

Fit for Work Policy

Through appropriate support and management action, Waverley aims to maximise employees' attendance in order to maintain a high performing staff team to deliver excellent services to the community.

The Policy aims to ensure fair, equitable and consistent treatment of staff, reduction of costs associated with sickness absence and compliance with the Equality Act (previously Disability Discrimination Act) and acknowledges the recommendations in the ACAS Code on Absence Management for clear standards of performance and procedures. This Policy is to be read in conjunction with the Health and Safety Policy.

Waverley is responsible for providing a working environment that supports staff to perform safely and to a high standard.

While it is recognised that employees may occasionally be absent due to sickness, any absence has an impact on:

- other members of staff.
- our ability to deliver high quality services

Therefore, the aim of this Fit for Work Policy is to:

- set out systematic procedures for maximising fitness for work.
- give a clear performance standard for attendance.
- clearly indicate the consequences of not meeting the performance standard for attendance.

Where possible, the manager will:

- actively support the employee to maximise their level of fitness for work, for example:
 - discuss options such as working from home, part time working, temporary or permanent reduction in hours/duties/redeployment to help the employee continue to work rather than be absent.
 - provide reasonable support to those with ill health to return to work at full capacity at the earliest opportunity.
- take action where attendance levels fall below required performance standard.
- apply the Fit for Work procedures fairly and consistently.

Where possible, each member of staff will:

- actively support their own fitness for work
- comply with the Fit for Work performance standards and procedures.

Advice and Support

Staff are encouraged to make their line manager aware of any difficulties they may have in maintaining attendance or performance at work, due to ill health. There are a number of ways in which Waverley can support staff. Examples include:

- Information on flexible working
- Advice on physical adjustments to the workplace where required

- Redeployment where possible
- A confidential counselling service
- Stress Management Policy

Performance Standard for Attendance

In line with the national average public sector attendance (see section 'Overview' below), Waverley's performance standard for attendance is as follows.

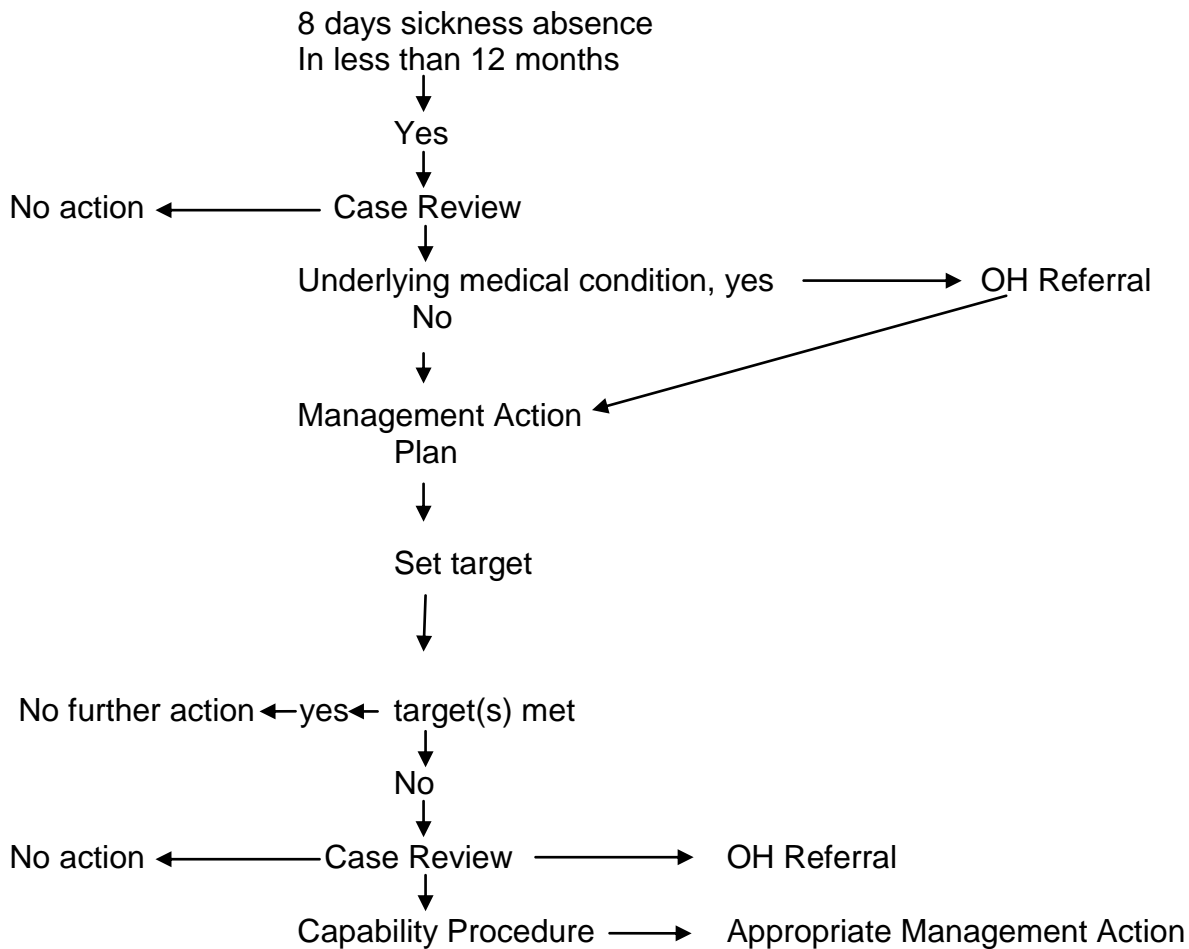
If an individual Waverley employee does not have an underlying medical condition, as advised by Waverley's Occupational Health Adviser, the employee will be expected to have (pro rata for part time staff who do not work a five day week):

