



## Sickness Absence Capability Policy

Name of Record	Sickness Absence Capability Policy
Author	Human Resources
Owner	Human Resources
Status	Published
Approved by	CMT and Trade Unions
Date of Publication	November 2024
Review Date	November 2025

Version	Notes	Author	Date
1.0	New policy agreed	HRO JG	11/2024
2.0	Updated amendments agreed	HCTL JH	07/2025

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## 1. Introduction

The Council is committed to ensuring the health, safety and wellbeing of all employees to enable them to fulfil their potential, contribute to the effective functioning of the Council and delivery of quality services.

This policy is designed to promote good practice and provide a fair and consistent framework for the effective management of sickness absence. This policy replaces all previous Maximising Attendance and Capability documents.

This policy will continue to meet the legal requirements as set out in the Equality Act 2010, Employment Rights Act 1996 and the Health and Safety at Work Act 1974.

## 2. Scope

This policy applies to all employees of East Renfrewshire Council (Local Government and SNCT) and East Renfrewshire Culture and Leisure. This policy will be considered alongside the SNCT Conditions of Service for Teachers where appropriate.

Throughout this policy the term 'manager' is used to refer to any employee whose job role includes a responsibility for the line management of employees.

## 3. Responsibilities

### 3.1 Senior Management

Senior managers are responsible for overseeing the implementation of the policy and for promoting a positive health, safety and wellbeing culture.

### 3.2 Line Management

Line managers are responsible for the overall management of absence. This involves implementing the policy fairly and consistently, recognising the individual circumstances of each case, and communicating the standards expected surrounding this policy to employees. Managers are responsible for maintaining absence paperwork and iTrent records.

### 3.3 Employees

Employees have a contractual responsibility to maintain attendance and fully comply with the policy, including attending meetings as required. It is expected that employees will look after their general health and wellbeing and, where appropriate, seek medical advice to maximise attendance.

### 3.4 Human Resources

The HR Team is responsible for providing guidance to employees and managers, attending absence meetings where appropriate to provide HR support, providing advice on risks associated with management decisions and actions, and reporting on Council absence figures.

## 4. Reporting and Certifying Sickness Absence

### 4.1 Contact during the first week of absence

If an employee is unfit for work, they must contact their line manager as soon as possible, by no later than their start time by telephone. Employees are expected to contact their manager

personally; however should the employee be unable to do so, as they are severely unwell or in hospital, a relative or alternative person may call on their behalf. In this situation, a manager should speak to the employee at an appropriate time to follow up.

The purpose of the call is to discuss:

- The nature of their absence and how long they expect to be absent
- Details of any medical advice
- Any work commitments that require alternative arrangements

Absences must be recorded on the Manager Self Service (MSS) promptly (see [video](#)), either by line management or by an iTrent administrator (subject to local arrangements).

Employees should contact their manager daily for the first week of absence. Depending on the nature of the absence, managers may apply discretion and have an alternative agreement.

If an employee fails to comply with absence notification procedures, the manager has a duty to make a reasonable attempt to contact the employee to establish their safety and wellbeing. Where the employee cannot be reached, advice should be sought from HR.

Employees should be aware that failure to satisfy notification and certification requirements could result in occupational sick pay being withheld.

In the case of every absence, consideration should be given to whether the absence is attributable to specific factors- that are covered by other policies such as Domestic Violence or Carer and Dependant Leave.

## **4.2 Contact after the first week of absence**

If an absence lasts longer than a week, the manager should agree a suitable date and time for the employee to call on a weekly basis.

It may be appropriate for a manager to apply discretion and agree to an alternative contact timescale due to the nature of an absence, however regular contact must be maintained to prevent isolation and ensure support is provided as early as possible. Alternative arrangements should ideally be confirmed in writing e.g. in an email or text.

Early intervention can be key to preventing a long term absence or series of absences from occurring. It is reasonable for managers to discuss with an employee any adjustments that could be made to allow an earlier return to work without needing to wait for a formal absence meeting to be triggered.

## **4.3 Certification requirements**

Absences up to 7 calendar days can be self-certified by the employee.

Employees must submit a fit note (either the original or an electronic copy) from a medical professional to cover absences over 7 calendar days.

If a fit note expires, a new fit note must be provided promptly. If there is a delay, the employee must inform their manager of the reason (e.g. difficulty getting a GP appointment) and when they expect to get the fit note. Delayed fit notes must be backdated so there are no gaps.

