

## Long Term Sickness Absence Policy

22 Wilkinson Street, Sheffield, S10 2GB

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Last review	

### 1 Introduction

- 1.1 We are committed to dealing fairly and sympathetically with employees who are absent from work for long periods because of ill health and aim to assist them with their rehabilitation and eventual return to work. By implementing this policy, we aim to strike a reasonable balance between the pursuit of our operational needs and the genuine needs of employees to take time off work because of ill health.
- 1.2 This policy does not form part of an employee's contract of employment, and we reserve the right to amend or withdraw it at any time.

### 2 Scope

- 2.1 This policy covers long-term sickness absence, which is defined as an absence lasting at least twenty-eight (28) calendar days. We operate a separate policy on short-term sickness absence, which is defined as an absence lasting between one and twenty-seven (27) calendar days.
- 2.2 Where an employee is on long-term sickness absence, but returns to work for short periods, we reserve the right to continue to manage their sickness absence under this policy. This is to prevent us switching between this policy and our separate short-term sickness absence policy solely on the basis that an employee has returned to work for a short period.
- 2.3 This policy assumes that, if misconduct is suspected, our separate disciplinary procedure will apply, for example if there is evidence that:
- 2.3.1 absence is not genuine, or it is not for the reason provided;
  - 2.3.2 the employee is undertaking inappropriate activities while off sick, such as working for others.
  - 2.3.3 the correct sickness absence notification and evidence procedure has not been followed.
- 2.4 This policy applies to employees only and does not apply to contractors, volunteers, agency workers or any self-employed individuals working for us.

### 3 Responsibilities

- 3.1 Employees are expected to:
- 3.1.1 provide medical evidence for sickness of more than seven calendar days (with sickness of seven calendar days or less being self-certified);
  - 3.1.2 continue to keep in touch with their Line Manager while unable to attend work;
  - 3.1.2 be honest with their Line Manager about the reason why they cannot attend work and how long they think the absence will last;
  - 3.1.3 do what is possible to enable a return to work, for example by following medical guidance, taking steps recommended by healthcare professionals during rehabilitation and not undertaking any activities while on sick leave that could exacerbate the health problem;
  - 3.1.4 tell their Line Manager of any extenuating circumstances, for example personal or family problems or an unmanageable workload;
  - 3.1.5 bear in mind that we may seek a medical report, for example from their doctor or our occupational health advisors;

- 3.1.6 cooperate with the possible implementation of any adjustments to job duties, hours or working conditions, particularly those suggested by a healthcare professional; and
- 3.1.7 attend a return-to-work meeting when returning to work following long-term sickness absence.

#### **4 Medical evidence**

- 4.1 All sickness that lasts longer than seven calendar days requires medical evidence with sickness of seven calendar days or less being self-certified.
- 4.2 This medical evidence will normally be in the form of a fit note, also known as a "statement of fitness for work".
- 4.3 As well as being issued by doctors, fit notes can be issued by nurses, occupational therapists, pharmacists, and physiotherapists who have assessed their fitness for work. Fit notes cannot be issued on request or via over-the-counter services without an assessment.
- 4.4 If the employee is absent for eight calendar days or more, their Line Manager must ensure that they provide a fit note as soon as possible. A fit note may state that the employee:
  - 4.4.1 is "not fit for work", in which case the employee should remain off work; or
  - 4.4.2 "may be fit for work" if the recommendations are followed. Example recommendations may include a phased return, amended job duties, altered hours, or workplace adaptations).
- 4.5 While there is no legal obligation to follow the recommendations, we will take the recommendations seriously and give fair consideration – in consultation with the employee as to whether any of the changes recommended can be accommodated.
- 4.6 The fit note will state the period that it covers, with a section for a start and end date. An employee on long-term sickness absence who is not returning to work on the next working day after the end date of the fit note must obtain a new fit note.

