**Sickness Absence - Long-Term Policy**

**Introduction**

If you are absent from work for long periods due to ill health. We are committed to dealing fairly and sympathetically and aim to assist you with your rehabilitation and eventual return to work.

We define long-term absence as an absence lasting at least 28 calendar days, and we have a separate policy for absences of less than 28 days.

If you are on long-term sickness absence but return to work for a short period or periods, we reserve the right to continue to manage your sickness absence under this policy. This is to prevent us from being required to switch between its policy on long-term sickness absence and its separate policy on short-term sickness absence solely because you have returned to work for a short period.

Other policies are in place to deal with time off work for personal reasons, family reasons, compassionate leave, and medical and dental appointments.

If we suspect misconduct, our separate resolution procedure will apply. For example, we may take disciplinary/resolution action if there is evidence that:

* your absence is not genuine or not for a reason provided;
* you are undertaking inappropriate activities while off sick, such as carrying out work

for another employer; or

* you have not followed the correct sickness absence notification and evidence

procedure

**Employee Responsibilities**

You are required to:

* provide medical evidence for the sickness of more than 7 calendar days (sickness of

7 calendar days or less being self-certified);

* continue to keep in touch with your line manager while unable to attend work;

be honest with your line manager about the reason (i.e. the nature of the illness or

injury) why you cannot attend work and how long you think your absence will last;

* do what is possible to enable a return to work, for example, by following medical

guidance, taking steps recommended by your doctor during rehabilitation and not

* undertaking any activities while on sick leave that could exacerbate your health
* tell your line manager of any extenuating circumstances, for example, personal or

family problems or an unmanageable workload;

* bear in mind that we may seek a medical report, for example, from your

a doctor or from Occupational Health;

* co-operate with us regarding the possible implementation of any

adjustments to job duties, hours or working conditions, particularly those suggested

by a doctor; and

* attend a return to work meeting when returning to work following a long-term sickness absence

**Keeping in Touch with You**

* It is important that you maintain contact with us if you are on longterm
* sickness absence to:
* monitor your progress in terms of your return to health;
* support you and actively maintain your engagement with us;
* provide information to you so that they may make informed decisions (for
* example, in relation to sick pay entitlement);
* provide practical support from our Occupational Health advisors;
* encourage a return to work as early as possible;
* facilitate a phased return to work, if required, by making appropriate

temporary or permanent adjustments; and

* ensure that you remain informed about events in the workplace

It is a joint responsibility to maintain contact. Once you are on long-term sickness absence (i.e. once you have reached 28 days’ continuous absence), we will contact you to agree on the method and frequency of contact. Contact should be regular and at least monthly.

In some circumstances, contact with you during long-term sickness absence can be maintained via home visits. Home visits will take place only with your prior consent and at mutually agreed times.

Home visits will be by two managers. If you are female, at least one of the visitors should always be female. You may be accompanied during the visit, for example, by a family member or an employee representative.

If you prefer us not to visit you at home, another location near your home could be mutually agreed upon.

**Sick Pay**

For Further details about our sick pay scheme, please contact your manager.

You must provide a fit note for absences of 8 calendar days or more. We may withhold SSP if you are absent without a Fit Note for more than 7 days when you must provide a fit note.

**Holiday During sick leave**

You will continue to accrue your holiday entitlement during sick leave, and you will be allowed to take this later, including in the subsequent leave year, if you do not take the holiday entitlement due to being on sick leave.

Whilst on sick leave, you may apply to take their holiday entitlement while on sick leave. Your manager must approve the holiday dates.

**Medical advice**

**Occupational health referrals**

At various stages of your sickness absence, we recommend obtaining advice on your fitness for work from occupational health advisers.

Examples of when we might refer to occupational health include to:

* seek a medical report;
* establish when you might be able to return to work;
* ask for guidance on your condition, for example, if there is a possibility that you are disabled or ambiguity as to the exact nature of the condition; and
* discuss any adjustments that could be made to accommodate your disability.

We will treat personal data collected during the absence management process in accordance with our [data protection policy](https://www.xperthr.co.uk/policies-and-procedures/data-protection-policy/162690/). Our data protection policy will provide information about how your data is used and the basis for processing your data. Where we rely on our legitimate interests as the legal ground for processing your data, you can object to the processing.

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

Where a report from your medical practitioner is necessary, you will be fully informed of your rights under the Access to Medical Reports Act 1988, and your permission will be sought for the report to be obtained.

