



LONDON BOROUGH OF WALTHAM FOREST

HR POLICY – MANAGING SICKNESS

MANAGING SICKNESS PROCEDURE

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Version control

Version No	Purpose/Change	Author	Implementation Date	Approved by	Last review date	Next review date
1	Reformatting and clarification of procedure matters. Removal of discretionary extension to Occ. Sick Pay.	Jane Blanche, HR consultant	01.04.16	Management Board / Union consultation	01.08.10	01.04.18
2	Added details on Medical suspension, AWOL	Carmel Murray	13.06.19	Governance Board/ Union consultation	01.08.10	01.06.21
3	Revised EAP	Jane Morris	01.04.23	Director of HR	13.06.19	01.04.26

If you have any queries regarding the content of this policy and procedure, please contact HR on HR@walthamforest.gov.uk the HR team will be able to give advice and practical guidance on this process as required



1.0 Introduction

This procedure outlines the Council's approach to managing employee sickness, proactive actions and support that can be offered. Sickness absence has a direct cost to those who are absent from work and for the cover that needs to be provided through existing employees or agency cover. Research shows that early intervention plays an important part in positive progress.

Managers and employees can access further details on the processes supporting these requirements on the council's Foresthub, ['How to guide'](#) on Absence Management.

2.0 Role and Responsibilities

All employees have a role to play in addressing and reducing the sickness levels within the Council as well as protecting the safety and well-being of employees. The following section outlines the responsibilities of each role:

2.1 Employees' Responsibilities

- attend work when fit to do so, and return to work after any sickness absence as soon as possible including making their Manager aware of any adjustments that may assist an early return
- be aware of and comply with the Managing Sickness Policy and Procedure, particularly regarding sickness notification requirements and the submission of Fit for Work notes including if off sick when on annual leave
- If on long term sickness absence, employees must communicate with their Manager, if taking annual leave
- communicate regularly with their Line Manager or in agreed circumstances other designated person, for example, an HR Adviser, during periods of sickness absence
- Attend meetings in relation to sickness absences
- notify any absence as a result of an accident at work under appropriate reporting procedures
- Understand the importance of good attendance at work and the impact absence has on service delivery and the additional strain put on colleagues

2.1.1 Notification of Sickness – Employees' Responsibilities

1st Day

- Telephone the Line Manager (or other person specified by the Line Manager) one hour prior to the employee's normal start time to report their absence
- State the nature and likely duration of the absence
- Employee to report all sickness themselves (where practicable and throughout the sickness absence), to the Manager (or other person specified by the Manager); do not leave messages with colleagues.

4th Day

- Telephone the Line Manager (or other person specified by the Manager) to provide them with an update on their health



8th Day

- Telephone the Line Manager (or other person specified by the Line Manager)
- Obtain a Fit for Work note from the doctor and send it to the Manager
- Ensure Fit for Work notes are sent into the Manager within 5 working days of the due date to cover the entire period of the absence. Failure to provide a Fit for Work may result in loss of pay

Absence longer than 8 days

- Agree with the Manager how the employee will maintain contact and the regularity of this contact, ideally the employee should contact the Manager on a weekly basis to report on their health and expected date of return
- All Fit notes must be received within 5 working days of the expiry of the previous certificate or the employees pay may be affected

2.2 The Manager's Role – managing individuals' sickness

- Ensure staff are aware of and comply with the reporting sickness requirement
- Keep in regular contact with the employee, especially those on long term sickness absences
- Record all sickness absences on the Council's SAP system
- Seek timely Occupational Health Service advice and make a referral, as necessary
- Ensure a 'Return to Work' interview is conducted after every period of sickness absence
- Where sickness has reached the procedural trigger, advise the employee that they will be monitored under the relevant stage of the sickness management framework
- Where staff are already being considered under the Council's Managing Sickness Procedure, the Manager must advise them of the implications of their current spell of absence
- Seek approval to defer action where any procedural trigger has been exceeded and action is not recommended. This should be kept under review
- **Investigate the absence to understand its causes and the effect it will have on the employee's work**
- take all reasonable steps to collaborate with employee in tackling health, work or welfare problems, including work related stress, please refer [here](#)
- Keep the employee informed in good time about where they stand, particularly if their job is at risk
- Explore any options with the employee, which may permit them to improve attendance or return to work
- Inform the employee of their right to be accompanied by and/or represented at formal meetings by a recognised trade union representative or LBWF work colleague but not a legal representative.
- For staff with disabilities, take into consideration reasonable adjustments that can be put in place to support and help the employee improve their level of attendance and other Equality Act 2010 considerations.