#### **5 Keeping in touch**

- 5.1 It is important that we maintain contact with an employee on long-term sickness absence to:
  - 5.1.1 monitor the employee's progress in terms of their return to health;
  - 5.1.2 support the employee and actively maintain their engagement with us;
  - 5.1.3 provide information to the employee so that they may make informed decisions, such as in relation to sick pay entitlement;
  - 5.1.4 provide practical support from our occupational health advisers;
  - 5.1.5 encourage a return to work as early as possible;
  - 5.1.6 facilitate a phased return to work if required, by making appropriate temporary or permanent adjustments; and
  - 5.1.7 ensure that the employee remains informed about events in the workplace.
- 5.2 It is the joint responsibility of both the Line Manager and the employee to maintain contact.
- 5.3 Once the employee reaches twenty-eight days continuous absence and is classified as being on long-term sickness absence the employee's Line Manager should make contact to agree the method and frequency of contact. Contact should be on a regular basis and recommended to be at least weekly.

#### **6 Home visits**

- 6.1 In some circumstances, contact with an employee on long-term sickness absence can be maintained via home visits. Home visits will take place only with the prior consent of the employee and at mutually agreed times.

- 6.2 Home visits will be conducted by the employee's Line Manager or a more senior manager. The Line Manager or more senior manager may be accompanied by another manager or mutually agreed appropriate person. Where the employee is female, at least one of the visitors will always be female.
- 6.3 The employee may be accompanied during the visit if they wish, for example by a family member or an employee representative.
- 6.4 If the employee would prefer our representative not to visit them in the home, another location near the employee's home, such as a local café, could be mutually agreed. *We operate a separate policy setting out the structure of a home visit to an employee on long-term sickness absence.*

## **7 Sick pay**

- 7.1 Eligible employees are entitled to statutory sick pay (SSP), provided that they follow our usual notification and evidence requirements.
- 7.2 The employee is entitled to SSP where they have a period of sickness absence from work of at least four calendar days in a row and three "waiting days" (days on which the employee would usually be required to work) have passed.
- 7.3 Statutory sick pay is payable for up to 28 weeks in any one period of sickness absence, at a weekly rate set by the Government for the relevant tax year.
- 7.4 Employees are required to provide a fit note for absences of eight calendar days or more. We will withhold SSP if the employee is absent without a fit note for more than seven days during a period when they are required to provide a fit note.

## **8 Holiday during sick leave**

- 8.1 An employee who is absent on sick leave will continue to accrue their statutory annual leave entitlement and will be given the opportunity to take this at a later date, including in the subsequent leave year, if they are unable to take it due to being on sick leave.
- 8.2 An employee on sick leave may apply to take their holiday entitlement while on sick leave. The holiday dates must be approved by their Line Manager.

## **Medical advice**

### **9 Occupational health referrals**

- 9.1 At various stages of managing the employee's sickness absence, we may want to obtain advice on the employee's fitness for work from occupational health advisers.
- 9.2 Examples of when we might refer to occupational health include to:
- 9.2.1 seek a medical report on the employee;
  - 9.2.2 establish when the employee might be able to return to work;
  - 9.2.3 ask for guidance on the employee's condition, for example if there is a possibility that the employee is disabled or ambiguity as to the exact nature of the condition; and
  - 9.2.4 discuss any adjustments that could be made to accommodate the employee's disability if the employee is disabled.
- 9.3 We will treat personal data collected during the absence management process in accordance with our data protection policy and policy on processing special categories of data.

9.4 Information about how an employee's data is used and the basis for processing their data is provided in our employee privacy notice.

## **10 Report from a medical practitioner who has been responsible for the employee's clinical care**

10.1 Where we feel a report from an employee's medical practitioner is necessary, the employee will be informed of their rights under the Access to Medical Reports Act 1988 and their permission will be sought for the report to be obtained.

10.2 Permission from the employee will be sought using the relevant consent form.

10.3 The employee has the right to access the report before we see it.

10.4 If the employee wishes to see the report, they should inform us of this, so that we can inform the medical practitioner. The employee will then have 21 days from the date of making the application for the report to contact the medical practitioner to see the report. If the employee does not contact the medical practitioner within this period, the medical practitioner can pass the report on to us.

10.5 When requesting a report, we will provide the medical practitioner with as much information as possible on the role of the employee and explain why the report is being sought. We will provide the medical practitioner with:

10.5.1 a copy of the employee's signed form consenting to the request to seek a medical report;

10.5.2 confirmation the employee is aware of their rights under the Access to Medical Reports Act 1988;

10.5.3 details of the major features of the employee's job.