not more than 8 days sickness absence per year.

If an employee has 8 days sickness absence in less than a 12 month period (pro rata for part time staff who do not work a 5 day week), their manager will:

- conduct a Case Review i.e. investigate the detail of the reason(s) for absence and the impact on the service and colleagues plus determine any support measures to maximise employee's fitness for work (e.g. reduction in hours etc).
- and, at the return to work interview, decide on one of the following three actions and confirm it in writing to the employee: (please refer to Section: Return to Work Interview)
- No further action anticipated (e.g. in cases such as an operation or other event which is not expected to result in further sickness absence).
- Occupational Health referral to obtain advice on an underlying medical condition and appropriate attendance target (e.g. employee indicates they have a physical or mental impairment which may have a substantial and/or long term effect their ability to carry out their normal duties to the performance standard required.) The manager will then refer to CMT for authorisation to refer to Occupational Health.
- Management Action Plan which may include the following:
 - Attendance: set a target. This would normally be no more than 2 days sickness absence for the next 3 months. If this target is not met, see section below.
 - Duties: set clear performance standards for duties/competencies.
 - Advice and support (as detailed above)

If an employee has an underlying medical condition, as advised by Waverley's Occupational Health Adviser, the manager will ask the Occupational Health Adviser for an assessment to assist the manager to set an appropriate attendance target.



Case Review = investigate: - reason(s) for absence
 - impact on service and colleagues
 - advice and support measures to maximise employee's fitness for work

Consequences of not meeting performance standard

Waverley is committed to providing excellent services and developing a high performing team through operating first-class human resources policies and practices. Most staff are able to meet the required performance standards referred to above without the need for support and the Council has a strong track record of successfully supporting those staff who do need support, to meet the required standards.

Those staff who have an underlying medical condition will continue to be monitored and supported in the light of advice from our Occupational Health provider.

On the occasions when fit for work issues are not resolved through the detailed procedures set out in this policy, they will ultimately be progressed using the formal stages of the Capability Procedure starting at Stage Two of that procedure (first written warning).

Overview

Waverley actively manages sickness absence and has a low level of sickness absence.

To put sickness absence in context, it is useful to look at Waverley's overall performance target in relation to sickness absence together with the average level of employee sickness absence in the UK, both of which inform Waverley's expectation for an individual employee's attendance.

The Executive agreed in April 2010, that Waverley will have overall target of an average of 5.5 days sickness absence for the organisation as a whole. Waverley's Performance Management Framework contains a number of National Indicators and locally defined indicators that assist Members and officers in identifying current improvements, priorities and progress against the objectives set out in the Council's Corporate Plan.

The 2010 CIPD Absence Management Report states that the average level of employee absence in the UK is 7.7 days per year. In the public sector that figure is 9.6 days per year, in the non-profit sector it is 8.3 days and in the private sector it is 6.9 days (manufacturing) 6.6 (services).

The CBI report in May 2011 shows a public sector average of 8.1 days a year compared with 5.9 days in the private sector.

