duration of any such occasions; and
- explain the impact on the service delivery and/or work colleagues who are required to cover the employee's duties in their absence/financial impact of providing agency cover.

Some of these points may already have been established at the Stage 1 meeting. If it becomes clear that more up to date medical or specialist information is required from occupational health, the manager may adjourn the meeting until it has been obtained.

Stage 2 letter of concern

If, following the Stage 2 meeting the manager decides that the level of sickness absence remains unsatisfactory, and/or the impact on service delivery is severe, they will write to the employee to confirm:

- that there is an ongoing impact on service delivery and/or colleagues and there is a need for improvement;
- that a review period (as a guide, between 1-2 months) will be set, giving targets for improvement, after which their attendance will be reviewed;
- that failure to meet the targets may result in a further formal meeting and further formal action, including dismissal;
- that a formal Stage 2 letter of concern will be issued;
- that a copy of the letter of concern will be placed on the personal file and will remain 'live' for a period of 18 months;
- the support, if any, that will be provided; and
- that there is a right of appeal against the decision.

There will be no taped or verbatim record of the meeting but a record will be made of the meeting and a copy will be provided to the employee, with the Stage 2 letter of concern, within 5 working days of the meeting.

Review period

The employee's absence levels will be monitored during the review period (i.e. 1-2 months) following which, the manager will consider whether there has been an improvement. This does not necessarily require a meeting with the employee.

If attendance has reached the required standard, this should be acknowledged in writing by the manager and the employee advised that this level of attendance must be maintained. The letter of concern already placed on the employee's file at Stage 2 will remain 'live' for the remainder of the 18 month period set and the employee should be advised that any further sickness absence during this period may result in further formal action under this procedure, including dismissal.

If attendance improves during the review period but does not reach the required standard, the manager may consider if any further reasonable adjustments (including more time) will allow the employee to reach the required standard. The employee should be advised that no improvement in attendance may ultimately lead to the termination of their contract of employment.

If there has been no improvement in attendance during the review period, the manager will convene a formal Stage 3 final absence management meeting.

Stage 3

Employees will be required to attend a formal Stage 3 final absence management meeting where:

- sickness absence has exceeded the target set at the Stage 2 meeting; or
- the initial improvement achieved at the end of the Stage 2 review period has not been sustained during the 18 month period of the live letter of concern; or
- the long term sickness is continuing to have an impact on service delivery and/or colleagues; or
- where temporary arrangements, such as reasonable adjustments (e.g. phased return to work, homeworking, reduction in workload etc) have not facilitated a return to the full requirements of the role within anticipated timeframes; or
- there is no indication of a return to work in the foreseeable future or at any point; or
- the prognosis is that the employee will be unable to attend work for a lengthy period and the service is unable to keep their job open for such a time.

A senior manager (the Chief Executive or Director level) not previously involved at the previous stages will hold the Stage 3 final absence management meeting.

The senior manager should convene a Stage 3 meeting in line with paragraphs above. It should be made clear to the employee that the outcome of this final absence management meeting could be dismissal. The manager(s) responsible for issuing previous letters of concern will also be asked to attend the meeting to explain the actions taken to date and give their views on the matter.

The senior manager should have up to date medical advice and information from the OH provider before making a decision.

Depending on the outcome of the discussions at the Stage 3 meeting, and after considering the previous review periods and any medical or other relevant information, the senior manager will decide what action to take. This may include:

- a time limited search for suitable alternative work;
- a further period of review (as a guide 1 month); or
- a conclusion that the employee is incapable of satisfactorily performing the duties of the job due to sickness absence and should therefore be dismissed with pay in lieu of notice.



19.12 Dismissal

Dismissal will be appropriate where:

- there has been a recurrence or continuation of absence during the period for which a live Stage 2 letter of concern is applicable; and
- there is no prospect of a return to work within acceptable timescales.

