

LONG-TERM ILL-HEALTH – POLICY AND PROCEDURE – CONTENTS PAGE

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LONG-TERM ILL-HEALTH – POLICY AND PROCEDURE

1.0 INTRODUCTION

- 1.1 The Long-Term Ill-Health Policy applies to all employees of Barnsley Metropolitan Borough Council including those employed in locally-managed Schools (subject to adoption by the Governing Body). This policy has been developed in consultation with guidance produced jointly between the CIPD, the Health and Safety Executive and ACAS. This policy has been agreed with the relevant Trade Unions.
- 1.2 Long-term ill-health is defined as absence of four or more consecutive weeks.
- 1.3 The Council aspires to be a caring and supportive employer, which is sensitive to the needs of employees with health problems and understands that there are occasions when employees are absent due to sickness.
- 1.4 The guidelines in this policy provide a framework for Managers/Headteachers and supervisors to enable them to positively manage long-term ill-health and provide employees with support strategies in order to help facilitate their return to work.
- 1.5 The primary aim in dealing with cases of long-term absence should be to facilitate the employees return to work at the earliest reasonable point. Employees should be treated fairly and consistently. The Council recognises that the reason for each employee's absence will be different as will any underlying problems, so each case must be treated individually but within the framework of this policy.
- 1.6 Failure of any employee to comply with this policy may be deemed as a contravention of the terms and conditions of the National Joint Council for Local Government Services (Part 2, paragraph 10.10, Part 3, paragraph 4.2) and the Conditions of Service for School Teachers in England and Wales (Section 4, paragraph 8.1) and may result in suspension of Occupational Sick Pay. It may also be construed as a breach of contract. In addition disciplinary action may also be taken if it is determined that an employee has abused the scheme.

2.0 LONG-TERM ILL-HEALTH – THE PROCESS

2.1 Absence Notification

- 2.1.1 Employees who are absent from work because of sickness must keep their Manager/Headteacher or designated officer fully informed. When employees are absent from work due to illness they must follow the procedure 'What to do if I am ill'.
- 2.1.2 Employees must produce a Statement of Fitness for Work (please refer to [Managers/Headteachers Guidance Notes](#) for further information) within 5 days of their 8th day of absence and within 5 days of the expiry of their previous medical statement. Medical statements produced late should be dated to ensure that they cover the whole period of the absence. Medical statements should be sent to the employee's Manager/Headteacher at their work address. Managers/Headteachers must ensure that any medical statements are forwarded promptly to Pay Services/Payroll Provider. Employees who regularly fail to produce medical statements on time or who fail to submit medical statements may have their Occupational Sick Pay suspended. This may also be construed as breach of contract. Please refer to point 1.6.

2.1.3 Employees must ensure that they inform their Manager/Headteacher if they are absent from work as a result of an accident or injury caused by another person (third party) e.g. road traffic accident. For further information please refer to Section 4.16, Insurance Claims.

2.2 **Early intervention and Support**

2.2.1 Early intervention and support offered to employees who are absent may aid an employees recovery and help facilitate an early return to work.

2.2.2 Where an employee has been absent for 7 days it is recommended that the Line Manager/Headteacher issues a letter of support to the employee. Please refer to example letter [LTIHL1](#).

2.3 **Trigger Points for Referral to Occupational Health (Flow Chart 1)**

2.3.1 Employees who are absent for four or more consecutive weeks.

2.3.2 Employees who produce a medical statement which indicates that the length of absence will exceed four weeks.

2.3.3 Employees whose reason for absence would benefit from early intervention e.g. absences related to stress, other mental health problems or musculo-skeletal conditions etc. For further information on stress and tackling stress please visit the [Employee Wellbeing](#) site via the Barnsley Council Corporate Intranet

2.4 **Preparing for the Long-Term Ill-Health Review Meeting**

2.4.1 Employees who hit any/all of the triggers for long-term ill-health, as specified above, must be invited in writing by the Manager/Headteacher to a long-term ill-health review meeting and be referred to the Occupational Health Unit.

2.4.2 Employees must be given 5 working days notice, in writing, of the requirement to attend a long-term ill-health review meeting.

2.4.3 The invitation letter to attend a long-term ill-health review meeting must contain the following information:

- Purpose of meeting
- Time of meeting
- Location
- Details of who will be present
- Advice in respect of the right to representation
- Reference to the enclosed copy of this procedure

Please refer to example letter [LTIHL1A](#).