An employee can return to work before their fit note has run out, if they want to. However, they should make sure they are well enough and may wish to speak to their doctor in the first instance. The manager should speak with the employee prior to their return, to make sure they

are not putting their health at risk. The discussion should be recorded in the [return to work pro-forma](#). Advice may be sought from HR/Occupational Health if there are outstanding concerns.

Managers must upload a copy of fit notes to the MSS promptly (see [video](#)). Further guidance for managers on fit notes can be found [here](#).

## 5. Return to Work Discussion

Following every period of sickness absence, the manager must undertake a return to work discussion at the first available opportunity (in most circumstances this should be on the day the employee returns), covering the following:

- Welcome the employee back to the workplace
- Express an interest in the welfare of the employee
- Provide the employee with the opportunity to highlight any health, welfare or job-related problems which may be affecting attendance
- Consider reasonable adjustments or short term arrangements to support attendance
- Inform the employee if a trigger is met, their stage in the process and any next steps
- Update the employee on what has happened while they were absent

The manager must end the absence on the MSS (see [video](#)) and record the RTW discussion using the [template pro-forma](#).

For the avoidance of doubt, wherever an employee is requested to attend a meeting at which an absence trigger will be discussed and a monitoring period set, the employee should be informed that they have the right to Trade Union representation should they so wish. It may be necessary, where the employee wishes to exercise this right for representation that a separate meeting is set up to discuss these matters.

## 6. Absence Triggers

To ensure consistency, early intervention and support in managing absence levels, corporate absence triggers have been set to prompt formal action. Managers are responsible for monitoring if an employee has reached an absence trigger. The Dashboard on the Manager Self Service will help managers to monitor this (see [video](#)).

### 6.1 Trigger Levels

#### Short Term

- 3 periods of absence in a rolling 12 month period
- 6 working days absence in a rolling 12 month period (pro-rated for part time)
- Concerning pattern of absences (e.g. pattern of part-day absences, repeated increases in absence after a monitoring period ends, or repeated absence where certain duties are to be undertaken)

Please note: all absences within the previous 12 months will be considered for the trigger.

A [calculator](#) is available to check an employee's pro-rated absence trigger if required.

#### Long Term

- Continuous absence for 4 weeks or more

## 6.2 Part Day Absences

A period of absence is defined as a minimum of one working day. Half day sickness absences should still be recorded on the MSS, however they should not be counted towards an employee reaching a trigger. The only exception to this would be if a pattern emerges.

## 7. Disciplinary Procedure

Disciplinary action may be considered if there are breaches of conduct at any stage of the process, such as fraudulent conduct, unauthorised absence or abuse of sick pay.

If an employee fails to follow notification or certification requirements, or fails to follow the policy e.g. not attend meetings without good reason, this will be regarded as an unauthorised absence. Occupational sick pay may be withheld and disciplinary action may be taken.

## 8. Sickness Absence Process

There are 3 stages of formal meetings that employees can progress through, which may ultimately lead to a Capability Hearing where consideration is given to termination of employment on the grounds of capability due to ill-health.

Managers are expected to keep in touch with employees frequently, including between formal stages. This would normally be by telephone, however it may, where appropriate, be supportive to meet in person or on Teams.

### Template Letters:

[Invite to Absence Support Meeting](#)

[Absence Support Pro-Forma](#) (to be enclosed with the outcome letter)

[Absence Support Outcome Letter](#)

### 8.1 Flowchart

The following flowcharts highlight the 3 formal stages.

Please note, the [corporate triggers](#) that initiate formal action are fixed, however at the end of each formal meeting the manager will set a monitoring period with a new absence trigger which will vary on a case-to-case basis.

Guideline absence triggers for each stage are included in this policy, however managers must adjust these where appropriate based on the circumstances of an absence (for example, if an employee is considered to have a disability under the Equality Act).

Further explanation on the [formal stages](#) and [making reasonable adjustments](#) are provided in subsequent sections.

### Short Term Flowchart

**Employee hits trigger:** 3 periods or 6 working days (pro-rated) in 12 months, or a concerning pattern.

#### Sickness Capability Stage 1 Meeting

When an employee hits an absence trigger, they will be invited by their manager to a Stage 1 Meeting to discuss their absence and to explore support options. Full guidance on Stage 1 can be found [here](#).

The outcome will be:

- 6 month monitoring period (scope to extend if appropriate due to extended leave)
- The guideline absence trigger is no more than 1 period of absence of 2 working days (pro-rated), however managers must consider the circumstances and adjust as required (e.g. due to disability)

- If the employee completes the monitoring period without breaching the absence trigger, the formal process ends and normal monitoring resumes.
- If the employee breaches their absence trigger, they will progress to a Stage 2 Meeting.

