
Sickness Absence Policy



Council of the
ISLES OF SCILLY

October 2025

REVISIONS TO SOURCE DOCUMENT

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Responsible Officer	Head of HR	Review Date	October 2027

Version History			
Date	Version	Author/Editor	Comments
2013	1.0	DR	Original policy
12/05/15	2.0	LWJ	Policy review
30/06/15	2.1	LWJ	Revisions following staff consultation
03/09/15	2.2	RH	Inclusion of Sickness Allowance
16/11/15	2.3	RH	Clarity on sickness payments
25/01/16	2.4	RH	Link to Return to Work form at section 7.1
19/01/17	2.5	RH	Clarification on sickness entitlement at section
27/10/25	3.0	Head of HR	Streamlining of sickness absence procedures

Equalities Impact Assessment Record					
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Law relating to this document:

Employment Rights Act 1996

Equality Act 2010

Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2010 (SI 2010/137)

1. INTRODUCTION

- 1.1 The Council of the Isles of Scilly is committed to promoting the health and wellbeing of its employees and the implementation of policies that provide all employees with the appropriate support in relation to their health.
- 1.2 The purpose of this policy and procedure is to ensure fair and consistent management of sickness absence. In line with the National Joint Council for Local Government Services (NJC) National Agreement for Pay and Conditions (Green Book), this policy provides a framework for managers to support and encourage reliable attendance at work together with promoting effective management of sickness absence and ill-health. Appropriate training will be provided for managers to ensure they are equipped with the skills and knowledge to implement the policy in a fair, sensitive and effective manner.
- 1.3 This policy does not form part of your contract and may be amended from time to time as appropriate.
- 1.4 Being absent from work is naturally a stressful time and can have an impact on your emotional wellbeing. You may therefore want to access support via the counselling service provided by CareFirst which offers confidential and professional support through one-to-one telephone discussion with a professional counsellor. The service is free to all employees and their immediate families. The EAP is a 24 hours/7 days a week call centre, contactable at 0800 174319 and www.carefirst-lifestyle.co.uk.
- 1.5 Other sources of support for employees health and wellbeing is available via:
 - Your line manager, including Stress Risk Assessments to support you
 - A referral to our Occupational Health provider
 - Mental Health First Aiders in the workplace
 - The NHS, accessible via your GP and the 111 telephone service

2. THE SCOPE OF THIS POLICY

- 2.1 This policy applies to all employees of the Council, however attendance issues relating to employees in their Probationary Period will be managed under the probationary clause of their contract and any Probationary Policy in force.
- 2.2 This policy sets out the Council's procedures for managing all sickness absences, frequent or persistent absences and for long term ill health. The policy also includes the Council's provisions for managing infectious and notifiable diseases, medical suspension and time off for medical and dental appointments.

3. POLICY STATEMENT

- 3.1 The aim of this policy is to ensure that the process for managing sickness absence is fair, open, transparent and promotes equality of opportunity and employees have access to the information they need.
- 3.2 The Council values the contribution of all employees in the delivery and maintenance of quality services. Whilst recognising that employees may be prevented from attending work through ill health, the Council has a duty to maintain service delivery and minimise disruption. The Council is therefore committed to managing sickness absence in an appropriate way and as defined in this policy.

3.3 The Council will achieve this through:

- Promoting the health, safety and wellbeing of all employees,
- Monitoring levels of sickness absence for employees, service areas and the Council as a whole,
- Implementing procedures to support and manage staff absences and to take all measures to reduce sickness absence levels,
- The provision of a referral service for staff with sickness absence problems through an appointed occupational health provider, including the provision of a confidential counselling service for employees.

3.4 The following principles apply to the Council's procedures for addressing sickness absence:

3.5 Sickness absence will be addressed in a way that is non-discriminatory and in accordance with the Equality and Diversity Policy,

- Employees will be treated with consistency and the sickness absence procedures will be fairly applied across the Council,
- Sickness absence cases will be conducted with respect for confidentiality and in accordance with the requirements of the Data Protection and Access to Medical Reports Acts.

4. ROLES AND RESPONSIBILITIES

4.1 MANAGERS RESPONSIBILITIES

Managers' key areas of responsibility in managing staff health and wellbeing are:

- Managing the working environment
- Monitoring and managing sickness absence in line with the sickness absence procedures
- Adopting management practices conducive to good employee wellbeing, as set out in the [Health and Safety Executive Management Standards](#)
- Complete and return sickness absence statistics as required including informing Human Resources of all sickness absences on the timesheets and individual sickness return forms as necessary,
- Consider reasonable adjustments for disabled employees and for employees where illness or injury has resulted in short or long term impairment,
- Seek guidance and advice from Human Resources when formal action is being considered or where the manager is unclear on what to do at any stage of the procedures.
- Ensure that absences caused through illness or injury which are reportable under the Reporting Injuries, Disease, and Dangerous Occurrences Regulations 1995 (RIDDOR) are reported via the relevant processes.