Your permission will be sought to contact the medical practitioner on the relevant [consent form](https://www.xperthr.co.uk/letters-and-forms/form-for-employee-to-consent-to-employer-applying-to-medical-professional-for-medical-report/16265/).

You have the right to access the report before we see it. If you wish to see the report, you should inform us of this so we can inform the medical practitioner. You 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 you do not contact the medical practitioner within this period, the medical practitioner can pass the report on to us.

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

* a copy of the signed form consenting to the request to seek a medical report;
* confirmation that you are aware of your rights under the Access to Medical Reports Act 1988; and
* details of the major features of the employee's job.

We will ask the medical practitioner to identify the following:

* the nature of your illness or injury;
* when you are likely to be fully fit to resume your normal duties;
* if you are unfit to continue your normal duties, what alternative duties might you be fit to undertake;
* when you are likely to be fit to undertake any alternative duties;
* what reasonable adjustments could be made to working conditions or work premises to facilitate a return to work; and
* the likelihood of the illness or injury recurrence once you have returned to work.

If you refuse permission to contact your medical practitioner, we will explain the reasons behind the request and inform you that a decision relating to your employment may be made without access to medical reports. The same procedure will be followed where you delay giving consent.

If you feel the report needs to be more accurate or correct, ask the medical practitioner to amend it. If the medical practitioner disagrees with you and does not alter the report, you may attach a statement to the report to reflect their views.

Alternatively, having seen the report, you may request that access to the report be withheld from us. You will be informed that a decision relating to their employment may be made without access to medical reports.

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

The Access to Medical Reports Act 1988 only applies when we seek a medical report from a medical practitioner who has not been responsible for your clinical care, typically our chosen specialist or an occupational health adviser.

In these circumstances, we will explain in writing what information we seek on your health or condition and how the information will be used. The letter should explain to the employee:

* that we intend to obtain a medical report and why we wish to do so;
* from whom the report will be obtained;
* what we will do with the report;
* how will we treat personal data collected when obtaining the medical report; and
* their right to object to the processing of their personal data.

We will write to the medical practitioner to request the report. The letter should explain to the medical practitioner why we request the report and ask any specific questions we wish the practitioner to answer.

If you object to the processing of your 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 you the reasons behind the request and inform you that a decision relating to your employment may be made without the benefit of access to medical reports.

**Long-Term Sickness Absence Process**

When you have been absent for 28 calendar days, or as soon as a fit note has signed you off for at least 28 days, your line manager will set up the First long-term sickness absence formal meeting.

The meeting should be with your line manager and a notetaker. Your line manager should contact you to agree on a date, time, and location for the meeting at a convenient time for you, your line manager and the notetaker. If you do not respond to efforts made to contact you, or you do not cooperate with attempts to agree on a time and place for the meeting, your line manager is entitled to set a time and place for the meeting without your agreement.

While the meeting can take place in the workplace, it may be that your condition necessitates a venue away from your workplace. For example, your mobility may be restricted, or you may suffer work-related stress and be uncomfortable going to work. Therefore, your line manager and a notetaker should be open to the meeting in another location. This could be your home (although only if you are comfortable with this) or a venue near your home (such as a local cafe or leisure centre).

We will conduct the process remotely where it is impossible to hold a face-to-face meeting or hearing under this procedure. 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.

Once the meeting date, time and location have been agreed upon; your line manager should write to you inviting you to the First Formal Meeting under the Long-term Sickness Absence Policy. You should be given at least 48 hours notice of the meeting. The letter should explain the purpose of the meeting and advise that a fellow worker or trade union official can accompany you.

A few days before the meeting, your line manager should contact you to confirm that you are still well enough for the meeting to proceed.

**First Formal Meeting**

First Formal Meeting under the Long-term Sickness Absence Policy will be held when you have reached 28 calendar days of absence or longer or have a fit note indicating that you will be absent for more than 28 calendar days. Your line manager and a notetaker will hold this.

At the meeting, your line manager will:

* establish how you are doing and the likely length of your absence, bearing in mind the advice in your fit note or medical report;
* discuss with you what options/support can be considered to assist you in returning to work (for example, a phased return when you can return, amended job duties, altered hours of work or workplace adaptations);
* consider if a medical report or occupational health consultation would be helpful for the business and yourself;
* discuss future medical appointments and treatment
* explain to you your sick pay entitlement (and, if applicable, the possibility of making a claim under a permanent health insurance scheme or similar insurance scheme);
* confirm when the next contact with you will take place (for example, if you are undergoing an operation, a reasonable period after the operation has taken place);
* agree on any interim meetings to support you and discuss a medical report or occupational health consultation.