#### Sickness Capability Stage 2 Meeting

If the employee breaches their absence trigger, they will be invited to attend a Stage 2 Meeting to further discuss their absence and explore support options. Full guidance on Stage 2 can be found [here](#).

The outcome will be:

- 9 month monitoring period
- The guideline absence trigger is no more than 2 periods of absence or 4 working days (pro-rated), however managers must consider the circumstances and adjust as required (e.g. due to disability)

- If the employee completes the monitoring period without breaching the absence trigger, the formal process ends and normal monitoring resumes.
- If the employee breaches their absence trigger, they will progress to a Stage 3 Meeting.

#### Sickness Capability Stage 3 Meeting

If the employee breaches their absence trigger, they will be invited to attend a Stage 3 Meeting to further discuss their absence and explore support options. Full guidance on Stage 3 can be found [here](#).

The outcome will be:

- 12 month monitoring period
- The guideline absence trigger is no more than 3 periods of absence or 6 working days (pro-rated), however managers must consider the circumstances and adjust as required (e.g. due to disability)

- If the employee completes the monitoring period without breaching the absence trigger, the formal process ends and normal monitoring resumes.
- If the employee breaches their absence trigger, they may progress to a Capability Hearing.

#### Capability Hearing

The employee and their manager will be given the opportunity to present their cases. Consideration will be given to termination of employment on the grounds of capability due to ill health. Full guidance can be found [here](#).

Managers are expected to keep in touch with employees frequently, including in between formal stages.



## Long Term Flowchart

**Employee hits trigger:** Continuous absence of 4 weeks or more.

### Sickness Capability Stage 1 Meeting

The employee will be invited by their manager to a Stage 1 Meeting at week 4 to 12 of their absence to discuss the absence and to explore support options. Full guidance on stage 1 can be found [here](#).

- If the employee returns to work before a Stage 2 Meeting is arranged, the manager will hold a return to work discussion as normal. The employee will be advised that a Stage 1 monitoring period and absence trigger will be set. Employees have the right to be accompanied for this part of the discussion if they wish. Further information can be found [here](#).
- If the employee remains absent from work, the manager will invite them to a Stage 2 meeting at the appropriate time within 4-16 weeks.

### Sickness Capability Stage 2 Meeting

The employee will be invited to a Stage 2 Meeting to further discuss their absence and explore support options. Full guidance on Stage 2 can be found [here](#).

- If the employee returns to work before a Stage 3 Meeting is arranged, the manager will hold a return to work discussion as normal. The employee will be advised that a Stage 2 monitoring period and absence trigger will be set. Employees have the right to be accompanied for this part of the discussion if they wish. Further information can be found [here](#).
- If the employee remains absent from work, their manager will invite them to a Stage 3 meeting at the appropriate time within 4-16 weeks.

### Sickness Capability Stage 3 Meeting

The employee will be invited to a Stage 3 Meeting to further discuss their absence and explore support options. Full guidance on Stage 3 can be found [here](#).

- If the employee returns to work before a Capability Hearing is arranged, the manager will hold a return to work discussion as normal. The employee will be advised that a Stage 3 monitoring period and absence trigger will be set. Employees have the right to be accompanied for this part of the discussion if they wish. Further information can be found [here](#).
- If the employee remains absent from work, their manager will invite them to a Capability Hearing at the appropriate time.

### Capability Hearing

The employee and their manager will be given the opportunity to present their cases. Consideration will be given to termination of employment on the grounds of capability due to ill health. Full guidance can be found [here](#).

Managers are expected to keep in touch with employees frequently, including in between formal stages.

8.2 Arranging a Formal Meeting

Managers are responsible for organising and chairing all meetings. Meetings should be held in a private room free from distraction. There may be occasions when it is deemed suitable to hold a meeting in a location away from the normal workplace or via Microsoft Teams.

Advice can be sought from HR at any stage in the process. HR attendance at meetings will be based on the nature and complexity of the case.

Employees will be invited to formal meetings in writing with reasonable notice.

When a formal meeting is scheduled, employees must make every effort to attend. If an employee is unable to attend, they should inform their manager at the earliest opportunity. The meeting should be rearranged as soon as possible.

Where an employee fails to attend a rearranged meeting without good cause, the decision may be made to go ahead with the meeting in the employee’s absence and a decision will be reached on the evidence available. The employee will be informed of this in writing.