4.2 EMPLOYEES RESPONSIBILITIES

Employees are expected to follow the sickness absence procedure and to:

- Attend work unless unfit to do so

- Inform your manager if you believe your job is making you ill or contributing to illness
- Make your manager aware of any difficulties you are having in maintaining your attendance at work (e.g. due to domestic abuse, underlying health condition, caring responsibilities)
- Ensure that you access medical advice and treatment as promptly as possible to facilitate your return to work
- Ensuring that absences are attributed to illness only when a medical reason exists. The Council has a range of policies that cover leave of absence for other reasons, for example, Family-Friendly Leave policies for Emergency Leave for Dependents and Carers' Leave.
- Informing their Line Manager and Human Resources where absence is a result of an accident unconnected with work, and involving a third party where damages may be recoverable from the third party,
- Employees should not undertake other employment whilst absent (whether paid or unpaid) without the line managers prior written agreement. Consideration will be given as to whether the additional employment will be detrimental to the employee's health and recovery.
- If other work during sickness absence is not reported to the Council in advance, it could result in disciplinary action, which may result in termination of employment.
- keeping their line manager informed of any medical condition or medication which could affect their ability to work (please see the Alcohol and Drugs policy for further information about prescription medication) and any ongoing requirement to attend outpatient appointments, clinics etc.

4.3 PAYROLL TEAM RESPONSIBILITIES

Payroll provides advice on Statutory Sick Pay (SSP)/Occupational Sick Pay (OSP) and has responsibility for the maintenance of absence records.

4.4 HUMAN RESOURCES TEAM RESPONSIBILITIES

Human Resources offer managers advice and guidance on how to manage employee absence due to sickness. Human Resources should be contacted as soon as a potential issue is identified and prior to any action being taken at the formal stages of the relevant procedure.

Human Resources can also advise on a range of practical issues including referrals to Occupational Health and other support available.

5. PROCEDURE FOR ALL SICKNESS ABSENCES

FIRST DAY OF SICKNESS ABSENCE

- 5.1 If you are absent from work due to sickness or injury you must inform the Council of your absence as soon as possible, but at least within one hour of your normal reporting time. Please advise your manager about the likely duration of your sickness absence, to

- assist with arranging cover and planning of work.
- 5.2 You should use a phone or video call to contact your manager to report your absence. Text or email must not be used, except as an initial message where this is before 9.00am. Any text/email notification of absence must be followed up with a phone or video call to your manager.
 - 5.3 Where an employee is absent from work and has not made contact with their manager, it is reasonable for the manager to make contact with the employee to ascertain their whereabouts and reason for absence.
 - 5.4 If you believe your absence is caused by work or something that happened at work, you must disclose this and arrange for an Accident Form to be completed, if required.
 - 5.5 Upon receiving notification of an employee absence, the line manager will promptly enter the absence onto the employee's record on the Oracle Cloud system.
 - 5.6 If an employee falls sick whilst on annual leave, then subject to the provision of a Fit Note from their health-care provider, the employee will have the relevant period of absence treated as sick leave rather than annual leave, and have the annual leave days reinstated to them. Sickness during bank holidays will not be reinstated.
 - 5.7 Employees can request and take annual leave during periods of long term sickness absence.

SICKNESS ABSENCE UP TO 7 DAYS (SELF-CERTIFIED SICKNESS)

- 5.8 You can self-certify your absence if this is for 7 days or less.
- 5.9 If the absence continues into a second working day you should notify your manager by phone or video call, including the likely length of the absence.

SICKNESS ABSENCE WHICH LASTS FOR 8 OR MORE CONSECUTIVE DAYS

- 5.10 If your absence lasts for 8 or more calendar days, you must provide a Fit Note from your doctor/nurse or other health-care provider to retain your entitlement to sick pay. You should send your fit note to your manager via email, copying in humanresources@scilly.gov.uk
- 5.11 If your absence extends beyond the date on your Fit Note, you will be required to send further fit notes to cover the duration of the absence.
- 5.12 Fit notes must be provided within 7 calendar days of the start of the relevant period; sick pay may be withdrawn if the fit note is not provided within this timescale. Individuals will be notified, in writing, before any deduction takes place.

RETURNING TO WORK

- 5.13 Please contact your manager and let them know as far in advance as possible of the proposed date of your return to work.
- 5.14 Where a fit note indicates that you may be fit for work and the doctor has suggested ways of helping you get back to work, such as a phased return to work, altered hours, amended duties or workplace adaptations, your manager will discuss the advice on the fit note with you and will consider any appropriate reasonable adjustments required to support your return to work. The various options will be discussed with you and if a return to work is possible, your line manager will agree with you a return-to-work date,

any temporary or permanent adjustments and will set a date for review.

- 5.15 For all periods of sickness absence, your line manager may ask you to attend a 'back to work' interview on your return to work to discuss the reason for your absence and whether it was work-related. This should take place within 48 hours of returning to work from any period of sickness absence, including short-term sickness of one day only. In most cases this will be a brief and informal meeting, the purpose of which is to ascertain whether the employee is indeed fit to return to work and where necessary discuss their sickness record. Please see the Return-to-Work interview form at **Appendix 1**.

