

**BURNTWOOD TOWN COUNCIL  
SICKNESS AND ABSENCE: GUIDANCE FOR EMPLOYEES**

**Appendix A**

**STAGES FOR MANAGING SICKNESS ABSENCE**

This procedure can be entered into at any time an employee's sickness absence gives cause for concern, as covered by Monitoring Sickness Levels (see page 10). The employee must be given three (3) clear working days' notice in writing of meetings that take place at each stage of the process. The letters should also define the stage of the procedure being followed.

**Commented [SB1]:** Unless this policy is contractual, I'd remove this as it makes the process more onerous and rigid than it needs to be

**Stage 1**

The employee will be asked to attend an interview with the Chief Executive Officer to discuss his/her attendance. At this interview, and at all subsequent interviews, the employee will be given the opportunity to have a Trade Union representative or an employee of BTC present if he/she wishes.

**Commented [SB2]:** As above. The lagl requirement is to allow this at formal meetings, in particular those at which dismissal is envisaged. It's not required at informal meetings

Attendance will be discussed in a positive and constructive way and the importance of the individual's regular attendance should be stressed and the pattern of absence and nature of the sickness discussed in an effort to determine any causes.

The employee will be told his/her attendance will continue to be monitored for a reasonable period of time (to be determined by the Chief Executive Officer) having regard to the circumstances and the nature of the illness. Targets may be set to assist in reducing the level of sickness absence, and if regular attendance is not achieved, he/she will be seen again.

A medical referral may be requested at Stage 1 if the Chief Executive Officer considers it appropriate.

The interview will be recorded and written confirmation given to the employee.

Where the employee's health improves, so that regular attendance is achieved, the employee will be seen and told, provided it continues, no further steps will be taken. If there is a return to previous sickness levels within a specified period of the last meeting or if sickness absence goes above the target set, the procedure may continue from the point previously reached.

**Stage 2**

If regular attendance does not result, the employee will be seen again by the Chief Executive Officer. The interview will follow the same lines as the previous one, but the employee will be made clearly aware that consideration is being given to his/her ability to discharge adequately the duties and responsibilities of his/her post. In order to reach a decision on this issue, it will be necessary to establish the true medical position by referring the employee to the Occupational Health Physician. The contents of the medical report will be discussed with the employee at a reconvened interview. The employee will be given the opportunity to be accompanied by a Trade Union Representative or employee of BTC.

In the event of a difference in medical opinion as to the employee's prospects for recovery and fitness for work, between the employee's and Council's medical advisers, a medical referee, mutually acceptable to the employee and Council will be appointed for an independent opinion. The cost of this shall be borne by the Council.

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Where the employee's health improves, so that regular attendance is achieved, the employee will be seen and told, provided it continues, no further steps will be taken. If there is a return to previous sickness levels, within a specified period of the last meeting, or if sickness absence goes above the target set, the procedure may continue from the point previously reached.

**Stage 3**

If regular attendance does not result after a reasonable amount of time, a further review meeting will take place to assess if there is likely to be any improvement in the employee's health. The interview will be held by a panel of Members who have the authority to dismiss, and the Chief Executive Officer will also be there. The employee needs to be aware that, at this stage, if no improvement is likely and there is no comparable work to be found, the likely progression will be ill-health retirement/or dismissal for some other substantial reason.

In exceptional circumstances, the panel of Members has the discretion to set a final stage of targets.

The employee will be notified in advance of the possible outcome of any interview that may result in a dismissal for some other substantial reason and will be allowed every opportunity to make any final representations regarding his/her position. The employee should be given the opportunity to be accompanied by a Trade Union representative or employee of BTC. The employee will be reminded of their right of Appeal at this stage. (Please refer to the Disciplinary and Appeals Procedure.)

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**Appendix B**

**STEPS FOR MANAGING DISABILITY AND SERIOUS ILLNESS**

Burntwood Town Council, in line with its Equal Opportunities Policy, is committed to the elimination of discrimination against people with disabilities and will endeavour to retain in employment any employee who becomes disabled or has a disability which worsens. Equally, the Council undertakes to ensure that any employee, who becomes unable to fulfil the duties of their post for the foreseeable future, due to ill-health, ~~even if they do not meet the full definition of disability under the Equality Act 2010~~, shall be treated as though they do for the purposes of this policy.