- Managers should refer to the [‘SAP processes and guides for managers’](#) on Foresthub for information on the recording of staff sickness absence. Sickness return dates should be inputted on SAP when the employee is back at work. Otherwise, the default sickness end date of 31.12.99 should read where sickness remains open-ended.

2.3 Human Resources role

- Produce advice to Directorate Management Teams on levels of sickness absence within each service area.
- Provide team and individual advice and guidance to Managers on managing sickness absence at the appropriate stage of the procedure
- Advise on procedural matters and phased return to work details

2.4 Trade Unions

- Supports the Council’s aim to protect the health and well-being of all employees
- Supports the Councils’ aim to reduce sickness
Will support its Membership in the managing sickness processes

3.0 Sickness Absence Stages

There are five stages to the Council’s Managing Sickness Policy and Procedure plus an employee’s right of appeal against dismissal.

Preventative Stage	To hold regular supervision meetings and team meetings to raise and address absence issues To conduct Health & Safety risk assessments and stress risk assessments To make reasonable adjustments To conduct a ‘Return to Work’ meeting after all periods of sickness absence The Council will also provide health scheme initiatives
Informal Stage	To bring management concerns to the attention of the employee, set targets and review sickness periods
Referral to Occupational Health Service – {OHS}	Once an employee meets the sickness trigger, they should be referred to the OHS. To seek medical advice on any underlying illness / medical condition and investigate the options available to the employee and the Manager



First Formal Stage	To discuss the effects of absence on the work, set targets, service delivery and review periods and advise the employee that the job may be at risk (if it is)
Final Formal Stage	To consider if the employee is capable of regular and efficient service, and if not, consider and potentially decide on dismissal, redeployment or some other action
Appeal	To consider any grounds of appeal raised by the employee

4.0 Occupational Sickness Pay

The Council's Occupational Sick Pay Scheme is distinct from Statutory Sick Pay {SSP} and the conditions for payments under each scheme are different. An employee who fails to meet the conditions for payment of the Council's scheme may still qualify for Statutory Sick Pay {SSP}. The Council's Occupational Sickness Payment Scheme is as follows:

Continuous Local Government Service by the employee	Months on Full pay	Months on Half pay
Up to 4 months	1	Nil
In the 5th to 12th month	1	2
In the 2nd year	2	2
In the 3rd year	4	4
In the 4th and 5th years	5	5
Thereafter	6	6

4.1 Terminating Occupational Sickness Payments

Employees must comply with all the elements of the Council's Managing Sickness Policy, Procedure and processes to receive payments and for their continuation.

It is important to note that the Council may consider suspending this arrangement if one or more of the following two conditions are breached:

One: failure to comply with the conditions of the sick pay scheme; some examples include:

- refusal to submit to a medical examination including refusal to consent to a medical report being made available to the Occupational Health Service
- failure to comply with procedures for reporting absence and submission of appropriate fit notes

Two: sickness absence that can be attributed to:

- the employee's own misconduct or neglect



- deliberate conduct prejudicial to recovery
- active participation in professional sport
- injury while working in their own time for private gain, or for another employer

Arrangements regarding Occupation Sickness payment termination can be found on the Council's, 'How to guide' for [Managing Sickness](#).

4.2 **Appealing against terminating an employee's Occupational Sick Pay**

The employee has the right to appeal against the decision to suspend their Occupational Sickness Pay.

The Head of Service or as delegated will hear the appeal and will be supported by at least one other person, often a HR Advisor. **It is important to note that the decision reached by the Appeal Hearing Officer is final.**

5.0 **Corporate Sickness triggers**

The Council's target is to reduce the average number of working days lost through sickness absence. It is the Manager's responsibility to manage sickness within the own team /service to enable the Council to reach this target. To ensure that all cases are identified and handled appropriately, the triggers for action must be applied consistently across the whole Council and service areas.