6. SICK Pay

- 6.1 Providing the employee adheres to the requirements of this Sickness Absence Policy in respect of reporting their absence and providing Fit Notes, (as set out in the sections above), the employee will be paid Sick Pay in line with the provisions contained in their contract of employment, and the relevant National Collective Agreement.
- 6.2 For employees covered by the Local Government National Agreement on Pay and Conditions of Service (the Green Book), sick pay is related to length of service as follows:

Length of Service	Full Sick Pay	Half Sick Pay
During 1 st year	1 month	2 months (after completing 4 months' service)
During 2 nd year	2 month	2 months
During 3 rd year	4 month	4 months
During 4 th & 5 th years	5 month	5 months
After 5 years	6 month	6 months

For the avoidance of doubt, for every period of absence an employee takes under these local government terms, the employee's entitlement to sick pay is calculated from the first day of that absence, for long as that period of absence persists.

Therefore, should the anniversary of employment occur during that absence, the entitlement shall remain as for the first day of that absence until the end of that absence.

If the employee returns to work, on any further sickness absence, the starting point of calculation would be the first date of that new sickness absence; whatever sick pay has been received in the preceding 12 months that will be the new entitlement for that period of absence.

- 6.3 For uniformed Fire Service employees employed under the terms of the National Joint Council For Local Authority Fire And Rescue Services Scheme of Conditions of Service, sick pay will be as follows:
- An employee on authorised sick leave shall be entitled to full pay for six months in any twelve-month period. Thereafter the fire and rescue service may reduce sick pay by up to half for six months.

- An employee on authorised sick leave as a result of an illness or injury arising out of authorised duty shall be entitled to full pay for twelve months. Thereafter the fire and rescue service may reduce pay by up to half for six months.
- 6.4 The Head of Paid Service, in consultation with the Section 151 Officer, has the discretion to extend the period of sick pay in exceptional circumstances.
- 6.5 The period during which sick pay shall be paid, and the rate of sick pay, in respect of any period of absence shall be calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.
- 6.6 In the case of full pay periods, sick pay will be an amount which when added to Statutory Sick Pay receivable will secure the equivalent of normal pay.
- 6.7 In the case of half pay periods, sick pay will be an amount equal to half normal earnings plus an amount equivalent to Statutory Sick Pay receivable, so long as the total sum does not exceed normal pay.
- 6.8 Normal pay includes all earnings that would be paid during a period of normal working, but excluding any payments not made on a regular basis.
- 6.9 Where an employee is receiving sick pay under the scheme, sick pay shall continue if a public or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday shall be given.
- 6.10 Sick pay may be suspended if an employee abuses the sickness scheme or is absent on account of sickness due or attributable to:
- deliberate conduct prejudicial to recovery,
 - the employee's own misconduct or neglect,
 - active participation in professional sport,
 - injury while working in the employee's own time on their own account for private gain or for another employer
 - elective surgery (employees will only qualify for sick pay if they provide evidence from their GP that they meet the criteria for having such treatment on the NHS (though treatment may be provided privately) i.e. that it is necessary for medical reasons. In all other cases of elective surgery, the employee will be required to take annual leave, TOIL or unpaid leave if this is agreed.
- 6.11 An employee will be considered to have abused the sickness scheme in the event of the following:
- Making a false claim of incapacity for work due to ill health;
 - Falsification of any Statement of Fitness note issued by a medical practitioner;
 - Carrying out other employment whilst on sick leave without permission.
- 6.12 In the event that an employee has failed to comply with any requirements under this scheme, or that they have engaged in conduct which might prejudice recovery, the payment of sick pay will be suspended and any payments already made will be recovered.
- 6.13 Where sick pay is suspended, Human Resources shall advise the employee of the grounds for suspension and the employee shall have a right of appeal to the relevant Senior Manager. If the Senior Manager decides that the grounds were justified, then the employee will forfeit the right to any further payment in respect of that period of absence.

7. REASONABLE ADJUSTMENTS

- 7.1 The Equality Act 2010 places a legal duty on employers to make reasonable adjustments to support a disabled employee and remove barriers that exist so that they are able to work effectively and without detriment.
- 7.2 A person is defined as disabled under the Equality Act 2010 if they have a physical or mental impairment that has a substantial and long term negative effect on their ability to do normal daily activities.
- Substantial means neither trivial nor minor
 - Long term means that the effect of the impairment has lasted or is likely to last for at least 12 months
 - Normal day to day activities – includes everyday activities such as walking, eating and caring for oneself
- 7.3 The duty to make reasonable adjustments applies to three separate requirements:

(a) Adjusting the way things are done

This refers to any provision, criterion or practice (for example terms and conditions, procedures, and policies) which may place a disabled person at a substantial disadvantage in comparison to someone who is not disabled. These cover all aspects of employment, and include returning from sickness absence.

(b) Adjusting physical features of the workplace

It may be necessary to make adjustments to overcome barriers created by the physical features of the workplace. This includes any physical feature which puts a disabled person at a substantial disadvantage compared with a non-disabled person.

(c) Providing extra equipment

The Equality Act 2010 refers to this as an auxiliary aid (for example a hearing loop) or an auxiliary service (a person/service provider that gives assistance to the disabled person). This requirement means taking reasonable steps to provide an auxiliary aid where the absence of such an aid would place a disabled person at a substantial disadvantage when compared to persons who are not disabled.