2.4.4 Long-term ill-health review meetings should take place on Council premises, this does not have to be the employee's normal place of work. Only in **exceptional** circumstances should home visits be undertaken e.g. when an employee is confined due to their illness or disability.

2.5 **Long-Term Ill-Health Review Meeting**

2.5.1 At the long-term ill-health review meeting the Manager/Headteacher must:

- Gather details of the employee's absence and establish the current position
- Determine the likely length of the absence
- Establish if the employee is undertaking any treatment plans
- Offer support e.g. counselling
- Explain the referral process
- Complete a [Management Referral Form](#) along with a [Task Analysis](#) document obtaining the employee's signature
- Explain the process for requesting annual leave whilst absent due to sickness

2.6 **Actions Following the Long-Term Ill-Health Review Meeting**

2.6.1 Following the long-term ill-health review meeting the Manager/Headteacher must:

- Write to the employee confirming the discussions that have taken place. The letter should:
 - Detail who was present at the meeting
 - Indicate the time, date and location of the meeting
 - Summarise the discussions that took place confirming the current position and including details of any planned medical appointments, treatment etc.
 - Specify any agreed action points
 - Include a copy of the completed Management Referral Form and Task Analysis document
 - Include two copies of the letter, one for the employee to sign and return to the Manager/Headteacher to confirm that the letter forms an accurate reflection of the discussions that took place, the other copy should be retained by the employee for their records.

Please refer to example letter [LTIHL 2](#).

- Forward the completed Management Referral Form to the Occupational Health Unit either in hard copy (PO Box 680, Barnsley, S70 9JF with the envelope clearly marked "To Be Opened by Addressee Only") or electronically (Occupational Health Unit Referrals). The Manager/Headteacher must also include the task analysis document, job description/employee specification and a copy of the employee's sickness record for the past two years.

2.6.2 In the case of Schools using external Human Resources Providers then referrals should be made via their providers Occupational Health Unit facility in accordance their service level agreement.

2.7 **Occupational Health Referral**

2.7.1 On receipt of the management referral the Occupational Health Unit will write to the employee to confirm the date and time of appointment. A copy of the letter will be sent to the Manager/Headteacher.

2.7.2 Where an employee is unable to attend their appointment with Occupational Health then they are required to contact their Manager/Headteacher explaining why they are unable to attend. Where the non-attendance relates to a medical reason the Manager/Headteacher should contact the Occupational Health Unit for further advice. In all other instances where the Manager/Headteacher agrees the reason for non-attendance is acceptable then the Manager/Headteacher will contact the Occupational Health Unit and arrange for a new appointment to be made. Where a Manager/Headteacher does not accept the reason for non-attendance then they will advise the employee of the requirement to attend. Employees should be aware that failure to attend Occupational Health appointments without a valid reason may be construed as abuse of the Council's sickness schemes and disciplinary action may be taken (please refer to section 1.6).

2.7.3 In certain circumstances e.g. where an employee is absent due to work related stress or where the absence is due to a musculoskeletal injury; an early referral to the Occupational Health Unit is recommended.

2.8 **Occupational Health Assessment**

2.8.1 The employee will be reviewed by the Occupational Health Unit and a medical report/opinion provided to the Manager/Headteacher as to the employee's fitness to undertake the duties of the post. Further advice may be sought from the employees' General Practitioner/Specialist.

2.8.2 In cases where it is difficult to determine an agreed course of action and there is no clear indication of a return to work date it is recommended that the Line Manager/Headteacher request a case conference (please refer to section 2.9) to review the facts of the case and determine an appropriate action plan.

2.9 **Case Conference**

2.9.1 The purpose of a case conference is to review the known facts of the case analysing the underlying cause of the absence and developing an action plan in an attempt to facilitate the employee's return to work. If the absence continues and all alternative avenues have been exhausted, the discussion will need to address the termination of employment.

2.9.2 Case conferences involve a 'round the table' discussion and should be conducted on a two part basis. They may not be suitable in all situations and their appropriateness should be determined on a case by case basis by the Manager/Headteacher in consultation with the Human Resources Link Advisor/Provider.