8.3 Right to Representation

At each formal stage, employees are entitled to be accompanied by a Trade Union representative or work colleague. The representative can ask questions, confer and sum up, but cannot answer questions on the employee’s behalf.

9. Progression through the Absence Stages

9.1 Short Term Absence Monitoring Periods

At each formal stage a monitoring period will be implemented. The manager will set a new absence trigger for each monitoring period, taking into consideration the circumstances surrounding the absence and any disability or underlying health condition.

- If, during a monitoring period, the employee has an absence level higher than the absence trigger, they will progress to the next stage.
- If the employee is absent during the monitoring period but their absence level remains below the absence trigger, the return to work meeting will be held as normal with reference made to this.
- If the employee completes the monitoring period without exceeding the absence trigger, no further action will be taken and normal absence monitoring will resume.

Monitoring periods typically commence from the date of the formal meeting, therefore it is important that meetings are held promptly. If there are any delays, advice should be sought from HR on whether it is appropriate to backdate a monitoring period start date.

9.2 Long Term Absence Timescales

Progression through the formal stages for a long term absence is by timescales set by the manager. The timescales given below are indicative only and the individual circumstances of every case will be taken into account when managing the absence.

Sickness Capability Stage 1	Week 4 to 12
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Sickness Capability Stage 2	A further 4 to 16 weeks
Sickness Capability Stage 3	A further 4 to 16 weeks
Capability Hearing	As soon as reasonably practicable

The timescales must always be **fair and reasonable**. Consideration must be given to factors such as the nature of the **employee's health condition, their role and the impact of the absence, and support that has been offered**. Advice can be sought from HR as required.

## Sickness Capability Stage 1

Stage 1 will be initiated when an employee reaches a corporate trigger point (as set out in [section 6](#)). The objective of the meeting is to:

- Review the employee's level/pattern of absence
- Explore the reason for the absence(s), including any underlying causes
- Discuss any medical advice that has been given and any future medical input required
- Discuss adjustments or support mechanisms to support the employee
- Highlight why the present level of absence is giving cause for concern and cannot operationally be supported indefinitely
- Ensure the employee understands the formal procedure and the stages that will follow if absence levels continue to be of concern, which could ultimately lead to termination of employment on the grounds of capability due to ill-health

**For short term absences**, a 6 month monitoring period will be implemented. Please note, it may be appropriate to extend a stage 1 monitoring period where a prolonged period of leave (e.g. annual leave, special leave) occurs during this time.

The guideline absence trigger is no more than 1 period of absence of 2 working days (pro-rated) of absence in 6 months. However, managers must consider the circumstances and adjust this as required. For example, if an employee has a [disability](#) under the Equality Act, a reasonable adjustment may be to increase this absence trigger.

**For long term absences**, the manager will agree to meet with the employee at Sickness Capability Stage 2 Meeting in a further 4 to 16 weeks, taking into consideration the circumstances of the absence.

### Template Letters:

- [Stage 1 Invite Letter](#)
- [Stage 1 Meeting Template Pro Forma](#) (to be enclosed with the outcome letter)
- [Stage 1 Outcome Letter](#)

## Sickness Capability Stage 2

If the employee exceeds the Stage 1 absence trigger, Stage 2 will be initiated. The Sickness Capability Stage 2 meeting should cover similar discussion points as Stage 1 and any actions previously agreed.

**For short term absences**, a 9 month monitoring period will be implemented.

The manager is responsible for setting and communicating the absence trigger. The guideline absence trigger is no more than 2 periods or 4 working days of absence (pro-rated) in 9 months. However, managers must consider the circumstances and adjust this as required.

**For long term absences**, the manager will agree to meet with the employee at a Sickness Capability Stage 3 meeting in a further 4 to 16 weeks, taking into consideration the circumstances of the absence.

#### Template Letters:

- [Stage 2 Invite Letter](#)
- [Stage 2 Meeting Template Pro Forma](#) (to be enclosed with the outcome letter)
- [Stage 2 Outcome Letter](#)

### Sickness Capability Stage 3

If the employee exceeds the Stage 2 absence trigger, a Sickness Capability Stage 3 Meeting will be held, covering similar discussion points as earlier stages and actions previously agreed.

**For short term absences**, a 12 month monitoring period will be implemented at Stage 3. The manager is responsible for setting the absence trigger. The guideline absence trigger is no more than 3 periods or 6 working days of absence (pro-rated) in 12 months. However, managers must consider the circumstances and adjust this as required.

The employee must be advised that if the trigger is breached, the case may proceed to a Hearing which may result in dismissal on the grounds of capability.