7.4 Examples of reasonable adjustments

The following list sets out some possible examples of reasonable adjustments which could be made to accommodate an individual's disability or health condition, including supporting them to return to work after a sickness absence. This list is not exhaustive:

- Changes to working hours, for example agreeing a temporary reduction in working hours, or an exemption from overtime working, non-standard start & finish times, or granting more frequent or longer rest breaks
- Change to work location; for example moving someone with limited mobility to a ground floor location or arrange for the employee to work from home for part of their working week
- Allocation of some duties to another role; if there is a part of the role that a disabled employee finds difficult or unable to perform, allocating the task to another role or restructuring the team so that the task is covered by other means if this is reasonable and practical
- Time off during working hours; for example allowing an employee who has returned after a period of sickness absence to take paid time off to attend regular medical appointments, physiotherapy or rehabilitation.
- Additional training, mentoring or supervision; for example if the employee is moved to a new job or for assistance with planning their workload
- Getting or changing equipment; for example to provide or adapt equipment to suit a particular need such as voice activated software for someone with a visual impairment

- 7.5 When putting in place reasonable adjustments at work, these should be recorded on the **'Record of Reasonable Adjustments Agreement'** form at **Appendix 2**. This is sometimes colloquially known as a 'Reasonable Adjustments passport', and is designed to accurately record the adjustments made, and make it easier for employees to take adjustments with them into new roles as they progress their career with the Council.
- 7.6 A risk assessment may also need to be carried out where there is any potential for injury or ill health associated with work, for example exacerbating an existing medical condition or disability. The risk assessment should identify those employees whose potential work hazards may pose an increased risk to health, and put in place control measures to reduce or remove the hazards appropriately, in line with the Health and Safety Work Act 1974. Please refer to the Health and Safety policy for more information about risk assessments.

OCCUPATIONAL HEALTH REFERRAL

- 7.7 The purpose of an Occupational Health referral is to take medical advice to understand how best to support the employee and their recovery, understand timescales for return to work, and to help to facilitate a return to work. Medical advice (usually from an Occupational Health provider) can also be taken to understand if there are any recommended adjustments which should be considered. The manager will then evaluate whether these adjustments are 'reasonable' taking into account for example the cost of the adjustments (and available funding), practicalities of the adjustments, effectiveness of the adjustments, and impact on other employees and service users.
- 7.8 Reasonable adjustments can potentially be implemented for an employee on a temporary, occasional or permanent basis (including via a phased return to work).
- 7.9 The written consent of the employee is required before any Occupational Health referral is made, and the reason for the referral would be discussed with the employee.
- 7.10 Occupational Health referrals will usually be made by the line manager in the following circumstances:
- When the employee meets any of the triggers under the Frequent Absence Procedure
 - When the employee is either on long term sickness absence (28 days or more), or is expected to be on long term absence, for example when a fit note is received for a month or more
 - When the reason for absence is identified as anxiety, stress or depression. (this is because the likelihood of a successful return diminishes the longer an employee is absent).
- 7.11 Further information about how to make an Occupational Health referral can be obtained by contacting the HR team via email at humanresources@scilly.gov.uk.

PHASED RETURN TO WORK

- 7.12 The purpose of a phased return to work is to allow a gradual return to normal working hours and/or duties following a period of sickness absence. A phased return to work could involve any kind of temporary reasonable adjustment, but will usually comprise of:
- A temporary reduction in working hours for a maximum of 4-6 weeks following a return

to work from long-term sickness absence, with the working hours gradually increasing during the period of the phased return.

- Temporary changes to the tasks to be carried out at work, for a maximum of 4-6 weeks following return to work from sickness absence.
- A temporary change to the location where work is carried out for up to 4-6 weeks. For example working from home, where this is compatible with the employee's job role.

7.13 During a phased return to work, the employee will receive full pay.

7.14 Phased return hours, including the start and end times, should be agreed in advance by the employee and their manager, so that the arrangements are clearly understood by all. All other adjustments put in place should also be recorded. The line manager should check in with the employee regularly during the phased return, to check that it is working well and supporting the employee in the way intended. If problems arise, adjustments can be made to the phased return arrangements as needed.

7.15 Should the employee be unable to return to the full hours or duties of their role following the 4-6 week phased return, any further such amendments would need to be effected via an amendment to the employee's contract of employment. Any such contractual change would require the agreement of both the employee and the Council and would be confirmed in writing, if agreed.

The employee could submit a Flexible Working Request in these circumstances, if they wish to request a permanent change to their hours, start/end times and/or work location. This request should be submitted in line with the process set out in the Flexible Working Request Policy, and would be considered under the provisions of that policy.

MEDICAL REDEPLOYMENT

7.16 If, after consideration of reasonable adjustments, the employee is still not able to carry out the tasks and/or responsibilities of their substantive post, an alternative could be to transfer the employee to an existing vacancy. This would only take place with the agreement of the employee.

7.17 Where Medical Redeployment is the final remaining option to avoid termination of employment for an employee, the relevant vacancy would not be advertised in the usual way under the Recruitment and Selection Policy, and the disabled employee would be redeployed directly into the role, with the relevant changes agreed to their contract of employment.