The first part of the case conference may involve discussions between the following parties:

- Line Manager/Headteacher,
- Occupational Health Representative,
- Council's Legal Representative,
- Human Resources Link Advisor,
- Council's Health and Safety representative (where appropriate)

2.9.3 The employee and their trade union representative will be invited to attend the second part of the case conference. The employee's line Manager/Headteacher must be in attendance and representation at the second part of the case conference may also be made from any of the above parties; this should be determined on a case by case basis.

- 2.9.4 In all cases an employee's written consent to release medical information is required so that full contents of the case can be freely discussed between all parties; this will be discussed with the employee by the Occupational Health Physician/Nurse. Where an employee does not consent to the release of their medical information then the case conference will still proceed with the information available at that time.
- 2.9.5 The Manager/Headteacher must ensure detailed notes of the discussions and outcomes are taken; these must be agreed and signed by all parties in attendance as confirmation of the discussions that have taken place. These notes may be relied upon as evidence at any dismissal hearing or as part of an Employment Tribunal case.
- 2.9.6 It is the responsibility of the Manager/Headteacher requesting the case conference to make the necessary arrangements which include:
- Inviting the appropriate parties. Ensuring that all parties are fully aware of the reason for the case conference (see point 2.9.7)
 - Agreeing a suitable date convenient for all parties
 - Booking a suitable venue
 - Arranging appropriate administrative support
- 2.9.7 The employee is required to attend the case conference in writing once a date, time and venue have been arranged. When inviting the employee to the case conference the invite letter must contain the following information:
- Purpose of meeting
 - Time of meeting
 - Location
 - Details of who will be present
 - Advice in respect of the right to representation
 - Reference to the enclosed copy of this procedure

Failure of an employee to attend the case conference, without a justifiable reason, may result in the suspension of Occupational Sick Pay.

Please refer to example letter [LTIHL 3](#).

2.10 **Occupational Health Assessment - Findings**

- 2.10.1 Following receipt of the Occupational Health Report the Manager/Headteacher must arrange a long-term ill-health review meeting to discuss the outcome of the referral that was made to the Occupational Health Unit. The letter should include:
- Purpose of meeting
 - Time of meeting
 - Location
 - Details of who will be present
 - Advice in respect of the right to representation
 - Reference to the enclosed copy of the Occupational Health report

Failure of an employee to attend long-term ill-health review meetings may result in suspension of Occupational Sick Pay.

Please refer to example letter [LTIHL 4](#).

- 2.10.2 The Occupational Health report may provide an outcome or may suggest that further review appointments are necessary, this could be to allow for a course of treatment or to allow for further information from the employees General Practitioner or Specialist to be obtained. In any case Managers/Headteachers are expected to continue to maintain contact and hold regular long-term ill-health review meetings with the employee.
- 2.10.3 If an outcome has been given then based on the information received from Occupational Health the Line Manager/Headteacher will need to consider one of the following outcomes:
- **Employee fit to return to work ([Flow Chart 2](#))**
- 2.10.4 Where the Occupational Health report indicates that the employee is fit to return to work a long-term ill-health review meeting must be arranged (please refer to example letter [LTIHL 4](#), see section 2.5) to inform the employee of the medical assessment outcome. A return to work date must be agreed. This may include a possible phased return (please refer to section 3.0 for further information) where recommended by the Occupational Health Physician/Nurse.
- 2.10.5 If the employee disputes the findings of the Occupational Health Nurse/Physician and continues to submit medical statements from their General Practitioner, then a case conference must be convened between all interested parties and a decision reached as to the appropriate course of action. This could involve obtaining further specialist reports, discussing a phased return arrangement; however it could also result in a decision to terminate the employee's employment.
- 2.10.6 Where an employee returns to work the Manager/Headteacher should conduct a return to work meeting on the employee's first morning/shift back. Please refer to Section 5 of the [Managing and Supporting Attendance at Work Policy and Procedure](#) for further guidance.
- **Employee fit for current role with reasonable adjustments ([Flow Chart 3](#))**
- 2.10.7 An employee may be experiencing difficulties with doing all the tasks required by their current job or in coping with the work situation. These difficulties may be permanent or temporary. Consideration will be given as to whether there are any ways in which the employee can return to their current job and whether any adjustments are required. Possible adjustments within the current job include phased returns, reduced or changed hours or changes in work location or practices. The employees General Practitioner may also suggest ways of helping an employee get back to work. For further information on reasonable adjustments please refer to Section 3.0.
- 2.10.8 Where the employees General Practitioner has made recommendations the Manager/Headteacher should discuss the General Practitioners recommendations with the employee and give due consideration to implementing these to allow the employee to return to work. Some adjustments recommended on the 'fit note' will be simple and straightforward, and the Manager/Headteacher will be able to agree then immediately e.g. altering working hours to allow the employee a later start or an earlier finish, minor adjustment to duties, a standard phased return lasting no more than 4 weeks etc.
- 2.10.9 Other adjustments will be more complex, contentious or for a longer term i.e. where the General Practitioners recommendations are for changes lasting more than 4 weeks. In such cases input/advice must be sought from the Human Resources Link Advisor/Provider, Occupational Health Unit/Provider and/or Health, Safety and Emergency Resilience Unit/Provider. Where advice is sought the Manager/Headteacher should ensure that the employee is kept up to date of the situation and should refrain from implementing any adjustments until advice is forthcoming.

