

BURNTWOOD TOWN COUNCIL
SICKNESS AND ABSENCE: GUIDANCE FOR EMPLOYEES

1. INTRODUCTION

As a Council we are actively committed to promoting the physical, mental and social health and well-being of our employees, by improving health awareness, establishing good health and safety practices and making better use of occupational health professionals.

Absence or impaired performance as a result of injury or sickness can have an adverse effect on the individual, customer care, service delivery and productivity within the organisation.

We therefore know that we must take steps to prevent accidents and disease occurring through work, that we must be proactive in dealing with stress and that we must always be looking for ways to increase attendance in the work place.

The Chief Executive Officer and employees should work closely together in achieving these objectives. For example, we wish to develop a culture where employees feel able to approach the Chief Executive Officer about any health difficulties they may be experiencing, which are affecting their performance, even if they have not taken any sickness absence.

Our employees, like everyone else, can become ill from time to time. No one is required to attend work if, through illness or injury, they might jeopardise their own health and safety or that of their colleagues. Our prime concern is the fitness of our own employees and their potential to return to work as soon as possible.

This Policy aims to provide a consistent approach to sickness and absence across all departments, whilst at the same time treating employees as individuals. To achieve this, there needs to be close consultation between the employee and the Chief Executive Officer.

We aim to provide a supportive and caring system of supervision of sickness absence and return to work. At the same time, the Chief Executive Officer needs to monitor and control the level of absence and prevent abuse of the system.

The responsibilities of both employees and the Chief Executive Officer have been set out in the Policy.

2. EMPLOYEE'S RESPONSIBILITY

It is your responsibility to take care of your health and safety, and the Council's health promotion programme aims to raise your awareness of ways to do this. You are not required to attend work if, through illness or injury, you might jeopardise your health and safety or that of your colleagues.

It is your responsibility to notify the Chief Executive Officer¹ at the very start of the first day of absence, this should be by 9.00 am for full time employees and 11.00 am for those who work part-time. The Chief Executive Officer¹ needs to know as early as possible, to ensure service provision. Failure to notify the Chief Executive Officer¹ in person could be seen as taking unauthorised absence, and you may lose occupational sick pay and statutory sick pay.

¹In the case of the Chief Executive Officer this would be the Leader of the Council

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Failure to notify could following investigation, possibly result in disciplinary action being taken.

You must keep in touch throughout your absence and also inform the Chief Executive Officer[‡] of your return date. It is also your responsibility to ensure that you are covered by the appropriate type of Fit Note (i.e. self-certificates and/or Doctor's Fit Notes), for the whole of the sickness absence.

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When absent on sick leave you should not get involved in any activity which could worsen your condition or bring into question the genuineness of your illness (e.g. if you are diagnosed with a back problem you would not be expected to participate in physical activities such as sports or gardening.)

If you are absent as a result of an accident on duty you should complete or make arrangements to complete an Accident Report Form within 24 hours of the accident. The Chief Executive Officer will have copies of the form.

If you are off work due to an injury, which prevents you from driving to and from work, it is possible that lifts could be arranged or consideration given to you working from home. If your duties necessitate driving, different office bound duties may be considered.

It is your responsibility to inform the Chief Executive Officer[‡] if you are experiencing difficulty performing your duties due to ill-health or disability, even if you have not found it necessary to take any time off work. It is also important to advise the Chief Executive Officer[‡] if you are taking any medication which affects your concentration, especially if you are required to operate machinery.

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If you feel unable to speak to the Chief Executive Officer, then please contact the Chairman of the Council and/or the Leader of the Council.

Where the Chief Executive Officer is notifying of their absence or following any other aspect of the sickness and absence procedure, they are required to do so to the Leader of the Council and any references to the Chief Executive Officer should be read to mean the Leader of the Council.

Commented [SB1]: Would it be clearer to have a note along these lines at the end of the section instead?

2.1 Type of Fit Note

A Fit Note is not generally required for ~~less than three (3) one~~ day's sickness. For more than ~~three (3) days~~ one day's sickness but less than eight (8) days (including Saturdays/Sundays) a self-certificate form should be completed, which can be obtained from your manager.