10.6 We will ask the medical practitioner to identify:

10.6.1 the nature of the employee's illness or injury;

10.6.2 when the employee is likely to be fully fit to resume their normal duties;

10.6.3 if the employee is unfit to resume normal duties what alternative duties might they undertake;

10.6.4 when the employee is likely to be fit to undertake any alternative duties;

10.6.5 the likelihood of recurrence of the illness or injury once the employee has returned to work.

10.6.6 what reasonable adjustments could be made to working conditions or work premises to facilitate a return to work;

10.7 Where the employee refuses us permission to contact their medical practitioner, we will explain to the employee the reasons behind the request and inform the employee that a decision relating to their employment may be made without the benefit of access to medical reports.

10.8 The same procedure will be followed where the employee delays in giving their consent.

10.9 Where the employee feels that the report is misleading or incorrect, they may ask the medical practitioner to amend it. If the medical practitioner does not agree with the employee and does not alter the report, the employee may attach a statement to the report to reflect their views.

10.10 Alternatively, having seen the report, the employee may request that access to the report be withheld from us. The employee will be informed that a decision relating to their employment may be made without the benefit of access to medical reports.

## **11 Report from a medical practitioner who has not been responsible for the employee's clinical care**

11.1 The Access to Medical Reports Act 1988 does not apply where we are seeking a medical report from a medical practitioner who has not been responsible for the employee's clinical care, typically our own occupational health adviser.

- 11.2 In these circumstances, we will explain to the employee in writing what information it is seeking on the employee's health and how the information will be used. The letter should explain to the employee:
- 11.2.1 that we intend to obtain a medical report and why we wish to do so;
  - 11.2.2 from whom the report will be obtained;
  - 11.2.3 what we will do with the report;
  - 11.2.4 how we will treat personal data collected when obtaining the medical report; and
  - 11.2.5 their right to object to the processing of their personal data.
- 11.3 We will write to the medical practitioner to request the report. The letter should explain to the medical practitioner why we are requesting the report and ask any specific questions that we wish the practitioner to answer.
- 11.4 Where the employee objects to the processing of their personal data when we are seeking to obtain a medical report to which the Access to Medical Reports Act 1988 does not apply, we will explain to the employee the reasons behind the request and inform the employee that a decision relating to their employment may be made without the benefit of access to medical reports.

### **Sickness absence management**

Line Managers must be proactive in managing the absence of an employee on long-term sick leave.

The following procedure applies to employees on long-term sickness absence and the trigger points that are to be used are set out below.

When applying these trigger points, the special rules that apply to pregnancy and disability must always be borne in mind.

There are also special considerations when ill-health retirement is a possibility, or the employee has a terminal illness. The stages set out below are guidelines only.

There are also limited circumstances in which it will be appropriate for an employee to skip straight to the 'stage 3' long-term sickness absence final meeting. For example, where the medical advice is that the employee will never be able to return to work.

### **12 Remote proceedings**

- 12.1 Where it is not possible to hold a face-to-face meeting or hearing under this procedure, we will conduct the process remotely.
- 12.2 We will ensure that you and your representative have access to the necessary technology for participating. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

### **13 Occupational health referral**

- 13.1 Once an employee has been absent for twenty-eight calendar days, or as soon as it is confirmed that they will be absent for at least twenty-eight days, their Line Manager should contact the external human resources partner to determine whether an occupational health referral is appropriate.
- 13.2 In conjunction with the external human resource partner the Line Manager will seek to obtain the necessary internal approvals and, if approval is given, the Line Manager should contact the employee to advise them that a referral to occupational health is being made and that occupational health will be in touch, with a view to us seeking medical advice on their prognosis.

## **14 Stage 1**

### 14.1 Stage 1 trigger point

- 14.1.1 Once an employee has been absent for twenty-eight calendar days, or as soon as it is confirmed that they will be absent for at least twenty-eight days, their Line Manager should contact the employee to set up a "stage 1" long-term sickness absence formal meeting.