- 2.10.10 On occasion it may be necessary for the employee to attend for an occupational health assessment to determine whether the General Practitioners recommendations are acceptable. The Manager/Headteacher must ensure that the Occupational Health Unit/Provider is fully informed, via the referral form, of any service specific constraints which may impact on the return to work by the employee. In such circumstances the adjustments should not be implemented until the outcome of the occupation health assessment is established.
- 2.10.11 When determining the action as a result of advice given on a fitness Statement, the Manager/Headteacher will need to consider whether a revised workplace risk assessment is required and to keep it under review.
- 2.10.12 Managers/Headteachers are expected to accommodate all reasonable adjustments. The Manager/Headteacher may wish to discuss any recommendation for reasonable adjustments with the Human Resources Link Advisor/Provider. The Manager/Headteacher should then write to the employee advising them of the requirement to attend long-term ill-health review meeting (please refer to example letter [LTIHL 4](#), see section 2.9) to discuss the medical assessment outcome and proposed adjustments, a return to work date must be agreed.
- 2.10.13 In instances where the Manager/Headteacher agrees to altered hours, a phased return or amended duties the employee will receive normal contractual pay for the first four weeks. Managers/Headteachers should discuss continuing adjustments beyond four weeks and the pay situation with their Human Resources link advisor prior to any further agreement.
- 2.10.14 The Manager/Headteacher will ensure that adjustments, where possible, are in place prior to the employees return, which may be on a phased return basis. Any rehabilitation requirements must be monitored during the employees return to work.
- 2.10.15 If the General Practitioner has advised that the employee 'may be fit for work', and the Manager/Headteacher cannot make the adaptations or adjustments to help a return to work, the Manager/Headteacher must write to the employee to inform them of their requirement to attend a meeting (please refer to example letter [LTIHL 4](#), see section 2.5) and he/she should explain the difficulties in accommodating the adjustments to the employee and then use the Statement as if the General Practitioner had advised 'not fit for work'. The employee does not need to go back to their General Practitioner for a new Statement to confirm this.
- 2.10.16 If the Manager/Headteacher is unable to accommodate the adjustments suggested by the Occupational Health Unit and have a valid business reason to support this then the Manager/Headteacher should inform the Human Resources Link Advisor/Provider and the Occupational Health Unit. Where there is a valid reason as to why adjustments cannot be made the Manager/Headteacher should write to the employee advising them of a requirement to attend a meeting (please refer to example letter [LTIHL 4](#), see section 2.5) At the meeting the Manager/Headteacher must advise the employee of the medical assessment and the Manager/Headteacher's difficulties in accommodating the adjustments. A further referral to Occupational Health must be made, so that other adjustments, such as redeployment can be considered. Consideration should also be given to convening a case conference (see section 2.9) to discuss the difficulties in accommodating the recommended adjustments and to explore other reasonable adjustments. When all options have been explored and exhausted then consideration must be given to terminating the employee's contract on the grounds of ill-health. Please refer to [Appendix A \(i\) non-schools](#) and [Appendix \(ii\) schools](#) for the procedure that must be followed where it is necessary to terminate an employee's contract due to ill-health.

- **Employee unfit for current role but may be fit for redeployment ([Flow Chart 4A - non-schools](#) and [Flow Chart 4B - schools](#))**

2.10.17 Where adjustments in hours or work practices have proven unsuccessful or are inappropriate it is necessary to consider, in conjunction with Occupational Health, alternative employment opportunities for the employee. Redeployment must always be considered before dismissing an employee to ensure that the dismissal is fair and, in cases where an employee has a disability, to comply with the Disability Discrimination Act 1995 (amended 2005).

