

# Finance and Resources Committee

10.00am, Tuesday 27 March 2018

## Sickness Absence Policy

Item number	7.2
Report number	
Executive/routine	
Wards	
Council Commitments	

### Executive Summary

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The new Sickness Absence Policy will replace the Managing Attendance Procedure, which has been in use since 2012. The policy focuses more on the promotion of employee wellbeing, and makes it's easier to follow.

In recognition of the fact that some sickness absence is inevitable, and in support of our commitment to supporting employees in a consistent, fair and sympathetic way, we have adjusted the sickness absence triggers in relation to instances of sickness absence. Additionally, we have clearly set out our expectations of how sickness will be managed, adjusted the impact on pay and set out explicit exceptions thereby making the absence process clearer and fairer through more consistent practice for all parties concerned.

## Sickness Absence Policy

### 1. Recommendations

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- 1.1 This report recommends Committee approve the new the Sickness Absence Policy; and
- 1.2 In addition to our standard review process, a report will be brought to committee 12 months after implementation of this policy to review its impact and make any further recommendations for potential improvement.

### 2. Background

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- 2.1 The Managing Attendance Procedure was approved by Committee on 24 January 2012. It was hoped that the Council would be able to achieve the sickness absence target of 4%. While this was achieved in the short-term, there has been no sustained improvement since the policy was last changed.
- 2.2 It is recognised that a period of continuous transformation, coupled with external factors relating to societal trends (e.g. greater awareness of mental health issues), have impacted our employees. Long term absences related to stress related ill health now account for the greatest number of days lost, and overall sickness absence levels have gradually increased to 5.41%. (December 2017).
- 2.3 Additionally, and perhaps more importantly, we are driving a change to our culture. This includes a greater focus on proactively supporting the health and wellbeing of our employees. As your employer, it is our job to provide you with the right support so we can help you to be at your best and as an employee it is your role to make sure you are doing what you can to safeguard your own health and wellbeing.
- 2.4 Despite much discussion on this proposed policy with the Trade Unions, we have been unable to reach a local collective agreement. There are aspects that have been welcomed, as the new policy is recognised as being less punitive and more supportive. Equally the main points of feedback from Trade Unions is that they would like the link to pay removed entirely and for discretion to be retained.

### 3. Main report

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- 3.1 The new sickness absence focuses on our collective responsibilities for maintaining good health and wellbeing.

- 3.2 The roll out of the policy will cover health promotion and support for mental health related illness and training and guidance for practical and consistent application of the policy.
- 3.3 We are making improvements to the return to work process, with all employees being encouraged to have conversations about their health and wellbeing, in general, regardless of absence.
- 3.4 A new process has been devised, incorporating questions for the employee to answer about their health and fitness to be at work, which should be discussed as part of that meeting. This will replace the current form and we will also no longer require a 'self-certificate form' to cover the first 7 days of absence.
- 3.5 We have also made changes to the sickness absence triggers. The current sickness absence triggers are:
- 3 instances of sickness absence in a 12-month rolling period; or
  - 8 days of absence in a 12-month rolling period
- 3.6 With the current link to Contribution Based Pay, some staff could lose a pay step for being off three half days in one year, if they have a formal staging meeting. The feedback from managers was that often they did not wish to take formal action as they did not think the trigger levels were fair. To address this, the absence trigger period for the number of instances would be shortened. Therefore, the new triggers are:
- 3 instances of sickness absence within a **6-month** rolling period; or
  - 8 days of absence in a 12-month rolling period
- 3.7 To encourage supportive conversations, the link to pay has been changed and is detailed later in this report.
- The current policy has allowed managers a certain amount of discretion around when to stop progressing cases through the formal sickness absence process. This has resulted in inconsistencies in the way sickness absence is managed across the Council with discretion being applied differently in similar cases. In the new policy, we have set out a defined list of exceptional circumstances, where the formal steps of the policy will not apply, to ensure fairness and consistency.
- 3.9 We have removed the need for setting improvement targets when employees reach triggers. Improvement targets being set are often found to be unrealistic and inconsistent. In the new policy, when an employee reaches trigger, and have a formal meeting, they will only progress to the next stage when they reach trigger again, in the period following on from the meeting. This is more transparent and applies to all employees, thus fairer in practice.
- 3.10 With the focus on employee wellbeing, there is a move away from the punitive language of the previous policy and issuing 'warnings'. While it is important that employees are aware that their absence levels may not be sustainable, our

experience is that warnings are not best practice in trying to reduce sickness absence. Employees feedback was that they felt they were being punished for having a genuine illness. The use of this in the past 5 years has not resulted in a reduction in sickness absence.