**First Formal Meeting Outcome**

After the meeting, your line manager will confirm in writing what has been discussed at the First Formal Meeting under the Long-term Sickness Absence Policy. The letter, which should be provided within 7 working days of the meeting, should include details of any steps or targets agreed upon to help you return to work and any required support.

**Interim Review Meeting**

Your line manager may hold a documented informal interim review meeting to review the progress approximately 4-6 weeks after the first formal meeting.

**Second Formal Meeting**

Once you have been absent for 3 months, or as soon as it is confirmed that you will be absent for 3 months (for example, a fit note has signed you off for that period), your line manager will set up a Second Formal Meeting under the Long-term Sickness Absence Policy.

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**Second Formal Meeting Invitation**

The meeting should be with your line manager and a notetaker. Your line manager should contact you to agree on a date, time, and location for the meeting at a convenient time for you, your line manager and a notetaker.

If you do not respond to efforts made to contact you or do not co-operate with attempts to agree on a time and place for the meeting, your line manager is entitled to set a time and place for the meeting without your agreement.

While the meeting can take place in the workplace, it may be that your condition necessitates a venue away from your workplace. For example, your mobility may be restricted, or you may suffer work-related stress and be uncomfortable coming to work. Therefore, your line manager and a notetaker should be open to the meeting in another location. This could be your home (although only if you are comfortable with this) or a venue near your home (such as a local cafe or leisure centre).

Once the meeting date, time and location have been agreed upon; your line manager should write to you inviting you to a Second Formal Meeting under the Long-term Sickness Absence Policy. You should be given at least 48 hours notice of the meeting. The letter should explain the purpose of the meeting and advise that a fellow worker or trade union official can accompany you.

A few days before the meeting, your line manager should contact you to confirm that you are still well enough for the meeting to proceed.

**Second Formal Meeting**

Your line manager and a notetaker will hold the Second Formal Meeting under the Long-term Sickness Absence Policy.

At a further long-term sickness absence formal meeting, your line manager will:

* establish how you are doing and the likely length of your absence, bearing in mind the advice in your fit note or medical report;
* discuss with you what steps can be taken to assist you in returning to work (for example, a phased return when you can return, amended job duties, altered hours of work or workplace adaptations);
* consider if a medical report or occupational health consultation would be helpful for the business and yourself;
* discuss the possibility of dismissal if it appears that you will be unable to return to work;
* explain to you your sick pay entitlement (and, if applicable, the possibility of claiming under a permanent health insurance scheme or similar insurance scheme); and
* confirm when the next contact will take place (for example, if you are undergoing an operation, a reasonable period after the operation has taken place);
* agree on any interim meetings to support you and discuss a medical report or occupational health consultation.

**Second Formal Meeting Outcome**

After the meeting, your line manager will confirm in writing what has been discussed at the further meeting. The letter, which should be provided to you within 7 working days of the meeting, should include details of any steps or targets agreed upon to help you return to work and any support your we provide.

**Interim Review Meeting**

Your line manager may hold a documented informal interim review meeting to review the progress approximately 4-6 weeks after the second formal meeting.

**Final Formal Meeting**

The Final Formal Meeting under the Long-term Sickness Absence Policy will be arranged following the Further long-term sickness absence process if:

* it is clear from medical occupational health advice and treatment plans that you are unable to return to your role in the foreseeable future, and/or the business can operationally no longer sustain the absence;
* all reasonable steps to assist you in returning to work (for example, a phased return, amended job duties, altered hours of work or workplace adaptations) have been exhausted; or
* the possibility of dismissal has been discussed with you.

The Final Formal Meeting under the Long-term Sickness Absence Policy will also be arranged when you have reached the point where you are unlikely to be able to return to work in the foreseeable future or as soon as it is confirmed that your continuous absence period will last for at least a further six months (for example, a fit note has signed you off for a period that will take you beyond six months’ continuous absence).

**Final Meeting Invitation**

The Final Formal Meeting under the Long-term Sickness Absence Policy should be with an independent senior manager and a notetaker. Your line manager should contact you to agree on a date, time, and location for the meeting at a convenient time for you, the senior manager and a notetaker.

If you do not respond to efforts made to contact you, or you do not co-operate with attempts to agree on a time and place for the meeting, your line manager is entitled to set a time and place for the meeting without your agreement.