Absences can be considered under the following categories:

(1) **Frequent Short-term Absence:** This is typified by short periods of sickness, which are repeated at regular or frequent intervals over the year. There is a general inability to attend work regularly. There tends to be no one underlying medical condition causing the absences and general and diverse ailments will be evident.

(2) **Long-term Absence:** This is where an employee is absent from work on a long-term basis. To ensure that the Council fulfils its Managing Sickness Policy and Procedure objectives, the Council monitors all its employee sickness absences on an on-going basis and each of the triggers can be applied throughout the sickness stages. The Council has adopted the following sickness triggers to monitor its employees:

- 8 working days of sickness absence in any 12-month period or
- 3 periods of sickness absence in any 3-month period, or
- a pattern of sickness absence

The triggers set, above, act as a reasonable guide as to when managers are to take action under the Managing Sickness Procedure, however, it is important to note that supportive measures/actions can be implemented before these are reached.

The SAP system will alert Managers as to when a full-time employee passes one of the council's sickness triggers. Managers will be required to commence the Managing Sickness Procedure accordingly and their active participation in the process will assist with reducing the number of days lost.



5.1 Part time employee triggers

Triggers for part time employees are pro rata'd accordingly. Please be aware that the SAP system does not automatically highlight when a pro rata sickness trigger has been passed for a part time employee given the many part-time working patterns / options available. Therefore, when assessing the sickness absence of a part time employee, it is important to consider the matter as a whole not just the time lost but the wellbeing and needs of the employee and their illness / condition. The Council is required to provide the necessary support and assistance to the employee while protecting the needs of the service and its delivery.

For example, an employee working 1 day per week, who has been absent due to sickness for a period of 4 weeks, will not have automatically generated a sickness trigger, via the system, as they have actually only missed 4 working days of sickness absence, however they would have been absent for an extensive period of time which may have a significant impact on their well-being and service delivery. Therefore, Managers must consider the matter on a 'case by case' basis and action where necessary to implement the positive measures and not just base these on the sickness triggers.

6.0 Additional information and supportive measures regarding the Managing Sickness Process

The following information outlines other matters relating to the Managing Sickness Procedure:

6.1 Supportive measures

Please see below supportive measures for employees under the Council's Managing Sickness Procedure:

6.1.1 Occupational Health Service

Occupational Health referrals can be made at any time during the Managing Sickness Procedure. A referral is an effective mechanism to ascertain the health and well-being of employees which can assist both the Council and the employee. It can also be an effective support mechanism for employees.

6.1.2 Employee Assistance Programme

The Employee Assistance Helpline offers employees access to information, advice and counselling on a variety of personal and workplace issues. This free independent advice is available [here](#)

6.1.3 Phased return to work

A phased return to work is usually considered in exceptional circumstances and when an employee is returning from a long-term sickness absence. The decision is the manager's, in line with operational requirements and will normally be informed by the advice received from the employee's GP or the Council's OHS.

A phased return to work would normally consist of an employee working less than their contractual hours on an increasing basis for a period of up to four weeks, after which the employee will normally be expected to resume their normal contractual working hours, dependent on the individual circumstances. Managers must discuss these arrangements with Human Resources before proceeding.



Managers may also need to consider other options which could facilitate an early return to work, such as working from home or flexible working hours. This will be dependent on the reason for the absence and involve a discussion between the manager and the employee before any measure is agreed.

6.1.4 Reasonable Adjustments

Reasonable adjustments are made to the workplace to make work and role requirements more accessible for employees with a disability. The manager and employee should discuss and agree to the appropriate adjustments to be applied dependent on the employee's circumstances. This could be on a temporary or permanent basis and based on the needs of the service. This may mean making changes in the workplace and these could include:

- removing physical barriers
- providing extra support
- considering flexible working requests including consideration to alternative working locations

Reasonable adjustments should be kept under regular review to ensure that they continue to be relevant and applicable especially with worsening or fluctuating medication conditions. The regularity of the reviews will be dependent on the employee's condition and any fluctuations or changes caused by the condition, however as a minimum this should be conducted annually to ensure that the adaptations continue to be relevant and effective. More information can be found [here](#)

6.1.5 Disability Forum

Council supports the offer and arrangements in place for the Disability Forum, an employee lead group which promotes employee and council disability initiatives. More information on the forum can be found [here](#)

7.0 Return to work interview

Return to Work interviews must be conducted following all employee sickness absences at all stages of the process. This meeting is a good opportunity for the manager and employee to discuss the reason for the absence, offer any support or assistance available and to remind the employee of their obligations under this process. This meeting can also enable the employee to discuss sensitive medical issues that may affect their attendance or work performance and can then be addressed as appropriate.