- 3.11 For managing long term absence there is a greater focus on support and prevention, particularly around stress related ill health. There is also a requirement for additional informal meetings in addition to the 3 formal meetings. This is to proactively provide employees greater levels of support.
- 3.12 Currently if an employee is part of the Council's contribution based pay scheme and has an absence stage meeting for short-term absence, and a formal warning is issued, then they will not get their annual pay step for that assessment year (January to December). If their absence is longer than 6 months, then they will not get an annual pay step for that assessment year, if they are in the contribution zone.
- 3.13 There are several issues with the way the current policy links to contribution based pay:
- As detailed in the above points, managers issue discretion in different ways, this is potentially unfair as it doesn't affect employees pay progression consistently.
  - The impact of stage warnings for short term absence is harsher than the impact for long term absence. For example, you could be off 8 days / 3 occasions and lose a pay step whereas a colleague could be off long term (up to a year) and not lose pay.
  - Once an employee loses a pay step, it may result in further absences, seen as a punishment with no deterrent for future absence that year.
- 3.14 The link in the new policy to Contribution Base Pay is as follows:
- Employees will not lose a pay step if they have had a Short-Term Absence Meeting 1. This will encourage managers to meet their employees when they return to work, with emphasis being on support rather than the concern over the impact on pay at their first meeting.
  - Staff who have a Short-Term Absence Meeting 2 or 3 will lose a pay step.
  - All employees regardless of grade or placement within that grade will not receive a pay step if during an assessment year if they have been absent for more than **6 months**
  - Making the impact on all employees the same is a fairer process and this also balances the impact on pay for short and long-term absences.

## 4. Measures of success

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- 4.1 Following a period of embedding, a more consistent approach to supporting and managing sickness absence.
- 4.2 A reduction in the amount of manager's time spent completing paperwork and processes involved with managing sickness absence, thus more time to have conversations and provide support.
- 4.3 An increase uptake of the Employee Assistance Programme and an increased awareness of the support available for mental health related illnesses or musculoskeletal injuries.
- 4.4 Results from the Colleague Opinion Survey which include questions relating to line managers being more supportive.

## **5. Financial impact**

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- 5.1 There is no financial impact of this policy.

## **6. Risk, policy, compliance and governance impact**

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- 6.1 There will be the requirement for the manager's compliance with this policy to be monitored through the HR system.
- 6.2 There will also be the requirement for managers to support employees who are absence, including stress related ill health. This will be monitored through absence reporting.

## **7. Equalities impact**

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- 7.1 Reasonable adjustments will be considered for all employees and also agreed in accordance with the Equality Act 2010.
- 7.2 Medical redeployment will be sought in appropriate circumstances.

## **8. Sustainability impact**

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- 8.1 None.

## **9. Consultation and engagement**

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- 9.1 The new Sickness Absence Policy has been developed with feedback from Trade Unions, Line Managers, Employees, colleagues in HR with experience of working on this and through informal feedback through their aligned service areas. Additionally, the new policy has been circulated to See me and Carer positive to ensure we're in line with best practice.

- 9.2 Training on the new policy will be developed in keeping with our approach to performance management and rolled out across the organisation through to the end of the year. This will be done in conjunction with training by our new Occupational Health and Employee Assistance Programme provider.

## 10. Background reading/external references

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None.

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## 11. Appendices

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Appendix 1 – Sickness Absence Policy

# Sickness Absence policy

The Council (we) recognise that some absence due to sickness is inevitable and we are committed to supporting our employees in a consistent, fair and sympathetic way. Our focus is on supporting you to remain healthy and encouraging all our employees to engage with initiatives and support that is available. Our aim is to reduce the adverse impact of sickness absence on employees and on service delivery.