Sick Pay

The Fit for Work Policy is to also be read in conjunction with the Sick Pay Policy.

PROCEDURE

Our Fit for Work procedure is designed to provide clear processes and procedures to:

- maximise attendance and high quality service delivery
- minimise work related causes of sickness absence
- ensure all employees are aware of their rights and obligations under this policy
- ensure all managers apply the policy consistently
- obtain medical advice through Occupational Health where appropriate
- offer employee support through the Employee Assistance Helpline
- apply the formal capability procedure.
- consistently review and record levels of sickness absence across the Council.
- comply with the Equality Act (previously Disability Discrimination Act)

The procedures cover the following:

- **Special Considerations**
 - **Disability**
 - **Maternity**
 - **Confidentiality**
- **Responsibilities**
 - **Employees**

- **Managers**
- **Reporting Absence**
- **Keeping in Touch**
- **Medical/Fitness for Work Certificates**
- **Trigger Points**
- **Short Term Absence**
- **Long Term Absence**
- **Return to Work Discussion**

Special considerations

While actively supporting the employee to maximize their level of fitness for work, managers are required to be aware of the following:

Disability related absence

The Equality Act (previously Disability Discrimination Act) gives legal protection against discrimination of disabled people. The Act places responsibilities on all employers when either recruiting or employing disabled people. Where the effects of an employee's disability results in sickness absence, Waverley's Occupational Health Advisor will give advice on the detail of Waverley's responsibilities in terms of 'reasonable adjustments to be made' in relation to sickness absence management

This action means that the individual's attendance record will be assessed differently from other employees and will inform management action in relation to that level of attendance.

Maternity related sickness absence

Managers need to ensure that employees are not discriminated against as a result of maternity related sickness. The Pregnant Workers Directive provides that maternity related sickness absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave. The Maternity and Parental Leave Regulations 1999 also give protection from detriment or dismissal in connection with pregnancy. Dismissal for pregnancy related absence/illness is automatically unfair.

Confidentiality

The reasons for sickness absence may sometimes be very personal or private. This may make it difficult to explain the sickness absence to an immediate manager. If this is the case the employee may, exceptionally, wish to talk either to a more senior manager within their team or with a Human Resources Business Partner.

Information relating to an employee's health is only disclosed to those who have a direct involvement in dealing with the case and/or are involved in Waverley's sickness absence monitoring process.

Responsibilities

Employees' responsibilities:

- take appropriate steps to look after their own health and wellbeing.
- actively maximise their level of fitness for work, for example:
 - discuss options such as working from home, part time working, temporary or permanent reduction in hours/duties/redeployment to help them continue to work rather than be absent
- follow the required absence notification/recording procedures (see below).
- take appropriate steps to aid their own recovery.
- co-operate with their manager in any Case Review.
- co-operate with their manager to support their return to full capacity.
- attend an Occupational Health appointment, or be available for an Occupational Health telephone consultation, when requested to do so.

Managers' responsibilities:

- Provide a working environment that is conducive to enabling staff to perform safely and to a high standard.
- actively support the employee to maximise their level of fitness for work, for example:
 - discuss options such as working from home, part time working, temporary or permanent reduction in hours/duties/redeployment to help the employee continue to work rather than be absent
 - provide reasonable support to those with ill health to return to work at full capacity at the earliest opportunity.
- take action where attendance levels fall below required performance standard
- action the fit for work processes detailed in this document when the health of a member of their staff impacts on their ability to fulfill the requirements of their job.
- follow the required absence recording procedures
- keep in touch with absent employees.
 - The manager will consult with the employee to ensure that:
 - the manager is always aware of the date on which the employee is due to return to work.
 - Any measures to support the employee's return to work are in place.
- obtain information needed to inform the support to be provided on the employee's return to work (e.g. OH reports)
- support employees through their return to work, acting on advice provided.
- reassessing the employee's work if any changes are recommended. (risk assessment and reasonable adjustments).
- hold return to work discussions after each absence
- remind employees of the Private Medical Insurance Scheme and Employee Assistance Helpline, if appropriate
- review sickness absence of their teams regularly and consistently
- set attendance targets and follow, where appropriate, the formal Capability procedure.
- Action their duties as manager as required by the Stress Management Policy and First Aid Policy, as appropriate
- [Stress Management Policy](#)

- apply the Fit for Work procedures fairly and consistently.