8.0 Employee entitlement

Please see below employee entitlement details under the Council's Managing Sickness Procedure:

8.1 Annual Leave entitlement while absent due to sickness

Employees will continue to accrue their contractual annual leave entitlement while they are absent from work due to sickness.

Applicable employees can carry over their contractual annual leave into the following leave year under certain statutory circumstances.

Employees who have been absent from work due to a long-term sickness absence, {usually for a period of more than 28 days}, are able to carry forward any untaken annual leave into the new



leave year, if they have not reasonably had the opportunity to take their remaining leave within the existing leave year. Employees who have been on short term absences will also accrue annual leave during their sickness absence however due to the short-term nature of their absence they will be expected to allocate their leave within the existing leave year.

Employees have the right to reclaim any annual leave entitlement if they fall sick during their leave period and they have complied with the Council's Policy and Procedure in relation to the sickness reporting requirements and have submitted appropriate Fit for Work notes. Annual leave will be reinstated from the commencement date of the Fit for Work note. It is important to note that there is no similar right for bank or public holidays.

Please refer to the Council's [Leave Policy](#) for further information on the annual leave and the exceptions that apply.

8.1.1 Medical appointments

The Council makes the following arrangements when dealing with medical appointments:

8.1.2 G.P, Dental, one-off hospital, and other routine appointments

For routine matters, employees must arrange G.P, dental, one-off hospital and other routine appointments outside of working time or times which minimise the effect or disruption to the service, such as, at the beginning or end of the working day. Where this is not possible employees should discuss with their line manager at the earliest opportunity to agree arrangement for the appointment. Where this is not possible, supervisors/line managers may use their discretion to allow employees to be absent during core working hours to attend appointments. In normal circumstances, employees should use flexi-leave, make up the time or time off in lieu to cover the time lost. Employees should notify their line managers as soon as appointments are arranged. In addition, they should provide evidence of the appointment (such as notification from the hospital, appointment card, confirmation of dates for treatment.)

It is important to note that absences of half a day or more must be reported and recorded via the normal reporting mechanisms and will be recorded as time off to attend medical appointment. Absences of half a day or more must be reported and recorded via the normal reporting mechanisms. Half day absences or more, due to medical appointments, are classified as sickness and will count towards any sickness triggers.

8.1.3 Employees with a disability

Employees with a disability will be given reasonable paid time off to attend medical appointments related to their disability and recorded as medical appointment and 'disability related' under the 'notes' description on SAP.

8.1.4 Ante-Natal appointments

Pregnant women have a statutory right to paid time off to attend ante-natal appointments. Please refer to the Council's [Maternity Procedure](#) for further information.

8.1.5 Medical screening

Necessary paid time off will be granted for the purpose of exploratory cancer screening including travelling time. Employees must advise their Managers of any scheduled screening appointments.



9.0 The Sickness Process

The Council operates the following stages within the Council's Managing Sickness Procedure. Managers requiring full details on these processes along with supporting templates letters and additional management support must refer to the Council's ['How to guide'](#) on managing sickness for further information.

It is also important to note that reasonable adjustment considerations must be assessed at each stage of the Managing Sickness Process.

All employees who are absent from work for more than 7 calendar days are required to provide the council with a Fit Note to cover the relevant sickness period. Fit notes must be provided concurrently and within good time. Failure to provide relevant fit notes may result in removal of the council's occupational sickness payment. All Fit notes will be stored confidentially and securely.

9.1 Setting triggers under the Managing Sickness Process

The reason for establishing sickness triggers is to ensure that an employee is continued to be supported when encountering health problems that result in their sickness absence. It also supports the Council's aim in reducing the number of days lost through sickness.