**For long term absences**, the manager will formally review the absence and proceed to a Capability Hearing at the appropriate time based on the circumstances of the absence.

#### Template Letters:

- [Stage 3 Invite Letter](#)
- [Stage 3 Meeting Template Pro Forma](#) (to be enclosed with the outcome letter)
- [Stage 3 Outcome Letter](#)

### Capability Hearing

The purpose of the Hearing is to review all factors relating to a case. The outcome of the Hearing may include the decision to terminate employment on the grounds of capability.

The manager will prepare a Capability Report detailing the absence history, meetings and discussions held, actions taken and medical advice received. The manager is also responsible for arranging a note taker for the Hearing.

The employee will be given reasonable notice in writing and will be provided with a copy of the report and any supplementary documentation to be considered at the Hearing.

If the employee or their representative is unable to attend, the Hearing will be rescheduled only once, unless evidence of extenuating circumstances is provided. If the employee fails to attend a rescheduled Hearing, it may take place in their absence.

#### At the Hearing

In attendance at the Hearing will normally be:

- Senior manager (chair) who has not previously been involved in managing the absence
- Employee
- Line Manager
- Trade Union representative or colleague, should the employee wish to be accompanied
- HR representative
- Note taker

The manager and the employee will be given the opportunity to present their cases.

It is in the employee's interest to attend, however if they are unable to then they will be provided with the opportunity to submit a written representation.

The chair will consider the matter fully, taking into account:

- Attendance to date, patterns and reasons for absence
- Welfare of the employee and any work-related issues
- Medical information (from OH and other medical professionals where appropriate)
- Prognosis of any medical condition and whether or not there is a foreseeable return to work or the ability to sustain regular attendance
- Actions taken and support provided in an attempt to enable the employee to improve attendance and continue in employment
- Where appropriate, ill-health retirement and alternative employment options explored
- Representations made by the employee and/or their representative
- Impact of the absence on service delivery, cost of cover and impact on colleagues
- Whether termination of employment is a reasonable and appropriate outcome

## **Outcome**

If a decision is not given on the day, it will be issued in writing as soon as possible. The written confirmation will include the reason for the decision taken and the right of appeal.

Employees dismissed on the grounds of ill-health will be entitled to a payment in lieu of notice (in line with their terms and conditions) and payment of annual leave accrued.

## **Template Letters**

- [Invite to Capability Hearing](#)
- [Outcome of Capability Hearing](#)

## **9.3 Right of Appeal**

Employees have the right to appeal against dismissal on the grounds of capability. Appeals against dismissal are heard by the Appeals Committee.

Appeals must be submitted to the Director of Business Operations and Partnerships in writing ([Appeal Form](#)) within 10 working days of receipt of the confirmation letter. Employees will be notified that their appeal has been received, normally within 5 working days.

The appeal stage is not a rehearing of the original case. The grounds for appeal should typically fall within one of the following:

- Procedural error
- The outcome is unreasonable or excessive
- New information is now available which could not have reasonably been provided when the original decision was made

Where an employee otherwise considers the process in this policy to have not been applied correctly, they can raise this under the Council's [Grievance Procedure](#).

## 10. Transitioning between Absence Types

Where an employee's absence pattern changes from being short to long term or vice versa, progression through the stages will continue. These example transitions apply at any stage.

**Long Term to Short Term Example:** An employee who has had a Stage 1 Meeting returns to work before progressing to Stage 2. Their manager will hold a return to work discussion and advise them that they will now have a Stage 1 monitoring period and absence trigger set.

If the employee wishes to be accompanied for the monitoring period and absence trigger being set, then the manager will arrange a follow-up meeting with reasonable notice (see [template invite](#) and [outcome](#) letters). Otherwise, this may be included at the return to work discussion.

**Short Term to Long Term Example:** An employee who has already attended a Stage 1 Meeting due to short term absence will progress to a Stage 2 Meeting if they are absent with a long term absence within the monitoring period

## 11. Modified Procedure

If, at any stage, medical opinion suggests a return to work is unlikely or the projected timescale is one that cannot be operationally supported, the decision may be taken for a modified procedure to be invoked with direct progression to a Capability Hearing.

If a pattern of Stage 1 or Stage 2 monitoring followed by only short term improvements in attendance emerges, it may be appropriate for the matter to progress directly to Stage 2, 3 or Capability Hearing.

Advice must always be sought from HR.