In accordance with the Equality Act 2010, the Council will ensure that all reasonable adjustments are made in cases where working arrangements or physical features of the premises place a disabled person at a substantial disadvantage compared to their work colleagues who are not disabled.

The following steps will ensure that all reasonable adjustments are considered by the Chief Executive Officer and discussed with the disabled employee concerned so that a solution can be reached where possible. It is also the intention that this process will help to create a climate which will encourage an employee who is disabled or has a disability which worsens to come forward and seek support and help.

**STEP 1: BECOMING AWARE OF AN EMPLOYEE'S DISABILITY**

The Chief Executive Officer may become aware of an employee's disability in a number of different situations:

- a) An employee notifies them that he/she has a disability and this is supported by clear medical evidence and advice (e.g. the victim of a serious road accident).
- b) An employee is absent from work due to a long term illness and following a referral to Occupational Health the Council is informed that the illness is regarded as a disability.
- c) An employee is not absent from work but has an impairment which has been steadily worsening and has now reached a stage where it is affecting work performance. The employee may be aware of this but is attempting to conceal the difficulties and struggle on without seeking help.

These examples are not exhaustive but are simply provided to illustrate that information on the disability of an employee will come from a variety of sources and in different situations.

**STEP 2: CONSULTATION WITH THE EMPLOYEE**

An initial discussion should take place between all relevant parties: the employee, the employee's Trade Union representative or employee of BTC and the Chief Executive Officer to explore all of the options and in so doing identify the difficulties the disability is causing or will cause in their employment and work together to find solutions to these problems.

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In some cases it may become apparent at an early stage that the only course of action open to the employee will be retirement on the grounds of ill-health, following the Occupational Health Physician's approval, see below.

**Commented [SB3]:** Please see comments in prev document

In all cases, a referral to Occupational Health is required to assess what action is required and to determine what adjustments can be made to either the job or workplace.

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**STEP 3: CONSIDERATION OF 'REASONABLE ADJUSTMENTS'**

The Chief Executive Officer will need to carefully examine the findings of Occupational Health in terms of what adjustments can be made to remove any disadvantage likely to be experienced by an employee with a disability. Many of the adjustments given as examples listed below could involve little cost or disruption:

- Acquiring or modifying equipment (e.g. induction loop, or a specially adapted key board).
- Adjustments to the premises.
- Allocating some of the disabled person's duties to another person.
- Altering the person's working hours.
- Provide training to undertake new duties etc.
- Transfer the employee to fill an existing vacancy elsewhere in the Council.

Adjustments to the employee's existing job and work place are to be explored before considering redeployment.

In considering such adjustments, the Chief Executive Officer needs to have regard to the following:

- The effectiveness of the step in preventing the disadvantage.
- The practicality of the step.
- The costs of the adjustment.

Each case will need to be examined on its merits and any adjustments clearly communicated to the individual concerned.

At this stage, the Chief Executive Officer may wish to seek help and advice on what can be done and the effectiveness of such adjustments.

**STEP 4: IMPLEMENT ACTIONS**

Having consulted the employee and their Trade Union representative and arrived at a decision it will be important at this stage to inform work colleagues of the action to be taken and in doing so they will be aware of the situation and where necessary provide help and support to their colleague.

Regular reviews with the individual employee will be essential to ensure that the action agreed is in fact achieving the desired outcome. In some cases things may not be working out and further advice may be needed to overcome the difficulties experienced. Circumstances will change with an employee's condition worsening and further action may need to be considered to adjust to changing conditions.

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As well as these practical issues, the Chief Executive Officer will need to be aware of the psychological and emotional aspects of an employee's disability. The employee may need time to make the necessary adjustment to their personal lives as well as the adjustments to their working lives. The Chief Executive Officer will need to be aware of this and provide them with support and advice to handle the matter sensitively.