2.10.18 The employee will be required to attend a long-term ill-health review meeting (please refer to example letter [LTIHL 7](#)). At the meeting the employee must be advised that the Occupational Health Physician has determined that they are unfit for their current role but fit for redeployment, the employee must be given the opportunity at the meeting to respond/comment on the findings/recommendations detailed in the Occupational Health report. The employee must be advised that the Council's policy on the Redeployment and Protection of Earnings (Section 4) will apply and that they will be placed on the Council's 'At Risk' register. Please see Appendix (i) non-schools and Appendix (ii) schools for the procedure that must be followed.

- **Employee unfit for any work for the foreseeable future ([Flow Chart 5A – non – schools](#) and [Flow Chart 5B - schools](#))**

2.10.19 Where the Occupational Physician recommends that the employee is unfit for any work for the foreseeable future then the Manager/Headteacher will write to the employee to inform them of their requirement to attend a meeting (please refer to example letter [LTIHL 5](#)) and the employee will be informed of the Occupational Health Physicians findings and the intention to terminate the employees contract on the grounds of ill health. Please refer to [Appendix A\(i\) non-schools](#) and [Appendix A\(ii\) schools](#) for the procedure that must be followed where it is necessary to terminate an employees contract due to ill health.

2.11 **Notice Pay**

2.11.1 When the full procedure has been exhausted and an employee is given notice to terminate their employment with the Council they will be entitled to 1 weeks paid notice for every completed year of Local Government service, up to a maximum of 12 weeks.

2.11.2 In accordance with the Conditions of Service for School Teachers in England and Wales teaching staff are under a minimum of two months notice, and in Summer term three months, terminating at the end of the school term. In the case of Headteachers an additional one month should be added to the above timescales. Where a teacher has been continuously employed for more than eight years he/she shall be entitled to receive additional notice, as specified in the Employment Rights Act 1996.

2.12 **Release of Pension Benefits**

- **Local Government Pension Scheme (LGPS)**

2.12.1 The LGPS provides for a multi-tier system in relation to ill-health. For LGPS members' who wish to make an application for early release of their pension following termination of their contract on grounds of ill-health please refer to [Appendix B\(i\)](#).

- **Teachers' Pension Scheme (TPS)**

2.12.2 In the case of Teachers, Teachers' Pensions medical advisors will assess a member's application and make recommendation on whether to grant ill-health benefits. The Teachers' Pension Scheme provides two levels of ill-health retirement benefits that may be paid. For further information please refer to www.teacherspensions.co.uk. For further guidance on applying for ill-health benefits please refer to [Appendix B\(ii\)](#).

2.13 **Resignation**

2.13.1 There may be occasions where an employee suffering from ill health may choose to resign, this is a matter of their own personal discretion however Managers/Headteachers must ensure that employees who choose to resign because of ill health are fully aware of the options available to try and retain employees in employment, such as adjustments to the job, phased returns, redeployment, flexible retirement etc (subject to medical advice).

3.0 **REASONABLE ADJUSTMENTS**

3.1 **Disability Discrimination Act 1995 (amended 2005)**

3.1.1 Particular consideration should be given to employees whose reason for absence fall within the definition of the Disability Discrimination Act 1995 (amended 2005). Disabled under the meaning of the Act is a 'physical or mental impairment' that has a 'substantial and long term adverse affect' on the ability of the employee to carry out 'normal day to day activities'. The Occupational Health Unit will advise whether the employee's condition falls under the Disability Discrimination Act and will advise of reasonable adjustments to enable the employee to continue working. The Disability Discrimination Acts are available from the website of the Office of Public Sector Information www.opsi.gov.uk

3.1.2 Any employee who becomes disabled during their employment as defined by the Disability Discrimination Act 1995 (amended 2005) should make arrangements for their SAP record to be updated by completing a [Change in Personal Circumstances Form](#). This will assist with the Council's equalities monitoring which is a statutory process.

3.2 **Supporting Disabled Employees at Work and WORKSTEP**

3.2.1 In certain cases external funding for adjustments may be available through schemes such as Access to Work and WORKSTEP. For further guidance on these schemes please refer to the Council's policy on [Supporting Disabled Employees at Work](#) or visit www.direct.gov.uk.