The setting of further sickness targets beyond the initial corporate triggers stated above in section 6, Corporate Sickness Triggers can be a challenging one. The new targets to be set must be based on the individual absence/ health circumstances of the employee and the level of absence accrued. However, it is important to note that the targets must be realistic and support the aims of the Council. The targets set should not just be based on reapplying the existing target as set in section 6, Corporate Sickness Triggers. The manager could decide to lower these triggers, in an attempt to act as an incentive to reducing the level of sickness and addressing the matter by applying the appropriate stage of the process.

For example, if an employee is at a Final Formal hearing and had mitigating reasons for their sickness absence and dismissal was not pursued on this occasion, it might be appropriate, for example, to set a new target of no more than 4 working days of sickness absence in the following six-month period.

Due care and attention should be given to employees who have a disability, and this situation should be taken into account when setting revised targets.

Even if an employee is off sick when the triggers for action have been reached it is still necessary to consider the situation proactively and employees must be invited to attend meetings under this procedure. Managers must ensure that they advise employees of this. The Council can and must always continue to take proactive steps, even if the employee is still absent, in an attempt to aid a safe and effective return to work.

When setting the appropriate review, targets will be dependent on the individual circumstances of the employees, their condition and level of absence accrued. If you require further assistance on this matter, please contact Human Resources.



9.1.1 Informal Stage

The informal stage should commence when the triggers have been reached or where the manager has concerns about the welfare of the employee, the amount of sickness absence, pattern of sickness or inability to undertake the normal duties of the role due to health issues.

At this Informal meeting the Manager and the employee will explore the reasons for sickness absence including the employee's ability to undertake their role, discuss any management concerns, set standards and targets for attendance and any necessary arrangements for monitoring this. As appropriate, a referral to the OHS can be made at this stage. This can be discussed at this informal meeting. Ideally a review and regular meetings can be held {monthly} so that any concerns about the employee's ability to meet the targets set can be highlighted at the earliest opportunity. The manager should consider any reasonable adjustments highlighted by the OHS to assist the employees return to work. At the end of the meeting, the manager should write to the employee to confirm the outcomes agreed and the monitoring period.

If the Manager does not implement the above, the Manager **must** receive express permission from the Head of Service if it is considered not appropriate to progress an employee to the next level of the procedure where the trigger has been exceeded or the improvement target has not been met. Please refer to section 9.5, Deferred Action for further information.

9.1.2 First Formal Stage

This meeting will commence the formal stages of the council's procedures and is an opportunity for managers to consider and establish the causes of the sickness absence or the employee's ability to undertake the role and its effect on work, taking account of medical advice. The manager and the employee can explore any work, welfare or domestic concerns or any other matters regarding the absence taking into account information received from the OHS.

The Manager will set reasonable standards for attendance or a target for a return to work along with consideration of the options which could improve attendance or enable a return to work. It can also include any issues or any warnings and determine a course of action which will take into account the needs of the council, and where possible, the interests of the employee.

It is important to note that there can be more than one First Formal Stage meeting particularly if specialist consultant's reports are required. It is recommended that these take place on a monthly basis. If an employee is on long-term sickness absence it is essential to maintain contact. For example, where attendance at the workplace is difficult, home visits or meeting at another location outside the office may be an option.

The manager should make it clear to the employee, that if improvements in attendance are not sustained after the monitoring period and recommendations/adjustments have been implemented, the sickness case may progress onto the final formal stage, where the employee's job may be at risk.

If the Manager does not implement the above, the manager must receive express permission from the Head of Service if it is considered not appropriate to progress an employee to the next level of the procedure where the trigger has been exceeded or the improvement target has not been met. Please refer to section 9.4 Deferred Action for further information.



9.1.3 Final Formal Stage

The Final Formal Stage is where the Council will consider the future employment of an employee due to their absence. The employee's manager will arrange for another manager, with authority to dismiss, to hear the employee's case at the Final Formal Meeting.