## Author

Employee Relations, Human Resources,  
Resources Directorate

## Scope

This policy applies to all Council employees.

## Purpose

The purpose of this policy is to set out how we will manage sickness absence across the organisation, and ensure that you know what is expected of you and what measures can be put in place to support you when you are absent from work with an illness.

## Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of: changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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# 1. Health and wellbeing

We want to encourage you to adopt and pursue healthy lifestyle options that can contribute to a positive work-life balance and support lower sickness absence levels. We aim to achieve this partly through the policies we have in place, but more importantly through active participation in health and wellbeing initiatives available to you.

There are times when we need extra support and our Employee Assistance Programme, which is a free and confidential service, is available to all colleagues. This offers a wide range of services, including but not limited to counselling, advice on personal issues, work-related issues, debt management and legal issues. They also provide specific advice for managers in supporting working relationships. If you notice you're not quite yourself, you don't have to wait until you're off, take early steps to seek help and support.

We also provide employee benefit choices which encourage a fit and active lifestyle, such as active travel, bike to work schemes and gym membership discounts. It's important that you play a key role in your wellbeing and we encourage you to take full advantage of what's on offer within and out with the council.

## Medical appointments

If you need to attend hospital, doctor, and/or dental appointments, as well as for emergency medical and dental treatment, we provide reasonable time off for this. We also accept that some appointment times might be out with your control, however, where possible should try to make such appointments either before you start or after you finish work. If you can't do that, then you should try to arrange your appointment so that you cause as little disruption to your work and colleagues as possible. You need to notify your manager and let them know the nature of your appointment as soon as possible so they can make any necessary arrangement to cover your work.

## Early Intervention Model

If you are absent with, or diagnosed with, Stress or a Musculoskeletal disorder (MSD) your manager will refer you to occupational health at the earliest opportunity. This is so that we can get early advice and try to support you in the workplace or when you return to work, make any reasonable adjustments, or to access counselling or physiotherapy if required. Again, you don't need to wait until you are off. If you notice that you are in pain or not feeling yourself, speak with your manager about the services available and an early referral can be made.

## Disabilities

We are an equal opportunities employer and commit to supporting employees with disabilities. This may involve making reasonable adjustments to the role that is being undertaken. We recognise that a disability is not necessarily a physical limitation that can be addressed with additional equipment. It can also be a relapsing-remitting condition such as Multiple Sclerosis, or a mental health condition, and we are committed to fully exploring all options available to ensure that employees feel supported in relation to how their attendance is being managed.

# 2. Start of sickness absence

If you cannot come to work because you're sick, you need to phone your manager to let them know as soon as you can but certainly no later than when you were due to start work. In exceptional circumstances where it is not possible to contact your manager directly, you need to agree how this will be done in the event you are off.



### 3.1 What you need to do when you're absent from work

Employee	
Task	Action
You need to tell your manager	<ul style="list-style-type: none"><li>✓ Why you are off,</li><li>✓ when you think you will be back at work and</li><li>✓ if you have any work that needs to be done while you are off.</li></ul>
In exceptional circumstances when you cannot call your manager yourself	<ul style="list-style-type: none"><li>✓ Agree with your line manager how and when contact will be made and if necessary arrange for someone to make contact on your behalf.</li></ul>
If your manager has not heard from you by the time you were due to start work on your first day of absence	<ul style="list-style-type: none"><li>✓ They will try to contact you and</li><li>✓ If they cannot reach you, they will then review other means of contact. We have a duty of care towards you and are clear that this is a reasonable means of finding out why you are not at work and making sure that you are safe.</li></ul>
If you do not contact your manager at all and despite many attempts they cannot reach you	<ul style="list-style-type: none"><li>✓ Your absence will be treated as unauthorised. This means that you will not get paid while you are off and this may lead to disciplinary action being taken unless a reasonable explanation is provided.</li></ul>
If your absence continues	<ul style="list-style-type: none"><li>✓ You need to contact your manager on each day of your absence for the first seven working days, to give them an update on when you might be able to return to work, unless you have been signed off or incapacitated, e.g. in hospital and</li><li>✓ If your absence is going to continue beyond 7 days, then you need to get a fit note from your doctor and contact your manager weekly to discuss your progress – they will talk this through with you and agree times that work for you and them, normally weekly or more frequently if appropriate.</li></ul>