Reporting absence

If an employee is unable to attend work due to ill health, they are required to inform the sickness reporting line by telephone before their normal time of arrival (see detail below).

If an employee becomes sick during the working day and leaves work before their normal finishing time they must notify their line manager and contact the sickness reporting line.

The current arrangement is as detailed below. However, the Council reserves the right to amend this, with reasonable notice, as required. An employee must:

- telephone FirstCare Ltd on 0333 321 0270 at least one hour before their normal time of arrival on the day on which they are absent, giving the reason for absence and likely duration of absence;
- complete a self-certificate form on their day of return (including days which are not your normal working days). Their Supervisor will supply them with this form;
- send a Doctor's Certificate to their Supervisor if they are absent for more than seven days. They will need to request this Certificate from your Doctor.
- telephone FirstCare Ltd again on the day they return to work to close their absence.

In the event of an accident at work it is important to ensure that the accident reporting procedure is followed.

Keeping in touch

Employees are required to continue to inform the sickness reporting process of their absence and expected return to work date.

For arrangements relating to long term absence, see the Long Term Absence section.

Medical / Fitness for Work certificates

Employees are required to submit one of the following medical certificates to their line manager. NB: this is a requirement under the Sick Pay Policy.

- A Doctor will issue a fit for work certificate if an employee has been absent due to sickness for more than 7 calendar days.
- For less than 7 calendar days, the employee will complete a self certificate form which will be sent to them by the HR Admin Team on the employee's return to work.

Trigger points

A manager has a responsibility to monitor and take immediate action in the following circumstances:

- Where there are concerns about an employee's absences, absence levels or absence patterns.

- Frequent Absence – 8 days in 12 months (pro rata for part time staff)

SHORT TERM ABSENCE

Frequent short term absence is usually unpredictable and sometimes attributable to minor ailments that may be unrelated. See above trigger points.

Return to work interview for short term absence

Return to work interviews are a key factor in reducing absence rates and improving communication between managers and employees. The manager will hold a return to work interview in private with the employee on their first day back at work. The return to work interview will be recorded on a return to work discussion form and signed by both the employee and manager.

The manager will also confirm the return to work discussion in writing to the employee and, if addressing an absence of more than 8 days in a 12 month period, keep a copy on the employee's personal file. If addressing an absence of less than 8 days in a 12 month period, the manager will retain the copy.

The purpose of the meeting is to: examine the reasons, pattern and nature of the absence with a view to finding whether there is an underlying medical condition or other issues contributing to the level of absence, identify ways to support the employee to operate at full capacity, set targets for attendance and explain the consequences of those targets not being met.

The meeting will include the following, as appropriate:

- the levels and pattern of attendance.
- the underlying causes of the absence
- the likelihood of a recurrence of the illness, if known.
- what absence monitoring, in the form of return to work discussions, has taken place previously.
- suggestions from the employee on managing and improving the situation.
- whether medical advice from their GP/Consultant has been sought (NB: OH will expect the employee to have seen their GP)
- whether management action or other support is needed e.g. referral to OH, . **NB: CMT will decide when an OH referral is appropriate**
- Support measures : Employee Assistance Helpline, training or development opportunities, workplace equipment, flexible working arrangements, working from home, temporary or permanent reduction in hours/duties or other reasonable adjustments.
- The impact on the service of this employee's level of fitness for work
- a target for improvement of attendance, which will be set by the manager.
- monitoring arrangements.
- the timescale for review
- the likely action that may follow if the level or pattern of absence continues to give cause for concern.

If monitoring during the review period shows that the employee's attendance is no longer a cause for concern, the employee should be notified.

If monitoring during the review period shows that the employee's level and/or pattern of sickness absence continues, the manager will discuss the matter with the Head of Service who will decide on the next step which may include an OH medical referral and/or a Case Review which may trigger the Capability Procedure.

The manager will explain to the employee the reasons and possible outcomes of an OH referral and/or the Capability Procedure.

Referrals to Occupational Health

Corporate Management Team (CMT) receive regular information regarding employee sickness absence.

The purpose of a referral to Occupational Health is to obtain professional advice about the employee's fitness to perform their current job. It also enables Waverley to seek independent guidance as to any reasonable adjustments that can be made to support an employee with health issues to work at full capacity.