### 14.2 Stage 1 invitation

- 14.2.1 The meeting should be with the Line Manager together with an appropriate person to take notes. The Line Manager should contact the employee to agree a date, time, and location for the meeting to take place, at a time that is convenient for the employee, and the Line Manager.
- 14.2.2 If the employee does not respond to efforts made to contact them or does not cooperate with attempts to agree a time and place for the meeting, the Line Manager is entitled to set a time and place for the meeting without the employee's agreement.
- 14.2.3 While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work.
- 14.2.4 The Line Manager and appropriate person who is taking notes should therefore be open to the meeting taking place in another location. This could be the employee's home if the employee is comfortable with this or if not a different place near the employee's home.
- 14.2.5 Once the date, time and location of the meeting have been agreed, the Line Manager should:
- 14.2.5.1 write to the employee inviting them to the meeting.
  - 14.2.5.2 give the employee at least five days' notice of the meeting.
  - 14.2.5.3 explain to the employee (in the letter) the purpose of the meeting and advise the employee that they can be accompanied by a fellow worker or trade union official.
- 14.2.6 A few days before the meeting, the employee's Line Manager should contact the employee to confirm that they are still well enough for the meeting to proceed.

### 14.3 Stage 1 meeting

- 14.3.1 The meeting will be chaired by the employee's Line Manager together with an appropriate person to take notes. At the meeting, the Line Manager will:
- 14.3.1.1 establish how the employee is doing and the likely length of their absence, bearing in mind the advice in the employee's fit note or medical report;
  - 14.3.1.2 discuss with the employee what steps can be taken to assist the employee in returning to work including examining the potential for a phased return, amended job duties, altered hours of work, or workplace adaptations;
  - 14.3.1.3 explain to the employee their sick pay entitlement; and
  - 14.3.1.4 confirm when the next contact will take place.

### 14.4 Stage 1 outcome

- 14.4.1 After the meeting, the Line Manager will set out in writing what has been discussed at the stage 1 meeting.

- 14.4.2 The letter, which should be provided to the employee within five days of the meeting, will include details of any steps or targets that have been agreed to help the employee to return to work, and any support that we are providing for the employee.

## **15 Stage 2**

### 15.1 Stage 2 trigger point

- 15.1.1 Once the employee is absent for three months, or as soon as it is confirmed that they will be absent for 3 months, their Line Manager should contact the employee to set up a "stage 2" long-term sickness absence formal meeting.
- 15.1.2 'Stage 2' long-term sickness absence formal meetings should also take place every 3 months until the employee returns to work, or they have reached 12 months' long-term sickness absence, at which point a 'stage 3' long-term sickness absence formal meeting will take place.

### 15.2 Stage 2 invitation

- 15.2.1 The meeting should be with the Line Manager with an appropriate person to take notes. The Line Manager should contact the employee to agree a date, time, and location for the meeting to take place, at a time that is convenient for the employee, and the Line Manager.
- 15.2.2 If the employee does not respond to efforts made to contact them or does not cooperate with attempts to agree a time and place for the meeting, the Line Manager is entitled to set a time and place for the meeting without the employee's agreement.
- 15.2.3 While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work.
- 15.2.4 The Line Manager and appropriate person who is taking notes should therefore be open to the meeting taking place in another location. This could be the employee's home if the employee is comfortable with this or if not a different place near the employee's home.
- 15.2.5 Once the date, time and location of the meeting have been agreed, the Line Manager should:
- 15.2.5.1 write to the employee inviting them to the meeting.
  - 15.2.5.2 give the employee at least five days' notice of the meeting.
  - 15.2.5.3 explain to the employee (in the letter) the purpose of the meeting and advise the employee that they can be accompanied by a fellow worker or trade union official.
- 15.2.6 A few days before the meeting, the employee's Line Manager should contact the employee to confirm that they are still well enough for the meeting to proceed.

### 15.3 Stage 2 meeting

- 15.3.1 The meeting will be chaired by employee's Line Manager together with an appropriate person to take notes. At the meeting, the Line Manager will:
- 15.3.1.1 establish how the employee is doing and the likely length of their absence, bearing in mind the advice in the employee's fit note or medical report;
  - 15.3.1.2 discuss with the employee what steps can be taken to assist the employee in returning to work including examining the potential for a phased return, amended job duties, altered hours of work, or workplace adaptations;
  - 15.3.1.3 if it appears that the employee will be unable to return to work, discuss the possibility of dismissal, including ill-health retirement;

15.3.1.4 explain to the employee their sick pay entitlement; and

15.3.1.5 confirm when the next contact will take place.