### 3.2 What you need to give us when you're absent

Employee	
Task	Action
Off sick for seven calendar days or less	<ul style="list-style-type: none"><li>✓ You don't need to give your manager a fit note if you are off for 7 days or less. You will meet with your manager on your return to work to discuss your absence and if there are any measures that can be put in place to support you at work.</li></ul>
Off sick for more than seven calendar days	<ul style="list-style-type: none"><li>✓ If your absence continues beyond 7 days, you will need to get a fit note from your general practitioner (G.P.) to cover your absence</li><li>✓ You need to submit fit notes to your manager as you get them, to make sure there are no gaps in your absence.</li><li>✓ If you don't, this could result in your absence being recorded as unauthorised.</li></ul>

## 3. Managing sickness absence

### Talking and listening

We manage sickness absence through a series of conversations between you and your manager. This is so we can understand the nature of your absence and what we can do to support you back to work, equally how you can engage with support that is available for you.

### Recording sickness absence

All sickness absence-related information will be recorded electronically on the HR system by your manager.

### Working in partnership with Occupational Health

If it is appropriate, following a discussion with you, we may refer you to our occupational health provider, who is best placed to provide us with specialist advice on how to support you back to work.

If you are asked to attend occupational health, your manager will meet with you, in advance, to explain why we need to seek additional medical advice to assist us in supporting you before you become absent or during your absence. Your manager will also give you a copy of the referral form before you go, even if you are off at the time. When the manager receives a copy of the report they will send this to you in advance of meeting to discuss what any support needed and next steps.

If you refuse occupational health support or fail to attend an occupational health referral meeting, then your absence will continue to be managed but any decisions on how to support you going forward may be made without the benefit of specialist medical advice.

## 4. Stress related absences

If you are absent with, or diagnosed with stress related ill health your manager may refer you to occupational health. You can also access free and confidential support from our Employee Assistance Programme.

If you are experiencing work related stress, talk to your manager about this and together, complete a Stress Risk Assessment and Action plan. It is important to identify the underlying cause and to try to put together steps to resolve this as quickly as possible. Further information if available in the Stress Management Policy.

Employees returning to work after a stress related absence may require assistance to re-adjust to work routines. Managers should take a lead role in this by:

- Using the stress action plan;
- Reorganising workload, if appropriate;
- Placing temporary restrictions on any duties that may have previously caused difficulties
- Arranging a phased return to work, if required,
- Making sure the pressure or demands previously identified have been properly controlled, reduced or eliminated

- Providing training to help them cope better with the pressure or demands
- Monitoring the pressure or demands identified
- Schedule regular meeting to discuss progress

## 5. Sickness absence triggers

Whilst we are committed to providing appropriate support to all employees, we have a process for managing your absence when you reach certain triggers.

### Our sickness absence triggers

Short-term triggers	Employee must not reach triggers again within
Three instances of sickness absence in a six-month period	Six months
or	
Eight days of sickness absence in a 12-month period	12 months

Long-term trigger	Employee must not reach trigger again within
Four weeks of continuous sickness absence in a 12-month period	12 months

### What happens when you reach a trigger point

Each time you are absent from work due to sickness, your line manager will review your sickness absence history. They will look at the number of instances you have been off sick and the number of days you have been off sick to check whether your sickness absence has exceeded any of the sickness absence triggers.

### Patterns

If there is a pattern to your absence, for example you are always off after annual leave or after certain events or on particular days (Friday or Monday), even if the above triggers have not been reached, then your Manager will arrange a sickness absence meeting with you.

### Disability and triggers

If you have a disability and this is affecting your attendance at work, serious consideration will be given to increasing the trigger levels as a reasonable adjustment, where the absences relate to the disability. There is more information about reasonable adjustments and the Equality Act 2010 in the sickness absence user guide.