3.3 **Disability and Impairment Related Leave Policy**

3.3.1 Disabled employees who are fit to be to be at work i.e. not sick but are absent from work for reasons related to their impairment and resulting disability can apply for Disability Leave. For further information please refer to the [Disability and Impairment Related Leave Policy](#).

3.4 **Phased Returns**

3.4.1 Where an employee has been absent from work for a considerable period but is ready to return, or the absence is related to an accident or surgery, a phased return to work may be the best way of reintroducing an employee back into the workplace.

- 3.4.2 A phased return will form the basis of a rehabilitation program and will usually involve an alteration to normal work patterns, the most common of which will be either a temporary reduction in hours worked each day, or a temporary reduction in the days worked each week however a phasing in of duties may also be considered appropriate.
- 3.4.3 A phased return to work should not be open ended and the time span should be no longer than 4 weeks. A phased return may be extended on the recommendation of Occupational Health but should not last for more than 8 weeks in total. In all circumstances there must be an ongoing review throughout the whole of the phased return and an agreed end review date.
- 3.4.4 If, due to health reasons, the employee is experiencing difficulty continuing with a phased return, they must be referred to the Occupational Health Unit.
- 3.4.5 If the employee is absent because of illness on one of the days when he or she agreed to be at work during the phased return then this must be recorded as sickness absence.
- 3.4.6 Where an employee does not make a successful return to employment then the employee must be referred to Occupational Health Unit for a further assessment. Based on the recommendations of the Occupational Health Unit the appropriate course of action will then be taken.

4.0 **ADDITIONAL INFORMATION**

4.1 **Continuous Service**

- 4.1.1 Service accrues at all times during an absence due to sickness, paid or unpaid.

4.2 **Pay Implications**

- 4.2.1 Sick pay will be paid in accordance with the employees' conditions of service.

4.3 **Medical Certification**

- 4.3.1 Sick pay will only be paid where the process for certification of sickness has been followed, including when an employee is on notice of termination of employment through ill-health. Business Support Services (or the appropriate payroll provider where different) may be instructed not to pay sick pay to any employee who fails to produce medical statements in line with this procedure.
- 4.3.2 In order to ensure that sick pay is paid correctly to employees Managers/Headteachers must ensure that an employee's absence is recorded on the standard weekly absence return [AB1 \(Absence Return Form\)](#). This must be submitted on a weekly basis to Business Support Services (and the appropriate payroll provider if different) to ensure that accurate and up to date records are maintained.

4.4 **Leave Entitlements**

- **Employees who leave the Council**

- 4.4.1 In circumstances where an employee leaves the Council following a period of long term sickness absence, a payment in lieu of untaken leave as specified under the Working Time Regulations (currently 28 days per year including Statutory holidays – pro-rata for part time) should be made to the employee on termination. Where the absence spans more than one

leave year consideration must be made to any untaken leave to determine whether a payment relating to this leave is applicable.

- **Current employees whose absence commences and ends during the same annual leave year**

4.4.2 The employee whose absence commences and ends during the same annual leave year should take any outstanding contractual leave prior to the end of the current leave year. Where insufficient time remains the employee is allowed to carry over the remaining balance to be taken, where possible, prior to the end of May in the following leave year.

- **Current employees whose absence spans more than one leave year**

4.4.3 The employee has an entitlement to take all statutory leave as defined in the Working Time Regulations which is accrued whilst absent due to sickness, including that from previous leave years in addition to their contractual leave entitlement for the current leave year. They should take any outstanding leave prior to the end of the current leave year where possible. Where insufficient time remains the employee is allowed to carry over the remaining balance to be taken, where possible, prior to the end of May in the following leave year. It is expected that any outstanding leave is taken as leave however where it is unreasonable for accrued leave to be taken as leave then a payment in lieu in respect of outstanding leave may be made, this is at the discretion of the Manager/Headteacher.

4.5 **Sickness During Annual Leave/School Closure**

4.5.1 If an employee becomes ill whilst on annual leave/school closure, the absence can only be recorded as sickness after a medical statement has been provided. Should an employee's General Practitioner make a charge for a medical statement, the employee will be reimbursed subject to the provision of a receipt. Only at that point will leave be cancelled and credit given.