## 12. Occupational Health

### 12.1 Making a Referral

The Council contractually reserves the right to refer an employee to Occupational Health to gather medical information in relation to their employment, including for absence management.

Occupational Health can provide advice and guidance on the impact of ill health on work and the steps that could be taken to allow an employee to remain in work, improve attendance levels or return to work.

The Council cannot pay for any additional treatment outside of the contract. This currently includes Occupational Health appointments, Employee Assistant Provider support and a maximum of 4 counselling sessions.

Managers must always notify an employee and seek consent before submitting a referral. No information should be included that has not been discussed with the employee. If an employee does not give their consent for medical information to be obtained, the Council will have no other option but to proceed on the basis of the information available.

An Occupational Health referral is compulsory when progressing to a Capability Hearing, however at any other stage of the process the decision to refer should be based on the circumstances of the case and there should be clear rationale for the referral.

The department will be recharged the full price of a scheduled Occupational Health appointment if an employee fails to attend or cancels without providing 48 hours' notice.

## 12.2 Discussing an Occupational Health Report

When a manager receives a report, they must notify the employee and invite them to a discussion using the [template letter](#).

Employees have the right to be accompanied when an Occupational Health report is being discussed, if they wish. There is a template [outcome letter](#) available to record the key discussion points.

## 13. Reasonable Adjustments

Employers are required to make reasonable adjustments to an employee's role if they are deemed to have a disability under The Equality Act (2010).

### 13.1 Definition of a Disability

Under the Equality Act 2010, an individual is considered to have a disability if they have a physical or mental impairment that has a 'substantial' and 'long term' negative effect on their ability to do normal daily activities.

- 'Substantial' means more than minor or trivial, e.g. it takes longer than it usually would to complete a daily task like getting dressed.
- 'Long term' means it will affect them, or be likely to affect them, for at least 12 months

Some conditions are automatically covered: cancer, HIV infection, multiple sclerosis (MS) or a visual impairment (e.g. blind, severe sight impairment).

Some conditions are not covered e.g. addiction to non-prescribed drugs or alcohol. Further information on support for these conditions can be found in the [Alcohol and Substance Policy](#).

Progressive conditions (conditions that get worse over time) are considered a disability as soon as it starts to have an effect on an individual's normal day-to-day activities, as long as this is likely to be long term. The effect does not have to be substantial as it is likely to become substantial in the future e.g. Alzheimer's disease and Parkinson's.

In all cases, where there is evidence of a disability, managers should seek advice from HR.

### 13.2 Making a Reasonable Adjustment

Managers must ensure that the management of an absence case is reasonable and that adjustments are considered throughout. The aim should be, so far as possible, to remove or reduce disadvantages faced by an employee. The following should be considered:

- How effective the change will be in avoiding the disadvantage



- Practicality
- Cost, financial supports and availability of any other resources

Advice on the most appropriate adjustment can be sought from HR, Occupational Health and the employee. Examples of reasonable adjustments include:

- Adjusting an absence trigger set for the monitoring period at a formal meeting
- Phased return to work
- Permanent or temporary change to hours/work pattern (through [Flexible Working](#))
- Assistance with transport to and from work locations through [Access to Work](#)
- New or modified equipment and tools including IT equipment
- Additional training or refresher training
- Temporary reallocated or amended duties
- Redeployment

A timescale for temporary adjustments should be agreed in line with what can be reasonably accommodated operationally and this should be reviewed regularly.

### 13.3 Phased Returns

The aim of a phased return is to allow a reasonable period of adjustment or rehabilitation following a serious illness or injury that has had a continued impact on the employee but where the employee can begin to return to work in a staged approach. A phased return can, if managed well, prevent further absence.

There is no automatic right to a phased return. Managers should seek advice from HR to ensure consistency and fairness. The following should be taken into account:

- Reason for and length of absence
- Prognosis
- Job role and related tasks
- Whether additional reasonable adjustments have been made to assist return
- Medical evidence

Managers are advised that although a fit note may recommend a phased return, a GP is unlikely to know the details of an employee's role at work. Therefore other factors should be considered before agreeing to a phased return.

If a fit note states an employee 'may' be fit for work, managers should discuss any changes that might support the return (e.g. different hours or tasks). The employee must be treated as 'not fit for work' if there is no agreement on these changes.

It should not normally take more than 4 weeks for the employee to return to their normal work pattern. If a phased return is agreed to, the employee will be entitled to full contractual pay for the **maximum 4 weeks**.