Before making any decision to dismiss, the senior manager must ensure that:

- current medical information has been considered, including what is likely to happen in the future;
- all ways to help an employee return to work have been considered, including whether the employee could be redeployed to a different job;
- the impact of the employee's absence on service delivery, colleagues and or the cost of agency cover; and
- in the case of an employee with a disability, every effort has been made to make reasonable adjustments and investigate alternative roles.

If a decision is taken to dismiss, the senior manager will provide the employee with written reasons for the dismissal, the date on which their employment is terminated, any pay in lieu of notice and the right of appeal. The decision letter and a copy of the record of the meeting will be provided to the employee within 5 working days of the meeting.

19.13 Appeals

An employee who wishes to appeal against a formal decision should write to the HR Manager within 10 working days of receiving written notice of the decision, detailing their grounds of appeal.

An employee may appeal on one or more of the following grounds:

- that the decision was unfair;
- new evidence has emerged that the employee was unable to produce at an earlier stage which affects the finding or penalty; and/or
- the Sickness Absence management procedure was not followed and this has caused unfairness.

The appeal will normally be heard by a manager, at the same or higher level, to the manager who heard the case and made the decision within 20 working days of receipt by the HR Manager.

The employee will be given written notice (up to 10 working days) of the appeal meeting. The letter will also specify the date, time, and venue of the appeal and advise the employee that they have the right to be accompanied to the appeal by a colleague or trade union representative.

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If the employee is unable to attend the appeal on the arranged date, they should give a reason for non-attendance. If they cannot attend for unforeseeable reasons beyond their control, another date will be set. If there is no valid reason for non-attendance either to the original appeal date or the rescheduled appeal date, the appeal may go ahead in their absence. If the employee wishes, a colleague or trade union representative may attend their meeting on their behalf.

If the employee's chosen companion is unable for good reason to attend the appeal on the original proposed date, the employee should be asked to propose another date which should be within 5 working days of the original date.

The employee will only be able to present evidence which is directly relevant to their grounds of appeal. The manager who made the decision which is subject to the appeal will have the opportunity to respond. The appeal will review the earlier decision, taking into account the grounds of appeal. It will not rehear the case.

The outcome of an appeal may be to:

- uphold the original decision; or
- allow the appeal in its entirety; or
- vary the conditions attached to the letter of concern, or substitute a lesser decision. The employee will be advised of the appeal decision and the reasons for it, in writing, within 10 working days. Appeal decisions are final.

If an appeal against dismissal is upheld, the employee will be reinstated. Payment equivalent to that received by the employee at the date of dismissal will be from the date of dismissal to the appeal decision. In cases of re-engagement to another post, payment will be made at the rate of pay applicable to that post from the date of dismissal to the appeal decision. Continuity of employment will be preserved.

19.14 Ill-health retirement

In some instances it may be necessary to retire an employee on medical grounds. Employees may also apply for medical retirement. Where this is being considered, a medical certificate must be issued by the medical services adviser appointed by the Cabinet Office for provisions relating to the PCSPS, before retirement can go ahead.

The criteria for medical retirement, that the breakdown in health is such that it prevents the person from carrying out his or her duties and that the ill-health is likely to be permanent, are set by Civil Service Pensions Division, Cabinet Office on the advice of their medical advisers. The last day of service must be within four months and ten days of the issue of the certificate.

In all such cases, advice must be sought, via the HR Manager, from the Cabinet Office.

19.15 Disciplinary action relating to absence

The following issues will be dealt with under the SSRO's Disciplinary Procedure:

- continued failure to follow the sickness absence notification procedure without good reason;
- failure to provide Fit Notes when required;
- abuse of the sickness pay scheme (i.e. undertaking paid or unpaid employment elsewhere while absent on sick leave);
- falsification of self-certification forms or Fit Notes;
- a continuing pattern of unauthorised absences; and
- failure to attend occupational health appointments.