8. PROCEDURE FOR FREQUENT ABSENCES

TRIGGER POINTS

8.1 The trigger points for the frequent sickness absence procedure are as follows:

- 3 or more separate occasions of absence during any 6-month period, or
- 14 or more calendar days absent, over 2 or more separate occasions of absence during any 6-month period, or

- At any time where a manager has reasonable cause for concern about an employee's pattern of attendance.
- 8.2 Line managers are responsible for monitoring the absence of their team and identifying when an employee has hit one of these triggers. Once a trigger-point has been reached your manager will arrange an Informal Absence Review Meeting.
- 8.3 Reasonable adjustments may be made to the trigger points for employees with a disability. Occupational Health advice may be helpful in identifying appropriate adjustments.
- 8.4 Pregnancy-related sickness absences will be disregarded for the purposes of the frequent absence procedure.

INFORMAL STAGE OF THE PROCEDURE

- 8.5 Your manager will meet with you for an Informal meeting after you return to work.
- 8.6 The purpose of the meeting is to informally review your sickness absence record to help your manager to understand the reason for the absences, what steps can be taken to assist you to improve your attendance, and to put in place a monitoring period. The monitoring period may require a specified improvement in your attendance over a specified period.
- 8.7 There is no right of appeal against outcomes at the informal stage of the procedure.
- 8.8 If you do not achieve the attendance targets during the monitoring period a Formal Stage One Absence Review Meeting may be arranged.

FORMAL STAGES OF THE PROCEDURE

- 8.9 You have the right to be accompanied by a trade union representative or colleague for any meeting under the formal stages of the procedure, including appeals.
- 8.10 If you require adjustments to the arrangements for a meeting to enable your attendance and full participation in it, you should inform the chair of the meeting.
- 8.11 If you or your representative are unable to attend a formal meeting (including appeal meetings) on the proposed date, an alternative date will be offered. Only one postponement is allowed and if you are unable to attend the rearranged meeting it may be necessary to hold the meeting in your absence.
- 8.12 You can make written submissions or send a colleague or trade union representative to speak on your behalf at formal meetings (including appeal meetings).
- 8.13 Any written submissions must be provided to the chair of the meeting at least one day before the meeting.
- 8.14 **Stage One Formal Absence Review Meeting**
 You will be provided with at least 5 working days' notice of the meeting, and a copy of all the documents to be referred to at the meeting.
 The purpose of the meeting is to discuss your absence record, establish the current medical position, identify areas for support, discuss the impacts on operations and colleagues, and set targets for improvement in attendance.
 The meeting will be chaired by your line manager, or a Senior Manager.
 The outcome of the meeting will be confirmed within two weeks and may include a Written Warning to remain active for 6 months, and a monitoring period.
 If you have further sickness absences which result in your attendance targets not being met during the period of the Written Warning, your line manager may arrange a Stage Two Formal Absence Review Meeting.

8.15 Stage Two Formal Absence Review Meeting

You will be provided with at least 5 working days' notice of the meeting, and a copy of all the documents to be referred to at the meeting.

The purpose of the meeting is to discuss your absence record since the Written Warning, and otherwise the purpose of the meeting will be as for Stage One.

The meeting will be chaired by your line manager, or a Senior Manager.

The outcome of the meeting will be confirmed within two weeks and may include a Final Written Warning which will remain active for 12 months and other outcomes as for the Stage One meeting.

If you have further sickness absences which result in your attendance targets not being met during the period of the Final Written Warning, your manager may arrange a Stage Three Formal Absence Review Meeting.

8.16 Stage Three Formal Absence Meeting

You will be provided with at least 5 working days' notice of the meeting, and a copy of all the documents to be referred to at the meeting.

The meeting will be chaired by a Senior Manager or the Chief Executive. However if the case is in regard to the Chief Executive or the Monitoring Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply.

Evidence about your sickness absences and the management of them to date will be presented at the meeting, and you will have an opportunity to make verbal and written submissions.

The outcome will be confirmed within two weeks, and may include a dismissal with notice, or other outcomes as for the Stage One and Two meetings.

8.17 Appeals

If you are dissatisfied with the outcomes of a formal meeting, you can appeal by putting your detailed grounds of appeal in writing to the chair of the meeting within one week of the outcome letter. One appeal will be allowed at each stage of the procedure, including dismissal. There will be no further right of appeal.

An appeal meeting will be convened to consider the appeal. The meeting will be chaired by a Senior Manager or the Chief Executive. However if the case is in regard to the Chief Executive or the Monitoring Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply.

The outcome of appeals will be confirmed within two weeks of the appeal meeting.

9. PROCEDURE FOR LONG TERM ABSENCES

9.1 A period of sickness absence of 28 calendar days or more is defined as a long-term absence.

9.2 You should make arrangements to maintain regular contact (at least once every 2 weeks) with your manager during your absence, so that your manager can provide support, keep you updated on team and workplace news, and arrange your return to work. You and your manager can agree how often you will be in contact and the method of communication, taking into account the nature of the absence and your personal circumstances.

You can also agree what, if anything, you want to be told to your colleagues about your absence as they will naturally express concern about you whilst you are off.

- 9.3 Your return-to-work interview following a long-term absence may take place (either in person or via phone/video call) before your first day back at work. This is to enable yourself and your manager to make preparations for your return, such as a phased return to work.