Commented [SB2]: You can keep this in, but please note that as an employee can self certify for up to 7 days, a fit note is not required for absences up to that long. Given that the following paragraphs make clear exactly what is required, I'd suggest deleting this sentence altogether.

The production of a deliberately false self-certificate in support of absence will be regarded as the disciplinary offence of attempting to defraud the Council and, if substantiated, could lead to a finding of gross misconduct and lead to a dismissal (please refer to the Disciplinary and Appeals Procedure).

All employees are required to provide a Doctor's Fit Note for all absences of eight (8) days or over (including Saturdays/Sundays). There are occasions when a Doctor's Fit Note may be

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requested to support sickness absence of less than eight ~~(8)~~ days, and any cost will be reimbursed to you.

~~For any period of absence where a Fit Note is not required, you must complete a Self-certification Form which can be obtained from your manager.~~

It is your responsibility to ensure that you are covered by necessary Fit Notes and that there are no gaps between Fit Notes, so appointments with Doctors will need to be planned in advance. Fit Notes should be sent to the Chief Executive Officer[‡] within two ~~(2)~~ days of receipt. If this is a problem, you should contact the Chief Executive Officer[‡].

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Any periods where you are not covered by a Doctor's Fit Note or self-certificate when you should be, may be treated as unauthorised absence, and you may lose occupational sick pay. Unauthorised absence is a form of misconduct and may be dealt with as a matter of discipline.

If you are advised by your Doctor to take a holiday as part of your recuperation, you must advise the Chief Executive Officer[‡] before you go, giving details of the location and dates, and ensure that you are covered by a valid Doctor's Fit Note.

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If you become ill whilst on annual leave, then you can reclaim any days covered by a Doctor's Fit Note. That means you must consult a Doctor and get a Fit Note, even if it is for less than ~~seven-eight (7)~~ days and any cost will be reimbursed. A self-certificate form is not sufficient for the purposes of reclaiming holiday.

~~If you have been off sick for a long period, on a series of Fit Notes, you must obtain a final Fit Note from your Doctor stating that you are now fit to work before you do so.~~

Commented [SB3]: Doctors no longer provide notes that give employees the all clear.

2.2 Procedure to Follow when you are Sick

You must contact the Chief Executive Officer[‡] on the first working day of absence, at the start of the day (see Employee Responsibility). Prompt action removes uncertainty about the reason for absence and allows a proper assessment of cover. If the Chief Executive Officer[‡] is not available when you telephone, then leave a message with someone else and ring back later to speak to the Chief Executive Officer[‡] personally.

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If your illness continues beyond ~~three-one (3)~~ days, you should contact the Chief Executive Officer[‡] and keep him/her informed of your progress and expected date of return to work.

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If you are off sick for several weeks you must contact the Chief Executive Officer[‡] at least once a week to keep him/her informed of your progress, so that help can be offered if appropriate and your expectations for a return date assessed. You must send appropriate Fit Notes to the Chief Executive Officer[‡].

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It is possible that work colleagues or the Chief Executive Officer[‡] may ask if they can visit you at home, at a mutually convenient time. The purpose of these visits is to keep you in touch with what is going on at work, discuss your progress, possibly to suggest referral to

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the Council's Occupational Health Adviser and/or to offer you any appropriate help. You can also request a home visit at any time.

2.3 Return to Work

If, whilst you are covered by a Doctor's Fit Note, you feel well enough to return to work, you must not do so until you have clearance from your Doctor and a Fit Note giving an actual date for your return. This is for insurance reasons.

You should give the Chief Executive Officer[‡] as much notice as possible of your intention to return to work. This should be at least one (1) week in the case of long term sickness. If temporary variations to your normal duties or hours are considered appropriate, you should discuss the options with the Chief Executive Officer[‡] and then agree them with your GP or medical adviser.

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If, when you return to work, you experience any difficulties in carrying out your duties, due to your medical condition, you must inform the Chief Executive Officer[‡] immediately, so attempts can be made to prevent a recurrence or worsening of the problem.