4.5.2 If an employee on Teachers Terms and Conditions is ill immediately preceding a school closure and has exhausted his/her pay entitlement, or is on less than full pay, and recovers during the period of closure, such a teacher shall be deemed, for the purpose of calculating the amount of annual salary due, to have returned to duty on the day he/she is authorised medically fit to do so by means of a doctors statement obtained for that purpose, provided he/she actually returns to duty on the first day after the period of closure. Where a teacher in these circumstances does not return to duty on the first day after the period of closure he/she shall refund such sum as the employer at their discretion may decide.

4.5.3 In cases where an employee on teachers terms and conditions has been absent for longer than 12 months and they are unlikely to return please contact your Human Resources Link Advisor/Provider for further guidance.

4.6 **Requesting Annual Leave During a Period of Sickness Absence**

4.6.1 If an employee wishes to holiday during a period of sickness absence they will be required to use annual leave. Authorisation must be sought from the employees line Manager/Headteacher. In accordance with the Council's annual leave policy an employee should wherever possible give at least 10 working days notice when submitting their leave card for approval. Continuing sickness absence will be recorded as such only if the employee provides evidence from their General Practitioner, before the holiday is taken, confirming that they are unable to work, and confirming that the holiday will be beneficial to their recovery. Should an employee's General Practitioner make a charge for medical evidence, the employee will be reimbursed subject to the provision of a receipt.

- 4.6.2 Where an employee takes a holiday and does not request annual leave this may result in the suspension of Occupational Sick Pay.
- 4.7 **Childcare Vouchers**
- 4.7.1 Childcare Vouchers will continue to be deducted from the employee's pay on a monthly basis. However, if sick pay has expired, then Childcare Vouchers will cease.
- 4.8 **Car Loans/Employee Development Loans**
- 4.8.1 Car loans/employee development loans will continue to be deducted from the employee's pay on a monthly basis. However, if sick pay has expired, the employee will instead be invoiced each month.
- 4.9 **Employees on Stage 1 or 2 of the Managing Attendance Policy**
- 4.9.1 Where an employee is on Stage 1 or Stage 2 of the [Managing and Supporting Attendance at Work - Policy and Procedure](#) and subsequently goes off sick on long-term ill-health, the Stage I / II monitoring period will be suspended and then resumed on return to work at the same point at which it was interrupted. Employees on long term absence should not be placed on any stage under the Managing and Supporting Attendance at Work Policy. This must be reviewed when the employee returns to work.
- 4.10 **Disciplinary Issues**
- 4.10.1 Where an employee is subject to a disciplinary sanction and subsequently is absent due to long-term sickness then the disciplinary sanction will be suspended for the period of the absence and will then be resumed on the employee's return to work at the same point which it was interrupted. For further guidance on sickness absence during the disciplinary process please refer to the Council's [Disciplinary Procedure](#).
- 4.11 **Cosmetic Surgery**
- 4.11.1 When an employee undergoes elective cosmetic surgery (e.g. laser eye surgery, facial surgery) this should not be classed as sickness absence unless specifically supported by a GP and/or Consultant. Annual leave or flexi leave must be taken or unpaid special leave may be granted and approval must be obtained in the normal way.
- 4.12 **Extension to Occupational Sick Pay**
- 4.12.1 Any extension to Occupational Sick Pay will only be made in exceptional circumstances and must be referred by the Executive Director of the Service to the Assistant Chief Executive Human Resources (and the Governing Body in the case of schools).
- 4.13 **Industrial Injury**
- 4.13.1 Any absence which an employee claims is due to industrial injury will be investigated and verified by the Manager/Headteacher including appropriate notification to the Health and Safety Unit, the incident will be recorded in the Corporate Accident Reporting System. Any employee who falsely submits that their absence is due to an accident at work or industrial injury, as proven through the further investigation, will be subject to the Council's/School's [Disciplinary Procedure](#).

4.13.2 Where an employee's absence is verified as detailed in 4.13.1 the absence will not be counted for the purposes of the sick pay scheme. The Manager/Headteacher must notify Business Support Services (and the appropriate payroll provider where different) that the employees absence is due to industrial injury. Similarly if it comes to a light at a later date that an employees absence is a result of an injury sustained at work then payroll must be notified accordingly. Where an employee is absent due to an industrial injury they will receive the same level/length of sick pay as for any other sickness absence but the absence will be treated separately. For accidents at work please refer to the [Health and Safety site, Accident/Incident Reporting, Recording and Investigation.](#)

4.14 **Infectious Diseases**

4.14.1 An employee who is prevented from attending work because of contact with an infectious disease, as determined by their General Practitioner or the Occupational Health Unit, shall be entitled to receive normal pay. The absence will not be counted for the purpose of the sick pay entitlement but will be counted as sickness absence. For further guidance relating to infectious diseases please contact the Occupational Health Unit.