INFORMAL STAGE OF THE PROCEDURE

- 9.4 During your long-term absence, your manager may arrange Informal Long-Term Absence Review Meetings with you if/as required.
- 9.5 The purpose of these informal meeting(s) is to informally review your sickness absence to help your manager to understand your current medical condition, any personal or work-related causes, what steps and support can be put in place to support you and review likely timescales for a return to work.

FORMAL STAGE OF THE PROCEDURE

- 9.6 If evidence suggests you are unlikely to be able to fulfil your full range of duties within a reasonable timescale (having regard to operational and/or other considerations) a **Formal Long Term Sickness Absence Review Meeting** will be arranged to discuss consideration of your continuing employment. This meeting could take place before your sick pay entitlement is exhausted. You will be provided with at least 5 working days' notice of the meeting, and a copy of all the documents to be referred to at the meeting.
- 9.7 You have the right to be accompanied by a trade union representative or colleague at the meeting.
- 9.8 The meeting will usually be chaired by a Senior Manager, advised by HR, with the employee's line manager also attending to present the information about the employee's absences and impacts of the ongoing absence on colleagues, operational effectiveness of the team, budgetary impacts, on delivery of services to the public and so on. However if the case is in regard to the Chief Executive or the Monitoring Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply.
- 9.10 The outcome of this meeting may include a decision to terminate the contract of employment on the grounds of lack of capability due to long-term ill health. Ending the employment contract due to continuing ill health is a last resort once all other options have been considered, including reasonable adjustments to your current role, and appropriate redeployment opportunities.
- 9.11 If you or your representative are unable to attend the meeting on the proposed date, an alternative date will be offered. Only one postponement is allowed and if you are unable to attend the rearranged meeting it may therefore be necessary to hold the meeting in your absence.
- 9.12 You can make written submissions or send a colleague or trade union representative to speak on your behalf at the meeting.
- 9.13 Any written submissions must be provided to the chair of the meeting at least one day before the meeting.
- 9.14 The outcome of the meeting will be confirmed within two weeks.

Appeals

- 9.15 If the outcome of the formal meeting is that you are dismissed, you can appeal against dismissal by putting your detailed grounds of appeal in writing within one week of receipt of the outcome

letter.

- 9.16 Only one appeal will be allowed, and there will be no further right of appeal.
- 9.17 An appeal meeting will be convened to consider the appeal. You will be provided with at least 5 working days' notice of the meeting, and a copy of all the documents to be referred to at the meeting.
- 9.18 You have the right to be accompanied by a trade union representative or colleague at the meeting. You can make written submissions or send a colleague or trade union representative to speak on your behalf at the meeting. Any written submissions must be provided to the chair of the meeting at least one day before the meeting.
- 9.19 The meeting will be chaired by a Senior Manager or the Chief Executive, advised by HR. However if the case is in regard to the Chief Executive or the Monitoring Officer, the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (the '2015 Regulations') will apply.
- 9.20 The outcome of the appeal will be confirmed in writing within two calendar weeks of the appeal meeting, explaining the grounds on which the decision was reached.

10. ILL HEALTH RETIREMENT

- 10.1 For employees who are a member of the Local Government Pension Scheme (LGPS), or the Firefighters' Pension Scheme (FPS), ill health retirement pension benefits may be released if the employee is dismissed for reasons of long term ill health, and if they meet the eligibility criteria under the relevant pension scheme.
- 10.2 Where appropriate, a recommendation for early retirement on the grounds of ill health will be considered by an Independent Registered Medical Practitioner (IRMP).
- 10.3 For up to date information about the tiered ill health provision under the Local Government Pension Scheme (LGPS), please visit the LGPS website here: <https://www.lgpsmember.org/your-pension/planning/ill-health-retirement/ill-health-tiers/>
- 10.4 For up-to-date information about ill health retirement provisions under the Firefighters' Pension Scheme (FPS) 2015, please visit: <https://fpsmember.org/fps-2015/ill-health-retirement> .
- 10.5 It must be noted that the Council's decision to terminate employment on the grounds of lack of capability due to long term ill health, is separate to the decision about the employee's eligibility for the early release of ill-health retirement benefits. It is possible that an employee could be dismissed for reasons of long-term ill-health, but not meet the eligibility criteria for early release of pension benefits. More information is available from the Human Resources team.

11. INFECTIOUS AND NOTIFIABLE DISEASES

- 11.1 If you are prevented from attending work because of contact with an infectious/notifiable disease, you must inform your manager immediately.
- 11.2 The usual sick pay provisions apply.
- 11.3 This type of absence will be included within the scope of the Frequent and Long Term Absence procedures.
- 11.4 You should not return to work until fit to do so and/or your doctor/the NHS confirms that you are not infectious. Occupational Health advice may be taken for the specific situations, for example employees with responsibilities for handling food, or working with vulnerable adults or children.

12. MEDICAL SUSPENSION

- 12.1 The Council has a responsibility to ensure the health and safety of its workforce. Exceptionally, if a manager is concerned that you are unfit on health grounds to safely undertake the duties of your role, a period of medical suspension may be appropriate.
- 12.2 This is designed to be a short-term measure where you will be suspended on full pay pending clarification of the sickness absence position.