While the meeting can take place in your workplace, it may be that your condition necessitates a venue away from your workplace. For example, your mobility may be restricted, or you may suffer work-related stress and be uncomfortable coming to work. Therefore, the senior manager and the notetaker should be open to the meeting in another location. This could be your home (although only if you are comfortable with this) or a venue near your home (such as a local cafe or leisure centre).

Once the date, time and location of the meeting have been agreed upon, the senior manager should write to you inviting you to a final long-term sickness absence final meeting. You should be given at least 48 hours notice of the meeting. The letter should explain the purpose of the meeting and advise that a fellow worker or trade union official can accompany you.

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

A few days before the meeting, the senior manager should contact you to confirm that you are still well enough for the meeting.

**Final Formal Meeting**

An independent senior manager and a notetaker will hold the Formal Meeting under the Long-term Sickness Absence Policy.

At the meeting, the senior manager and the notetaker will consider all the circumstances of your case, including:

* the length of your absence and the likely length of future absence;
* medical advice on your condition;
* if applicable, the possibility of ill-health retirement or claiming under a permanent health insurance scheme or similar insurance scheme;
* what adjustments are available to help you to return to work; and
* the effect of your continued absence on your colleagues and department.

**Final Meeting Outcome**

After the meeting, the senior manager will set out in writing the outcome of the Final Formal Meeting under the Long-term Sickness Absence Policy. The outcome of the meeting could be:

* a decision for you to remain on sick leave until you have recovered (typically where an approximate return date can be identified);
* if applicable, further steps to pursue ill-health retirement or a claim under a permanent health insurance or similar insurance scheme;
* the issue of a warning that your continued absence is unsustainable;
* an offer to make adjustments to your work;
* redeployment with your agreement; or
* a decision to dismiss you.

The letter should be provided within 7 working days of the meeting.

Where an ill-health retirement scheme, permanent health insurance, or similar insurance scheme applies, a decision to dismiss should only be taken by seeking advice on whether you can benefit from such schemes in the event of dismissal.

**Appeal**

If you are given a warning or dismissed under this procedure, you have the right of appeal. Your appeal should be sent in writing to a senior manager and set out the grounds on which you believe the decision was unfair.

You should lodge your appeal within 3 working days of the outcome letter in writing.

Your appeal hearing will be convened within a reasonable period after your appeal is lodged. Your appeal hearing will be chaired by a member of management together with a notetaker.

You will be entitled to be accompanied by a fellow employee or a trade union official.

At the hearing, the decision to impose the sanction will be reviewed, and you will be entitled to make representations about the appropriateness of the decision.

The outcome of the appeal will be confirmed to you in writing, explaining the grounds on which the decision was reached. The outcome of the appeal, which will be final, should be provided to you within 7 working days of the hearing.

**Return to Work Arrangements Following Long-Term Sickness Absence**

If you have been on long-term sickness absence, we would prefer you to return to your former post and way of working; however, we recognise that this is not always possible. We see the value of phasing you back to work, temporarily adjusting your duties or redeploying you permanently if you cannot return to your previous role.

For example, it is well known that you are more likely to remain at work and not go off sick again if you initially return to work on reduced hours and gradually build up your number of hours. We will always arrange a return-to-work meeting if you are returning from a long-term sickness absence.

When you return to work, your line manager should arrange to reintroduce you back into the workplace and ensure that arrangements are made to support you. These arrangements should include any agreed adjustments and (where necessary) a risk assessment.

**Phased Return to Work**

If you have been on long-term sickness absence, a phased return will often be the most successful way of returning you to work. A phased return to work allows you 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 an initial period during which you work from home on certain days.

The phased return to work will usually arise following medical advice, which could be:

* a doctor’s letter or medical report, or an Occupational Health specialist recommending a phased return; or
* one of the options on your fit note.
* When considering whether or not a phased return to work is appropriate, we should bear in mind that a phased return to work may be required as a reasonable adjustment if you have a disability. A phased return to work will only be suitable if you are fit for work.
* Once the possibility of a phased return to work has been raised, your line manager should invite you to a meeting to discuss the medical advice and the possibility of a phased return to work. A notetaker should also be present. Your line manager’s invitation, which should be in writing, should inform you in advance of the arrangements for the meeting, including who is to attend on our behalf.