## Exceptional circumstances

We consider the list below to be exceptional circumstances, where the formal steps of this policy will not apply and any medical referral will be to assist with your wellbeing. It is also expected that you will engage with appropriate and or recommended support:

- where the absence relates to a 'one off' situation e.g. a surgical intervention
- where there is a known remitting and recurring medical condition
- absences related to a previously unknown pregnancy
- where the absence is related to a critical illness, e.g. Heart attack, cancer, stroke, coronary artery by-pass surgery.
- management forced absence due to a contagious infection
- if we find out that your absence relates to domestic abuse issue
- in some cases, industrial injuries may be exempt.

## Further absences following an absence meeting

Once you have had a sickness absence meeting with your manager, you will only go to the next stage in the process if you exceed any of our triggers again. If you have returned from an absence and subsequently become absent again before your meeting, then this will be re-scheduled and the total instances or days will be taken into account.

## 6. Short-term sickness absence

### Instances and Days

When you have exceeded the triggers, your manager will arrange a meeting to discuss your absence.

They will look back six months from your current absence to see how many times you have been off sick. If this is three instances, but maybe less than eight days, then your manager will arrange a sickness absence meeting with you. Equally if you have had 8 days or more in 12 months, then your manager will arrange a sickness absence meeting with you.

### Regular conversations

Our approach to managing short-term sickness absence is to have regular conversations with you about your health. If you are absent from work, your manager will have an informal meeting with you to discuss the reasons behind your absences when you return. The aim of the meeting is to support your welfare and discuss any barriers to you being able to achieve sustainable attendance.

### Formal meetings

If your absence levels exceed one of the short-term triggers, your manager will have a formal meeting with you to discuss the reasons behind your absences. There are three formal meetings in the short-term absence process, detailed in the user guide and the timeline for managing short term absence. At each meeting, you and your manager will discuss your absence, covering anything that might have affected your attendance levels, including looking at your absence history and whether you have broken trigger levels before. You have the right to be accompanied by a trade union representative or a workplace colleague at any of these meetings.

### Discussing potential redeployment or ill health retirement

If appropriate, and if advised by Occupational Health, short-term absence meetings may also include discussions around potential redeployment or ill-health retirement (if you are a member of the pension

scheme). While our aim is to facilitate a sustained return to work, you will be reminded that if your absence levels are unsustainable, dismissal may be a possible outcome of the short-term absence process.

## **Final meeting**

If there is no improvement in your attendance after short-term meeting 2 and/or the levels of absence continue to be unsustainable, then your manager will arrange for you to attend an appointment with the Occupational Health Provider if appropriate, to obtain an up to date medical report, which they will share with you in advance of the meeting. Your manager will invite you to a final meeting, (short-term meeting 3), at which you have the right to be accompanied by a Trade Union Representative or work colleague. At this meeting, it is likely that you will be dismissed on the grounds of capability due to ill-health or for some other substantive reason. This letter will indicate that there is a right of appeal against any decision.

## **Teachers**

Teacher's absence will continue to be managed until their entitlement to sick pay has run out. Managers will not be able to have the final absence meeting until the teacher is no longer receiving sick pay.

# **7. Long-term sickness absence (four weeks or more)**

If you are off sick continuously for four weeks or more, then we consider this to be long-term sickness absence.

## **Regular Conversations**

Our approach to long-term sickness absence is to put in place a series of face-to-face meetings supported by agreed levels of phone or face to face contact. This is to allow you and your manager to keep each other informed about your state of health, your progress towards recovery and a return to work. Your long-term absence should be reviewed and discussed with you initially within the first four weeks then at regular intervals.

## **Sending in your fit notes**

During long-term absence, you will need to make sure that your fit notes cover all absence dates by sending them to your manager as you get them. If you do not, we will not be able to pay you for any time that is not covered by a fit note. Your manager will end your sickness absence on the HR system and record your absence as unpaid unauthorised leave.

## **Managing your long-term sickness absence**

There are three formal meetings in the long-term absence process. At each meeting, you and your manager will meet to discuss how you are feeling and when you might be able to return to work.

The face-to-face meetings can take place in the office, at any other convenient site or in your own home as agreed with you.

## **Being accompanied**

You have the right to be accompanied by a trade union representative or a workplace colleague at any of these meetings.