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When you return to work from sick leave, whatever length of time you have been off, the Chief Executive Officer[‡] will have a meeting with you, and make diary notes. The purpose of this meeting is to discuss the cause of the absence, identify any patterns, and to assess whether the absence is work related. This is an opportunity to update you on what has been happening while you were away, and help you prioritise your workload, thus making your return to work as smooth as possible.

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The Chief Executive Officer[‡] will monitor your periods of sickness absence and you will be asked to attend more formal interviews if the level of absence becomes progressively higher. For intermittent absences, which are normally short term, the procedure that will be followed is set out in Appendix A. For continuous long-term ill-health, serious illness or disability, the procedure that will be followed is set out in Appendix B. You have the right to be accompanied at any of these interviews by a Trade Union representative or an employee of BTC. Your medical condition may also be referred to the Council's Occupational Health Adviser, and you are reminded that the Council can require you to have a medical examination at any time during your employment.

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2.4 Occupational Sick Pay

Below are the maximum periods of Occupational Sick Pay. The relevant sick pay level will depend on your length of service and contract of employment:

Service	Full Pay	Half Pay
Less than 4 months	1 month	None
After 4 months but less than 1 year	1 month	+ 2 months
After 1 year but less than 2 years	2 months	+ 2 months
After 2 years but less than 3 years	4 months	+ 4 months
After 3 years but less than 5 years	5 months	+ 5 months

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If you withhold consent to the supply of the report, refuse to co-operate in the obtaining of medical evidence or to undergo independent medical examination, a decision will be made on the strength of the available evidence. In some circumstances that decision could result in termination of your employment.

When the Doctor's report is received by the Occupational Health Adviser, they write giving their opinion and any recommendation. Copies of this letter are then sent to you and the Chief Executive Officer.

The Chief Executive Officer will arrange a meeting with you to discuss the contents of the letter and agree any appropriate action. For short-term sickness, when no underlying problem has been identified, this may include setting targets to help you reduce your sickness levels over a set period, as set out in Appendix A.

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If the Occupational Health Adviser's view is that your medical condition constitutes a disability they could recommend reasonable adjustment to your duties or redeployment into a new post, as set out in Appendix C.

Please note that it has been agreed 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.

Commented [SB4]: Please can you give me further details of this agreement – who is it agreed with, when, why?

On very rare occasions ill-health retirement may be recommended by the Occupational Health Adviser, and the Chief Executive Officer will follow the steps set out in Appendix B. Occupational Health would then provide a Certificate of Permanent Ill-Health, which is necessary for the Local Government Pension Scheme to release your pension. This would only happen if it was felt that you could not work in your current position before normal retirement age, or any comparable job within the Council.

It's also a little confusing – why would we treat staff as being disabled if we're aware they do not fit the definition? This may make absence management more onerous for you.

Commented [SB5]: Is this the pension scheme's wording? It's not appropriate from an employment law perspective, as it would be classed as a medical capability dismissal which is very different from retirement. Use of the word 'retirement' is generally not advisable as it can rise to the inference of age discrimination

* Definition of Disability under the Equality Act 2010:

A person who has a physical or mental impairment which has a substantial long-term adverse effect on their ability to carry out normal day-to-day activities. Long term is when the condition has lasted for 12 months, or is expected to last 12 months or for the remaining lifetime of the person. Progressive conditions are treated as impairment, even during times of remission.

Ill-health retirement and dismissal on the grounds of ill-health will always be with the relevant contractual or statutory notice, whichever is the longer period, with full pay during the notice period even if the entitlement to sick pay has been exhausted. To ensure consistency throughout the Council, the Chief Executive Officer is involved in the whole of the sickness absence management and referral process, and there is ample opportunity for you to talk the situation through and raise any queries. You could also discuss it with a Trade Union representative or an employee of BTC, any of whom may accompany you to any meetings.