At the Final Formal Stage meeting, the Manager will consider if the employee is

- capable of regular and efficient service after hearing from the manager and the employee, for example, any reasonable alternatives to dismissal including reasonable adjustments to the work or workplace, redeployment, phased return, and early retirement can be considered
- that all medical information **is the latest information available** so that full consideration of the case has been completed
- whether the employee has been treated reasonably in line with the Council's policies and procedures and processes
- determine a course of action which will take into account the needs of the Council and, where possible, the interests of the employee

If the decision is to dismiss due to their sickness absence, the employee is entitled to:

- 1 notice (or payment in lieu of their contractual notice) even if they cannot work
- 2 full pay for the notice period – even if they are within their half pay or nil pay period of their sick pay entitlement period
- 3 full pay for any untaken contractual annual leave accrued whilst on long-term sickness absence upon termination of their employment.

Where dismissal is not an outcome of a final formal hearing and where sickness absence has not improved, the manager may decide to convene another final formal hearing, where dismissal may be an outcome. The manager does not need to wait until the end of the monitoring period to arrange another final formal hearing.

9.1.4 Deferred Action

Deferred Action requests are where an employee has reached a trigger for action within the procedure and the Line Manager seeks authority from their Head of Service not to take any action in accordance with procedure, this can be either on an informal and formal basis. It is important to note that this will only apply in exceptional circumstance. Please refer to the Council's [How to guide in Managing Sickness Procedure](#) for further information on applying for deferred action.

10.0 Appeal rights against dismissal

Employees will be advised that they have the right of appeal against their dismissal, and this must be lodged with the Head of Human Resources within 10 working days of receipt of the written decision of dismissal.

11.0 Medical Suspension

A medical suspension will arise where the manager and/or Occupational Health have concerns about an employee's fitness to undertake their work. If so, the employee will be required to stay at home while these concerns are investigated or whilst the risk to the employee's health and safety is dealt with. This should only occur in exceptional circumstances and every effort should be made to limit the period of medical suspension and explore alternative measures.



Medical suspension may be suitable in situations where the employee's health and safety are jeopardised by their attending work. An example of where medical suspension may be appropriate is where an employee is not in a suitable position to attend work but insists on coming to work. It is not to be used as an alternative to sickness absence. Employee on medical suspension will be paid their contractual pay for the duration of the medical suspension.

Prior to any suspension, the manager must:

- discuss their concerns with the employee
- consider whether further advice is required from the Occupational Health and/or the employee's GP before being taken
- consult with Human Resources about the situation
- be satisfied that there is no reasonable alternative to dealing with the situation than requiring the employee to stay at home
- Obtain the approval of the Head of Service before proceeding.

If agreement cannot be reached on the best course of action to support the employee between Occupational Health and the employee's GP and whether the employee is fit to undertake their work, the view of Occupational Health will prevail.

If suspension is necessary, an employee should be provided with a suspension letter that includes:

- the reasons for the suspension and how long the suspension is expected to last
- their rights and obligations during the suspension. For example, that they should be contactable during normal working hours
- a point of contact (such as a manager or HR) and their contact details for the employee during their suspension
- that the purpose of suspension is to investigate
- the employee will need to be reminded of arrangements concerning, sickness and notification of this and annual leave etc

The suspension should be frequently reviewed to ensure it is still necessary. The employee should be regularly updated about their suspension, the ongoing reasons for it, and how much longer it is likely to last. Before an employee can return to work following medical suspension, Occupational Health Clearance must be obtained.

12.0 Medical Redeployment

It should be noted that reasonable adjustments should be made to assist employees undertake their current role where possible. The services of [access to work](#) can be used to advise and if necessary, fund reasonable adjustments for employees with disabilities. Managers should seek advice from Human Resources.

Where the OHS advises that continuing in a post is no longer an option, medical redeployment should be considered at the earliest opportunity in the sickness procedure. In cases of long-term sickness where proposed changes by OHS cannot be supported, medical redeployment should be explored. In these cases, the OHS will advise the manager what the restrictions are for the individual in considering alternative posts.

If medical redeployment is unsuccessful, then a final formal stage meeting will be required to consider the matter.



13.0 Unauthorised Absence - AWOL (absent without leave)

Any employee who fails to follow the Council's Managing Sickness Policy and Procedure may be subject to action under the Council's Conduct and Discipline Policy. Unauthorised absences will be considered to be misconduct and the Council reserves the right to withhold Occupational Sick Pay.

