

Attendance Management and Ill Health Capability Procedure

Employee Guidance

If you are sick and unable to attend work, we need to ensure that we are doing everything we can to support you. Following the Attendance Management and Ill Health Capability Procedure enables us to deal fairly with your absence and assist you in a return to work, as well as allowing us to put processes in place to ensure service delivery is not affected.

This guidance clarifies the processes you should follow when you are ill and outlines the steps your manager is expected to take.

Employee responsibilities and expectations

Employees are expected to:

- Report their absence in accordance with the flow chart on page 6. This should normally be done by speaking to your manager in person, (not via text or a third party), unless there are exceptional circumstances or specific arrangements have been made for your team.
- Agree with your manager how contact will be maintained throughout your absence (in the case of long term sickness absence)
- Be honest about the reasons you are unable to attend work
- Do what is possible to enable a return to work, for example, following the advice of your doctor
- Tell your manager of any extenuating circumstances affecting your possible return to work
- Co-operate with occupational health and attend appointments when requested
- Cooperate with the implementation of any adjustments that would facilitate a return to work
- Attend a return to work meeting with your manager on your return to work

Providing medical evidence

You must provide medical evidence in line with the flow chart on page 6. All absences require a self-certification form, and absences over 7 days also require a Fit Note from a medical practitioner. (These are sometimes called a statement of fitness to work).

The fit note may state that you are:

- 'not fit for work' and you should remain off work, or
- 'may be fit for work' which means if the doctors recommendations are followed (for example a phased return / workplace adaptations) you could return to work.

The council will give fair consideration to what the doctor has said as to whether any suggested adaptations can be accommodated. The Fit Note will give start and end dates, and if you are not fit to return to work on the next working day after the Fit Note expires, you will need to obtain a further Fit Note.

It is particularly important that employees on long-term sickness absence obtain a new Fit Note if they will not be returning to work after the end date on their previous fit note.

Keeping in touch

It is important that we maintain contact with you whilst you are absent, in order to:

- Monitor your progress in terms of your health
- Support and engage with you
- Provide you with relevant information (for example in relation to sick pay)
- Provide practical support and assistance (for example from Occupational Health)
- Encourage a return to work as soon as you are fit enough
- Facilitate a phased return if appropriate
- Ensure you remain informed about events in the workplace that affect you
- Discuss any adjustments with you that may support your return to work

If you are absent on long term sickness, your manager should contact you to discuss the method and frequency of contact.

In some circumstances you may prefer a home visit – this will only be arranged with your prior consent and at a mutually agreed time.

Return-to-work interviews

When you return to work, your line manager will arrange to meet with you to discuss with you your current health situation, whether any or further reasonable adjustments are required, bring you up to date on work related issues, and any concerns you may have about returning to work.

Sick pay entitlement

If you are eligible, and are off sick for more than four days, you will receive Statutory Sick Pay (SSP). This is paid at a weekly rate set by the government. It forms part of your pay and is not an additional payment. We also operate a contractual sick pay scheme. If you have time off for illness you will be paid at plain time rates, including on bank holidays. Allowances are not included in sick pay. How long you get occupational sick pay depends on your length of service, and the number of days of sickness absence you have had in the previous 12 months.

Years of Service	Duration of occupational sick pay
First year of service	1 month on full pay and after 4 months service 2 months on half pay
Second year of service	2 months on full pay and 2 months on half pay
Third year of service	4 months on full pay and 4 months on half pay

Fourth and fifth year of service	5 months on full pay and 5 months on half pay
After five years' service	6 months on full pay and 6 months on half pay

For full details of the Councils Sickness Scheme, please see the Derbyshire Package Terms and Conditions of Service – Our Derbyshire – Reward and Recognition – My pay and terms and conditions – Conditions of service and terms and conditions

Annual leave during sickness absence

Employees who are absent on sick leave continue to accrue annual leave entitlement. If your pay has reduced to half pay or nil pay, you may apply to take your holiday entitlement while still absent. This must be approved in line with normal procedures.