13. TIME OFF FOR MEDICAL/DENTAL APPOINTMENTS

- 13.1 You are expected to arrange medical/dental appointments outside your working hours where possible. If this is not possible, you should schedule the appointment for the beginning or end of your working day and will be required to make the time up.
- 13.2 If you have a disability and need to attend regular appointments in relation to this, you will still be asked to book these outside working hours wherever possible. Where this cannot reasonably be achieved, you should work with your manager to explore ways to arrange your work patterns around regular appointments if possible, as a reasonable adjustment.

14. GENDER REASSIGNMENT

- 14.1 Absence for gender reassignment should not be treated less favourably than absence for sickness or some other cause with which reasonable comparison can be made.
- 14.2 It is important to note that individual rights may arise under the protected characteristic of disability under the Equality Act 2010 if the employee has been diagnosed as experiencing 'Gender Dysphoria' or 'Gender Identity Disorder' and the condition is likely to last for more than 12 months or will remain with the employee for the rest of their life.
- 14.3 Employees undergoing gender reassignment should be offered a referral to Occupational Health for advice and support. It is important that each case is treated individually with advice being sought from the Human Resources team.

15. TIME OFF FOR FERTILITY TREATMENT (IVF)

- 15.1 Employees will be granted reasonable time off to attend medical appointments for reasons connected to fertility, this includes appointments for scans, tests etc. Any fertility treatments or procedures that result in the employee being unfit for work will be treated as sickness absence in the usual way.
- 15.2 An employee will be able to take reasonable time off to support a partner undergoing fertility treatment by requesting annual leave in the normal way, or agreeing unpaid leave or other flexible working arrangements with their manager.

APPENDIX 1: RETURN TO WORK INTERVIEW FORM

Sections A – C to be completed by the Employee upon return to work from sickness absence.

PLEASE READ THIS SECTION BEFORE COMPLETING THIS FORM.

The purpose of the questionnaire is to determine whether you are well enough to safely return to your full duties, and whether any support and adjustments may be required upon return to work to support your recovery.

The information you provide will be treated as confidential and will not be given to anyone else without your written permission. Please be aware that at the end of this form you will be asked to declare that all the statements you make are true to the best of your knowledge. A copy of our privacy statement setting out how we protect your personal data can be found in the Employee Handbook.

Section A: Employee details	
First Name:	Last name:
Job Title:	Department/Team:
Section B: Sickness Absence Details:	
First date of absence:	Last date of absence:
Sickness Absence Reason (Give details of the reason for absence):	
Is the absence related to a work-related accident, illness or injury? Yes <input type="checkbox"/> No <input type="checkbox"/>	If 'yes' has the accident/illness/injury been reported to your manager/supervisor? Yes <input type="checkbox"/> No <input type="checkbox"/>
Please provide brief details of any accident / incident causing the illness/injury including whether a third party was involved (where damages may be recoverable):	
Have healthcare provider fit note(s) been submitted to cover all dates of absence? <i>(required if sickness absence is 8 days or longer)</i>	
Employee Declaration	
General Data Protection Regulations (GDPR)	
In signing this form, I confirm my explicit consent within the meaning of the General Data Protection Regulations 2018 for the Council of the Isles of Scilly to process my personal information which may include electronic storage of my personal and medical information. I understand that my information will be held securely and if I wish to gain access to my medical information, I can do so by requesting it in writing.	
<ul style="list-style-type: none"> I declare that all the information provided in this form is true to the best of my knowledge. I understand that this form will be treated in confidence 	
Signature:	Date:

Sections D and E to be completed by the Manager with the employee present.

Section D: Return To Work Interview Notes			
Manager name:		Date of interview:	
Any amendments/updates to the information in Sections A-C:			
Did the employee follow the correct sickness absence reporting procedure?		Yes <input type="checkbox"/> No <input type="checkbox"/> <i>(Remind employee of correct procedure if not followed on this occasion)</i>	
Welcome the employee back. How are you feeling?			
What was the illness/what were your symptoms?			
Are you fully recovered?		Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If no please give details:</i>	
Did you seek medical advice/see your doctor? When? What was the outcome?		Yes <input type="checkbox"/> No <input type="checkbox"/>	
Are you having any ongoing medical treatment or medication where there may be an impact on your duties?		Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes please give details:</i>	
Any contributing factors causing the sickness absence (personal or work-related)?		Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes please give details:</i>	
Explore with the employee any support required going forward with regards this absence and / or assist with future attendance (e.g. referral to Occ Health, temporary amendments to duties, equipment etc)		<i>Please give details of support / adjustments agreed, and action points:</i>	
Is a follow up meeting required?		Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, please note details agreed:</i>	
Other notes of the meeting:			
Section E – Sickness Absence Management			
Does this absence cause the employee to reach any of the triggers in the Frequent Absence Procedure?		Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes please arrange Informal Absence Review meeting to put in place support and a monitoring period.</i>	
Manager Signature:		Date:	

APPENDIX 2: RECORD OF REASONABLE ADJUSTMENTS AGREEMENT

This is a record of reasonable adjustments agreed between a disabled employee / employee with specific needs and their line manager.

