

Sickness Procedure

Introduction

Note: All key points in this document relate to the 'Key Points - Employment Procedures' document available from the [Employee relations procedures page on the Bexley website](#).

Step 1 - Informal resolution – options to resolve concerns include

- Refer to informal options process in MyView.
- Sickness Return to work reviews should take place after all absences.
- Discuss absence levels with the Employee where they appear on the sickness absence trigger reports.
- Is Occupational Health advice is needed? Discuss the advice with the Employee where appropriate.
- During informal 1 to 1/supervision meetings discuss any absence/health related concerns.
- Escalate to Step 2 where despite informal action absence levels are of concern and advise the Employee.

Step 2: Invite the Employee to a Stage 1 Review and include

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2).

- 7 calendar days' notice of the meeting.
- The right to be accompanied by a work colleague or trade union representative.
- Where the companion is not available, reschedule if an alternative time is suggested.
- Identify whether the Employee is a trade union official.
- Give background information with details of any measures, adjustments and/or support provided.
- Provide a copy of Occupational Health Report (where relevant and advice is available).

Step 3: Hold the Stage 1 Review and consider

- The latest medical advice and the prognosis for return or improvement in absence levels (where available) (see key point 11).
- The information provided by the Employee and/or their companion.
- The support and assistance/adjustments previously provided to assess what impact it has had.
- What on-going support, adjustment and/or assistance may be required.

Step 4 – Consider the following before deciding the outcome

- Is an improvement likely to be achieved/sustained within a reasonable period?

- What information/advice is available from Occupational Health.
- Has medical advice recommended that the Employee is permanently incapable of carrying out their duties.
- What impact is the level of absence having on service delivery.
- Has the Employee's explanation and any mitigation/special circumstances been considered.
- Has the Employee's previous sickness absence/service record been considered.
- Is the action contemplated consistent with similar cases?
- Is further adjustment/support/advice available and is it likely to result in an improvement.
- Escalate to a Final Review if an Ill Health Retirement recommendation has been made.

Step 5 – Decide the outcome and notify Employee – include (where appropriate)

- An updated/new action plan setting out the improvement required within timescales (see key point 21).
- The support and/or assistance/adjustment to be provided, which may include obtaining medical advice
- The timescales/date(s) when a further review will take place
- If appropriate issue a Formal Notification which will remain in place for 12 months (see key points 13-14).
- Provide the right to appeal where a Formal Notification is issued.
- Where a Formal Notification is issued decide whether fit notes for further periods of absence should be provided.
- Escalate to a Final Review if an Ill Health Retirement recommendation has been made.

Step 5(a) – Employee appeals a Formal Notification (where relevant)

- Employee sets out reason for appeal.
- Invite the Employee to attend an appeal hearing with the right to representation (see key point 1).
- Decide if any further/updated information is required before hearing the appeal.

Step 5(b) – Hear the appeal and decide the outcome (where relevant)

- Hear the appeal without unreasonable delay (see key points 17-19).
- Notify the individual formally of the outcome.
- Record the outcome.

- Advise the Employee that there is no further right of appeal.

Step 5(c) - Reconvene a Stage 1 Review (where appropriate)

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2)

- If there has been satisfactory improvement within agreed timescales sign off and notify the Employee.
- Issue a Formal Notification where improvements have not been met/sustained and one has not been issued.
- Provide the updated/new action plan setting out the improvement required with timescales (see key point 21).
- Escalate to a Stage 2 Review if improvements have not been met/sustained to an acceptable level despite a FN.

Step 6 – Invite the Employee to a Stage 2 Review and include

Where the Employee is a trade union representative the TU Regional Office should be notified subject to the Employee's permission (see key point 2).

- 7 calendar days' notice of the meeting.
- The right to be accompanied by a work colleague or trade union representative (see key point 1).
- Where the companion is not available, reschedule if an alternative time is suggested see (key point 1).
- Background information with details of any measures, adjustments and/or support previously provided.
- A copy of up to date Occupational Health advice and any other information/advice available (see key point 3).

Step 7 – Hold the Stage 2 Review and discuss (where appropriate)

- The measures, adjustments and/or support that were put in place to achieve the required improvement (see key point 11).
- The information provided by the Employee and/or their companion.
- The latest medical advice.
- The impact the absence is having on the service delivery.
- What on-going measures, adjustments and/or support may be required including whether further advice is needed.

Step 8 - Consider the following before deciding the outcome

- Is an improvement likely to be achieved/sustained within a reasonable period?
- What information/advice is available from Occupational Health and is additional information/evidence needed (see key point 3).
- Has medical advice recommended that the Employee is permanently incapable of carrying out their duties.
- What impact is the level of absence having on service delivery.
- Has the Employee's explanation and any mitigation/special circumstances been considered.
- Has consideration been given to the Employee's previous sickness absence/service record Is the action contemplated consistent with similar cases.
- Is further adjustment/support available and are they likely to assist and/or improve attendance.
- In cases of potential dismissal is there is an alternative e.g., could redeployment achieve the improvement (see key point 8).

Step 9 – Decide the outcome of the Stage 2 review and notify the Employee – options include

- Reaffirm the first stage FN with a further monitoring period with timescales for review and the right of appeal.
- Issue a Final Formal Notification with a further monitoring period and timescales for review with the right of appeal.
- Termination of Employment. Provide the right of appeal.

Step 9(a) – Employee Appeals (where appropriate)

- Employee sets out reason for appeal (see key points 17-19).
- Invite the Employee to attend appeal hearing with right to representation (see key point 1).

Step 9(b) – Hear the Appeal and Notify the Employee without unreasonable delay (where relevant)

- Hear the appeal without unreasonable delay (see key points 17-19).
- Notify the Employee formally of the outcome and advise that there is no further right of appeal.
- Record the outcome Record.

Step 10 - Reconvene a Stage 2 Review (where appropriate):

- Invite the Employee and their representative to a re-convened Stage 2 (Final) Review – follow Steps 6 – 10.