**TERMINATION OF CONTRACT**

In some cases an employee who develops a disability or serious ill-health whilst at work may not want to pursue the option of being retained in employment. In these circumstances and if, in the Council's opinion, the employee is unable to fulfil the duties of their post for reasons of ill-health, retirement with immediate access to pension would only be possible if the Occupational Health Physician felt that the employee would be unable to work in a comparable job before normal retirement age and issues a Certificate of Permanent Ill-health. This is known as a compulsory retirement under the Local Government Pension Scheme and is classified under employment law as a dismissal.

An employee may be dismissed on the grounds of capability due to ill-health where he/she, whilst not medically certified as permanently unfit by the Occupational Health Physician, is in the Council's opinion unable to fulfil the duties of their post for reasons of ill-health.

Where dismissal, including where it is covered by a Certificate of Permanent Ill-health, is being considered, a formal meeting with the employee is necessary. The employee needs to be given three (3) clear working days written notice of the meeting, giving reasons for it, and advising that dismissal is likely, also that they may be accompanied by a Trade Union representative or employee of BTC. They should be told who needs to be present, i.e. panel of Members and Chief Executive Officer.

Following a dismissal interview with the panel of Members, including where it is covered by a Certificate of Permanent Ill-Health, the employee must be notified in writing of the dismissal decisions and given the right of Appeal as outlined in the Discipline and Appeals procedure.

Where the employee is unable to attend interviews due to ill-health problems, every effort should be made to speak to them directly, but in some circumstances it may be necessary for a Trade Union representative or employee of BTC to attend the meeting on their behalf.

**Commented [SB4]:** Please see prev comments re use of the words 'ill health retirement'

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**Appendix C**

**MEDICAL REPORT REQUEST FORM**

**Part 1**

TO: ..... (EMPLOYEE'S NAME)

DATE: .....

The Occupational Health adviser for Burntwood Town Council wishes to obtain a Medical Report from your General Practitioner and/or Consultant in order to obtain further information concerning your current health in respect of your employment as

.....

**Part 2**

Your employee rights under the 'Access to Medical Reports Act 1988' are explained on the reverse of this sheet. Please make sure that you have read and understood them before completing Part 3 below.

**Part 3**

To be completed by the employee:

Name: .....

Address: .....

I hereby consent to the Occupational Health adviser requesting a Medical Report from my General Practitioner.

GP's Name: .....

Address: .....

and/or my Consultant

Consultant's name: .....

Address: .....

I have been informed of my rights under the Access to Medical Reports Act 1998.

I wish/I do not\* wish to see the report. (\*Delete as appropriate.)

Signed: ..... Dated: .....

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**MEDICAL REPORT REQUEST FORM**

**EMPLOYEE RIGHTS UNDER THE ACCESS TO MEDICAL REPORTS ACT, 1988**

1. You can ask to see the Medical Report before the Council receives it. This request for access can be made either:
  - a) to the Council when you grant us permission to obtain it (in which case we will tell the doctor of your request, and let you know when we apply for the Report);
  - b) direct to the doctor at a later date, but before the Report is supplied to the Council.
2. If you ask to see the Report:
  - a) you must contact the doctor to arrange access within 21 days of the Council applying for the Report, otherwise the doctor can give the Report to us without showing it to you and without your consent;  
  
(Under 1(b) above you must contact the doctor within 21 days of notifying that you wish to see the Report);
  - b) having seen the Report, you can ask the doctor (in writing) to amend anything which you think is incorrect or misleading. If the doctor does not agree a statement of your views will be attached to the Report at your request;
  - c) provided that you have seen it, the Report will not be given to us unless you give the doctor your consent.
3. You will not be entitled to see any part of the Report which:
  - a) the doctor believes could seriously harm your physical or mental health, or that of others;
  - b) indicates the doctor's intentions in respect of you;
  - c) reveals information about another person, or the identity of someone who has given the doctor information about you (unless that person consents or is a health professional involved in your care).
4. The doctor will tell you why access to the whole or part of the Report is refused. Your rights of amendment will apply only to the disclosed part of the Report. The doctor will only give the Report to the Council with your consent.
5. You do not have to give the Council permission to obtain a Medical Report. (However, the inability to obtain up-to-date medical information may affect decisions made about your employment with the Council).
6. You may ask to see any Medical Report relating to you which the doctor has provided for employment purposes in the last six (6) months.

Such a request should be made to your doctor.

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