#### 15.4 Stage 2 outcome

15.4.1 After the meeting, the Line Manager will set out in writing what has been discussed at the stage 2 meeting.

15.4.2 The letter, which should be provided to the employee within five days of the meeting, will include details of any steps or targets that have been agreed to help the employee to return to work, and any support that we are providing for the employee.

### **16 Stage 3**

#### 16.1 Stage 3 trigger point

16.1.1 A 'stage 3' long-term sickness absence final meeting will be arranged following the 'stage 2' long-term sickness absence process if:

16.1.1.1 it is clear from medical advice that the employee is unable to return to their role in the foreseeable future;

16.1.1.2 all reasonable steps to assist the employee in returning to work, including examining the potential for a phased return, amended job duties, altered hours of work, and workplace adaptations, have been exhausted; or

16.1.1.3 the possibility of dismissal including ill-health retirement has been discussed with the employee.

16.1.2 A 'stage 3' long-term sickness absence final meeting will also be arranged once an employee has had a 12-month continuous absence period, or as soon as it is confirmed that the continuous absence period will last for at least 12-months such as fit notes signing the employee off for a period that will take them beyond 12-months' continuous absence.

#### 16.2 Stage 3 invitation

16.2.1 The meeting should be with a manager senior to the employee's Line Manager and another senior manager. The Line Manager should contact the employee to agree a date, time, and location for the meeting to take place, at a time that is convenient for all parties.

16.2.2 If the employee does not respond to efforts made to contact them or does not cooperate with attempts to agree a time and place for the meeting, the Line Manager on behalf of the senior manager is entitled to set a time and place for the meeting without the employee's agreement.

16.2.3 While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work.

16.2.4 The senior manager should therefore be open to the meeting taking place in another location. This could be the employee's home if the employee is comfortable with this or a different place near to the employee's home.

16.2.5 Once the date, time and location of the meeting have been agreed, the senior manager should:

16.2.5.1 write to the employee inviting them to a 'stage 3' final meeting.

16.2.5.2 give the employee at least five days' notice of the meeting.

16.2.5.3 explain to the employee (in the letter) the purpose of the meeting and advise the employee that they can be accompanied by a fellow worker or trade union official. The



letter should warn the employee that a possible outcome of the meeting is that they may be dismissed by reason of capability.

- 16.2.6 A few days before the meeting, the employee's Line Manager should contact the employee to confirm that they are still well enough for the meeting to proceed.

### 16.3 Stage 3 meeting

- 16.3.1 The meeting will be chaired by the senior manager with another senior manager in attendance. Notes of the meeting will be taken. At the meeting, the senior manager will consider all the circumstances of the employee's case, including:

- 16.3.1.1 the length of the employee's absence and the likely length of future absence;
- 16.3.1.2 medical advice on the employee's condition;
- 16.3.1.3 (if applicable), the possibility of ill-health retirement or making a claim under a permanent health insurance scheme, or similar insurance scheme;
- 16.3.1.4 what adjustments are available to help the employee to return to work; and
- 16.3.1.5 the effect of the employee's continued absence on their colleagues and department.

### 16.4 Stage 3 outcome

- 16.4.1 After the meeting, the senior manager will set out in writing the outcome of the stage 3 meeting. The outcome of the meeting could be:

- 16.4.1.1 a decision for the employee to remain on sick leave until they have recovered;
- 16.4.1.2 if applicable, further steps to pursue ill-health retirement or a claim under a permanent health insurance or similar insurance scheme;
- 16.4.1.3 the issue of a warning that the employee's continued absence is unsatisfactory;
- 16.4.1.4 an offer to make adjustments to the employee's work;
- 16.4.1.5 redeployment with the employee's agreement; or
- 16.4.1.6 a decision to dismiss the employee.

*Where an ill-health retirement scheme or a permanent health insurance or similar insurance scheme applies, a decision to dismiss should not be taken without seeking advice on whether the employee may be able to benefit from such schemes in the event of their dismissal.*

- 16.4.2 The letter should be provided to the employee within five days of the meeting.