## **Occupational health referral**

Depending on the reason for your absence, your manager may make a referral to occupational health during your absence to get medical advice in relation to your fitness to return to work and whether we'll

need to consider making any changes (reasonable adjustments) to support your return. Your manager will always discuss the referral with you, and provide you with a copy before you attend. There is more information about reasonable adjustments in the user guide.

## **Discussing options**

If it is not clear when you might be able to return to work, your manager will consider if they can continue to support your absence. This means that your manager is likely to talk about redeployment, ill-health retirement or potential dismissal, if you are not able to return to work in the foreseeable future.

## **Dismissal on the grounds of capability due to ill-health**

Ultimately, if there is no indication that you are going to be able to return to work and redeployment has been unsuccessful (or it has not been appropriate to consider redeployment) and you do not meet the criteria for ill-health retirement, it is likely that this may result in your dismissal on the grounds of capability due to ill-health.

While we would not normally expect any absence to continue beyond 52 weeks, we will look at each absence on its own merit.

## **Reaching triggers with a mixture of short-term and long-term absence**

Sometimes you reach triggers with a mixture of long and short-term absence. When this happens, your manager will continue to manage your sickness absence and you will still progress through the sickness absence process.

If your absence is being managed through the short-term process and then you are off long term and subsequently reach the trigger for long-term absence, then you will move to the next stage in the long-term process, e.g. if you have had short-term absence meeting 1, you will move to long-term absence meeting 2.

If your absence is being managed through the long-term process, and you return to work and then subsequently reach the trigger for short-term absence, you will move to the next stage in the short-term process, e.g. if you have had long-term absence meeting 1, you will move to short-term absence meeting 2.

It is important to note that absence meeting 3 is the final meeting for both short and long-term absences.

# **8. Returning from sickness absence**

## **Getting you back to work**

You are expected to return to work when your last fit note expires. In some circumstances, you can return to work before your fit note expires. There is more information about this and fit notes generally in the sickness absence user guide.

## **Reasonable adjustments**

If your fit note or occupational health report mentions any reasonable adjustments that need to be made, we will consider that advice, and whether the adjustments are needed in the short-term or in the longer-term to support a disability.

## **On the day that you return from work**

Your manager will meet you in private to talk about your absence, find out how you are and talk about your work and any support that you may require. This meeting should take place on your first day back, if this is not possible, your manager must ensure that a supportive meeting takes place as soon as is reasonably

possible. It is important for you to be honest with them about how you are feeling and to explore any support that we can provide. Ideally, this meeting will be face-to-face. We know that this is not always possible but we cannot stress strongly enough how important it is to try and meet this way. You may be accompanied by a Trade Union Representative or work colleague as a support measure.

## **Phased returns after long-term sickness absence**

Your G.P. or Occupational Health advice may suggest a phased return to work. If this is agreed, then this will normally take place over a maximum of a four-week period. During the four weeks, you must build up the time you are at work in each week. A longer phased return would be considered if medical advice strongly recommended this and if it would facilitate an earlier return to work.

During a phased return, the time you are not at work is paid at full pay and is not taken off your annual leave. However, if a phased return extends beyond 4 weeks, you will only be paid for the hours worked, unless you decide to use your annual leave to cover the hours not worked.

## **Redeployment**

If we cannot make any reasonable adjustments to allow you to return to your old job, we will consider redeployment. We will get advice from our occupational health provider to find out what suitable alternative work you can undertake, and then work with you for a period of 3 months to see if any of our vacancies might be suitable. Your role will be key in this, and your manager will help you with this, along with Human Resources. The redeployment procedure provides guidance on this.

# **9. Not returning from long-term sickness absence**

## **Dismissal on the grounds of capability due to ill-health**

If it is agreed during the long-term sickness absence process that there is nothing further that we can do to help you return to work, then your manager will arrange a final meeting where you will be formally dismissed on the grounds of capability due to ill-health.

You will get a letter confirming this within seven calendar days of the meeting. The letter will indicate that there is a right of appeal against the decision. If you are dismissed on the grounds of capability, you will receive payment for any outstanding annual leave you have, as well as payment in lieu of notice.