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3. CHIEF EXECUTIVE OFFICER'S RESPONSIBILITY

Sickness absence is a drain on resources. It can directly impact on service provision, be costly to the department and cause additional strain on other employees. Therefore the Chief Executive Officer should do all he/she can to ease and speed an employee's return to work.

It is part of the Chief Executive Officer's management responsibility to motivate staff. Employees who are highly motivated are less likely to take time off sick. Evidence indicates that motivated employees, who are slightly unwell but still feel quite able to work, are more likely to attend if they feel valued, know there is work which they have to do that day, and believe that their absence would have an adverse effect on their colleagues.

If an employee has an accident on duty the Chief Executive Officer should ensure that an Accident Report Form is completed within 24 hours of the accident.

If the injury prevents the employee from driving, but they are otherwise fit, the Chief Executive Officer should consider arranging lifts or allowing them to work from home. If their duties necessitate driving, the Chief Executive Officer may wish to consider other office based duties for a temporary period.

If an employee is suffering from an infectious illness, or is taking medication which could affect their concentration and thereby cause a health and safety hazard, they should be discouraged from attending work. This may mean sending them home to see their Doctor.

For insurance reasons, the Chief Executive Officer should not allow an employee to attend work during any period they are covered by a Doctor's Fit Note. ~~If they feel well enough to return, they should be advised to contact their Doctor and get a Fit Note stating they are able to resume their full duties. This is also important when an employee is returning after long term sickness absence.~~

It is the Chief Executive Officer's responsibility to ensure that the information is input and recorded on the Payroll system.

All Fit Notes should be kept by the Chief Executive Officer.

3.1 Managing Absence

With short term sickness absences, generally defined as frequent absence of short duration over a period of time, the aim is to reduce the overall instances of absence, as set out in Appendix A.

In cases of serious ill-health, the aim is to ease the employee back to work as soon as possible, see Appendix B. Often the longer they are off work, the more difficult it can be to return.

Following each episode of sickness absence, irrespective of length, a return to work meeting should be held and diary notes kept. This meeting is to discuss the cause of absence,

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identify any patterns, and to clarify whether the problem is in any way work related. This should be an opportunity to update the employee on what has been happening during their absence, and help them to prioritise their workload, thus making their return to work as smooth as possible.

Without breaking any confidences, keep work colleagues informed of the employee's progress.

3.2 Procedure to follow when an Employee is Sick

The Chief Executive Officer will ensure the sickness period is adequately covered by Fit Notes (see page 3). Fit Notes should be kept on file, as they may be needed for audit purposes.

The absence information should also be updated on the Payroll system, and the Chief Executive Officer should keep him/herself informed of the amount of sick leave that the employee has taken over the previous 12 months.

The Chief Executive Officer should maintain contact with the employee during their period of sickness, this is most important during long term sickness absence. Home visits by the Chief Executive Officer and/or work colleagues can help achieve this contact, although it is not advisable for the Chief Executive Officer to visit an employee's home alone. The employee's agreement should be obtained prior to visit, it should not be imposed upon them and they should not feel in any way threatened by the visit, or overwhelmed by the number of visitors. Be sensitive to their feelings and medical condition.

Where possible, the Chief Executive Officer should consider arrangements to cover the employee's work during the absence, so that service provision can be maintained. This could either be by the use of temporary staff or temporary reallocation of duties to other employees. If the Chief Executive Officer decides to employ temporary cover, it should be remembered that the Statutory Sick Pay for the absent employee will continue to be deducted from the Council's budget even when they are on half pay.

The Chief Executive Officer will inform an employee they are due to go down to half pay. The Chief Executive Officer will issue a form to any employee who exhausts their entitlement to Statutory Sick Pay, as they may be entitled to claim incapacity benefit from the DSS.

Without breaking any confidences, keep work colleagues informed of the employee's progress.

3.3 Return to Work

If regular contact has been maintained with the employee, then the Chief Executive Officer will know when they are going to return to work. The Chief Executive Officer may also have agreed a phased return to work, or temporary change of duties, which would have been confirmed in writing with a review date.