If an employee requests to extend a phased return, and this is mutually agreed by the manager and can be accommodated in line with service delivery requirements, this may be facilitated using annual leave (LGE) or compensatory leave (SNCT) or a temporary flexible working arrangement to reduce hours (please note, this would result in a reduction in pay).

Take caution when agreeing to extend a phased return as above, as this could indicate that the employee is not yet fit for work and it may be appropriate to seek further medical advice.



### 13.4 Redeployment

Redeployment involves transferring an employee to fill an existing vacancy that is a suitable alternative position, taking into account the essential criteria for the post.

Where alternative employment may be achievable, discussions will be held with the employee to consider this fully at the appropriate stage.

Attempts will be made to identify a suitable role, however the Council cannot create a role for the employee and suitable alternative posts are not always available. Redeployment is undertaken in accordance with the Council's [Redeployment Policy](#).

## 14. Ill Health Retirement

If possible, and subject to the employee being in the appropriate pension scheme, the Council may explore the option of ill health retirement prior to considering ending employment on the grounds of capability due to ill-health at the appropriate stage in the formal procedure.

It should be noted that ill health retirement is not always a viable option and may not be a consideration if the employee has not exhausted all forms of treatment for their condition(s).

## 15. Pregnancy Related Absence

Employees must continue to follow normal reporting and certification procedures. Employees will be paid the same as they would be if they were absent for any other illness.

Managers must ensure that employees are supported through appropriate discussions (including return to work discussions for each absence), support and risk assessments.

It is important to establish and record whether an absence is related to pregnancy at each return to work discussion where relevant, as pregnancy-related absences should not be counted towards absence triggers.

If an employee is absent from work due to any pregnancy related illness during the 4 week period prior to the expected week of childbirth, maternity leave will automatically commence.

All employees (including partners) affected by pregnancy loss will be eligible for reasonable time off with pay as necessary. Further guidance is available in the [Special Leave Scheme](#).

An eligible employee will remain entitled to [maternity leave and/or pay](#) if their baby is stillborn after the start of the 24<sup>th</sup> week of pregnancy, or if their baby dies after being born.

## 16. Work Related Stress

Where an employee's absence is as a result of Work Related Stress, early advice should be sought from the HR Case Team or HR Business Support Team. In these instances consideration should be given to completion of [Stress in the Workplace](#) form and an early referral to Occupational Health.

## 17. Work Related Accidents

All work-related accidents and incidences of assault in the course of employment are to be recorded, investigated and reported as per [Health and Safety guidelines](#).

For Local Government Employees, this should be considered alongside section 8.18 and 8.19 of the Scottish Joint Council National Agreement on Pay and Conditions of Service and for SNCT employees, alongside section 6.20 of the SNCT Conditions of Service.

In relation to assault in the course of employment, this should be considered alongside sections 6.23 to 6.25 of the SNCT Handbook.

## 18. Infectious Diseases

If an employee is prevented from attending work because of contact with infectious disease this will be recorded as sick leave. Refer to the [Sick Pay Scheme](#) for information relating to pay. Where appropriate, this should be considered alongside section 6.34 of the SNCT Conditions of Service for Teachers.

## 19. Addiction Treatment

If rehabilitation treatment is recommended by the employee's GP or Occupational Health, then absences due to such treatment will be treated as sickness absence. Further guidance can be found in the [Alcohol and Substance Misuse Policy](#).

## 20. Terminal Illness

Where a terminal illness or medical condition is diagnosed the options available will be discussed at the appropriate time, taking account of individual circumstances. This may include ill-health retirement, should the employee meet the eligibility criteria.

If an employee is in receipt of a [Benefits Assessment for Special Rules in Scotland \(BASRiS\) Form](#), this will be included with any ill-health retirement application.

Advice should be sought from the HR Team in all circumstances related to terminal illness.

## 21. Sending an Employee Home due to Sickness

If a manager feels that an employee is not well enough to work, they should speak to the employee immediately and raise this concern.

If the employee agrees that they are too sick to work, sick leave should commence as normal. If the employee disagrees that they are not fit for work and refuses to go home, the matter may have to be dealt with as a conduct matter. Advice should be sought from HR on next steps.

## 22. Annual Leave

### 22.1 Annual leave entitlement

Annual leave continues to accrue during sickness absence.

Local Government Employees and 52 week SNCT employees on long-term absence will have their annual leave entitlement abated when the absence reaches 90 calendar days. Further guidance can be found [here](#) and calculators are available ([2024 calculator](#) / [2025 calculator](#)).