Teachers cannot be dismissed until their entitlement to sick pay has run out. Managers need to check that teachers are out of pay before they proceed to dismissal for unacceptable levels of sickness absence.

## **Dismissal on the grounds of capability due to ill-health with access to pension benefits (Ill Health Retiral) (For pension scheme members)**

If the advice we get from our occupational health provider says that you are permanently unfit to carry out the duties of your post before normal retirement age, a certificate of Ill Health Retirement is issued and if there are no other suitable alternative jobs that you are able to do, then your manager will arrange a meeting to tell you that you'll be dismissed on the grounds of capability due to permanent ill-health.

If you have evidence from your G.P. or a specialist, disagreeing with occupational health's advice, your manager will review your case with help from Human Resources. We may get another independent medical opinion to help us reach our decision.



## Pension schemes

Local Government Pension Scheme (LGPS)	Scottish Teachers' Superannuation Scheme (STSS)
If you are a member of the LGPS, you will get access to your pension with either Tier 1 or Tier 2 benefits.	If you are a member, the rules of that scheme will apply with PIB (Partial Incapacity Benefit) or TIB (Total Incapacity Benefit) benefits applying as appropriate.
Tier 1 – You will be awarded Tier 1 if the medical advice we get says that it is unlikely that you will be able to work again. The Pension Fund will calculate your pension entitlement as if you had stayed in the Scheme until your Normal Pension Age and you will be able to access that.	Total Incapacity Benefit – if the advice we get is that you are permanently incapable of teaching and permanently incapable of doing any other work, you will get a pension based on your accrued service to date with no reduction plus an enhancement of half of what your service would have been between the day after the date of your ill-health retirement and day before your normal pension age.
Tier 2 – You will be awarded Tier 2 if the medical advice we get says that it is likely that you will find some work before you reach your normal retirement age. The pension fund will calculate your pension entitlement as if you had stayed in the Scheme until normal retirement age. However, because it is likely that you will be able to work again before normal retirement age, you will only get 25% of that amount.	Partial Incapacity Benefit: if the advice we get is that you are permanently incapable of teaching but capable of other employment, you will get a pension based on your accrued service to date with no reduction.

If you are not a member of a pension scheme, then you will be dismissed on the grounds of capability due to ill-health.

## Reinstatement or re-engagement following dismissal

If you are reinstated or re-engaged by the Personnel Appeals Committee, you may return to the meeting step you were at, in the sickness absence process, prior to your dismissal.

## Confirmed terminal illness prognosis

If it has been confirmed that you are terminally ill, then the formal steps of this policy will not apply. The process outlined throughout the policy should still be followed in that regular meetings/discussions should take place and referrals to Occupational Health should still be undertaken, in order that any supportive measures may be identified. The normal sick pay entitlements will apply.



# 10. Annual leave and sickness

## Accruing annual leave

When you are off sick, you continue to accrue annual leave. This means that your annual leave builds up while you are off sick.

## Abating annual leave

If you are off for longer than three months, in a rolling twelve-month period, your annual leave will be recalculated to take account of the time you were not at work, regardless of whether you work full time, part time or compressed hours. We call this abating leave. We will never abate your leave below 28 days (pro rata) which includes public holidays, which is the statutory minimum.

## Agreeing when to take time off

When you come back to work, you can agree with your manager when you can take your annual leave. You should then make an annual leave request in the normal way. You might want to take some of your leave before you return to work. If that is the case, you should discuss that with your manager, too, and then make an annual leave request.

If you return to work in the last quarter of the holiday year and you are unable to take the remainder of your holiday entitlement for that year due to service requirements, you will be able to carry over up to 20 days of your outstanding entitlement. You will need to take this within 18 months.

## Long-term sickness beyond end of leave year

If you are off long-term and your sickness absence continues beyond the end of the annual leave year, you may not have been able to take your statutory annual leave (28 days (pro rata) including public holidays) during that annual leave year. If this happens, you can carry forward up to 20 days to the next annual leave year.

If you had managed to take some of your leave for that year, you will only be able to carry forward the difference between what you had taken and 20 days.

*For example:*

*If you had taken seven days' leave, you will be able to carry forward 13 days out of the 20 you could carry to the next year.*

You must take the leave you have carried forward within 18 months of the end of the leave year that the days were carried forward from. If you do not, these days will be lost.