Waverley is entitled to request that an employee attends a medical assessment with OH and employees are contractually obliged to do this. However, employees do have a right under the Access to Medical Records Act 1988 to either see the Occupational Health report before it is sent to Waverley, or to refuse to allow information to be sought from their GP. In such cases, employees will be made aware that decisions will then be taken in the light of the information that is available to Waverley.

OH Reports

OH will send a confidential report to the HR Business Partner who will copy it to CMT and the relevant Head of Service. The Head of Service will discuss the report with the relevant manager.

This report is usually received within one week of the consultation.

On receipt of the OH report the Head of Service, supported by the HR Business Partner, will determine the most appropriate course of action. Options for support might include a mutually agreed and recorded phased return to work plan, temporary redeployment or permanent redeployment.

Managers will discuss the OH advice with the employee and provide them with a copy of the medical report from OH.

If OH indicate that the employee is permanently incapable of performing their normal job, the Council will consider ill health retirement and discuss this with the employee.

LONG TERM ABSENCE

The key principle is to ensure that a balance is achieved between the needs of the employee and the requirements of the service. Long-term absence is generally defined as a continuous period of absence lasting at least 4 weeks.

If an employee is on long term sickness absence, their manager will hold a case review on a regular basis and decide on one of the following actions:

- No further action (e.g. in cases such as an operation which is not expected to result in further sickness absence and a return to work date is clear)
- Set a target date to return to work, as advised by Occupational Health. If this target is not met, the Head of Service will conduct a Case Review. If appropriate, the Capability Procedure will be applied, starting at Stage Two of that procedure (first written warning) (add link).

Where an employee is absent through long-term sickness, there is a shared responsibility for the employee and the line manager to keep in regular contact with one another. The manager should determine the most appropriate way to stay in contact with the employee given the anticipated length of sickness and the individual circumstances of the case e.g. by letter, by telephone or through home visits. Home visits should only be undertaken with the employee's prior consent.

On each occasion the manager and employee should agree the date and form of their next contact. The line manager is advised to keep a record of all contacts made with the employee. Advice on how to maintain contact with the employee can be obtained from HR / OH; and in cases where an employee is off work with stress related illness, this guidance should always be sought.

The employee is required to keep their line manager informed of their ongoing medical condition. This will help inform discussions about reasonable adjustments that might enable the employee to return to work as soon as possible. The employee will also inform the manager when they anticipate returning to work.

Return to work interview for long term absence

Return to work following long term absence will require active support. The detail of this support will depend on individual circumstances and will be clarified with the employee prior to their return.

Possible discussion/action prior to return

- In certain circumstances, an OH referral will need to be undertaken in advance of the employee returning to work in order for any adjustment to be in place on the employee's first working day.
- Options for support might include a mutually agreed and recorded phased return to work plan, temporary redeployment or permanent redeployment.
- update the employee on key developments during their absence.
- review risk assessments and make any changes that are recommended.

- Offer appropriate support, where needed, to facilitate the employee's smooth return to work: the Employee Assistance Helpline, training or development opportunities, workplace equipment, flexible working arrangements, or other reasonable adjustments.
- confirm the timescale for review
- confirm monitoring arrangements

Return to work interviews are a key factor in reducing absence rates and improving communication between managers and employees. The manager will hold a return to work interview in private with the employee. As indicated above, some elements of this will need to be discussed in advance of the employee's return and some will be on their first day back at work. The return to work discussions will be recorded (on a return to work discussion form for those elements discussed on the first day back at work) and signed by both the employee and manager.

The manager will also confirm the return to work discussion in writing to the employee and keep a copy on the employee's personal file.

The discussion may include the following, as appropriate:

- welcome the individual back to work and let them know they are a valued and appreciated member of staff.
- review of the reason for absence and confirmation that they are fit to work
- identifying the next step in the absence management process.
- updating the employee on key developments during their absence.
- reviewing risk assessments and make any changes that are recommended.
- offering appropriate support, where needed, to facilitate the employee's smooth return to work: the Employee Assistance Helpline, training or development opportunities, workplace equipment, flexible working arrangements, or other reasonable adjustments.
- the timescale for review
- monitoring arrangements
- The impact on the service of this employee's level of fitness for work
- the likely action that may follow if the level or pattern of absence continues to give cause for concern.

Phased Return

If OH has advised a phased return to work, the manager, in consultation with HR, will agree with the employee how this is to be organised in a way which is both supportive and ensures the needs of the service are met. The Head of Service will confirm the details in writing to the employee. This will normally be before the employee's return to work.