## **17 Appeal**

- 17.1 An employee who is given a warning or is dismissed under this procedure has the right of appeal.
- 17.2 The appeal should be sent in writing to the person named in the outcome letter by the senior manager and it should set out the grounds on which the employee believes that the decision was flawed or unfair.
- 17.3 The employee should lodge their appeal within five days of receiving written confirmation of the sanction imposed on them.
- 17.4 An appeal hearing will be convened at least ten days, and within a reasonable period, after the appeal is lodged.
- 17.5 The appeal hearing will be chaired by the person named in the stage 3 outcome letter by the senior manager, together with another senior manager who, if possible, has not been involved with this matter up to this point, or an appropriate person to take notes.
- 17.6 The employee will be entitled to be accompanied by a fellow employee or a trade union official.

- 17.7 At the hearing, the decision to impose the sanction will be reviewed and the employee will be entitled to make representations about the appropriateness of the decision.
- 17.8 The outcome of the appeal will be confirmed to the employee in writing, explaining the grounds on which the decision was reached.
- 17.9 The outcome of the appeal, which will be final, should be provided to the employee within five days of the hearing.

### **Options available during the process**

#### **18 Return-to-work arrangements**

- 18.1 While our preference is for employees who have been on long-term sickness absence to return to their former post and way of working, we recognise that this is not always possible.
- 18.2 We see the value of phasing employees back to work, temporarily adjusting their duties, or redeploying them permanently if they cannot return to their previous role. For example, it is well known that employees are more likely to remain at work and not go off sick again if they initially return to work on reduced hours and gradually build up their number of hours.
- 18.3 We will always arrange a return-to-work meeting for an employee returning from long-term sickness absence. When the employee returns to work, the employee's Line Manager should arrange to reintroduce the employee back into the workplace and ensure that arrangements are made to support the employee on their return. These arrangements should include any agreed adjustments and, where necessary, a risk assessment.

#### **19 Phased return to work**

- 19.1 Where an employee has been on long-term sickness absence, a phased return will often be the most successful way of returning them to work.
- 19.2 A phased return to work allows an employee to transition from ill-health absence back to full or sometimes permanently amended work duties. A phased return to work could involve a gradual increase in hours, or, business needs dependent, an initial period during which the employee works from home on certain days. The phased return to work will usually arise following medical advice, which could be:
- 19.2.1 a doctor's letter or medical report recommending a phased return; or
- 19.2.2 one of the options on a fit note.
- 19.3 When considering whether a phased return to work is appropriate, we will bear in mind that a phased return to work may be required as a reasonable adjustment if the employee has a disability. A phased return to work will not be suitable where the employee remains unfit for any work.
- 19.4 Once the possibility of a phased return to work has been raised, the employee's Line Manager should invite the employee to a meeting to discuss the medical advice and the possibility of a phased return to work. The Line Manager's invitation, which should be in writing, should inform the employee in advance of the arrangements for the meeting, including who is to attend on our behalf.
- 19.5 While the meeting can take place in the workplace, it may be that the employee's condition necessitates a venue that is away from the employee's place of work. For example, the employee's mobility may be restricted or an employee suffering from work-related stress may be uncomfortable coming to work.

- 19.6 Those involved on our behalf should therefore be open to the meeting taking place in another location. This could be the employee's home if the employee is comfortable with this or if not a different place near the employee's home.
- 19.7 The meeting should cover whether a phased return to work is possible, and, if it is:
- 19.7.1 when it could start, and with what work and hours;
  - 19.7.2 whether there will need to be any changes to the employee's work environment or workplace during the phased return to work or once the phased return to work is completed;
  - 19.7.3 when and how the employee's work and hours will develop during a phased return to work;
  - 19.7.4 what arrangements will be put in place to monitor progress during a phased return to work;
  - 19.7.5 the employee's pay during a phased return to work; and
  - 19.7.6 to whom the employee should report if there are any difficulties with their return to work.
- 19.8 Notes should be taken as to what has been discussed and agreed at the meeting and what follow-up has been agreed. The follow-up will often require a further meeting, and the date and arrangements for the next meeting should be agreed at the end of the first meeting.