The purpose of the agreement is to:

- Ensure that both the employee and the employer/line manager have an accurate record of what has been agreed
- Minimise the need to renegotiate reasonable adjustments every time the employee changes jobs, is relocated or is assigned a new manager within the Council
- Provide the employee and their line manager with the basis for discussions about reasonable adjustments at future meetings

This is a live document and should be reviewed regularly by both the employee and line manager and amended as appropriate. Remember that expert advice from third parties, such as Occupational Health, the ICT Team or Access to Work may be needed before changes are agreed and implemented.

Managers who need help in deciding whether an adjustment is reasonable can seek advice from the Human Resources team.

New managers of employees with such workplace adjustment agreements should accept the adjustments outlined in the agreement as reasonable and ensure that they continue to be implemented. The agreement may need to be reviewed and amended later but this should not happen until both parties have worked together for a reasonable period.

The agreement allows the employee to:

- Explain the impact of your disability for you at work
- Suggest adjustments that will make it easier for you to do your job
- Offer further information from your doctor, specialist or other expert
- Request a referral to Occupational Health, or contact Access to Work or another expert
- Review the effectiveness of the adjustments agreed
- Explain any change in your circumstances
- Be reassured that your manager knows what to do if you become unwell at work and who to contact if necessary
- Know how and when your manager will keep in touch with you if you are absent from work because of illness or a disability-related reason

The agreement allows the line manager to:

- Understand how a particular employee's disability affects them at work
- Explain the needs of the organisation
- Explain the Council's Sickness Absence Policy
- Recognise signs that an employee might be unwell and know what the employee wants you to do in these circumstances including who to contact for help
- Know how and when to stay in touch if the employee is off sick
- Consider whether the employee needs to be referred to Occupational Health to help both parties understand what adjustments are needed
- Review the effectiveness of the adjustments already agreed
- Explain any change in the employer's circumstances

Record of Reasonable Adjustments

Employee name:	Job Title:
Department name:	Manager name:

Employee	
My health condition / disability:	
My health condition / disability has the following impact on me at work:	
The following adjustments would enable me to work effectively and perform to a high standard:	
Wellness at work	
On a "good day" my health condition / disability has the following impact on me at work:	
<p>On a not so good day when things are breaking down:</p> <ul style="list-style-type: none"> These adjustments to my working arrangements would enable me to continue working: the following symptoms are indications that I am not well enough to be at work: 	
Changes:	
<p>I will let you know if there are changes to my condition that have an effect on my work and/or if the agreed adjustments are not working.</p> <p>Any changes will be noted above, along with the date of the change.</p>	
Emergency Contacts:	
If I am not well enough to be at work, I am happy for my line manager to contact any of the following emergency contacts in the order of preference indicated below: (for example; relative, friend, medical specialist, care support worker)	
Contact 1:	Contact 2:
Name:	Name:

Phone number 1: Phone number 2: Relationship:	Phone number 1: Phone number 2: Relationship:
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Line Manager	
Agreed Reasonable adjustments	
<p>I have agreed the following reasonable adjustments to enable you to work effectively and perform to a high standard: <i>[Refer to any advice/recommendations received, for example from Occ Health, GP, Access to Work etc]</i></p> <p>INSERT DATE:</p> <ul style="list-style-type: none"> • Insert Adjustment 1, in line with OH advice dated DATE • Insert Adjustment 2, in line with XX advice dated DATE • Insert Adjustment 3, etc • etc 	
<p>Date of implementation of reasonable adjustments: INSERT DATE</p> <p><i>[Also insert the date of implementation of any subsequent changes to the adjustments]</i></p>	
<p>Budget authorisations given for the adjustments:</p> <p>INSERT REASONABLE ADJUSTMENT ITEM: ECOST, budgetary approval given by NAME.</p>	
Keeping in touch during Sickness Absence	
<p>You should follow the normal reporting procedures for notifying me / the department of sickness absence. I will maintain regular supportive contact in line with the Sickness Absence Policy. We have agreed the following preferences for contact which will support you during a sickness absence: <i>[For example: time of day contact is made if employee is fatigued and would prefer contact after a particular time, or via email instead of phone, etc]</i></p>	
Absences without contact	
<p>If you are absent from work and have not followed the usual procedures for notifying us that you are sick, we have agreed that I will try to contact you on the following telephone number and/or notify your emergency contact whose up-to-date details are as follows:</p>	
<p>Employee contact details:</p> <p>Phone number 1: Phone number 2:</p>	<p>Emergency contact details:</p> <p>Name: Phone number 1: Phone number 2: Relationship:</p>

Agreement

Employee Signature:	Date:
Manager signature:	Date:
If this agreement is updated, please insert new signatures and dates here to confirm the changes:	

An up-to-date copy of this agreement will be retained by the employee, line manager and on the employee's personnel file. Please provide a copy to the Human Resources team so that it can be placed on the file.

A copy of this form may also be given to a new or prospective line manager with the prior written consent of the employee.

This agreement may be reviewed and amended as necessary with the agreement of both parties:

- At any regular one-to-one meeting
- At a return-to-work interview following a period of sickness absence
- During an appraisal
- Before a change of job or duties, or the introduction of new technology or new ways of working
- Before or after any change in circumstances for either party