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No matter how short the period of absence, a meeting should be held to discuss reasons for absence and any self-certification forms completed. It is important to know whether the absence was work related, in order to reduce future absence. If it is work related, then other colleagues may also be facing similar problems and their health may become affected.

It is also the ideal opportunity to bring them up to date on what happened to their work while they were off, set some priorities to clear up any backlog and impart any other departmental 'news'.

The return to work meeting should be held in private, be undisturbed, and conducted in a sympathetic manner, without the employee being made to feel guilty about having been ill. It is an opportunity to show them that they have been missed, to discuss their level of sickness over the past 12 months and any patterns that appear to be forming.

When someone has been off sick for a very long period they need time to adjust and get back into a routine. They may be concerned that they will not be able to remember details of certain tasks, or that they may have problems with the computer system. To begin with they will need to feel encouraged and supported by the Chief Executive Officer and work colleagues, and not made to feel guilty about any extra work they may have caused by being off sick. This is easier if colleagues have been informed of their progress throughout the absence, encouraged to make contact, and they are advised of the return date.

If a temporary reduction in hours or partial duties were agreed, details should be covered at this meeting, and regular review meetings held, until the employee can once again work the full hours and complete the full duties of their post. If the person is struggling then the arrangements may need to be extended.

3.4 Monitoring Sickness Levels

If, following a return to work meeting, an employee's sickness continues to increase the following formal meetings should be held and, depending on the outcome of the meetings, the Stages for Managing Sickness Absence can be followed (Appendix A).

If an employee has more than 10 days of sickness absence in a 12 month period, the Chief Executive Officer will talk to them formally to find out if there is a problem. If the absence has been single days, the Chief Executive Officer may wish to commence Stage 1 of Managing Sickness Absence (Appendix A).

After 15 days of sickness absence in a 12 month period (whether long term or short term absences) the Chairman of the Council and/or the Leader of the Council will be informed and may discuss the matter with the employee to discover what the problem is, following discussion with the Chief Executive Officer. They may decide to commence Stage 1 of Managing Sickness Absence (Appendix A).

If an employee has over 20 days sickness absence in any one year, the problem of their sickness absence may be referred formally by the Chairman of the Council and/or the Leader of the Council to the Chief Executive Officer, for referral to the Council's Occupational Health Adviser, and Stage 1 of Managing Sickness Absence will be commenced (Appendix A).

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Commencement on the Stages for Managing Sickness Absence (Appendix A) is a management decision. The length of time quoted above is only a guide; it will depend on individual circumstances, and whether the absences are long term or a series of short term ones. However, once Stage 1 has commenced the Chief Executive Officer should follow the stages through to completion, unless the situation is resolved, when the Chief Executive Officer should reserve the right to recommence at the same point, if absence increases again or targets are exceeded.

3.5 Referral to the Council's Occupational Health Adviser

There are a number of reasons for referring an employee's medical condition to the Council's Occupational Health Medical Adviser. In the case of casual short term sickness (see Appendix A), it could be to discover if there is an underlying medical condition linking the various complaints.

In cases of serious ill-health (see Appendix B), it could be to try to ascertain a likely return date and whether that return should be phased. Alternatively, should partial or alternative duties be considered for a temporary period?

The Occupational Health Adviser can recommend reasonable adjustment to duties or redeployment to another position (see Appendix B). This would be for cases where the employee's medical condition constitutes a disability or where they can no longer fulfill the duties of their current post for health reasons.

In very exceptional circumstances, ill-health retirement can be considered to be the only option (Appendix B), as it is unlikely that the employee will be able to work in a comparable job before normal retirement age. The Occupational Health Adviser provides the Certificate of Permanent Ill-Health required by the Local Government Pension Scheme, to authorise payment of the pension.

Commented [SB6]: As above.

If any of the sickness levels mentioned in Monitoring Sickness Levels have been reached, it may be appropriate to refer an employee's health problems to the Occupational Health Adviser. This will be done through the Chief Executive Officer. The Council can require any employee to have a medical examination at any time during their employment.