Additionally, you can apply to carry forward some of this annual leave to the following leave year. See 'Our Derbyshire' for details of how much annual leave you can carry forward. This is subject to there being insufficient time available for you take your annual leave in the current leave year and also subject to Director approval.

Obtaining medical advice

Occupational Health Referrals

If you are absent through illness, it may be necessary for us to seek advice from Occupational Health on your condition, and you are expected to comply with any such request. The reasons for seeking Occupational Health advice may be:

- To obtain a medical report on you and your condition
- To establish if and when there is a likelihood of a return to work
- To ask for guidance on your condition
- To discuss any adjustments that could be made to accommodate you and facilitate a return to work

Reports from medical practitioners

It may be that Occupational Health require further information either from your GP or from another medical practitioner who is treating you. If this is necessary, it will only be obtained with your prior consent. You do not have to agree to this, but you should bear in mind that any decision on your future employment can only be made based on the information that the council does have available.

The Attendance Management and Ill Health Capability Procedure

If you meet one of the triggers, as detailed in the procedure, your manager will request that you attend a meeting to discuss your absence, and any support or assistance that you require. You may be asked to attend a meeting if you have not

met a trigger but there are specific concerns about your absences or your health. You may bring a colleague or a trade union representative to this meeting.

This is stage 1 of the Attendance Management and Ill Health Capability Procedure, and you will also be asked to attend a review meeting at a later date, usually within a three month period, to consider your situation and whether you have managed to improve your attendance.

If you are unable to demonstrate that your attendance has improved, or if you remain on long term sickness absence, you will be asked to attend a stage 2 meeting. Again, you have the right to be accompanied at this meeting, and again, this will be followed up by at least one review meeting.

Following this stage, if you remain absent due to sickness, and there is no prospect of a return to work, or if your levels of intermittent absence are such that they cannot be contained by the department, you will be invited to a Stage 3 Hearing. One possible outcome of such a Hearing is that you may be dismissed from your employment with the council.

You have a right of appeal against any decision made at the hearing.

Phased returns

If you have been on long-term sickness absence, a phased return may be suggested by your doctor to facilitate your return to work.

This allows you to transition from ill-health absence back to full work duties.

A phased return to work normally involves a gradual increase in hours or duties, with the aim of returning to your full role over a period of up to four weeks.

During the time you are not at work whilst on a phased return, you will need to either use annual leave or revert to being absent due to sickness.

Redeployment

In some cases, if you are permanently unable to continue in your role, and it is not possible to make reasonable adjustments, and Occupational Health have advised that you may be able to undertake different tasks, redeployment may be considered.

For redeployment to be considered, there needs to be a suitable vacancy available for you to apply for.

You will have the support of a member of the Advice and Support Team, but you have a shared responsibility in looking for suitable redeployment opportunities.

Ill-health retirement

It may be possible under certain circumstances for ill health retirement to be considered. This would be discussed with you if this was applicable in your case.

Reasonable adjustments

The Council will consider reasonable adjustments, where appropriate, to enable you to continue in your role. These may be short term or permanent.

In the case of temporary adjustments, the reasons will be explained to you, and there is an expectation that you will return to full duties over an agreed period of time. You will also be provided with reasons why this cannot be maintained as a permanent adjustment.

Wellbeing Support

The Council's employee website, 'Our Derbyshire' details extensive support for employees to manage and improve the wellbeing of all our employees. As well as our Wellbeing Strategy and policies, there are details of online wellbeing sessions, details of free apps and wellbeing activities and lots of advice.

You can also contact the employee counselling service which offers up to six sessions of counselling.

Additionally, if you have financial concerns, you can contact the Council's Welfare Rights Service to help you find out about any benefits you may be entitled to and how to claim them.

More information can be found on the Derbyshire.gov website: Social Care and Health, Adult Care Services, Benefits, Debt and Legal matters, Welfare Benefits.

Employee Absence Reporting