### 22.2 Sickness absence during annual leave

If an employee falls ill during a period of booked annual leave and wishes for it to be treated as sick leave, they must follow the [normal reporting requirements](#) and provide a fit note

(regardless of the length of absence). The manager is responsible for cancelling the annual leave on iTrent and recording the sickness absence.

Employees who return from annual leave and provide a fit note retrospectively, without following reporting requirements, will not be considered as being absent due to sickness.

If an employee is absent through sickness on a public holiday, they will receive sickness allowance on that day but no day off in lieu will be granted at a later date.

### **Teachers and Music Instructors**

Where a teacher or music instructor has been incapacitated for 8 consecutive days or more during a school holiday period, they will accrue compensatory leave if reporting and certification requirements are met. For each certified absence, the employee will accrue compensatory leave of 2 days for every 5 days of designated annual leave which cannot be taken, to be taken following their return to work. This is subject to a maximum credit of 8 days accruing in any one leave year.

The timing of this leave is subject to the overriding needs of the service and should normally be taken in the term in which the return to work takes place or within the following term or as part of a phased return agreed with their manager.

## **22.3 Annual leave during sickness absence**

Local government employees can request to take annual leave while they are absent. If an employee requests to take annual leave during a long term absence, the manager should contact the [HR Case Team](#) to discuss the administration of this process.

## **23. Employee Wellbeing**

PAM Assist are appointed to provide confidential counselling and support for all employees.

- Free helpline 0800 882 4102
- Email [counsellingteam@pamassist.co.uk](mailto:counsellingteam@pamassist.co.uk)
- Website [www.pamassist.co.uk](http://www.pamassist.co.uk) (username ERC / password ERC1)

There are various other initiatives, policies and guidance in place to support health and wellbeing which can be access on the [Health & Wellbeing](#) section of the intranet.

## **24. Sick Pay**

The Council pays an enhanced rate of sick pay based on length of service. To qualify for the scheme, employees must satisfy the notification and certification requirements in [section 4](#).

Where an employee exhausts their entitlement to sick pay and are expected to return to work shortly thereafter, they can apply for a period of unpaid leave.

This application will be assessed by the Head or Service or relevant senior manager, with any advice provided by HR as required, to determine if it is appropriate based on the facts.

The full details of the scheme can be found in the [Sick Pay Scheme](#) (LGE) or the [SNCT Conditions of Service for Teachers](#).

## 25. Further Guidance

Further advice and guidance can be sought from:

- HR Case Team: [hrcaseteam@eastrenfrewshire.gov.uk](mailto:hrcaseteam@eastrenfrewshire.gov.uk)
- For schools, the HR Business Partner Team (Education): contact the nominated Senior HR Officer

All toolkit documents and template letters are linked below and are also available on the [intranet](#).

## 26. Appendices

[Sick Pay Scheme](#)

[Toolkit – Fit Notes](#)

[Toolkit – Annual Leave Abatement](#)

Calculator – Annual Leave Abatement [2024](#) / [2025](#)

Calculator – [Pro Rated Absence Triggers](#)

[Guidance Videos](#)

[Stress in the Workplace](#)

## 27. Templates

<b>Stage 1</b>	<a href="#">Invite letter</a>	<a href="#">Meeting pro-forma</a>	<a href="#">Outcome letter</a>
<b>Stage 2</b>	<a href="#">Invite letter</a>	<a href="#">Meeting pro-forma</a>	<a href="#">Outcome letter</a>
<b>Stage 3</b>	<a href="#">Invite letter</a>	<a href="#">Meeting pro-forma</a>	<a href="#">Outcome letter</a>
<b>Capability Hearing</b>	<a href="#">Invite letter</a>	<a href="#">Outcome letter</a>	<a href="#">Appeal form</a>

[Return to Work Pro-forma](#)

[Occupational Health Referral Form](#)

[Invite Letter – Meeting to discuss Occupational Health report](#)

[Outcome Letter – Meeting to discuss Occupational Health report](#)

Unauthorised Absence – [Letter 1](#) and [Letter 2](#)

[Invite Letter – Meeting to set monitoring period and absence trigger after a long term absence](#)

[Outcome Letter – Monitoring period and absence trigger after a long term absence](#)

[Invite Letter – Reschedule a formal meeting](#)

## **28. Related Policies**

[Discipline Procedures](#)

[Redeployment Policy](#)

[Alcohol & Substance Policy](#)

[Flexible Working Policy](#)

[Health & Wellbeing at Work Strategy](#)

[Menopause Policy](#)

[Managing Cancer in the Workplace](#)

[Dependant and Carers Policy](#)