If the sickness absence is due to a routine operation or a straightforward broken bone, recovery time can be estimated fairly accurately by the employee's Doctor, and referral to Occupational Health may not be appropriate, unless complications are identified and their return to work is delayed.

Results of a referral to the Occupational Health Adviser are sometimes delayed, due to the time it takes to obtain a Consultant's report. However, referrals are worthwhile as they provide a medical opinion, on which to base management decisions, such as target setting, making reasonable adjustments or considering redeployment.

It is conceivable that there may be times when referral could cause distress to the employee and even be detrimental to their recovery (i.e. long-term disability, mental health, ill health).

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In such a case referral may be delayed to a time when it can be more accepted, and then approached with tact and diplomacy, but unnecessary delays should be avoided.

For referral, the employee will need to complete a Medical Report Request Form giving their permission for the Occupational Health Adviser to contact their Doctor direct. A copy of the form is attached as Appendix C. If they have indicated that they wish to see the report, it will be retained by the Doctor for a maximum of three (3) weeks. If an employee withholds this consent then a management decision will have to be made on the strength of the available evidence.

Appointments with the Occupational Health Adviser are made by the Chief Executive Officer. When medical opinion has been received a copy of the letter is sent to the Chief Executive Officer and the employee. The Chief Executive Officer can then arrange a meeting, to discuss its contents with the employee.

Any management decisions need to be made with the Chairman of the Council and/or the Leader of the Council, and with the involvement of the Chief Executive Officer.

3.6 Following Referral

When a report has been received from the Occupational Health Adviser, then a further meeting will be held.

If, in the case of short term absences, the medical opinion is that there is no underlying problem then attendance targets can be set and the situation periodically reviewed. Any agreed targets and review dates should be confirmed in writing to the employee, see Appendix A.

After long term sickness the meeting will be to discuss the Occupational Health Adviser's recommendation. This could lead to a phased return to work, or different duties agreed for a temporary period. This should be confirmed in writing and a review date set.

If the Occupational Health Adviser recommends any adjustments to the work or working environment, they must be considered and discussed with the Chief Executive Officer.

If the Occupational Health Adviser feels that the employee will never be able to resume their full duties, even with reasonable adjustment, then redeployment must be considered. If the condition does not constitute a disability it would be treated as though it is for the purposes of this Policy (see Appendix B).

If the Occupational Health Adviser considers that the employee will not be fit enough to work in their current position before normal retirement age, or any comparable job in the Council, he/she will issue a Certificate of Permanent Ill-Health. This authorises the Local Government Pension Scheme to release the employee's pension, irrespective of age, with no associated cost to the Council.

If a decision is made to terminate the employee's employment without this Certificate, then their pension will be frozen until normal retirement age.

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Ill-health retirement is a dismissal under employment law, and must be carried out by a Members Panel. A separate formal meeting is necessary for this, and the employee has a right to be accompanied by a Trade Union representative, or an employee of BTC. The Chief Executive Officer will also attend the meeting, with a breakdown of the pension figures, final salary details, etc. The Chief Executive Officer will advise on termination date and any outstanding holiday entitlement. The employee has a right of appeal against dismissal.

Ill-health retirement and dismissal on the grounds of ill-health will always be with the relevant contractual or statutory notice, whichever is the longer period, with full pay during the notice period even if the entitlement to sick pay has been exhausted.

3.7 Performance Problems

If an employee appears to be experiencing difficulty in performing their tasks, or is behaving out of character, ill-health should be considered, even though they may not have taken any sick leave.

Medication could be preventing concentration, or they may have a disability, which has developed to a stage where they are no longer able to fulfill the full duties of their post to the required standard.

They need to be given an opportunity to speak to the Chief Executive Officer about any problems or concerns. This should be an informal discussion in the first instance. If they feel unable to speak to the Chief Executive Officer about the problem, then they can contact the Chairman of the Council and/or the Leader of the Council.

Referral to the Council's Occupational Health Adviser and/or temporary or permanent reasonable adjustment to their duties should be considered.

Any future action should follow those set out in this Policy, see Appendix B.

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