4.14.2 Where an employee's absence is verified as detailed in 4.14.1 the absence will not be counted for the purposes of the sick pay scheme. The Manager/Headteacher must notify Business Support Services (and the appropriate payroll provider where different) that the employees absence is due to reportable infectious disease. Where an employee is absent due to a verified infectious disease they will receive the same level/length of sick pay as for any other sickness absence but the absence will be treated separately.

4.15 **Industrial Diseases**

4.15.1 Any absence which an employee claims is due to an industrial disease (as defined under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations) will be investigated by the Manager/Headteacher with the support of the Health, Safety and Emergency Resilience Unit (whom they need to notify of the absence and reported cause). The employee will be referred to the Occupational Health Unit for assessment and confirmation (or not) that the absence is indeed due to a reportable industrial disease. Where diagnosed, the disease will be recorded on the Council's accident recording database and notified to the Health and Safety Executive (HSE) by the Health, Safety and Emergency Resilience Unit.

4.15.2 Where an employees absence is verified as detailed in 4.15.1 the absence will not be counted for the purposes of the sick pay scheme. The Manager/Headteacher must notify Business Support Services (and the appropriate payroll provider where different) that the employees absence is due to industrial disease. Similarly if it comes to a light at a later date that an employees absence is a result of an industrial disease then payroll must be notified accordingly. Where an employee is absent due to an industrial disease they will receive the same level/length of sick pay as for any other sickness absence but the absence will be treated separately.

4.16 **Insurance Claims**

4.16.1 Employees must ensure that they inform their Manager/Headteacher if they are absent from work as a result of an accident or injury e.g. road traffic accident, sporting injury etc. Employees who are absent from work due to an accident or injury will be required to pay back their sick pay to the Council/School on receipt of any compensation/insurance payment.

4.17 **Sickness and Maternity Leave**

4.17.1 If an employee is absent due to a pregnancy related illness, within the 4 week period before the Expected Week of Childbirth, the Statutory Maternity Pay period and Maternity Leave start on the day after the first complete day of absence from work. For further guidance please refer to the Council's policy on [Maternity and Adoption Leave](#).

4.18 **Covering an Employees Absence**

4.18.1 In making temporary arrangements to cover the work of an employee absent as a result of long-term ill-health, Managers and Headteachers should observe the [Recruitment and Selection Policy](#) and seek advice from the Human Resources Link Advisor where necessary.

5.0 **MANAGING CHANGE**

5.1 Managers/Headteachers must ensure that employees who are absent from work due to ill-health are consulted with and kept informed of any proposed changes. For further information please refer to the Council's policy on [Managing Change](#) and the [Model Redundancy Policy and Procedure for Schools](#).

6.0 **FURTHER GUIDANCE**

6.1 Further advice on this policy can be sought from your Human Resources Link Advisor. In the case of Schools, contact will be with the Human Resources Link Advisor allocated to them in accordance with their Service Level Agreement. Where schools do not purchase the services of BMBC Human Resources, they should contact their Human Resources provider when dealing with cases of long-term ill-health.

7.0 **POLICY IMPLEMENTATION MONITORING**

7.1 Managers must complete the [Policy Implementation Monitoring Form](#) for those employees that they manage who are undergoing a formal procedure. Please refer to [Guidance Notes](#) for further information. For Schools purchasing BMBC Human Resources the schools team will supply any information required for SAP purposes. For schools that do not purchase BMBC Human Resources, the provider must supply information to BMBC Human Resources Manager.

8.0 **EQUALITY AND DIVERSITY**

8.1 This policy has been impact assessed by Human Resources, if on reading this policy you feel there are any equality and diversity issues, please contact your Directorate Human Resources Advisor who will if necessary ensure the policy is reviewed.

9.0

INCOME TAX AND NATIONAL INSURANCE CONTRIBUTIONS

9.1

There are no tax or national insurance contributions implications arising as a direct result of this policy. However, it should be noted that Statutory Sick Pay is subject to income tax and national insurance contributions and deductions will be made in the normal manner, subject to the levels and rates in force at the time payment is made. The income tax and national insurance contribution implications of other procedures mentioned in this document are contained within each of the individual procedures.

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