19.16 Special considerations

The note at the end of this section sets out a number of special considerations under this procedure.

Definitions of sickness absence

Frequent short-term sickness absence is broadly defined as a series of short unconnected illnesses or where there is a pattern of absenteeism which may be self-certified or covered by a Fit Note from the employee's GP.

Long-term sickness absence is defined as continuing illness, disease or injury of a long-term nature that results in the employee being absent from work for a continuous period of time, usually at least 20 working days.

Sickness incapability or chronic ill health is where an employee has high levels of sickness absence or is incapable of carrying out her/his job because of ill health. This includes:

- long-term absence arising out of a single underlying condition; or
- shorter periods of absence arising out of a single or underlying condition. Special considerations Sickness during the probationary period

Employment with the SSRO is subject to satisfactory completion of a six month probationary period. If attendance is unsatisfactory at any time during or at the end of the probationary period, and the reason for poor attendance is not related to the employee's disability or pregnancy, the employee may be given due notice to terminate their contract.



Equality Act 2010 - employees with disabilities

The Equality Act 2010 prohibits discrimination because of disability and places a duty on employers to make reasonable adjustments to working practices and premises in order to accommodate the needs of individual employees and job applicants who are likely to be placed at a significant disadvantage because of a disability. This means that an employee with a disability must not be treated less favourably than any other employee without justification.

The Equality Act 2010 defines the protected characteristic of disability as applying to a person who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

If there are problems with an employee's attendance and an underlying medical condition or disability is identified, the line manager must have an open discussion with the employee and if appropriate seek advice from OH. OH may be able to suggest reasonable adjustments that could be made to either the physical place of work, or the work itself.

The Equality Act 2010 does not require absence relating to the employee's disability to be automatically discounted for trigger points; nor does it require an employer to retain someone indefinitely if they are frequently absent due to a disability. However, when counting disability-related absences towards trigger points for unacceptable attendance procedures, line managers must be able to demonstrate that:

- all reasonable adjustments have been considered to the number of day's absence which trigger a review under the procedure;
- all reasonable adjustments have been made to reorganise a job around functions that the employee can perform; and that
- all reasonable adjustments have been made to working practices, the workplace and its location that place the disabled person at a significant disadvantage.

Where the combination of both disability-related and general sickness absence exceed the trigger points, the line manager should seek advice from OH on any reasonable adjustments that should be considered.

When an employee does not exhibit any signs of an impairment or condition amounting to a disability as defined by the Equality Act 2010, the onus will be on the employee to inform the line manager that s/he has a disability. Arrangements can be made for the employee to discuss the nature of their disability with the HR Manager if necessary but the employee is responsible for discussing any adjustments they may need with their manager.

Terminal illness

Any employee with a terminal illness will not be required to attend any formal review meetings and, where appropriate, and with the employee's permission, the SSRO will apply for early retirement on the grounds of ill health.

When dealing with cases of terminal illness, managers must be sympathetic to the individual circumstances of each case, ensuring that the employee's concerns are dealt with promptly and seriously. Further, managers should be aware that individuals will be affected differently by their illness. Some employees may be able to attend work whilst others may find it impossible to continue working.

Pregnancy related sickness absence

We will not include pregnancy related absences in any assessment towards sickness absence trigger points or for consideration of formal action.

Drugs or alcohol related sickness absence

We will treat drug or alcohol related sickness absence as a medical rather than a disciplinary matter except where conduct at work becomes inappropriate. We will encourage and support employees to seek appropriate medical treatment.

Ill health that does not involve absence

Occasionally, an employee may suffer from an underlying medical condition that makes it impossible for them to carry out the full range of their duties although they may not be absent from work as a result. Similarly, the manager may have concerns about an employee's health and their ability to undertake their duties, even though they are attending work regularly.

In these instances, advice should be sought from the HR Manager and a referral made to the OH provider for medical advice before any decision is made to start informal or formal action under this procedure.

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