While the meeting can take place in the workplace, it may be that your condition necessitates a venue away from your workplace. For example, your mobility may be restricted, or you may suffer work-related stress and be uncomfortable coming to work. Your line manager should therefore be open to the meeting in another location. This could be your home (although only if you are comfortable with this) or a venue near your home (such as a local cafe or leisure centre).

The meeting should cover whether or not a phased return to work is possible, and, if it is:

* when it could start, and with what work and hours;
* whether or not there will need to be any changes to your work environment or workplace during the phased return to work and/or once the phased return to work is completed;
* when and how your work and hours will develop during any phased return to work;
* what arrangements will be put in place to monitor your progress during any phased return to work;
* your pay during any phased return to work; and
* to whom you should report if there are any difficulties with your return to work.

Notes should be taken on what has been discussed and agreed upon at the meeting and what follow-up has been agreed upon. The follow-up will often require a further meeting, and the date and arrangements for the next meeting should be agreed upon at the end of the first meeting.

**Permanent Redeployment**

If you are on long-term sickness absence and it appears unlikely from the medical advice that you can return to your current role, we may consider redeployment.

Any offer to redeploy you will be entirely at our discretion. Such an offer will be made only when it is available, and we are confident that you are no longer able to continue to work in your current role and will be able to perform well in the redeployed role.

While you can refuse any offer of redeployment, the only alternative available will usually be dismissal. If no alternative role is available and suitable for you, we may be left with no option but to dismiss you.

If you accept permanent redeployment, you will be asked to agree to a contract variation.

Before you are dismissed because there is no suitable role available or because you unreasonably refuse an offer of redeployment, a final long-term sickness absence final meeting should be held. If you are dismissed following the final meeting, you should be given the opportunity to appeal against the dismissal.

Any dismissal will be with full notice or payment in lieu of notice.

**Return to Work Meetings**

If you return to work after a long-term sickness absence, your line manager should arrange to meet informally. Ideally, the return-to-work meeting will take place before your return to work to allow time for any necessary adjustments to your working arrangements and conditions. If this is not possible, the return-to-work meeting should take place on your first day back at work. The return-to-work meeting should take place privately, and all discussions between you and your line manager should be private and confidential.

While the meeting can take place in the workplace, it may be that your condition necessitates a venue away from your workplace. For example, your mobility may be restricted, or you may suffer work-related stress and be uncomfortable coming to work. Your line manager should therefore be open to the meeting in another location. This could be your home (although only if you are comfortable with this) or a venue near your home (such as a local cafe or leisure centre).

During a return-to-work meeting after a long-term sickness absence, the manager should discuss the following:

* the arrangements for your return to work, including any adjustments that are being made, such as a phased return or homeworking;
* what work will you be doing on your return to work, including an outline of work during your first week back;
* any medical issues we are not already aware of, such as any updated guidance from your doctor;
* what arrangements will be put in place to monitor your progress; and
* to whom you should report if you have any difficulties with the arrangements.

At the end of the return-to-work meeting, you and your line manager should agree on your next meeting to monitor your progress. If the return-to-work meeting takes place before your return, this should be a short meeting on your first day back. If the return-to-work meeting takes place on your first day back at work, this meeting should be at the end of your first week back.

**Special Cases**

**Pregnancy-Related Absences**

If you are off work because of pregnancy-related ill health, you must follow the correct absence reporting procedure. You are subject to the usual notification and evidence requirements and should be asked to attend a return-to-work meeting when returning to work.

However, we should not consider any pregnancy-related sickness absence by you as a pregnant employee when checking if the need for formal action under their sickness absence management procedure has been triggered.

If your line manager is in doubt about whether or not your absence as a pregnant employee is related to your pregnancy, your line manager should seek clarification.

**Disability-Related Absences**

If you give, as the reason for absence, an underlying health issue that could amount to a disability under the Equality Act 2010, your line manager must refer to HR. This includes where you have stated that you are suffering from stress.

The legal definition of a “disability” is wide, and your line manager should contact HR for clarification.

We will make reasonable adjustments for disabled employees.

**Terminal Illness**

Where you are suffering from a terminal illness, we will endeavour as far as possible to accommodate your wishes and to provide the most financially advantageous arrangements for you and your family. This includes a discussion of the possibility of ill-health retirement or the termination of employment with a lump-sum payment under your pension scheme.

If you are terminally ill and you choose to continue working, you should bear in mind that while there is no obligation to inform us or any of your colleagues about your illness, it is normally better to do so to allow the proper support to be provided. There may come a time when you will be unable to continue working. In this case, your line manager will discuss the options with you, with the support of HR.