The expectation is that the employee will return to full capacity within six weeks. If an employee does not return to full capacity within the specified period, these arrangements should be reviewed.

The employee's salary will be calculated on a pro rata basis to reflect their hours worked during this phased return. The normal hours of work which are not fulfilled will be dealt with as sickness absence.

Temporary redeployment

Where there is confirmation that the employee is currently unfit to carry out the full duties of their post, but could be temporarily redeployed to alternative work, OH will advise on the length of time the adjustment will be required.

In addition they will make recommendations about the kind of work the employee should be capable of performing and any particular tasks or duties that should be avoided. In these circumstances the manager should take guidance from their Head of Service before making a decision. Any temporary redeployment will need to be discussed and agreed with the employee and arrangements/terms and conditions of employment confirmed in writing by the Head of Service or, if the temporary changes result in a change of salary or sick pay, the letter will be written by the Head of Organisational Development. A copy of the letter will be held in the employee's personal file.

Where possible temporary redeployment will be offered to an employee to support their return to work. Where temporary redeployment is not possible, however, a manager is able to refuse this request and require the employee to remain on sick leave until they are fit to return to their normal duties. In these circumstances normal sick pay arrangements will apply.

Permanent redeployment

Where OH advises that the employee is permanently incapable of carrying out the duties of their current post and recommends that they are redeployed to a reasonable alternative, the report will include recommendations about the kind of work the employee should be capable of performing, as well as any particular tasks or duties that should be avoided.

The manager will take active steps to find suitable alternative posts for the employee. Advice can be sought from the Head of Service.

Where redeployment is not immediately or obviously available, the Capability Procedure will be followed, starting at Stage two of the procedure (first written warning).

Where dismissal from their current job is a possible outcome this will be explained. Redeployment opportunities can continue to be sought during the notice period.

A further referral to OH will be considered to establish whether ill health retirement pension benefits, if applicable, would be appropriate.

Inability to return to work

Permanently incapable for work

OH may issue advice that recommends that an employee be retired on the grounds of ill-health. This would be where the medical practitioner has established that the employee:

- Is permanently incapable of discharging efficiently the duties of his/her employment because of ill-health or infirmity of mind or body AND,
- Has a significantly reduced likelihood of being capable of obtaining other employment, whether in local government or elsewhere, before state retirement age.

OH would arrange for a certificate confirming the above to be provided by a registered medical practitioner who has not previously been involved in the case. The medical practitioner would also provide an opinion as to which of the of ill-health pension benefits the Council should award. This will be discussed in detail with the employee by the Head of Service and HR Business Partner and will be linked to the pension regulations applicable at that time.

In these circumstances managers are required to follow the procedures for holding a meeting under stage four of the Capability Procedure (dismissal). The manager must notify the employee that OH have advised that the employee may be retired on grounds of ill health and invite them to attend a meeting under the stage four of the Capability Procedure (dismissal). The notification must ensure that the employee is clear about the purpose of the meeting and the issues to be addressed, including the fact that termination of employment for reasons of ill health is to be considered at that meeting.

Managers are advised to seek guidance from their HR Business Partner when a 'permanently incapable for work' report is received.

Appeals

As with any decision to terminate employment, an employee has the right of appeal against the decision to terminate his/her employment on the grounds of ill health. The employee should write to their Head of Service within 10 working days of the receipt of the letter notifying them that their employment will be terminated on the grounds of ill health. Since appeals are part of the formal procedure, the appeal will be dealt with under the procedure for appeals set out in the Capability policy.

Serious illness

In all cases of serious illness, the Head of Service is to notify the Chief Executive who will personally write a letter to the employee.

Handling cases of terminal illness/death in service

In the case of a terminally ill employee, there is a particular need to consider the individual circumstances of the case in a compassionate and sensitive way which, as far as is reasonable:

- takes account and acknowledges the wishes of the employee and, if appropriate, their family.
- makes advice and information about the options open to the employee and their family readily available to them, as appropriate .

Advice about death in service and/or superannuation benefits for the employee or their dependents should be sought from HR.

An employee and their family should be given a named manager as their key contact point, in order to ensure that they are responded to promptly and efficiently, with dignity and compassion.

Arrangements for sick pay

Where it is agreed that an individual is eligible for sick pay, the sick pay policy will be applied.

Person/policy/fit for work policy