## **20 Temporary reassignment**

- 20.1 Where an employee has been on long-term sickness absence but is unfit to return immediately to their substantive role, even on a phased basis, their Line Manager should consider temporarily reassigning the employee to another role.
- 20.2 The possibility of a temporary role will depend on the availability of work elsewhere and the employee's agreement to undertake the role.
- 20.3 The employee's Line Manager should initially consider whether a different role is available within their department and, if it is not, widen the search to include other departments.
- 20.4 The Line Manager should do this by speaking with the external human resources partner about available vacancies in which the employee's skills could be utilised.
- 20.5 The employee's existing rate of pay will be protected during temporary reassignment. Temporary placements to help an employee on long-term sickness absence normally last no longer than 6-months.

## **21 Permanent redeployment**

- 21.1 We will consider redeployment where it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to their existing role.
- 21.2 Any offer to redeploy the employee will be entirely at our discretion.
- 21.3 Such an offer will be made only where we are confident that the employee is no longer able to continue to work in their current role and will be able to perform well in the redeployed role.
- 21.4 While the employee is free to refuse any offer of redeployment, the only alternative available will usually be dismissal. If we believe that there is no alternative role available and suitable for the employee, we may be left with no option but to dismiss.
- 21.5 Should the employee choose to accept permanent redeployment; they will be asked to agree to a variation of contract.

- 21.6 Before an employee is dismissed because there is no suitable role available or because they unreasonably refuse an offer of redeployment, a 'stage 3' long-term sickness absence final meeting should be held.
- 21.7 If the employee is dismissed following the stage 3 meeting, they should be given the opportunity to appeal against the dismissal. Any dismissal will be with full notice or payment in lieu of notice.

## **Special cases**

### **22 Pregnancy-related absences**

- 22.1 Pregnant employees who are off work because of pregnancy-related ill health must abide by our absence reporting procedure. *For example, a pregnant employee is subject to the usual notification and evidence requirements and should be asked to attend a return-to-work meeting when returning to work.*
- 22.2 However, any sickness absence by a pregnant employee for a pregnancy-related reason should not be considered for formal action under our sickness absence management procedure.
- 22.3 If the Line Manager is in any doubt as to whether a pregnant employee's absence is related to their pregnancy, they should contact the external human resources partner for clarification.

### **23 Disability-related absences**

- 23.1 Where an employee gives as the reason for absence an underlying health issue that could amount to a disability under the Equality Act 2010, the Line Manager must refer the matter to the external human resources partner. *This includes where the employee states that they are suffering from stress.*
- 23.2 The legal definition of a "disability" is wide, and Line Managers should consult with the external human resources partner for further information.
- 23.3 We recognise that we are under a duty to make reasonable adjustments for disabled employees.

### **24 Ill-health retirement**

- 24.1 Retirement on the ground of ill health will be considered where:
- 24.1.1 it appears unlikely from the medical advice that an employee on long-term sickness absence will be able to return to their role
- 24.2 If ill-health retirement is raised as an option, the employee's Line Manager will seek appropriate advice to find out if the employee qualifies for, and the financial implications of accepting, ill-health retirement.

### **25 Terminal illness**

- 25.1 Where an employee is suffering from a terminal illness, we will endeavour as far as possible to accommodate their wishes and to provide the most financially advantageous arrangements for them and their family.
- 25.2 This includes discussion of the possibility of ill-health retirement or the termination of employment with a lump-sum payment under their pension scheme.
- 25.3 While we will support employees who wish to continue working, employees with a terminal illness should bear in mind that there may come a time when they will be unable to continue working. In this case, the employee's Line Manager will discuss the options with the employee.

25.4 Terminally ill employees who choose to continue working should bear in mind that, while there is no obligation to inform us or any of their colleagues about the illness, it is normally better to do so to allow the proper support to be provided.

**26 Review**

26.1 This policy may be reviewed at any time at the request of any member of staff, but it will be automatically reviewed two years after initial approval and thereafter on a biennial basis unless organisational changes, legislations, guidance, or non-compliance prompt an earlier review.

**27 Definitions**

27.1 Ben's Centre ("we", "us", "our")

27.2 The Employee ("you")

**Document control box**

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