## Annual leave and pay in lieu

We think that it is important that you take your annual leave and have the rest that you are entitled to. To support this, we will not pay you in lieu for any annual leave that you have not been able to take unless you are leaving the Council and unable to take this prior to leaving.

## Annual leave and sick pay

If you take annual leave when you are off sick, this will not affect your sick pay. However, you will still have to provide fit notes to cover your absence if it is for more than 7 days. Any annual leave that you do take will be paid at your normal rate of pay.

# On annual leave and become sick

If you are on annual leave and become sick and want to reclaim the annual leave that you have not been able to take, you must follow the normal sickness absence notification process and produce a fit note covering your period of absence.

## 11. Sick pay rules

If you do not have the minimum length of service required when you go off sick, then you will not get any occupational sick pay for that absence. You may get statutory sick pay.

Craft employees get sick pay from the date they start work with us.

### Absence starts before you have reached the minimum period of service

If your absence starts before you have reached the minimum period of service and it continues beyond the minimum period of service, then you still won't get sick pay. This is because you did not meet the minimum period of continuous service required when the absence started.

### If you qualify for sick pay

Your entitlement will be worked out by taking away any periods of sickness absence which occurred in the 12 months before the first day of your current absence. Deductions will be made from your full pay entitlement first and then your half-pay entitlement.

Sick pay includes any contractual working time payments and any contractual overtime that you get. It does not include casual overtime and stand-by duty.

### Statutory sick pay

The Council pays more sick pay than the statutory minimum, so your sick pay includes any Statutory Sick Pay (SSP) that you might be entitled to.

If your earnings were not high enough to qualify for SSP during the 12-month period before your current absence, you may qualify for a benefits payment from the Department of Work and Pensions (DWP). Because of this, we will make a deduction from your Occupational Sick Pay. However, if you confirm that you did not receive any benefits, we will refund any deductions made.

### Unauthorised absence

If your absence is not supported by a fit note or if you have not followed the notification procedure, this will be regarded as unauthorised absence. This means that you will not get paid while you are off and it is likely that this will lead to disciplinary action being taken unless there is a reasonable explanation.

### Suspending sick pay

We may suspend your sick pay if it is evidenced that you have abused the terms of this policy. Some situations where we may do this are:

- if you are off sick because you have refused treatment or deliberately done something that sets your recovery back;
- if your sickness absence is down to your own misconduct;

- you are an active participant in professional sport i.e. under a contract;
- you were injured in your own time when doing something for private gain or for another employer;
- your claim for sick pay is fraudulent – this is likely to constitute gross misconduct and could lead to dismissal.
- Unauthorised absence

## Industrial accident or disease

If you are absent because of an incident that happened at work or due to an industrial disease, you will get a separate allowance calculated on the same basis as sick pay. This will be paid where cases that have been investigated have been classified as an industrial accident.

## Impact on pay

If you are in a post which is part of the Council's contribution based pay scheme and you have had a **formal absence meeting 2**, for short-term absence, then you will not get your annual pay step for that assessment year. If your absence is longer than six months, then you will not get your annual pay step for that assessment year, regardless of your pay grade.

# Appendix 1 - Sick pay information

The **length of time** you will receive sick pay for, and the **amount** of sick pay you will get, depends on the:

- length of time you have worked for us; and
- number of absences you have had in the 12-month period before your current absence.

## Craft employees

Length of service when sickness absence starts	You will get full pay for	You will get half pay for
Less than 1 year	5 weeks	5 weeks
More than 1 year, but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks

## Teachers

Length of service when sickness absence starts	You will get full pay for	You will get half pay for
Less than 18 weeks	N/A	N/A
18 weeks or more but less than 1 year	1 month	1 month
1 year but less than 2 years	2 months	2 months
2 years but less than 3 years	4 months	4 months
3 years but less than 5 years	5 months	5 months
5 years or more	6 months	6 months

## All other employees

Length of service when sickness absence starts	You will get full pay for	You will get half pay for
Less than 26 weeks	N/A	N/A
26 weeks or more but less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks