Item: 2

Human Resources Sub-committee: 3 November 2026.

Managing Sickness Absence Policy.

Report by Director of Infrastructure and Organisational Development.

1. Overview

1.1. This report presents the revised Managing Sickness Absence Policy, for approval.

1.2. On 5 July 2016, the Council approved the current Sickness Absence Policy.

1.3. It is normal practice that Council Human Resources Policies are reviewed at least every 5 years. This review is therefore overdue. However, officers have maintained a close overview of relevant legislation and best practice, and nothing of substance has arisen which would have warranted a formal review prior to this time.

1.4. Over time, as with most Human Resources Policies, operational processes can and do evolve which would not necessitate formal policy review. Such evolution of operational process is implemented by officers routinely.

1.5. The Council Plan 2023-2028 established strategic priorities under Transforming the Council:

- We will develop ways of working that put people at the heart of what we do.
- We will establish a culture that motivates staff to do the right things at the right times.
- We will develop business approaches that are fit for purpose and give people direct access to services where possible.

1.6. Key performance measures to achieve these strategic priorities are:

- Achieving an average sickness absence days per FTE teacher per year of 6 days.
- Achieving an average sickness absence days per FTE employee per year (excluding teachers) of 9 days.

1.7. Since COVID-19 the Council has seen a slow but steady increase in average sick days lost across the board, which has been replicated across other Councils and the wider public sector employers.

1.8. For absence for employees (excluding Teachers) there are early positive signs of a start of a downward trend again in financial year 2025-26. For absence for Teachers there is a continuing pattern of increasing levels of absence.

1.9. The revised Managing Sickness Absence Policy, incorporating the revisions set out in part 3 of this report, is attached at Appendix 1. Appendices 2 and 3 relate to operational procedures to enable officers to apply the revised policy and are attached for information and awareness only.

1.10. The policies and supporting procedures have been written to ensure compliance with legal requirements and best practice recommendations wherever these can reasonably be accommodated, to aim to support managers to efficiently and effectively manage sickness absence and support employees to be able to return to work where possible and reduce levels of sickness absence.

2. Recommendations

2.1. It is recommended that members of the Sub-committee:

i. Approve the Managing Sickness Absence Policy, attached as Appendix 1 to this report.

3. Policy Review

3.1. As part of the policy review process, managers feedback received by Human Resources has been included, and formal engagement with the Corporate Leadership Team and Extended Corporate Leadership Team have been carried out and considered as part of the revised policy and procedures.

3.2. Consultation with the recognised Council Trade Unions has been carried out, with their feedback being reflected within the policy and procedures submitted. Their agreement to the revised policy has been received.

3.3. The significant revisions to the Managing Sickness Absence Policy broadly covers changes to:

- Clarity of Roles, Responsibilities and Exceptions
- Integration of Council Plan Absence Targets
- Updated Minimum Reporting Contact Requirements
- Consolidation of Sickness Provisions
- Simplified Short-Term and Long-Term Absence Processes
- Expanded Guidance and Support Materials
- Revised Phased Return to Work Arrangements

- Updated Management Discretion Framework.
- Clarification of where Discretion cannot be applied.

3.4. A more detailed summary of the changes is included at Appendix 3 for ease of reference.

For Further Information please contact:
Andrew Groundwater, Head of Human Resources and Organisational Development, extension 2253, email: andrew.groundwater@orkney.gov.uk.

Implications of Report

1. **Financial:** There are no immediate financial implications arising from this report. Having effective policies and procedures in place to manage employee sickness absence should help reduce their frequency and duration and therefore the associated cost to the Council of such absences.
2. **Legal:** There are no significant legal implications arising directly from the recommendations contained in this report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, the establishment and review of policies, procedures and strategies relating to the human resource requirements of the Council is a referred function of the Human Resources Sub-committee.
4. **Human Resources:** The Human Resource implications are outlined in the body of the report.
5. **Equalities:** An Equality Impact Assessment has been carried out and is attached as Appendix 4 to this report.
6. **Island Communities Impact:** As this policy is unlikely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) within Orkney, a full Island Communities Impact Assessment has not been undertaken.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
   ☐Growing our economy.
   ☐Strengthening our Communities.
   ☐Developing our Infrastructure.
   ☒Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
   ☐Cost of Living.

☐Sustainable Development.

☐Local Equality.

☐Improving Population Health.

9. **Environmental and Climate Risk:** Not applicable.
10. **Risk:** Not applicable.
11. **Procurement:** Not applicable.
12. **Health and Safety:** None arising directly from this report.
13. **Property and Assets:** Not applicable.
14. **Information Technology:** Not applicable.
15. **Cost of Living:** Not applicable.

List of Background Papers

Human Resources Sub-committee – 2 June 2016: Item 2 – Managing Sickness Absence.

Appendices

Appendix 1: Managing Sickness Absence Policy.

Appendix 2: Managing Sickness Absence Procedure.

Appendix 3: Changes to Management of Sickness Absence Policy and Procedures.

Appendix 4: Equality Impact Assessment.

Appendix 1

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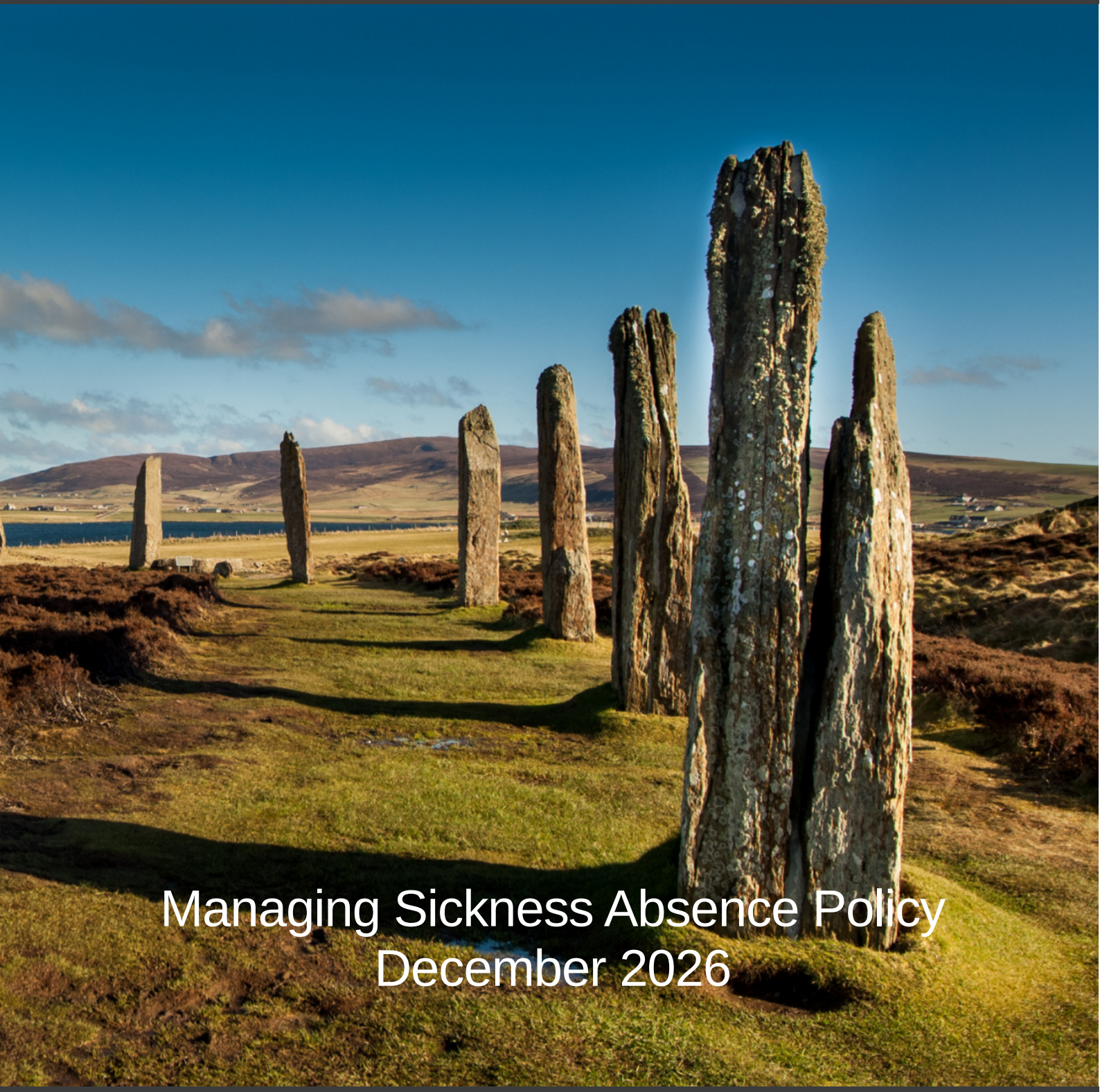

Managing Sickness Absence Policy
December 2026

www.orkney.gov.uk

AskHR

Document Control Sheet.

Review / approval history.

Date.	Name.	Position.	Version Approved.
	Full Council	N/A	May 2026
	Full Council	N/A	July 2016
	Full Council	N/A	December 2026

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
August 2026	Craig Walker		Review	Update following internal audit and review of policy in line with scheduled timescale.
Next due for review as part of the implementation of the Council new HR & Payroll System estimated 2028/29.				

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1. Introduction

Orkney Islands Council aims to encourage and support all its employees to maximise their attendance at work.

The Council recognises that employees will, from time to time, be unable to come to work because of sickness. However, the Council regards high levels of attendance at work vital for the maintenance of an effective employment relationship and to ensure that the Council can deliver efficient and effective services to the communities of Orkney.

The Council aims to adopt a fair and consistent approach to the management of sickness absence, which takes account of any reasonable support that could be put in place to support employees to return to work and minimise ongoing absence.

The Council's approach to the management of absence has an underlying principle of early intervention in order that support and assistance can be put in place to help an employee return to work as early as possible and reduce ongoing potential absences, and the adverse impact that these can have for the individual, their work colleagues and the Council.

High levels of sickness absence are costly and disruptive and can lead to:

- Additional pressure being placed on work colleagues leading to higher levels of stress and low morale.
- Loss of continuity for Service users.
- Additional salary costs necessary to cover absences.
- Poor reputation for Orkney Islands Council.

Addressing sickness absence properly can also benefit employees by:

- Providing an opportunity for support and assistance from the Council through the period of absence.
- Helping to identify work-related and non-work-related issues that are causing or contributing to sickness absence.
- Identifying clearly the attendance standards expected by the Council.

2. Who does this apply to?

The Sickness Absence Policy and associated procedure and guidance will apply to all employees of Orkney Islands Council including, Scottish Joint Council (SJC) employees, Chief Officials including Heads of Service, Corporate Directors and the Chief Executive, Teachers and other education professionals covered by Scottish Negotiating Committee for Teachers (SNCT) conditions of service, Orkney College Academic staff.

The Sickness Absence Policy will be reviewed by the Head of Human Resources and Organisational Development, or their nominated representative, in conjunction with recognised trade unions in line with the schedule for the review of all Council Human Resources Policies, normally every five years.

Should changes to employment law, best practice recommendations or schemes of Conditions of Service dictate, a review within this timescale may be carried out by the Head of Human Resources and Organisational Development.

The accompanying procedure, guidance and any appendices issued in respect of facilitating the proper use of this policy and procedure shall be revised and updated by the Head of Human Resources and Organisational Development or their nominated representative as appropriate. Such revisions, other than where they would constitute substantive change to practice, shall not normally require further consultation with the recognised Trade Unions or that the policy is formally submitted to Council for approval.

3. Roles and Responsiilities

3.1. Chief Officials

- Ensure the overall effective monitoring and management of sickness absence KPI's are carried out.
- Are accountable for the levels of sickness absence within their Service.
- Ensure that managers and employees are fulfilling their responsibilities under this policy.
- Ensure that the management of sickness absence is prioritised.

3.2. People Managers

- Conduct regular and timely reviews of their employees' absence to identify problem areas and develop constructive solutions to these problems.
- Support and treat every absence as genuine and be clear that this is not a disciplinary process (unless there is evidence that it is not genuine, when consideration should be given to the use of the Disciplinary Policy and Procedure).
- Conduct return to work interviews promptly with employees after every period of absence, regardless of duration.
- Ensure that employees are meeting their responsibilities under this policy.
- Seek advice from the Council's Occupational Health service, where appropriate.
- Ensure familiarity with the Managing Sickness Absence Policy and Procedures.
- Apply the Managing Sickness Absence Policy and Procedures fairly and consistently.
- Ensure recording and updating of all sickness absence and management intervention within the Council MyView Sickness Absence system promptly.
- Monitor levels of sickness absence for individuals and teams using the reporting functions of MyView Sickness system as appropriate.
- Ensure that reasonable adjustments in respect of disability related absence are identified and put in place as far as is possible.
- Strive to eliminate workplace causes of ill-health and injury.

3.3. Employees

- Take responsibility for looking after their own health, safety and wellbeing and seek medical or other support where necessary in order to minimise sickness absence from work.
- Ensure familiarity with the Managing Sickness Absence Policy and Procedures.
- Attend work unless prevented by sickness or for some other authorised reason to be absent.
- Report instances of sickness absence and updates to their line manager promptly.
- Provide necessary certifications for all periods of sickness absence promptly.
- Maintain reasonable contact with their line manager advising of progress and expected return to work dates.

- Attend all Council arranged OH appointments, return to work, absence review meetings and other meetings arranged under the policy, where their health permits.
- Advise of changes of address, contact phone number and contact remails via MyView so that they can be contacted as necessary.
- Raise concerns with their manager if they believe their health is affecting their work.

3.4. Occupational Health

- Provide advice and support as required to employees and people managers.
- Obtain medical reports from GPs or specialists where appropriate.
- Arrange appointments for employees with the OH Physician and other service providers and follow up any subsequent actions.
- Advise line management if an employee fails to attend or cancels any appointments.

3.5. Human Resources

- Ensure that the Council has a relevant Policy and Procedure in respect of the effective management of sickness absence.
- Provide advice and support to people managers or employees on the implementation of the policy and procedure as required.
- Provide appropriate training in the management of sickness absence.

3.6. Trade Unions

- Work to support the Council in respect of the writing, implementation, and operation of this policy and procedure.
- Support their members, including the provision of advice and representation through the stages of the procedures, ensuring that their members are aware of their rights and responsibilities under this and other relevant policies.
- Support the Council in the requirement to monitor and evaluate the impact and effectiveness of this policy and procedure.

4. Performance Measures

4.1. Corporate Absence Targets

The Council Plan 2025 - 2028, Transforming our Council, has corporate targets in respect of reducing sickness absence by 2027/28:

Average Sickness Absence days per FTE Employee (teacher)	6
Average Sickness Absence days per FTE Employee (non-teacher)	9
Of the staff who activated a sickness absence trigger, the proportion of these where there was management intervention.	100% (Over 90% regarded as Green)

4.2. Management Action Points

Over and above ongoing monitoring of sickness absence, where levels of sickness absence reach or exceed either of the following management action points (MAPs), people managers are required to put in place prompt and supportive actions/interventions where the level of sickness absence is considered to be a concern.

The MAPs are:

- 3 or more instances of sickness absence in any 6 month rolling period.
- A period of absence that has lasted, or is anticipated to last, 28 calendar days or more.

5. Reporting Absence and Keeping in Contact

All employees are required to correctly and timeously report all sickness absence and maintain ongoing contact with their manager in accordance with the Manging Sickness Absence Procedure.

- Reporting of sickness absence must be to your line manager or where they are not available another appropriate manager.
- Reporting of absence and ongoing contact minimum requirements are:

When Reporting/Ongoing Contact is Required (minimum)	**Who Reported to**
First Day of Work missed due to sickness absence.	Line Manager or other appropriate manager.
Remainder of First Week – manager should agree with employee what further contact should be during the first week. This contact will be specific to each set of circumstances of absence. • It may be that absence contact is a daily contact as the reason for sickness is likely to be a short-term recovery. • It may be that the contact is agreed as contract prior to a return to work so that relevant discussions can take place. It is not acceptable for there to be no further contact in the first week of absence, than the initial reporting absence.	Line Manager or other appropriate manager.
Continued absence after first week and within first month of sickness absence, a minimum of weekly contact.	Line Manager or other appropriate manager.
Long Term Absence (after first month), a minimum of monthly contact, normally as part of the monthly absence review process.	Line Manager or other appropriate manager.

- Reporting of sickness will normally be via talking directly to your line manager via the telephone (unless you are physically unable to speak or contact your line manager due to illness). Where absence is reported by any other means, the line manager should ensure that they call the employee back later that day to speak to them.
- The minimum information that you should provide to your line manager is as follows:
    - Reason for sickness absence.
    - When you first started to be unwell, if that was not today.
    - How long you feel you may be off/when you feel you may be able to be back to work.
    - Confirm if you are accessing relevant support/assistance with the illness.

    - A contact telephone number for your manager to keep in touch with you.
- Should there be no contact made with your line manager, your line manager will be in contact with you later that day.
- In some specific circumstances including terminal illness, managers should give careful consideration as to how ongoing contact is appropriately managed. Please refer to Section 2.3 in the Managing Sickness Absence Procedure for further information.
- Where reasonable expectation in relation to reporting and maintaining contact during sickness absence are not complied with, this may result in suspension of occupational sick pay and/or action under the Council disciplinary policy and procedure.

6. Certification of Absence

All employees are required to correctly and timeously certify all sickness absence in accordance with this policy.

Failure to do so may result in the period of absence being considered to be unauthorised absence, for which payment of statutory and/or occupational sick pay may be withheld.

Additionally, failure to adhere to Council policies and procedures can result in action being taken under the Council's Disciplinary Policy and Procedure.

Certification Requirements are:

Type of Certificate	**Covers What Period**	**Submitted to and When**
Self-Certificate	First calendar week (7 days) of any sickness.	Completed on MyView Sickness for submission to Line Manager. Completed on first day back to work for absences of up to 7 days. Completed as soon after 7 days for longer term periods of sickness absence.
Medical Certificate (FIT Note)	From 8th day of any period of sickness absence.	Submitted on or as close to the expiry date of the previous certificate (self or medical), ensuring there are no gaps in the dates. Submitted to Line Manager.

Where a Medical Certificate covers from the first day of sickness absence there is no requirement for a Self-Certificate to be completed as well.

6.1. Recording of Sickness Certification

Line Managers must ensure that Medical Certificates are recorded and uploaded onto MyView Sickness in line with relevant procedures.

Guidance Notes and e-learning video support modules are available on iLearn for managers supporting all absence recording actions.

7. Occupational Sick Pay (OSP)

7.1. OSP Entitlements

The Council has a range of different terms and conditions of service for different groups of employees, each with their own occupational sick pay entitlements, these are summarised here.

7.1.1. SJC Employees (Grade A – N posts) and Chief Officials

Service at commencement of absence from duty	Full Allowance for	Half Allowance for
Less than 26 weeks	Nil	Nil
26 weeks or more but less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years and over	26 weeks	26 weeks

7.1.2. SNCT Employees (Teachers and other Education Professionals)

Service at commencement of absence from duty	Full Salary for a period of	Half Salary for a period of
Less than 18 weeks	Nil	Nil
18 weeks or more but less than 1 year	31 days	31 days
1 year but less than 2 years	61 days	61 days
2 years but less than 3 years	122 days	122 days
3 years but less than 5 years	152 days	152 days
5 years and over	183 days	183 days

7.1.3. UHI Orkney Academic Staff

Service at Commencement of Absence from duty	Full Allowance for a period of	Half Allowance for a period of
Less than 1 year	1 month	1 month
1 year but less than 2 years	2 months	2 months
2 years but less than 3 years	4 months	4 months
3 years but less than 5 years	5 months	5 months
5 years or more	6 months	6 months

8. Statutory Sick Pay (SSP)

8.1. Eligibility for SSP (from April 2026)

SSP will be:

- Available to all eligible employees regardless of their earnings.
- Payable from the first full day of sickness absence.
- Paid at 80% of your average weekly earnings of the relevant SSP rate (currently £123.25 as of 6 April 2026).

To be paid SSP you must have reported your sickness in absence in line with this policy and provided your manager with a certification covering the full period of sickness absence.

8.2. Payment of SSP

SSP is currently set at a maximum of £123.25 per week (as of 6 April 2026).

Payment for sickness absence within the Council is as follows:

Period of Full OSP	Normal pay including any entitlement to SSP.
Period of Half OSP	Half normal pay in addition to any entitlement to SSP.
Period of No OSP	SSP only, subject to qualification and entitlement.

8.3. SSP Expiry or No Entitlement

You will be advised by Payroll if your entitlement to Statutory Sick Pay is ending or where you have no entitlement to payment of Statutory Sick Pay. This notification will normally be through the issue of an SSP1 Form.

All queries in respect of statutory sick pay should be directed to Payroll; they can be contacted at payroll@orkney.gov.uk.

8.4. Employment Rights Bill Impact

The UK Government is currently in the process of significant employment law change, including substantive changes to statutory sick pay, including:

- **Waiting days abolished:** The current three unpaid "waiting days" before SSP is paid will be removed.
- **Pay from day one:** Eligible employees will receive SSP from the first day of their sickness absence.
- **Lower Earnings Limit removed:** The weekly earnings threshold of £125 (for 2025/26) will be abolished.

Once there is a final picture of these changes in 2026, this section will require to be updated accordingly.

9. Sickness and Annual Leave

When you're off sick, you continue to accrue annual leave. This means that your annual leave builds up while you're off.

9.1. Sickness during the course of Annual Leave

Where an employee (excluding SNCT employees) falls sick during the course of annual leave, the annual leave will normally remain. For sickness to be recorded and annual leave to be re-credited to be able to be taken again within the current leave year the following must all be satisfied:

- Sickness absence must be reported in line with this policy.
- Ongoing contact during the period of sickness absence must be maintained in line with this policy.
- Certification of absence must be provided covering from day 1 of the absence up until and including the last day of absence. Any costs in obtaining the absence certificate covering from day one are the responsibility of the employee.

9.2. Sickness and Public Holidays

Where you are sick on a Council Public Holiday, you will be paid in line with the relevant sickness absence entitlement at that time. There will be no substitute public holiday day, award of TOIL or Flexitime. Where sick pay is exhausted, there will be no pay made for the public holiday.

9.3. Carry forward of Leave

If you're on long term sickness that continues beyond the end of the annual year, you may not have been able to take your statutory annual leave (28 days, pro rata) during that year.

If this happens, you can carry forward up to 20 days (pro rata) to the next annual leave year. Any leave carried over must be used within a maximum of 18 months of the start of the leave year it was carried over into.

9.4. Taking Leave whilst off sick

Employees (excluding SNCT) can ask to take accrued annual leave when you're off sick. However, in order that we can continue to follow your progress and understand any support required, you will still need to provide a fit note to cover your absence if it's for more than 7 calendar days.

9.5. Payment in Lieu of Leave

It is important that you take your annual leave and have the rest that you are entitled to. Please note therefore you will not be paid in lieu for any annual leave you've not been able to take, unless you are leaving the Council and unable to take this prior to leaving.

9.6. Other Sickness Provisions

Appendix 3 to this policy covers other provisions of managing sickness absence detailed under the various National Conditions of Service relevant within the Council.

10. Monitoring Sickness Absence

People Managers are responsible and accountable for the management of their teams, including managing sickness absence to ensure that wherever possible this is maintained as low as possible and within the Council targets for absence.

Research shows that consistent and fair application of the absence management procedures, supporting an individual with health matters to minimise the impact that these have for them at work will have a positive impact on reducing levels of sickness absence.

Engage with the employee as soon as they go off, don't be tempted to wait days/weeks, prompt interventions and discussion will pay dividends. Leaving an employee off with little or no engagement and support, will more than likely have a negative impact in terms of the length of absence and prospects for a prompt return to work.

Management of absence has to be management of absence for all, not just some cases and must be consistent and fair treatment for all, no favouritism.

As a people manager you should have quick and easy access to critical information including:

- Who is off sick?
- Why are they off sick?
- How long have they been off sick?
- When does their current sick line run out?
- When are they likely to be fit to return to work?

- What, if anything can I do to support them to return as quickly as possible?

10.1. Council Sickness System

The Council's absence system is designed to provide people managers with all the information that they could need to effectively manage sickness absence. The system:

- Enables managers to record the absences, specific dates and reasons for absence.
- Prompts managers where an action is due or overdue under the policy.
- Prompts managers where an employee is hitting a trigger level.
- Allows managers to record and see all absence information and documentation.
- Allows managers to run reports on sickness absence for an individual or their team.
- Allows employees to record self-certification for their sickness absence.

10.2. Advice Guidance and Support

People managers have access to a range of advice, guidance and support to assist them in the effective management of sickness absence including:

- HR briefing sessions on the policy and procedures for managing sickness absence.
- iLearn video tutorials on how to use the MyView Sickness System.
- User guides on how to use the MyView Sickness system.
- Advice and guidance from Human Resources.
- Information from the AskHR Chatbot available 24/7, 365 days a year
- Independent relevant medical advice and guidance from Occupational Health.
- Information and Support from the Employee Wellbeing Hub.
- System generated notifications which advise on when sickness interventions are required, signposting to further information and guidance.

11. Managing Sickness Absence

Evidence shows that consistent and fair application of policy and procedure for the management of sickness absence is the most effective means of both supporting employees to successfully return to work where possible and seeing an improvement in the levels of sickness absence.

11.1. Short-Term Sickness Absence

The process for management of short-term sickness absence is summarised in the flowchart at Appendix 1. Please refer to the separate Managing Sickness Absence Procedure and supporting guidance for further information.

11.1.1. Pattern of Recurrent breaches of Triggers

Where there is evidence of a pattern of short-term absence triggering the management action point of three periods of absence in six months, after successfully having concluded a period of monitoring from an absence review meeting, it is reasonable to re-commence the management of absence from the same Stage that has just been concluded rather than having to commence from Stage one again.

11.2. Long-Term Sickness Absence

The process for management of long-term sickness absence is summarised in the flowchart at Appendix 2. Please refer to the separate Managing Sickness Absence Procedure and supporting guidance for further information.

11.3. Return to Work

You're expected to return to work when your fit note expires. In some circumstances, you can return to work before your fit note expires, as long as your GP has not indicated that they need to see you again before you return, and your manager is confident that you are fit to return.

When you return from a period of long-term sickness absence, your manager will meet you in private to talk about the absence and to find out how you are and discuss any support that you may need. This meeting should take place on your first day back. If this isn't possible, your manager will ensure that a supportive meeting takes place as soon as is reasonably possible. Where a phased return or reasonable adjustments are likely to be necessary, it is recommended that a meeting is held in advance of the planned return.

You will never be put under pressure to return to work before you're fit to do so. It's important for you to be honest with your manager about how you are feeling and to explore any support we may be able to provide. Ideally, this meeting will be face-to-face. We know this isn't always possible, but it is important to try and meet this way. As a support measure, you may wish to be accompanied by a work colleague, or a trade union representative if you are a member of a trade union.

11.4. Phased returns after long-term sickness

A phased return to work is a structured process for employees to gradually transition back to their full duties and hours after a period of long-term sickness or absence, typically involving reduced hours or lighter duties initially, from any long-term period of sickness absence (absence lasting one month or more) consideration should be given to whether a phased return to work would be of benefit.

Your GP or Occupational Health may suggest a phased return to work following long-term absence. If this is agreed, then this will normally take place over a four-week period. During the four weeks, you must build up the time you are at work in each week.

A phased return to work is not an automatic process, it should considered but may not be necessary in many instances.

A phased return to work must be agreement between the individual and their manager, and it should, where possible take account of any advice and guidance provided by either Occupational Health and/or the individuals GP. Occupational Health does not need to agree or approve a phased return to work, which will be concluded within 4 weeks.

A phased return to work must have a plan with a timeline, normally from a day up to a maximum of four weeks.

Where the absence is related to a disability a phased return to work can, where necessary and where supported by a specific recommendation from Occupational Health, be extended to a maximum of eight weeks.

A phased return to work would not normally be considered as reasonable where it lasts for over 8 weeks. In these circumstances it is still reasonable to consider the support to an individual though for example adjustments under flexible working.

The manager will monitor progress through regular check-ins with the individual, and adjust the plan as needed to ensure a successful and sustainable return to full hours and duties by the end of the agreed period.

11.5. Payment during a Phased Return to Work

Payment arrangements are as follows:

Phased Return to Work (non-disability related)

Weeks 1 – 4	Any hours worked on a normal contracted working day will be paid as though a full normal day had been worked. Days where no work is undertaken in a phased return would be classed as sick leave and paid in line with sick pay entitlements.
Weeks 5 - 8	Any contractual hours not worked in any week will be recorded as sickness absence – phased return to work. Payment will be made for these hours in line with the occupational sick pay remaining at that time.
Beyond Week 8	Normally any supportive changes to working patterns will be accommodated and paid in line with the Council flexible working policy.

Phased Return to Work (disability related)

Weeks 1 – 4	Any hours worked on a normal contracted working day will be paid as though a full normal day had been worked.
Weeks 5 – 8	Any contractual hours not working in any week will be recorded as sickness absence – phased return to work. Payment will be made for these hours in line with the occupational sick pay remaining at that time.
Weeks 8 - 12	Where supported by Occupational Health, for absence as a result of or related to ability, there is scope to extend a phased return to work to up to a maximum of 12 weeks. Payment will be made for these hours in line with the occupational sick pay remaining at that time.

Beyond week 12	Normally any supportive changes to working patterns will be accommodated and paid in line with the Council flexible working policy.

11.6. Capability Ill Health

If it's decided following that there's nothing more can be done to help you return to work, or that your short-term absence levels are no longer sustainable, then it's possible you will be dismissed on the grounds of capability due to ill-health. This decision would only be taken after all mitigating factors, reasonable adjustments and redeployment possibilities had been explored.

If you are dismissed on the grounds of capability due to ill-health, you will receive payment for any outstanding annual leave you have, as well as payment in lieu of notice.

Teachers cannot be dismissed until their entitlement to sick pay has run out. Managers need to check that teachers are out of pay before they proceed to dismissal for unsustainable levels of sickness absence.

11.7. Ill Health Retirement (pension scheme members only)

If you are a member of a pension scheme (LGPS/STSS), below normal retirement age, and advice from Occupational Health is that you are permanently unfit to carry out the duties of your post, you may be dismissed on the grounds of capability due to ill-health with access to pension benefits. This is known as ill-health retirement.

The pension benefits you would be able to access through ill-health retirement will vary depending on whether, according to medical advice gathered by Occupational Health, you are likely to be able to work again before your normal retirement age.

11.8. Right to appeal against capability dismissal

You have the right to appeal against any decision to dismiss you on the grounds of capability due to ill-health. Your right to appeal will be explained to you in the letter confirming your dismissal. Appeals are heard by the Staff Appeals Sub-committee.

12. Disability Related Absence

The Equality Act 2010 defines an individual as having a disability if they:

"Have a physical or mental impairment and the impairment has a substantial long-term adverse effect on their ability to carry out normal day-to-day activities".

Long Term is accepted to mean the impairment has, or is likely to last or re-occur, beyond 12 months.

It is important to remember from an employment point of view when managing an employees' absence managers are not attempting to make a legal determination as to whether an individual is, or is not, disabled.

What managers will be doing is looking at the situation based on the available information and seeking to determine do they reasonably satisfy the definition above, and if that is a yes, then the Council has a duty to consider reasonable adjustment for them in employment.

It is also important to note that it is not the role of Occupational Health to make a determination as to whether an individual would satisfy the definition of disability, that responsibility falls to each employer and the relevant manager. Occupational Health can however provide relevant advice and guidance that will assist.

GOV.UK provide some useful guidance in relation to definition of disability under the Equality Act and some examples of conditions that would not likely meet the definition.

13. Reasonable Adjustments

The Council is committed to making reasonable adjustments for absence due to disability, and considering reasonable adjustments to support any employee back to work from a long-term period of sickness absence.

Line managers are responsible for ensuring that reasonable adjustments in the management of sickness absence process are identified and implemented as far as reasonably possible.

Line managers are also responsible for ensuring that reasonable adjustments are discussed with the individual, relevant advice is taken where necessary and appropriate from Occupational Health or other appropriate sources, for putting adjustments in place and ensuring that ongoing monitoring and review of these is carried out.

Whilst it would be unusual, where it is not possible to implement reasonable adjustments, or not to the extent requested by an employee or as advised by Occupational Health, this must be communicated back to the employee with an explanation as to why it is not considered reasonable and a copy of this retained on file.

Advice and guidance are available from Human Resources and Organisational Development in respect of disability in employment and reasonable adjustments and you should refer to the separate managers guidance on Reasonable Adjustments.

14. Discretion

The Council sets target levels for sickness absence and levels of absence above this are considered to be concerning. However, the Council also recognises that no policy can fully account for every individual instance or set of circumstances.

To that end, people managers will have the ability to apply discretion in certain circumstances without the need for authorisation from the relevant Service Manager, Head of Service or Director for discretion to be taken into account in a particular case. In addition, there is some automatic discretion built into the Council policy.

14.1. Automatic Discretion

Absence as a result of or directly related to any of the following will not be counted for the purposes of Council short-term absence trigger point reporting, as long as this is declared on the self-certificate and/or medical certificate and recorded in the Council MyView Sickness system:

- Pregnancy/maternity.
- Menopause/Andropause.
- Disability.
- Admission to hospital from an outpatient or in-patient preventative medical appointment.
- Gender re-assignment surgery.
- Any absence for which industrial injury allowance (rather than occupational sick pay) is made.
- For Care Home Staff, absence as a result of an outbreak of norovirus which requires notification to the NHS Health Protection Team (HPT) and the Care Inspectorate, and which requires a member of staff to remain off work until 48 hours after their last symptoms. The specific units/service areas covered by this provision are Kirkjuvagr House, Hamnavoe House, Smiddybrae House; Very Sheltered and Extra Care Housing (Sunnybrae House, Braeburn and Kalisgarth), Glaitness, Aurrida House, Residential Childcare Unit(s), respite establishments for Adults and Young People and Papdale Halls of Residence.
- Sickness absence (within the maximum of the first 4-week period only) where it is directly related to an agreed phased return to work procedure, where this is recorded in the Council sickness absence management information system.
- In any instance where an employee's illness is terminal, a compassionate approach to management of sickness will be taken. However, there is still a requirement that this is reasonably managed in accordance with the long-term absence procedures. Advice from Human Resources should always be sought in terminal illness cases.

14.2. Line Management Discretion

Where a line manager believes that an absence case would warrant consideration of discretion being applied, they can choose to apply discretions as outlined in Section 8 of the Managing Sickness Absence Procedure.

Application of management discretion is not a means of simply not managing sickness absence and should not result in absences where there is continual discretion being applied rather than taking appropriate management interventions.

All uses of management interview must be recorded in the MyView Sickness system, to ensure that management intervention KPI's can be recorded accurately and as a means of monitoring the use of management interventions.

15. Representation

The Council recognises that it is best practice to allow an employee to have the opportunity to be accompanied by either a work colleague or a trade union representative or official employed by a trade union at Absence Review Meetings and any other formal processes in respect of the management of sickness absence.

It would not be considered normal practice for representation to be required at informal meetings, including return to work interviews. Whilst such a request would not normally be refused, the Council and managers must ensure such process and meetings take place timeously.

16. Employee Assistance Scheme

Wellbeing is a core focus for the Council, and we provide a dedicated Wellbeing Hub that offers access to our Employee Assistance Programme (EAP), along with a range of benefits and discounts designed to support both your health and finances.

Our Employee Assistance Programme provides free, confidential, and independent support for any personal, work, or family-related concerns. Available 24/7, you can access:

- Round-the-clock telephone counselling and advice.
- Dedicated support and guidance for managers.

17. Occupational Health

The Council has in place an independent Occupational Health service to provide advice, guidance and support to people managers and employees in relation to health and wellbeing and sickness absence.

A people manger may refer an individual to Occupational Health for advice and advice and guidance on a range of matters including:

- Where an individual may be struggling with their physical or mental health.
- Advice in relation to reasonable adjustments that would support an individual who is disabled.
- Advice on a supportive return to work for someone who has been off sick for a long time or is returning to work after sickness absence.
- Advice on how to reduce the amount of time people need to take off sick.
- Advice on managing risks to mental health, such as too much pressure at work or bullying.

18. Medical/Hospital Appointments and Treatment

Arrangement in respect of time off for outpatient and inpatient medical appointments/ treatment are covered under the Council Leave of Absence or Leave of Absence (Teachers) Policies.

Cosmetic/Elective Surgery

Absence due to an individual undergoing cosmetic or elective surgery which is not medically recommended is not classed as sickness absence. Payment of occupational and statutory sick pay will not be made.

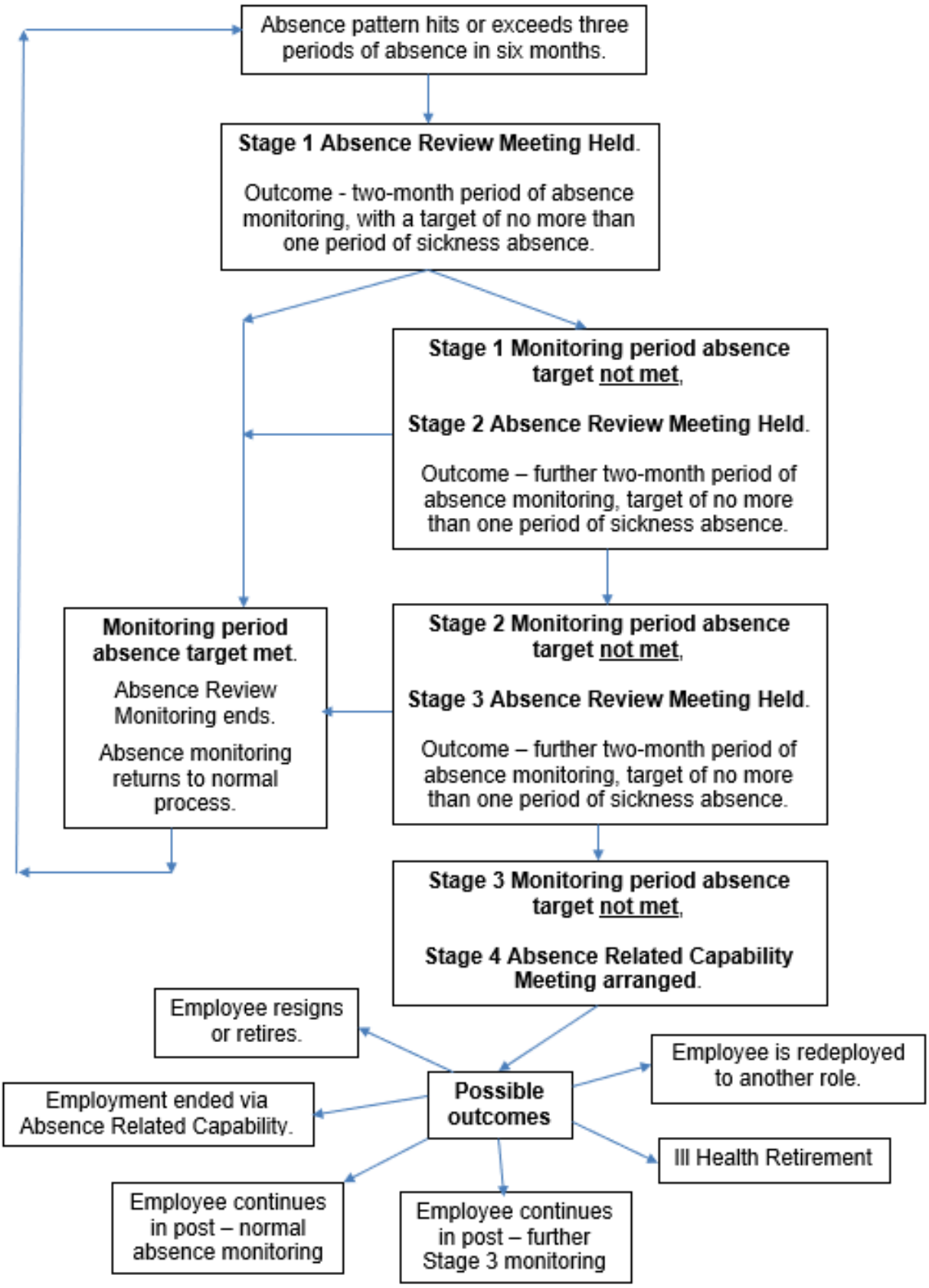
Where unforeseen post-operative complications or issues occur resulting in absence these would be covered under sickness absence procedures. Payment of occupational and statutory sick pay would be made, subject to qualifying provisions.

19. Data Protection

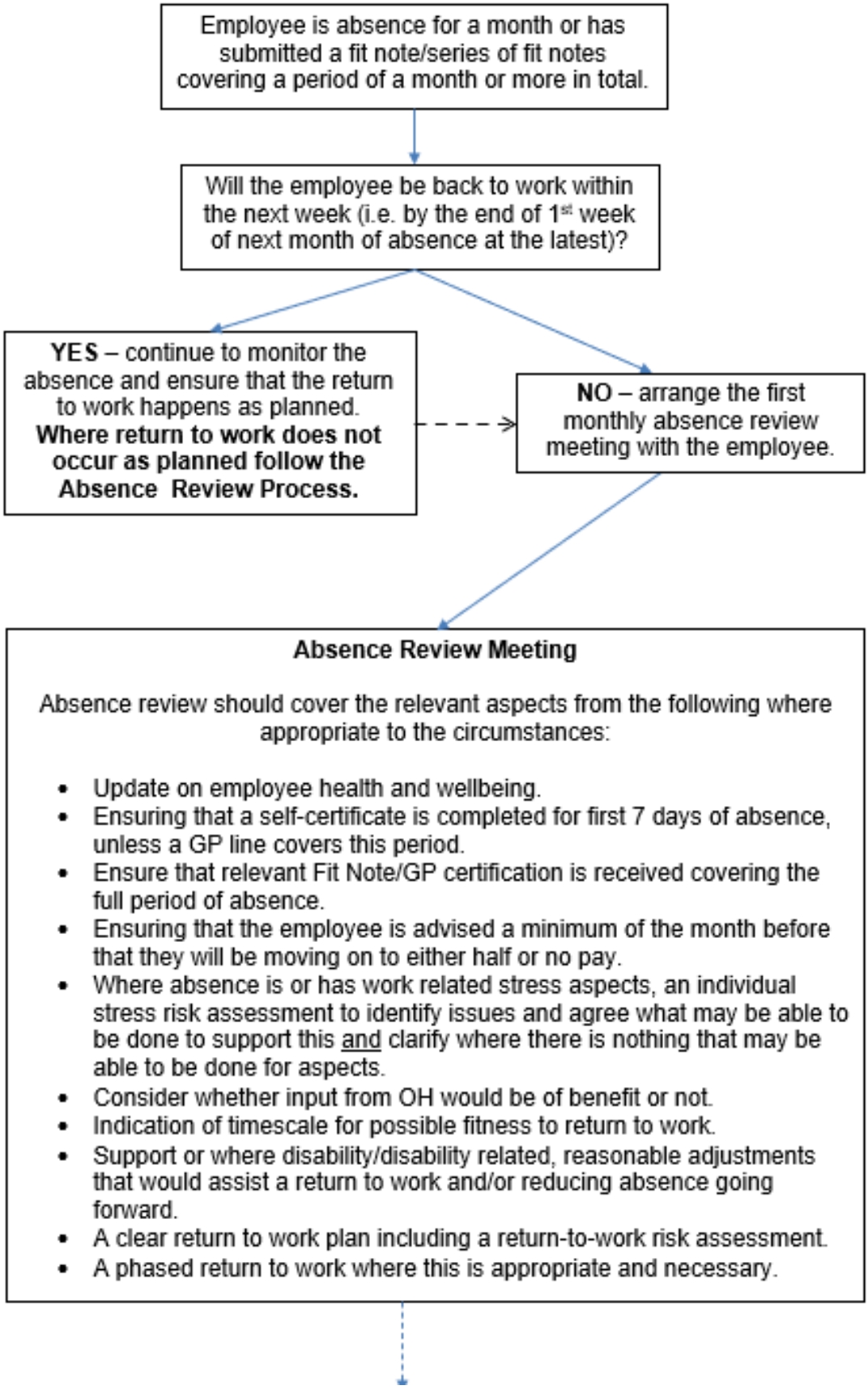
The Council processes personal data, including information about an employee's health and wellbeing, in accordance with its data protection policy, and employement privacy notice, availableon the Council website www.orkney.gov.uk.

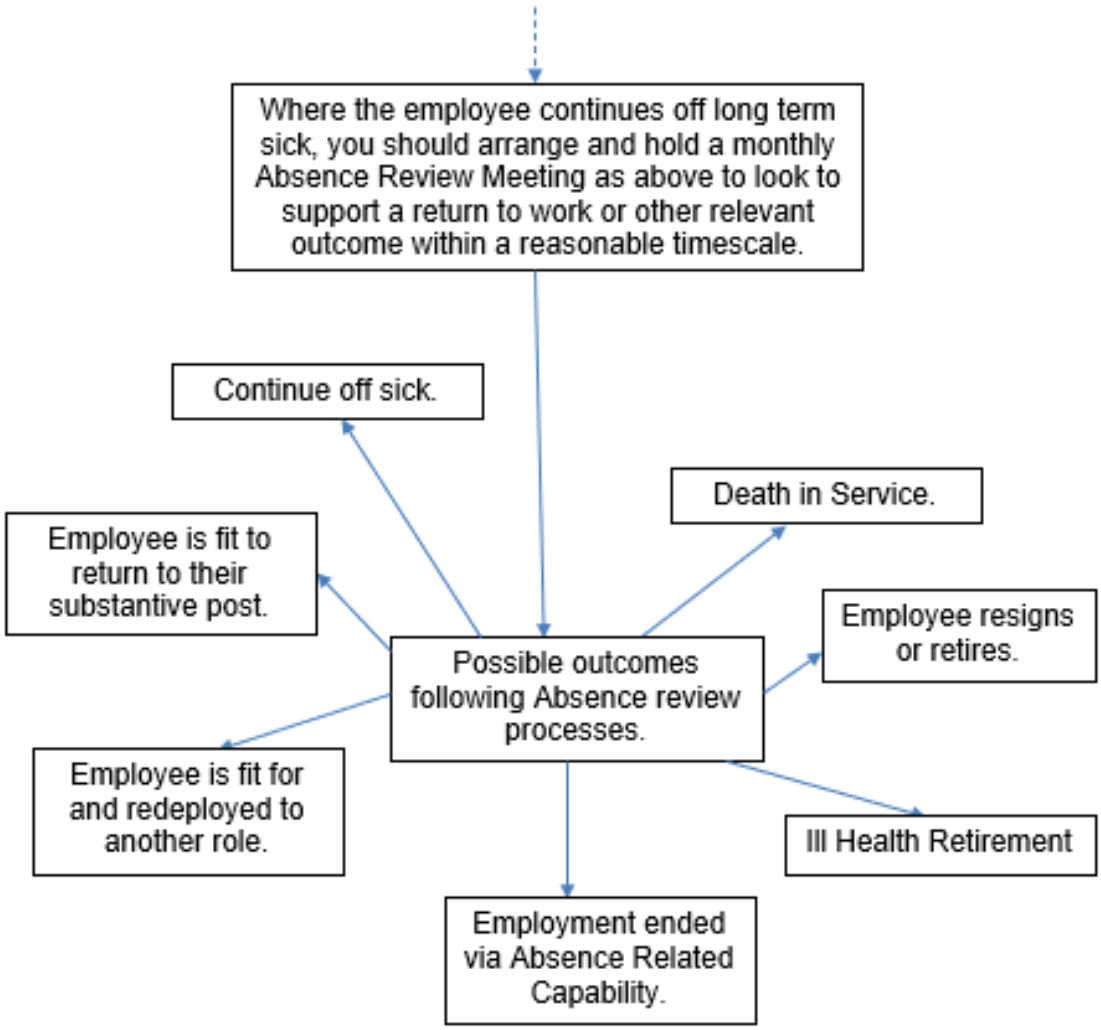
Data collected while managing a case when an employee is absent from work due to sickness, or returning from a period of absence, has a health concern, requires a health check or other matter involving an employee's health and wellbeing is held securely and is accessed by, processed by and disclosed to, managers, human resources, and occupational health, only for the purposes of managing the case as set out in the employment privacy notice.

Appendix 1 Short Term Absence Flowchart



Appendix 2 Long Term Absence Flowchart





Refer to the relevant section of the Absence Policy or Procedure for further guidance in relation to the possible outcomes following an Absence Review.

Appendix 3 Other Sick Pay Provisions

A3.1. SJC/Chief Officers

This section details specific sick pay provisions contained within broader national conditions of service for the various groups of staff within the Council.

Exclusion from Sick Pay

There is no entitlement to sickness allowance if an employee:

- Has less than 26 weeks continuous service.
- Goes sick during a stoppage of work at the place of employment due to a trade dispute, unless the employee has not taken part in the trade dispute and has no direct interest in it.
- On the first day of sickness has already exhausted or subsequently exhausts sickness allowance entitlement.
- On the first day of sickness is in legal custody or subsequently taken into legal custody.
- Fails to satisfy or to continue to satisfy the notification of certification requirements.
- Is absent on maternity leave.
- Terminates or has their contract of employment terminated.

Suspension of Sick Pay

Sick pay may be suspended if an employee abuses the sickness scheme or is absent on account of:

- Sickness which is attributable to deliberate conduct and prejudicial to recovery, or
- The employee’s own misconduct or neglect; or
- Active participation in professional sport; or
- Injury whilst working in the employee’s own time on their own account for private gain or for another employer.

The Council will advise the employee of the grounds for suspension and the employee will have a right of appeal to the Staff Appeals Sub Committee of the Council.

If the Council decides that the grounds were justified, then the employee will forfeit the right to any further payment in respect of that period of absence.

Abuse of the sickness scheme may be dealt with under the disciplinary procedure.

Sick Pay and Payment of Damages

Where you are paid any damages as a result of an accident, you will be required to re-pay any sickness allowance advanced, either in total or in part or the proportion thereof represented in the amount of damages received. Any period of absence in such a case where a payment of damages is made and sick pay is repaid in full, will not be treated as sickness absence.

Sickness or Disablement due to an Accident in the Course of Employment (including Assault in the Course of Employment)

Absence in respect of normal sickness is entirely separate from absence through industrial disease or injury (including assault in course of employment) arising out of or in the course of employment with the Council. Periods of absence in respect of one will not be offset against the other for the purpose of calculating entitlements under the scheme.

An absence due to an accident will only qualify for payment under this paragraph when an entry in the Accident Book (Form BI 510) approved for the purposes of the Social Security (Claims and Payments) Regulations 1979is appropriate and has been completed, and in the subsequent investigation by the Council the facts so recorded are found to be accurate.

Medical Examination

Where required by the Council at any time, you can be required to submit to a medical examination by a medical practitioner nominated by the council, subject to the provisions of the Access to Medical Reports Act 1988.

Infectious Diseases

Where you are prevented from attending work because of contact with infectious disease you will immediately notify your line manager and will be entitled to receive normal pay. The period of absence on this account will not be reckoned against the employees' entitlements under the sick pay scheme, as long as the relevant certification and entries in the Council Sickness system are completed correctly.

Schedule 1 Public Health Scotland Act 2008 List of Notifiable Diseases

A3.2. Scottish Negotiating Committee for Teachers

Suspension of Sick Pay

The payment of sickness allowance may be suspended by the Council, should the Director of Education, Communities and Housing or the Head of Education or equivalent, have reason to believe that the absence is due to either:

- Your own misconduct or negligence,
- Deliberate conduct by you, which is prejudicial to recovery,
- Failure by you to observe the terms pertaining to the sickness allowance under this scheme.

Prior to suspension, the employee will have the opportunity to appear, with representation, before the Director/Head of Service or equivalent.

If the Director/Head of Service, or equivalent, decides that there are justified grounds for suspension there will be no further payment of allowance in respect of the current period of absence.

You will be entitled to appeal this decision. The appeal shall be treated as an appeal under the final stage of the grievance procedure and things will stay as before until the appeal process is completed.

Absence Due to Non-Work-Related Accident

Where you receive damages as the result of an accident, repayment of any sickness allowance advanced (either the total amount or proportion thereof represented in the amount of damages received) must be repaid to the council.

Any period of absence where a refund is made in full will not be treated as sickness absence and will not count against the period of entitlement. Any such period will be counted as special leave.

Absence Due to Work Related Injury/Illness

Where you are absent due to sickness or disablement as a result of a work-related injury or illness, you shall be entitled to a separate allowance. It will be calculated on the same basis as the sickness allowance. This allowance and the sickness allowance are entirely separate.

Normally an injury caused by an accident at work will only qualify for payment if the accident book (Form BI 510) has been completed. Where there is good reason for the entry not to have been made (by the employee or other party) the council should not refuse the allowance.

All other cases of injury or illness that are work related must be confirmed by both the employee’s medical practitioner and the medical officer appointed by the council. For this allowance to be applied, the medical officer appointed by the council must confirm that the injury or illness is work related.

Victims of Crime Violence

Where you are absent from work because of an injury where the Criminal Injuries Compensation Authority (CICA) may make an award, there is an entitlement to sickness allowance.

There is no requirement to refund any of the allowance received from the sum awarded by CICA. Where a CICA award is made, the period of absence shall not be treated as sickness absence, will not count against any period of entitlement but will instead be treated as special leave.

Assault in the Course of Employment

In the case of assault in the course of employment, an employee's period of absence shall not be treated as sickness absence and shall not count against the periods of entitlement. The absence will be treated as special leave and payment will be up to 6 months full pay and 6 months half pay on the production of a fit note.

The employer will ensure that the incident is reported under the appropriate violent incident and accident reporting procedures. The absence will be kept under medical review and there will be reasonable adjustments to return to the workplace at the earliest opportunity.

If the absence no longer relates to the violent incident and the employee continues to remain medically certified unfit for work, the absence will then be treated as sickness absence and the sickness provisions shall apply.

Infectious Diseases

Where you are prevented from attending your place of employment because of contact with notifiable infectious diseases, you shall advise the council immediately and shall be entitled to full pay during absence. A period of absence, in this case, should not be reckoned against his/her entitlement to sickness allowance.

Respiratory Tuberculosis

Where an employee is suffering from respiratory tuberculosis, and where the absence is supported by a doctor's statement, full salary is payable for any period of absence up to a maximum of 12 months plus half salary up to a maximum of a further 6 months. The employee shall not return to duty until certified as fit to resume work.

Prolonged Sickness: Teachers and Music Instructors

Where a teacher or music instructor, owing to certified absence, has been incapacitated for a continuous period of 8 consecutive days or more, the employee will accrue compensatory leave if the following conditions 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, subject to a maximum credit of 8 such days accruing in any one leave year.

In agreement with the Council, this *compensatory leave entitlement* shall be taken by the employee following his/her return to work. 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.

Where a teacher or music instructor, owing to certified sickness, has not taken, or will be unable to take, the statutory leave entitlement (28 days), within a leave year, he/she shall receive the appropriate balance of leave to bring his/her total leave to the statutory leave entitlement for that leave year.

Such leave will normally be carried forward into the following leave year. Pro rata arrangements shall apply to part-time staff and those employed for any part of the leave year. Where a teacher or music instructor is carrying forward a compensatory leave entitlement and a statutory leave entitlement the total of such leave shall not exceed the maximum statutory leave entitlement.

A teacher or music instructor is entitled to take, in full or in part, the appropriate balance of leave up to the statutory leave provision during a period of sickness absence. Where such leave is taken during a period of sickness absence, pay shall be the normal pay for each day (inclusive of Statutory Sick Pay and replacing Sickness Allowance).

Where a period of leave is substituted for a period of sickness absence, the substituted leave period shall not count towards the entitlement period for payment of Sickness Allowance but will count towards entitlement for Statutory Sick Pay.

Any leave up to the statutory leave entitlement which remains untaken at the end of the leave year, shall be carried forward into the next leave year and shall be taken following the employee's return to work. The timing of this leave shall take account of the 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.

Prolonged Sickness: Other Education Professionals

Should sickness coincide with any period of annual leave, this period should be regarded as sick leave when the appropriate self-certificate or statement of fitness for work is submitted.

If the sickness absence exceeds 3 months during a leave year, the Council has the discretion either to grant the full period of annual leave or to limit it to a proportion of the annual leave due for the period actually worked (subject to the minimum statutory leave provisions).

Where statutory leave provision has not been taken within a leave year owing to certified sickness, the appropriate balance of leave to bring the total leave to the statutory leave provision for that leave year should be provided. Pro rata arrangements shall apply to part-time staff and those employed for any part of the leave year.

The Council shall notify the employee of her/his leave entitlement in writing and advise of (inclusive of Statutory Sick Pay and replacing Sickness Allowance).

Where a period of accrued leave is substituted for a period of sickness absence, the substituted leave period shall not count towards the entitlement period for payment of Sickness Allowance but will count towards entitlement for Statutory Sick Pay.

Any untaken leave up to the statutory leave provision which remains untaken at the end of the leave year, shall be carried forward into the next leave year and shall be taken following the employee’s return to work. The timing of this leave shall take account of the needs of the service and should normally be taken as soon as possible following the return to work.

Appendix 2

ORKNEY
ISLANDS COUNCIL



Managing Sickness Absence Procedure

December 2026

www.orkney.gov.uk

Document Control Sheet

Review / approval history.

Date.	Name.	Position.	Version Approved.
May 2026			

Change Record Table.

Date.	Author.	Version.	Status.	Reason.
October 2026	Craig Walker	02		Updated following internal Audit recommendations and as part of normal schedule for review.
Next due for review in 2031.				

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1. Introduction

This procedure and the guidance detailed within it sit separately to the Council Managing Sickness Absence Policy.

As such this procedure and associated guidance and any future amendments do not require formal governance approval by Elected Members nor are they subject to formal collective bargaining via the recognised Trade Unions.

The Council remains committed to co-operative working with the recognised Trade Unions and will engage with them on any significant changes to the procedures for managing sickness absence.

2. Reporting Absence and Keeping in Contact

2.1. Reporting

All employees are required to correctly and timeously report all sickness absence and maintain ongoing contact with their manager in accordance with this policy.

Failure to do so may result in the period of absence being considered to be unauthorised absence, for which payment of statutory and/or occupational sick pay may be withheld.

Additionally, failure to adhere to Council policies and procedures can result in action being taken under the Council's Disciplinary Policy and Procedure.

2.2. Reporting - minimum requirements

2.2.1. First Day of Absence

- You should telephone and speak to your line manager or other appropriate manager to report your sickness absence.
- You should call as early as possible and no later than an hour after you are due to start work.
- If you work shifts, please follow the specific provisions for calling in sick as detailed within your induction.
- Reporting of sickness absence is not acceptable by any other means, other than speaking to your manager i.e. messaging via social media, email or communication apps such as WhatsApp, seeking for a family member to pass on message (unless you are physically unable to speak or contact your line manager due to illness).
- The minimum information that you should provide to your line manager is as follows:
    - Reason for sickness absence.
    - When you first started to be unwell, if that was not today.
    - How long you feel you may be off/when you feel you may be able to be back to work.

- Confirm if you are accessing relevant support/assistance with the illness
- A contact telephone number for your manager to get in touch with you.

- Should you not make contact with your line manager or provide the necessary information, your line manager will be in contact with you later that day.

2.2.2. Ongoing Contact – First Week of Absence

- Where you are still unfit for work, you maintain contact with your manager in line with the requirement agreed, in line with Section 5 of the Managing Sickness Absence Policy.
- The information you should provide is as outlined in 2.2.1 above.
- Where you do not make contact with your manager in line with the required process, your manager will be in contact with you.

2.2.3. Ongoing Contact – Longer Term Absences (up to and including 28 days)

- Where your absence extends beyond a calendar week, you should ensure that you agree with your line manager how the ongoing regular contact will be maintained.
- For any absence of up to 28 days, the minimum required regular contact is a weekly telephone call.
- Where you do not make contact with your manager in line with the agreed weekly minimum, your manager will be in contact with you to ensure that contact is maintained.

2.2.4. Ongoing Contact – Long Term Absences (over 28 days)

- Where your absence extends beyond 28 days, and becomes a long-term absence under this policy, minimum contact levels are outlined below:
- The minimum required contact is a monthly absence review meeting in line with this policy.
- It is best practice that other contact is maintained and agreed between these monthly absence review meetings as appropriate to the absence circumstances.
- Where for whatever reason the monthly absence review is not taking place i.e. it is deferred under the discretion process, the manager should still be making informal contact with the employee, normally via telephone for a short informal catch up.
- An employee on long-term sick must not be left isolated with no routine contact from work.

2.3. Ongoing Contact – Special Circumstances

2.3.1. Employees with more than one post

It is the responsibility of the employee to notify any absence to all relevant managers.

Employees must make their manager(s) aware if they have more than one job with the Council.

Their managers should then liaise and share information regarding the employee's absence with the other manager(s) to identify the most appropriate course of action and to ensure that the employee is not putting their health and safety at risk by continuing to attend work in the other post(s).

It is important to recognise that jobs may have different responsibilities and therefore different impacts on an employee's health and any reasonable adjustments which may be required.

Absence management procedures must be managed for each post separately by the relevant manager, including absence being recorded against each post and documentation being attached against each post through the Council's MyView Sickness System.

Absence management can take place jointly covering both posts, although managers from each service area need to be present to allow a consistent approach within the procedure.

2.3.2. Terminal Illness

Management of any terminal illness situation must be done sensitively and with care. It is important to note that even in a terminal illness situation an employee must not be left without reasonable ongoing contact with their employment.

In these circumstances managers must still ensure that that there is regular ongoing contact with the employee, but a formal absence review once a month may not be appropriate.

Where a monthly absence review meeting does not happen in these circumstances, managers should remember to record in MyView Sickness, (either via completion of the discretion using the e-Form in MyView or scanning and attaching the completed paper form into MyView) that discretion has been applied to not hold the absence review, in order that the management intervention KPI records appropriate intervention.

2.3.3. Contact to be maintained by an alternative manager.

In some instances, i.e. work-related stress absence, where a factor in the stress is the relationship between the individual and their manager, it is appropriate to make arrangements for the ongoing contact to be carried out by another manager. This may also include being given access to and responsibility for recording and updated sickness absence for that individual.

2.3.4. Long Term Absence with a defined period of medical treatment.

In some absence cases sickness absences will involve the individual having a period of medical treatment i.e. cancer diagnosis and chemotherapy.

In these circumstances managers must still ensure that that there is regular ongoing contact with the employee, but a formal absence review once a month may not be appropriate.

Where a monthly absence review meeting does not happen in these circumstances, managers should remember to record in MyView Sickness that discretion has been applied

to not hold the absence review, in order that the management intervention KPI records appropriate intervention.

Other than these stated exceptions, it is a reasonable expectation and a requirement that there is contact between a manager and an absence member of their team in line with the recommended timescales in the Council's Managing Sickness Absence Policy.

2.4. Documenting ongoing Contact

Guidance (Appendix 3) on maintaining contact and a summary record (Appendix 4) to record ongoing contact are available to assist managers. These are available on MyView/Useful HR Information.

3. Certification of Sickness Absence

All employees are required to correctly and timeously certify all sickness absence.

Failure to do so may result in the period of absence being considered to be unauthorised absence, for which payment of statutory and/or occupational sick pay may be withheld.

Additionally, failure to adhere to Council policies and procedures can result in action being taken under the Council's Disciplinary Policy and Procedure.

3.1. Self-Certification

- A self-certificate is required for the first 7 calendar days of every period of absence.
- You should complete the self-certificate through MyView, then select My Sickness Absence and Self Certification Form.
- Please ensure the self-certificate is completed on the first day back from absence for any absence of up to 7 calendar days; for longer term absences please complete this during the period of absence at or around day 8 of absence so it does not get forgotten.
- Where you have provided a Medical Certificate covering from the first day of your sickness absence no Self Certificate is required.

3.2. Medical Certification

- A Medical Certificate/Doctors Note, or FIT Note as they are formally called, is required for any period of sickness absence lasting 8 calendar days or more.
- These are provided by your GP.
- If possible, please ask your GP to issue the Medical Certificate via email to you so you can simply email on to your manager; this will be a great help to your manager.
- Please ensure that the dates on your Medical Certificates all align before you submit them i.e. if one certificates ends on 15 July, the next one must start on 16 July, any gaps will be treated as unauthorised absences.

- Medical Certificates must be submitted to your line manager, not to Payroll, HR or Customer Services.
- You are required to provide medical certification for any absence, even where sick pay entitlement is exhausted.

3.3. Recording of Certification

- The manager must ensure that all Fit Notes received are recorded on the MyView Sickness system promptly after they have been received.
- The Fit Note itself must be uploaded onto Myview, ensuring that when saving it that the file is saved with the title:
    - Employee Name/Fit Note/Start Date/EndDate.
- The original Fit Note should not be retained, it should be returned to the employee.
- Please ensure that the reason for absence selected and recorded in MyView matches or is as close to the reason provided on the Fit Note, and remember to check as reasons for absence often change and should always be recorded accurately.
- Do not start a new period of absence for any change in reason for sickness just change the reason at that time.
- In long term sickness absences, please remember that the absence is a single period of absence, and should not be recorded as multiple consecutive periods.
- Always add the expiry date of the Self Certificate or Fit Note in the relevant section so that you get a reminder from the system of when a new Sick Note is due.

4. Managing Short-Term Sickness Absence

It is the responsibility of the line manager to ensure that short-term sickness absences are managed consistently and effectively in line with the Council Managing Sickness Absence Policy and Procedures.

Managers should ensure that all reporting and keeping in contact procedures are adhered to as detailed in Section 5 of the Council Managing Sickness Absence Policy and Section 2 of this Procedure.

4.1. Return to Work Interview

A return-to-work discussion, also often referred to as a return-to-work interview, is an informal discussion following each period of sickness absence, no matter how short or long, held between an employee and their manager. These are normally held on the first day back to work but can equally be held shortly before the return to work as part of a return-to-work planning process.

The purpose of the return-to-work interview is:

- Make sure the employee is ready to return to work.
- Talk about any work updates that happened while they were off.

- See if they need any support.
- Agree on a plan for returning to work.
- Discuss if appropriate to put in place, for example, a phased return to work.
- Talk about what they would like other employees to know about their absence and what they would like to keep confidential.
- Where appropriate look at any recommendations from the employee's doctor or occupational health.
- Consider reasonable adjustments that could be made to support the return to work, whether that relates to a disability or a supportive return from a period of long-term absence.

4.1.1. Preparing for a Return-to-Work Interview

The manager should ensure that they prepare for the return-to-work interview. This would include:

- Reviewing the Council return to work-template and guidance, on MyView.
- Make sure the return-to-work interview will be private and confidential, and is not disturbed, whether it is face to face, online or via the telephone.
- Gather any relevant employee records – for example, records of previous conversations about the employee's absence, Occupational Health reports etc.
- Gathering information on relevant work updates.
- Be clear on what certification is required i.e. self-certificate or medical certificate, and know if these have been provided or remain outstanding.

Where appropriate you may also need to give consideration to the following:

- Be clear on the employee's levels of sickness absence; if the most recent absence reaches a trigger level i.e. a third period of sickness absence in a six-month period, then the employee should be advised of this and be advised that an absence review meeting will be arranged. Managers can access an employee's absence record via the manager reporting functions on My View/ My People / Manager Reporting / Employee Absence History.
- Discussion of any recommended reasonable adjustments from the individuals GP, Occupational Health or the employee, particularly where the employee is disabled.
- Have considered what sort of support could be put in place i.e.
    - Phased return to work and how this may be able to work.
    - Flexible working, and how this would be progressed.
- Know what the employee position in relation to remaining Occupational Sick Pay, so if they have or are about to move from full-pay to half-pay or half-pay to no pay, they can be advised about this.

4.1.2. Recording the Return-to-Work Interview

Whilst the return-to-work interview is an informal part of the process, it is important that records of this and particularly support and adjustments that are discussed and/or put in place are recorded. Return to work interviews are normally recorded via the electronic form in MyView Sickness Absence.

A return-to-work interview being completed after every period of absence is also a performance indicator used by the Council to monitor effective management of sickness absence. To ensure this is able to be evidenced, the date of the return-to-work interview must be entered into the MyView Sickness system as part of recording the employee returning to work. If this date is not entered, this will be treated as though this management intervention has not occurred for absence management statistics.

It is important that the relevant management recording of returning the employee to work from the period of sickness and recording the return-to-work interview is completed on the first day back to work. Should the employee be off sick again and the return-to-work interview has not been recorded there is no ability to record this retrospectively after a new period of sickness absence has started in the system.

4.2. Absence Review Meetings

Absence review meetings allow you to explore the reasons behind an employee's absence, which could vary from sickness absence to work-related stress.

Such meetings provide insight into an employee's attendance, specifically focusing on their sickness absence record, helping you chart a course towards better attendance and productivity.

An absence review should be held in the management of short-term sickness absence on the return to work from a period of absence which reaches the MAP (Management Action Point) of 3 or more period of sickness absence in any 6-month rolling period.

4.2.1. Arranging for a Short-Term Sickness Absence Review Meeting

At the return-to-work interview following where the MAP of 3 or more period of sickness absence in any 6-month rolling period has been hit, the employee must be advised of this and that as a result an absence review meeting will be arranged.

An absence review meeting is the first formal stage in the management of short-term sickness absence and on that basis the following must occur:

- The employee is given a minimum of 7 calendar days' notice of the absence review. The 7 calendar days is from the date on which the written confirmation of the arrangements is received, please allow for this in the planning of dates.
- The employee must be advised that they can be accompanied to the absence review by a work colleague or Trade Union Rep/Official employed by a Trade Union, should they wish.
- The arrangements for the absence review can be confirmed at the return-to-work interview but must be confirmed in writing via letter or email.

Templates arranging or confirming arrangements for an absence review meeting are available on MyView/Useful HR Information to support managers.

4.2.2. Conducting Short-Term Sickness Absence Review Meetings

Please refer to Appendix 6 for Management Guidance on Absence Review Meetings which will provide support on conducting an absence review meeting and Appendix 5 for the Absence Review Template Form.

4.2.3. Pattern of recurrent breaches of short-term absences

Where there is evidence of a pattern of short-term absence triggering the management action point of 3 periods of absence in six months after successfully having concluded a period of monitoring from an absence review meeting, it is reasonable to re-commence the management of absence from the same Stage that has just been concluded rather than having to commence from Stage 1 again.

4.2.4. Occupational Health Advice

Where during the short-term absence management process it is considered necessary for advice from Occupational Health to be sought, it would be normal for either:

- This to be sought in advance of any absence review meeting; or
- For an absence review meeting to be adjourned to enable the Occupational Health advice to be sought and the review meeting reconvened to reach a decision on how to conclude the review process.

Please note this is not an extension of the monitoring period of sickness absence, but any further sickness absence that occurs during the adjournment period can and should be considered as part of the reconvened review.

4.3. Monitoring Period

Following a Short-Term Sickness Absence Review Meeting, there will be a period of monitoring of the levels of sickness absence for the employee. The length of this monitoring period will normally be two months.

During this monitoring period the employee will be set a target to have no more than one period of sickness absence.

The monitoring period will always run its full duration, with any absence in that two-month period being considered at the end of the monitoring period. Review meetings should not be convened earlier than the end of the two-month monitoring period.

Where there is further sickness absence, which exceeds the monitoring target set, the absence should escalate to a further (Stage 2 or Stage 3) absence review meeting, or where appropriate a Stage 4 Absence related capability meeting.

It would not be normal for more than a Stage 3 Absence Review meeting to be held before a manager should be considering whether or not the continuing pattern of persistent short-term absence should explore possibility for redeployment or be referred to an Absence Related Capability meeting. Where a redeployment search is to be carried out this would normally coincide with a period of monitoring following an absence review meeting.

4.3.1. Reasonable Adjustments

Where in a two-month monitoring period there has been further absence and the circumstances would warrant non-escalation, you can use discretion to end the review period as planned at the two-month point.

4.4. Redeployment

Please refer to the Council Redeployment Policy.

4.5. Ill Health Retirement

Please refer to section 6.5.

4.6. Absence Related Capability

Please refer to section 6.6

4.7. Recording Short-Term Sickness Absence

All sickness absence should be recorded on the Council MyView Sickness Absence system by the relevant manager.

Prompt and accurate recording, updating and ending of sickness absence is critical to ensure that accurate sickness absence reporting is available, that accurate management intervention key performance indicators can be produced and to ensure that the employee is paid correctly for their sickness absence.

What is entered on to the system by managers will directly impact on the payment for their team members so this must be accurate.

Where you require any assistance with recording of sickness absence there are a range of supports available:

- Short video modules of each step, taking you step by step through the action, these are available on iLearn. If you have problems logging in to iLearn please contact learn.develop@orkney.gov.uk.
- User guides on MyView.
- Information from the AskHR Chatbot available 24/7, 365 days a year.
- Advice and guidance from Human Resources contact hradviser@orkney.gov.uk.

5. Managing Long-Term Sickness Absence

5.1. Medical Certification

Certification of long-term absence is required in line with section 6 of the Managing Sickness Absence Policy and section 3 of this procedure.

5.2. Ongoing Contact

The responsibility to maintain regular contact during a period of long-term sickness absence is with the employee off sick. People Managers must however ensure that ongoing contact is maintained. The minimum requirements in respect of ongoing contact during long-term sickness absence are detailed in section 5 of the Managing Sickness Absence Policy and section 2 of this procedure.

5.3. Absence Review Meetings

5.3.1. General Approach

During a period of long-term sickness, absence review meetings will be held on a monthly basis between the individual and their line manager.

5.3.2. Monthly Absence Review - approach for Terminal Illness.

Management of any terminal illness situation must be done sensitively and with care. It is important to note that even in a terminal illness situation an employee must not be left without reasonable ongoing contact with their employment.

In these circumstances managers must still ensure that that there is regular ongoing contact with the employee, but a formal absence review once a month may not be appropriate.

Where a monthly absence review meeting does not happen in these circumstances, managers should remember to record in MyView Sickness that discretion has been applied to not hold the absence review, in order that the management intervention KPI records appropriate intervention.

5.3.3. Monthly Absence Review - approach for Defined Timescale Absences.

In some absence cases sickness absences will involve the individual having a period of medical treatment i.e. cancer diagnosis and chemotherapy.

In these circumstances managers must still ensure that that there is regular ongoing contact with the employee, but a formal absence review once a month may not be appropriate.

Where a monthly absence review meeting does not happen in these circumstances, managers should remember to record in MyView Sickness that discretion has been applied to not hold the absence review, in order that the management intervention KPI records appropriate intervention.

5.3.4. Monthly Absence Review – Management Discretions.

In addition to 5.3.1 and 5.3.2.above, section 15 of the Managing Sickness Absence Policy details automatic discretions that are/can be applied in respect.

Other than these stated exceptions, it is a reasonable expectation and a requirement that there is contact between a manager and an absent member of their team in line with the recommended timescales in the Council Managing Sickness Absence Policy.

5.3.5. Arranging an Absence Review Meeting

A long-term absence review meeting should be arranged in either of the following circumstances:

- Where an employee's absence reaches one month in duration.
- Where an employee submits relevant certification of sickness absence indicating that their absence will be one month or more.
- On a monthly basis, from the first day of the period of absence as long as the employee remains off.

An absence review meeting is the first formal stage in the management of long-term sickness absence and on that basis the following must occur:

- The employee is given a minimum of 7 calendar days' notice of the absence review. The 7 calendar days is from the date on which the written confirmation of the arrangements is received; please allow for this in the planning of dates.
- The employee must be advised that they can be accompanied to the absence review by a work colleague or Trade Union Rep/Official employed by a Trade Union, should they wish.
- The arrangements for the absence review can be confirmed at the return-to-work interview but must be confirmed in writing via letter or email.

Templates arranging or confirming arrangements for an absence review meeting are available on MyView/Useful HR Information to support managers.

5.3.6. Preparing for an Absence Review Meeting

Please refer to Appendix 6 for Management Guidance on Absence Review Meetings which will provide support on preparing for an absence review meeting.

5.3.7. Conducting an Absence Review Meeting

Please refer to Appendix 5 for the form to be used in Absence Review Meetings.

5.4. Reasonable Adjustments

Managers should refer to the separate Council Guide to Reasonable Adjustments. This is available on MyView/Useful HR Information to support managers.

Advice, guidance and support on reasonable adjustments is available from Human Resources and Organisational Development.

5.4.1. Making Reasonable Adjustments

As a people manager the decision on what is a reasonable adjustment and if it can be accommodated is yours. This is not the responsibility of either Occupational Health or Human Resources who are instead available to provide advice and guidance, but as the manager you know the job and the employee best so need to make the decision as to what is reasonable and what can be supported.

You must have a conversation with the employee; they know their job and their health and wellbeing situation and should be able to advise what impacts there are and what would help them in terms of adjustments.

You do not need Occupational Health to sign off on reasonable adjustments or confirm that they should be considered or made.

5.4.2. What if I am unable to make reasonable adjustments?

It is highly unlikely that some form of reasonable adjustment cannot be made for a post. Remember these are a legal requirement in situations of disability and are a policy commitment by the Council in all other circumstances, so managers are expected to do all that they can to accommodate and support employees to return to work and sustain employment and reduce levels of sickness absence.

It is not acceptable to refuse or simply say reasonable adjustments cannot be made as this means how things are done will be different or need to change, or they may not be the ideal approach.

Managers must have detailed and specific reasons and justifications for either refusing or not being able to support reasonable adjustments and these must be discussed and explained to the individual and then confirmed in writing.

5.4.3. Temporary Adjustments

Great care should be taken in agreeing reasonable adjustments on a temporary basis. These would normally only be applicable where it is anticipated that the employees' health and wellbeing will recover over the same period as the temporary adjustments. It must be made clear that these are only temporary adjustments and that they could not be supported on a longer term or permanent basis and there must be clear and reasonable grounds for why this is the case.

Temporary adjustments must have a review date, and as they are temporary, they should not run indefinitely, they should end or where reasonable and appropriate be confirmed as permanent adjustments. Great care must be taken in respect of any extension of temporary adjustments, or simply allowing them to continue without end, as the long any adjustment is in place, the more difficult it will be to create a reasonable argument to remove that adjustment.

Again, these must be discussed and explained to the individual and then confirmed in writing.

5.5. Return to Work Planning Meeting

It is recommended that a dedicated meeting is held in respect of planning for all aspects of the return to work from long-term sickness absence. This meeting can either be part of the last absence review or be a dedicated meeting arranged to cover this, whatever works best in the individual situation.

Important aspects to ensure are covered, and are clearly documented as part of the return-to-work plan, are as follows:

- Confirm the date on which the individual will start back at work.
- Check to see if the individuals' medical certification allows them to return to work without going back to see their GP and/or before the end date of the certificate.
    - Where a Medical Line (see appendix 1 for example) states that **"I will need to re-assess your fitness for work again at the end of this period"** the employee cannot return to work before the end of the medical line or without going back to their GP.
    - Where a medical line (see appendix 1 for example) states that "**I will not need to re-assess your fitness for work again at the end of this period"** the employee can return to work before the end of the Medical Line and without going back to see their GP as long as they are fit to do so.
- Discuss and where appropriate agree the details for a phased return to work in terms of adjustments to working pattern and work content.
- Discuss, agree and implement any reasonable adjustments.
- Agree any communication on return to work to be shared with wider team.
- Agree final proposed plan for return to work.
- Ensure that a record of the planned return to work arrangements are shared with the employee and uploaded to MyView Sickness.

5.6. Redeployment

Please refer to section 6.3 and the Council Redeployment Policy.

5.7. Ill Health Retirement

Please refer to section 6.5.

5.8. Absence Related Capability

Please refer to section 6.6.

5.9. Recording Long-Term Sickness Absence

Recording of sickness absence is a statutory requirement and essential that the Council can accurately pay its workforce, provide correct performance management information and monitor the effective application of the policy, levels of sickness absence, reasons and the associated costs of this.

Sickness absence is entered directly into an employee's records in the Council HR and Payroll system by managers through MyView Sickness Absence.

All sickness absence must be entered, updated, and periods of sickness absence closed promptly to ensure accuracy of recording. All relevant documents must be completed and uploaded into the system as part of the effective management of sickness absence so that performance management data can be produced for the Scottish Government and Elected Members.

Advice, guidance and support to people managers is available from Human Resources and Organisational Development to ensure effective use of the MyView Sickness Absence system and management of sickness absence:

- ILearn short instructional videos on the use of MyView Sickness.
- MyView Sickness User Guides.
- HR Briefing on Management of Sickness Absence.
- Information from the AskHR Chatbot available 24/7, 365 days a year.
- Advice, guidance and support from HR on ongoing sickness cases.

6. Outcomes

6.1. Continues off Sick

It may be that following an absence review meeting the employee remains unfit for work and will continue to be off sick. In this case the management of their sickness absence should continue in line with the Council's Managing Sickness Absence Policy and Procedure. This would include the continued submission of relevant sickness absence certification, continued ongoing contact between employee and manager and carrying out of relevant absence reviews in line with policy.

6.2. Fit to return to current post

Supporting any employee back to work in their current post should be the primary objective for every manager in the management of sickness absence.

6.3. Fit for redeployment

Redeployment to an alternative role within the Council on a permanent (or long-term temporary basis, only where the post is a temporary contract), is a key support and reasonable adjustment in respect of:

6.3.1 Health

There may be occasions when it is identified that an employee is no longer able to carry out their existing duties due to health issues. In such cases Occupational Health will be asked to provide medical guidance in respect of the employee's ability to work in their existing post and any alternative post which is identified as being potentially suitable.

6.3.2. Disability

The provisions of the Equality Act 2010 relating to disability will be considered where applicable and an assessment undertaken to determine if reasonable adjustments can be made to either the working environment or any specific duties of an employee's existing role. Where this can be achieved, it may not be necessary to seek redeployment to an alternative post.

The Council Redeployment Policy is available on My View under Useful HR Information and then HR Policies and Procedures, in AskHR or from Human Resources.

6.4. Employee Resigns

On occasions an employee resignation may be received. It is ultimately the choice of the employee, but it is important that there cannot be any suggestion, inference, direction or intimation from a manager that an employee should or may wish to resign (either from a post, contracted hours retaining casual/relief working or from employment with the Council all together).

The expectation is that managers will manage all sickness absence cases in line with the Council's Sickness Absence Policy and Procedure.

Where a resignation received is unexpected, in line with normal procedures, the line manager must urgently speak to the employee, before progressing the resignation.

The manager should ensure that they discuss with the employee the reasons why they have chosen to resign and should enable the employee a reasonable period of time, normally two or three days, as an opportunity to think if resignation is still the way they wish to proceed.

Where an employee confirms that they do still wish to proceed with their resignation, it will be accepted as of the date it was originally submitted, so they are not penalised in having to work longer through their notice by taking this time to think fully.

6.5. Ill Health Retirement

Ill Health retirement is only a possible consideration where an employee is a member of either the Local Government Pension Scheme (LGPS) or the Scottish Teachers Pension Scheme (STPS).

Should an employee not be a member of either scheme or they do not qualify on other grounds, should the circumstances exist that ill health retirement may be considered, this would be managed under Absence Related Capability; refer to section 6.6.

6.5.1. Members of the Local Government Pension Scheme (LGPS)

Where it is clear that an employee's illness/health means that it is unlikely that they will be able to return to their role, and that the Council has no other comparable employment for which they would be fit to undertake, a referral should be made to Occupational Health to seek confirmation of whether they meet the requirements for retirement on the grounds of ill health.

Occupational Health will manage the assessment process in line with the requirements of the LGPS, which includes a second and Independent Registered Medical Practitioner (IRMP) having to review the records and agree that the criteria for ill health retirement are met.

Following the IRMP assessment, the ill health retirement case will be considered by the Council as the employer via First Instance Decision Makers (FIDM's); they are the people who make the final decision taking account of all of the medical evidence as to whether ill health retirement is able to be granted.

The following table details the normal Council arrangements as to who are the first instance decision makers for any ill health retirement case.

Application in Respect of:	Responsible Officer(s):	In Consultation with:
Chief Executive.	Director of Infrastructure and Organisational Development and a second Director.	Head of HR and OD or their nominated Deputy.
Chief Officials.	Chief Executive and Director (not line manager of person).	Head of HR and OD or their nominated Deputy.
Service Managers.	Directors (x2).	Head of HR and OD or their nominated Deputy.
Other Employees.	Head of Service.	Head of HR and OD or their nominated Deputy.

Refer to the Council Managers Guide or Employee Factsheet on LGPS Ill Health Retirement available on MyView or from Human Resources.

6.5.2. Members of the Scottish Teachers Pension Scheme (STPS)

Ill health retirement for teachers and other education professionals and academic staff at UHI Orkney is governed by the rule of the STPS, which sees the final decision on granting of ill health retirement made at a national level by the Medical Adviser to the Scottish Public Pensions Agency (SPPA).

The requirements, rules and relevant forms and documents for ill health retirement are all available on the SPPA website – SPPA - Teachers Pension.

6.6. Absence Related Capability

Absence related capability is the formal process whereby an individual's employment is brought to an end due to ill health in circumstances where:

- The individual is not a member of either the LGPS or SSTA and therefore would not be eligible for possible ill health retirement.
- Where the individual is a member of either the LGPS or SSTA but their circumstances would not support ill health retirement being agreed.

6.6.1. Process for Absence Related Capability Meeting

Where it is clear, that despite all best efforts, an individual is unlikely or unable to return to their substantive post (long term absence) or sustain an acceptable level of attendance at work (short term absence).

In these circumstances there is a need to ensure that there is nothing more that can be done in terms of reasonable adjustments to support this, and the case should be considered at an absence related capability meeting.

There is no absolute fixed point in time or trigger for this, each case must be considered on its own merits and a decision made on the basis of available information, as to if and when this is appropriate. There are however some points that people mangers may want to consider:

- There is a need to ensure that there is nothing more that can be done in terms of reasonable adjustments to the role and work.
- Where appropriate, redeployment should have been considered.
- In normal circumstances, there is no obligation for the Council to have allowed an employee to have exhausted occupational sick pay before consideration of absence related capability.
- It may be a reasonable adjustment for long term absence as a result of a disability to enable the individual to have exhausted their occupational sick pay.
- Current Occupational Health advice should be available for the meeting. A review appointment may require to be arranged for the employee prior to the scheduling of the hearing.

  It is recommended that Occupational Health advice should have been obtained or reviewed no later than one month prior to the health/absence related capability meeting.

- It is not a reasonable decision to simply allow an employee to either continue off indefinitely with no likely prospect of a return to work, or to continue to have unreasonable levels of persistent short-term absence as both can have a detrimental impact on service delivery and for work colleagues that remain.
- All decisions made must be able to be justified as reasonable and supported by evidence or the Council Policy and Procedures on Managing Sickness Absence having been followed.

The absence related capability meeting should be chaired by the Director or Head of Service who will have an adviser from Human Resources present. In exceptional circumstances, with the agreement of Human Resources, the authority to Chair such a meeting may be delegated by the relevant Chief Officer to a Service Manager.

The employee should be provided with at least seven calendar days' written notice of the meeting (the seven days must be from the date on which they received the notification); although they may agree to meet sooner should they so wish. Along with the notification they must also be provided with a copy of the report submitted for consideration.

The employee should be advised of their ability to be accompanied to the meeting by a work colleague or a Trade Union Representative/Official employed by a Trade Union.

The Director/Head of Service should ensure that a letter is sent to the employee confirming the outcome of meeting within seven days.

Where the employee is dismissed on the grounds of capability, they will have the right of appeal against the decision to the Staff Appeals Committee of the Council. Any appeal against dismissal has to be submitted within 2 weeks of receipt of the written outcome of the Absence Related Capability Meeting to the Head of Human Resources and Organisational Development.

Template letters to support the Absence Related Capability process are available on on My View under Useful HR Information or from Human Resources.

6.7. Death in Service

In this difficult situation it is the Council priority to ensure that everything is done to both support colleagues of the individual but also ensure that their family/dependants are not disadvantaged.

People managers must ensure that they progress the normal Payroll Termination Form as a matter of urgency and not wait until the normal payroll submission deadline.

Where the individual is a member of their relevant pension scheme prompt submission of the termination form will enable either the Council Pensions Section for LGPS or the SPPA for Teachers Pension scheme members to be notified as applicable and progress with payment of relevant pension promptly.

Where the individual was a member of the LGPS, the Council Pension section will require a copy of the death certificate. Managers should ensure that this is forwarded to Pension if received by them. Other than this the Council as an employer will not require a copy of the death certificate.

7. Occupational Health

The Council has in place arrangements for the provision of independent, professional Occupational Health advice in respect of health issues that impact on employment.

The Council does not operate a self-referral process to Occupational Health. However, an employee may make a request for referral through their manager or Human Resources where they believe that their health is impacting on their job or their job is impacting on their health.

A referral to Occupational Health can be made at any point during the sickness absence process. However, employees will normally only be referred where Occupational Health input will assist with the management of the absence situation, for example where an employee advises that an underlying medical condition is the cause of the absence etc.

People managers will make referrals to Occupational Health via the secure Occupational Health system (IOH) for their employees) and will be able to access the outcome reports for their employees in the same way. Human Resource will be able to see referrals and reports to be able to provide advice, guidance and support to mangers as required.

Referrals to Occupational Health must always be discussed with the employee in advance by the line manager. The employee must be advised on the reasons for the referral and the information/advice that is being sought. It is recommended, as best practice, that the manager provide the employee with a copy of the completed Occupational Health referral prior to or during this discussion.

In general terms, the type of advice and information Occupational Health would be able to provide includes:

- Confirmation of whether the employee has an underlying medical condition which may be causing/contributing to sickness absence from work.
- Advice on reasonable adjustments to the workplace and/or duties of the post.
- Advice on whether a possible short-term temporary or permanent redeployment opportunity would be suitable for an individual given their health situation.
- Advice on whether an employee would be permanently unfit for their role.

A referral to Occupational Health does not remove the responsibility of managers to discuss potential reasonable adjustments with employees. Managers and employees are the ones most familiar with the job role and should discuss potential reasonable adjustments which may support the employee.

Occupational Health advice is provided on an independent basis to the Council as an employer and can take account of reports from GP’s and/or Specialists where Occupational Health feel that these are medically necessary.

Where the advice from Occupational Health and that from an employee’s GP/Specialist differs, the Council will always follow the independent advice from Occupational Health.

Where an employee is not in agreement with the advice from an Occupational Health professional, a referral to a separate Occupational Health professional (within the same provider) will normally be made in the first instance to enable the employee to raise these points (if they have not already done so). The Council can also seek to arrange a referral to a separate Occupational Health provider for a second opinion where this is necessary.

If, following receipt of an Occupational Health report, a manager requires clarifications or further advice from Occupational Health they should discuss this with the employee and consider seeking advice from Human Resources prior to submission of a further referral or query to Occupational Health.

A referral to Occupational Health is not always necessary. Where advice has been provided from the employee's GP in the form of a Fit Note i.e. that a phased return to work should be considered, a referral to Occupational Health does not require to be made simply to confirm this advice providing the advice is considered reasonable, consistent with the provisions of this policy and procedure, and can be accommodated. Similarly whereas a manager you agree reasonable support and adjustments with an employee, you do not need to have Occupational Health advice to implement this.

8. Management Discretion

Where a line manager believes that an absence case would warrant consideration of discretion being applied, they can apply relevant discretions without further approval in line with sections 8.1 and 8.2 below and Section 14 of the Managing Sickness Absence Policy.

Application of line management discretion is not a means of simply not managing sickness absence and should not result in absences where there are continual discretions being applied rather than taking appropriate management interventions.

All uses of management interview must be recorded in the MyView Sickness system, to ensure that management intervention KPI's can be recorded accurately and as a means of monitoring the use of management discretion.

8.1. Line Manager Discretions in Short Term Sickness Absence

- Where in a two-month monitoring period there has been further absence and the circumstances would warrant non-escalation to a Stage 2 or Stage 3 Absence review meeting, you can use discretion to end the review period as planned at the two-month point.
- Where in a two-month monitoring period there has been further absence and the circumstances would warrant non-escalation to a Stage 2 or Stage 3 Absence review meeting, you can use discretion to re-run the Stage 1, Stage 2 or Stage 3 Absence review monitoring period rather than escalating to the next stage. There should not be a return of any stage on more than one occasion in any process of managing short-term sickness absence.
- In exceptional circumstances, you can use discretion not to escalate the management of a short-term sickness absence to Stage 4 – Health Related Capability meeting.

8.2. Line Manager Discretion in Long Term Sickness Absence

- Where an individual is due to return to work by the end of the 5th week of absence , you can apply discretion to not arrange an absence review meeting, however it must progress if the return to work does not occur as planned.
- Can use discretion to defer or not hold a monthly absence review, although in normal circumstances you cannot defer or not hold 2 consecutive monthly absence reviews.
- In a situation of terminal illness (see section 2.3.2 of the Management of Sickness Absence Procedure), you can use discretion to not hold a monthly absence review, as long as some form of appropriate contact with the employee is maintained.
- In these circumstances the rule relating to not holding 2 consecutive monthly absence reviews does not apply.
- In a situation of a long-term absence with a defined period of medical treatment (See section 2.3.4 of the Management of Sickness Absence Procedure) you can use discretion to not hold a monthly absence review, as long as regular ongoing contact with the employee is maintained. In these circumstances the rule relating to not holding 2 consecutive monthly absence reviews does not apply.

8.3. Discretions that cannot be used by a Line Manager

Line Management discretion cannot be used to**:**

- Defer or not hold a Return-to-Work Interview; this is a mandatory part of the process.
- Extend a phased return to work or vary the payment arrangements for a phased return to work.
- Not require absence certification to be provided; this is a mandatory part of the process.
- Extend entitlement to occupational or statutory sick pay, any possible extension to occupational sick pay would require approval of the Head of Service/Director and the Head of HR and OD.
- Shorten or extend the period of two months of absence monitoring following a short-term absence management review.
- Enable periods of sickness absence to be covered as annual leave, flexi, TOIL, leave of absence or any other type of leave.
- Not require that there be reasonable ongoing contact during any period of sickness absence; this is a mandatory part of the process, other than the stated exemptions.
- Not manage a sickness absence case at all.

9. Phased Return to Work

A phased return to work is a structured process for employees to gradually transition back to their full duties and hours after a period of long-term sickness or absence, typically involving reduced hours or lighter duties initially, from any long-term period of sickness absence (absence lasting one month or more).

A phased return to work is not an automatic process, it should considered but may not be necessary in many instances.

A phased return to work must be agreed between the individual and their manager, and it should, where possible take account of any advice and guidance provided by either Occupational Health and/or the individuals GP.

The phased return to work plan must be submitted to Payroll via the e-Form on MyView Sickness as part of the preparation of the return-to-work plan. Should the phased return to work plan change it must be updated through submission of a new e-Form.

A phased return to work may impact on an employees pay, so great care must be taken to ensure it is recorded accurately and updated promptly.

The manager will monitoring progress through regular check-ins with the individual, and adjust the plan as needed to ensure a successful and sustainable return to normal hours and duties by the end of the agreed period.

9.1. Timescale for a Phased Return to Work

A phased return to work must have a plan with a timeline, normally from a day up to a maximum of four weeks.

Where absence is related to a disability and where there is a specific recommendation from Occupational Health for a longer phased return to work, the maximum duration of a phased return to work can be extended to up to eight weeks in total.

Where an individual is not back to their normal hours by the end of a phased return period of either four weeks (non-disability related) or eight weeks (disability related) any further adjustments would normally be supported as either a temporary or permanent reduction to contracted hours.

9.2. Payment during a Phased Return to Work

Payment during a phased return to work is detailed in section 13.1 of the Managing Sickness Absence Policy.

10. Personal Medical/Hospital Appointments and Treatment

10.1. SJC Employees (Grades A – N) and Chief Officers

Arrangement in respect of time off for personal outpatient and inpatient medical appointments/treatment are covered under section 6.2 of the Council Leave of Absence Policy or under SNCT Conditions of Service for Teachers and other Educational Professionals.

Any period of sickness absence relating to an outpatient or inpatient medical appointment/treatment will not be counted for the purposes of Council trigger point monitoring.

10.2. Teachers and Other Education Professionals

Arrangement in respect of time off for personal outpatient and inpatient medical appointments/treatment are covered under SNCT Conditions of Service.

SNCT Handbook Part 2: Section 9 – Other Provisions

Paragraph 9.18. Medical Examinations

Reasonable time off with pay should be allowed for the purpose of (i) preventative medical examinations and (ii) medical interventions which support the management of medical conditions which are likely to be covered by the Equality Act 2010. These should, where feasible, be made out with pupil contact time. This may be achieved by using a degree of flexibility around class and non-class contact time.

10.3. Dependents Medical/Hospital Appointments and Treatment

Arrangements in respect of time off in respect of dependents/family members personal outpatient and inpatient and medical appointments/treatment have separate arrangements and are covered under Statutory time off for Dependant, which is unpaid.

10.4. Admission to Hospital

Any outpatient or in-patient treatment that results in admission to hospital will be classed as sickness absence beyond the first day and require completion of the necessary certification.

10.5. Cosmetic/Elective Surgery

Absence due to an individual undergoing cosmetic or elective surgery which is not medically recommended is not classed as sickness absence. Payment of occupational and statutory sick pay will not be made.

Where unforeseen post-operative complications or issues occur resulting in absence these would be covered under sickness absence procedures. Payment of occupational and statutory sick pay would be made, subject to qualifying provisions.

11. Representation

The Council recognises that it is best practice to allow an employee to have the opportunity to be accompanied by either a work colleague or a trade union representative or official employed by a trade union at Absence Review Meetings.

It is not normal that an employee will be accompanied to an informal meeting under this procedure i.e. return to work interview.

There is no right to be accompanied or represented by a Solicitor or other legal representative in an internal policy meeting.

The right to be accompanied is normally limited to one individual, unless for example an employee with a disability requires additional support.

Where an employee wishes to be accompanied by a family member instead of a work colleague or trade union representative, particularly relating to instances of long term or serious ill health, this is agreeable.

Although the choice of which work colleague or Trade Union Representative accompanies them normally rests with the employee, where the choice of individual could present a conflict of interest, or would result in an unreasonable delay to the process, the employee may be advised to seek an alternative individual to accompany them. The meeting will be re-arranged to allow this where necessary.

11.1. Rights and responsibilities of a trade union representative in absence review meetings

Trade union representatives have specific rights and responsibilities in absence review meetings.

These include the right to accompany employees to meetings, to speak on their behalf, and to help them prepare for the meeting.

A trade union representative, also represents the employee's interests, ensuring the employee's rights are respected, and assisting the employee in preparing for the meeting.

Recognising and respecting these rights are crucial in ensuring a balanced and fair review process.

12.Supporting Documentation

The following documentation support and should be read along with the Council Managing Sickness Absence Policy Procedure.

These documents are available as e-Forms in MyView Sickness Absence, on My View under Useful HR Information, from AskHR or Human Resources.

12.1. Appendices

Appendix 1 Example Fitness to Work Certificate.
Appendix 2 Management Discretion Record.
Appendix 3 Guide to Maintaining contact with an absent Employee.
Appendix 4 Record of Contact and Absence Certification.
Appendix 5 Absence Review Record.
Appendix 6 Guide to Absence Review Meetings.

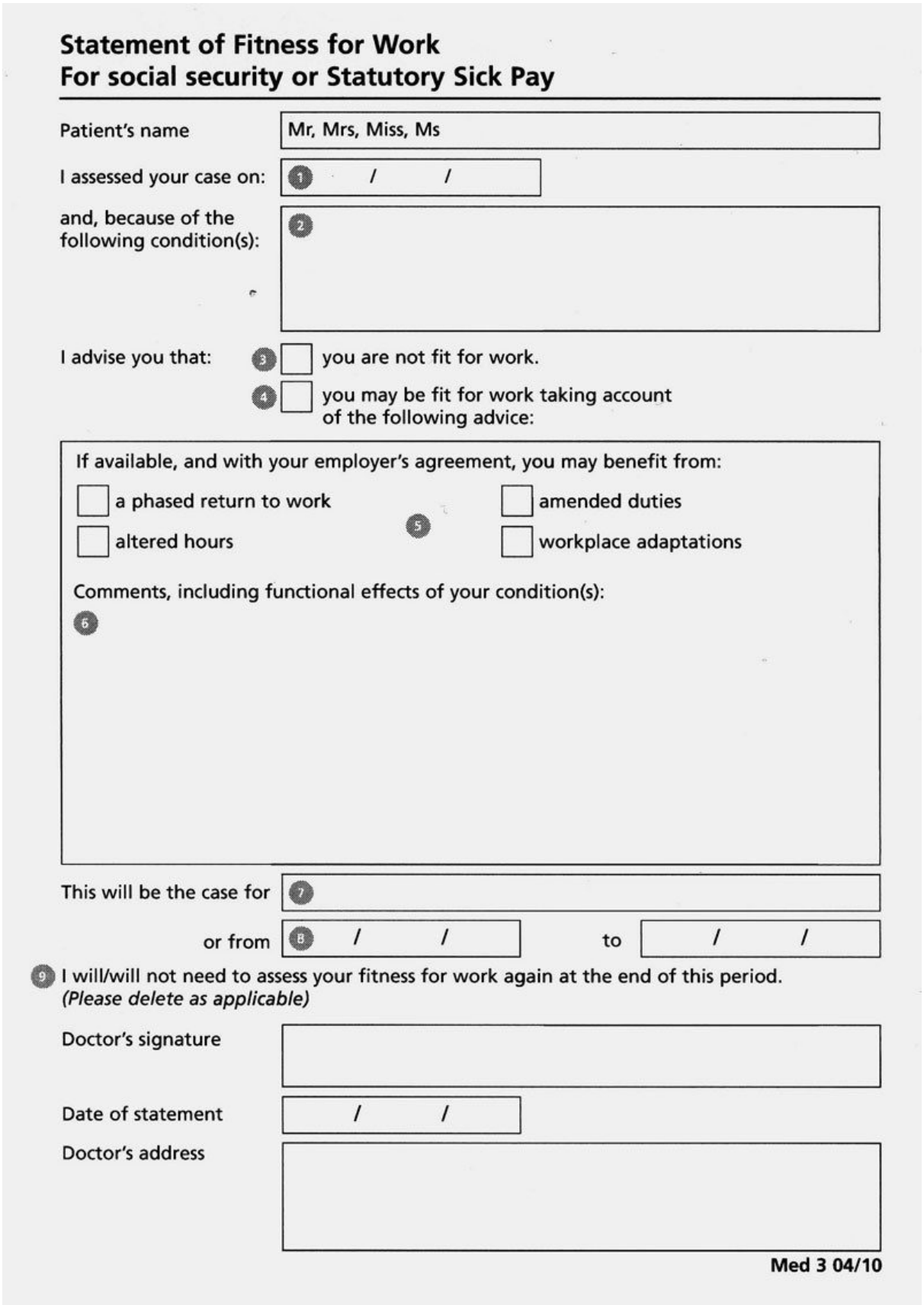
12.2. Supporting Policies

Managing Sickness Absence Policy.
Redeployment Policy.
Menopause Policy

12.3. Supporting Forms and Guidance

Manager Guidance on Ill Health Retirement (LGPS).
Employee Factsheet on Ill Health Retirement (LGPS).
Manager Guidance on Reasonable Adjustments.

Appendix 1: Example Fitness for Work Certificate (Fit Note)



Statement of Fitness for Work
For social security or Statutory Sick Pay

Patient's name: Mr, Mrs, Miss, Ms

I assessed your case on: 1 / /

and, because of the following condition(s): 2

I advise you that:
3 ☐ you are not fit for work.
4 ☐ you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:

☐ a phased return to work ☐ amended duties
5
☐ altered hours ☐ workplace adaptations

Comments, including functional effects of your condition(s):
6

This will be the case for 7

or from 8 / / to / /

9 I will/will not need to assess your fitness for work again at the end of this period.
(Please delete as applicable)

Doctor's signature

Date of statement / /

Doctor's address

Med 3 04/10

Appendix 2: Management Discretion Record

Employee Name	
Post Title	
Work Location	
Absence Start Date	
Reason for Absence	
Manager Name	

Short Term Absence Discretions

Discretion	Date Applied
Employee in a two-month period of absence monitoring and has further absence breaching the target. Circumstances support not to escalate to a further monitoring period.	
Absence relates to a disability, adjustment to the level of absence target in the two-month period of monitoring. (Detail adjusted level below, cannot be higher than 3 periods in the two months)	

Short Explanation for Application of Discretion

See over page for Long Term Absence Discretions.

Long Term Absence Discretions

Discretion	Date Applied
Level of absence has reached or expected to reach a month, but employee is expected to return to work before the end of 5th week of absence. Should return to work not happen within this time, absence review will be held as per policy.	
Circumstances of absence would warrant a deferral/not holding an absence review meeting. Two consecutive months absence reviews cannot be deferred of cancelled.	
Terminal illness case, monthly absence review meeting not to be held, alternative contact with employee is being maintained.	
Case of absence with a defined period of medical treatment, monthly absence review not to be held. Regular ongoing contact is being maintained.	

Short Explanation for Application of Discretion

Where you have completed this in MyView you need to do nothing else.

If you have completed a paper form or pdf version these will need to be uploaded to MyView.

Appendix 3: Guidance - Contact with an absent Employee

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Manager Guidance
Maintaining contact with an absent Employee

Prior to making Contact	
Check the date/time that the contact is due to take place so that you have enough time for it.	
Ensure that you are in private space for the contact to take place, whether it is in person on the phone or online via MS Teams.	
Make sure that you are familiar with the reason for absence and the date the absence began.	
Make sure that you are familiar with when the current absence certificate runs out.	
Ensure that you have copies of any recent Occupational Health advice.	
Make a note of any specific points that you need to cover.	
Ensure that you know the current position of the employees Occupational Sick Pay; when are they due to go onto half or no pay?	

During contact with absent employee	
Update the employee on key changes/events in the team/department or Council, as appropriate.	
Pass on good wishes form colleagues.	
Make sure that the employee knows that you will be taking notes.	
Ask how they are doing, how is their illness/treatment progressing?	
Ask if they have any indication as to when they may be fit for possible return to work?	

Where appropriate, discuss if they feel that a phased return to work could be of benefit	
Where appropriate, discuss if they feel that any reasonable adjustments would be beneficial in supporting a return to work.	
Where appropriate, discuss their sick pay position, ensure that they understand if their sick pay is due to change to half or no pay in the next month or so.	
Where appropriate, agree a date and arrangements for the next contact.	

After contact with absent employee	
Ensure that any points for you to action are progressed.	
Where appropriate ensure that a referral to Occupational Health is arranged.	
Ensure that a record of the contact is added to the MyView Sickness system.	

Appendix 4: Record of Contact and Certification

Employee Name	
Absence Start Date	
Reason for Absence	

	Action as per Policy	Expected Date	Actual Date	Discretion Applied	Uploaded to MyView
Week 1	Day 1 Contact from Employee			N/A	N/A
	Day 3 Contact from Employee			N/A	N/A
	Day 5 Contact from Employee			N/A	N/A
	Self-Certificate Completed			N/A	
Weeks 2 – 4 Short Term	Week 2 contact with employee				
	Week 3 contact with employee				
	Week 4 contact with employee				
Months 2 – 12 Long Term	Month 2 contact – Absence Review				
	Month 3 contact – Absence Review				
	Month 4 contact – Absence Review				
	Month 2 contact – Absence Review				
	Month 6 contact – Absence Review				
	Month 7 contact – Absence Review				

	Month 8 contact – Absence Review				
	Month 9 contact – Absence Review				
	Month 10 contact – Absence Review				
	Month 11 contact – Absence Review				
	Month 12 contact – Absence Review				

Sickness Absence Certification Received

Doctor/Medical Certification required from 8th calendar day of sickness absence until return to work.

	Start Date	End Date	GP review B4 can RTW	Gap in Dates	MyView Updated
Self-Certificate			N/A		

Appendix 5: Absence Review Meeting

Employee Name	
Post	
Work Location	
Manager	

Type or Absence Review	
Short Term Absence Review – absence record reached or exceeded 3 periods of absence in 6 months. **(Stage 1)**	
Short Term Absence Review – absence during a monitoring period reached or exceeded the set target **(Stage 2 or 3)**	
Long Term Absence Review – Initial absence review where absence reached or expected to be one month.	
Long Term Absence Review – monthly absence review meeting.	

Refer to Manager Guidance on Absence Review Meetings available on MyView/Useful HR Information or from Human Resources.

Update on health including anticipated timescale for return to work.

Medical/Occupational Health Advice

Reasonable Adjustments – those considered and those agreed.

Return to Work Arrangements including any phased return

Ensure any phased return to work is added to MyView Sickness Record.

Points for Follow up/action

Other points/information



Where you have completed this in MyView you need to do nothing else; the employee will be able to access the completed review record in their MyView.

If you have completed a paper form or pdf version these will need to be uploaded to MyView, so the employee can see this.

Appendix 6: Guidance on Absence Review Meeting

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Manager Guidance
Absence Review Meetings

1. What are absence review meetings?

Absence review meetings allow you to explore the reasons behind an employee's absence, which could vary from sickness absence to work-related stress.

Such meetings provide insight into an employee's attendance, specifically focusing on their sickness absence record, helping you chart a course towards better attendance and productivity.

2. The purpose of an absence review meeting

Essentially, an absence review meeting serves as a channel for building understanding between an employer and an employee. It offers a chance to uncover the causes of absences and find solutions that work for both parties.

Whether it's a couple of missed days or a long-term sickness absence, these meetings provide a structured, supportive platform for employees to discuss their issues and work towards improving attendance.

It's not just about asking your employee, 'Why were you absent?' but also 'How can we support you better?'

3. Benefits of conducting absence review meetings

Beyond the immediate goal of understanding the reasons for an employee's absence, absence review meetings offer a host of other benefits.

They provide a platform for you to:

- Maintain contact with an absent employee.
- Consider reasonable adjustments in respect of disability and/or to support a return to work.
- Boost employee morale.
- Reduce future sickness absences.
- Identify patterns and trends in absences.
- Gain crucial knowledge to help develop effective strategies for improving attendance.

After all, a happy employee is a productive employee.

4. When to hold an absence review meeting

Absence review meetings, as a minimum should be held in line with the Council Managing Sickness Absence policy.

- Short Term Sickness Absence – following a return to work from a period of sickness absence that has resulted in the MAP of three periods of absence in a rolling six months.
- Long Term Sickness Absence – on a monthly basis during a period of sickness absence which lasts more than one month.

5. Preparing for an Absence Review Meeting

Before embarking on an absence review meeting, thorough preparation is necessary. From gathering relevant documents to setting the meeting agenda and inviting the employee, each step is crucial in ensuring a productive discussion.

This preparation sets the tone for the meeting, ensuring that it's not just another formal meeting but a collaborative process aimed at improving attendance.

5.1 Gather relevant documents and evidence.

The first step in preparing for an absence review meeting involves gathering relevant documents and evidence.

This can include:

- Attendance records.
- Medical certificates.
- Occupational Health reports.
- Any other documents related to the employee's absence.

Having information at hand can provide valuable insights into the employee's absence patterns and underlying issues, paving the way for a constructive discussion. Remember, absence reviews are not about pointing fingers but about finding solutions.

5.2 Set the agenda for the meeting.

- Setting a clear and focused agenda is key to conducting a successful absence review meeting. It provides a roadmap for the discussion, ensuring that all important topics are covered.
- The agenda should include things like discussing the employee's absences, exploring potential solutions, and setting expectations for improvement.
- Having a well-defined agenda helps keep the conversation on track and ensures that the meeting is productive and goal oriented.

6. Invite the employee to the meeting.

Once the groundwork is laid, it's time to invite the employee to the meeting. This invitation should clearly convey the purpose of the meeting, the date and time, and the employee's right to be accompanied by a union representative or a colleague.

Remember, the goal is to create an environment where your employee feels comfortable discussing their absences, so make sure the invitation is respectful and supportive.

An absence review meeting is a first formal stage in the management of sickness absence and on that basis the following must occur:

- The employee is given a minimum of 7 calendar days' notice of the absence review. The 7 calendar days is from the date on which the written confirmation of the arrangements is received, please allow for this in the planning of dates.
- The employee must be advised that they can be accompanied to the absence review by a work colleague or Trade Union Rep/Official employed by a Trade Union, should they wish.
- The arrangements for the absence review can be confirmed at the return-to-work discussion but must be confirmed in writing via letter or email.

7. How to conduct an absence review meeting

Keep in mind that the aim of the meeting is not to penalise your employee but to support them in improving their attendance. Make sure your tone and the tone of the meeting reflect this support.

Open the meeting and set expectations.

The way you open the meeting can set the tone for the rest of the discussion.

Start by:

- Outlining the purpose of the meeting.
- Setting clear expectations.
- Reminding the employee of their representation rights.
- Assuring them of a supportive, non-disciplinary atmosphere.

7.1. Discuss the employee's absence.

Next, delve into the employee's absence. Start by reviewing the facts and then engage in a dialogue about the reasons behind the absence.

The goal here is not to interrogate but to understand the employee's perspective. It's not just about asking the right questions, but also about listening and empathising.

Explore solutions and support.

7.2. Finding Solutions

The final part of the meeting should focus on finding solutions and providing support. This could involve discussing reasonable adjustments that could help the employee—from changes in work arrangements to additional support mechanisms.

The aim is to work together to identify suitable solutions that can help the employee improve their attendance.

- Review the progress made with the absence.
- Determine the appropriate course of action.

Remember, dismissal is always a last resort and should only be considered after exploring all possible support options and adjustments.

7.3. Reasonable adjustments and supporting employees.

Providing reasonable adjustments and additional support plays a vital role in managing employee absences. These measures can help employees manage their health issues and improve their attendance.

After all, supporting employees is not just about helping them get back to work, but making sure they are able to perform and progress to their best potential.

What are reasonable adjustments?

Reasonable adjustments are changes made by an employer to remove or reduce disadvantages faced by an employee due to their health condition or disability.

These adjustments could involve changes to employee working conditions, working hours, or the provision of additional equipment or support.

The key is to ensure that these adjustments are ‘reasonable’ and don’t place any undue burdens on yourself and your business.

7.4. How to identify and implement reasonable adjustments

This should be a collaborative process involving:

- Understanding your employee’s needs.
- Consulting with your employee.
- Seeking advice from occupational health professionals.
- Exploring best practices within the industry.
- Exploring suitable adjustments.

The goal is to find practical solutions that can help your employee manage their health condition and improve their attendance.

7.5. Providing additional support for employees

In addition to reasonable adjustments and mitigating circumstances, providing additional support can play a crucial role in managing employee absences.

This could involve offering flexible working arrangements, providing access to counselling or wellness programs, or simply creating a supportive and understanding work environment.

Remember, every employee is unique, and their support needs will vary. The key to providing effective support is understanding the individual employee's needs and being responsive to them.

8. How to manage long-term sickness absence

Handling long-term sickness absence can pose significant challenges and raise sickness absence concerns.

It requires a comprehensive, sensitive approach that includes assessing the employee's sickness absence record, seeking occupational health advice, considering possible outcomes, and addressing sick pay policies.

The goal is to support your employee's return to work while ensuring their health and wellbeing.

9. Assess the employee's sickness absence record.

This is the first step in managing long-term sickness absence. It involves reviewing the employee's attendance history and identifying any patterns or trends.

Understanding the nature and frequency of your employee's absences can provide valuable insights into their health issues and help in developing effective strategies for managing their absence.

10. Seek occupational health advice.

Seeking occupational health advice can provide valuable insights into your employee's health condition and their ability to return to work.

An occupational health report, prepared by professionals, can provide advice on appropriate adjustments, support mechanisms, and strategies for managing the employee's health condition. Their involvement is crucial in ensuring that the employee's return to work is safe and sustainable.

11. Possible outcomes for long-term sickness absence

Long-term sickness absence can lead to a range of outcomes. These could include a return to work with or without adjustments, redeployment to a different role, or, in some cases, dismissal.

The goal is always to support your employee's return to work wherever possible. However, in some cases, dismissal may be the only option if the employee is unable to return to work despite all reasonable adjustments and support.

12. The role of trade unions and employee representation

Trade unions or employee representatives hold a significant role in absence review meetings. They provide support and representation for employees, ensuring their rights are respected and their views are heard.

Understanding the role of trade unions and employee representation in absence review meetings can help ensure a fair and balanced process.

Finally, remember that the ultimate goal of your absence review meeting is not to penalise employees for their absences but to support them in improving their attendance, ensuring their wellbeing, and contributing positively to the workplace.

13. Documenting the Absence Review Meeting

Absence Review meetings can and ideally should be recorded directly into MyView Sickness Absence; this is the recommended approach so that the employee can see the review outcome straight away and means there is no need to issue an outcome communication

Where direct recording is not able to be or is not chosen to be used, there is a document template that can be completed in Word, saved and uploaded to MyView Sickness or printed and completed by hand then scanned and uploaded to MyView Sickness to confirm that the relevant management action has been carried out. Additionally, an outcome summary will require to be sent to the employee.

14. Advice, guidance, and support

If you require advice, guidance or support in respect of absence review meetings or any aspect of managing sickness absence please contact the HR Adviser Team on hradviser@orkney.gov.uk or ext. 2272.

Summary of Changes to Managing Sickness Absence Policy and Procedure

1. Strengthening Governance, Roles and Expectations

The revised policy provides clearer definition of roles, responsibilities and expectations for managers and employees, ensuring consistent application of sickness-absence procedures across the organisation.

2. Alignment with Corporate Performance Targets

Corporate sickness-absence targets from the Council Plan are now formally embedded within the policy, reinforcing organisational accountability and enabling improved monitoring and reporting.

3. Standardisation of Reporting and Contact Requirements

The policy introduces a consistent minimum standard for reporting sickness absence and maintaining contact during periods of absence. This includes clearer expectations for information to be provided by employees and structured contact points for managers throughout short- and long-term absences.

Reporting Requirements

Employees must provide:

- Specific reason for sickness (not simply “I’m sick”).
- When symptoms began.
- Expected duration of absence.
- Confirmation of any support being accessed (e.g., GP).
- A contact phone number for manager follow-up.

Contact Requirements

Managers must maintain minimum contact at:

- Day 1
- Day 3
- Day 5
- Weekly (for absences of 1 week up to 1 month)
- Monthly (for absences over 1 month)

4. Consolidation of Sickness Provisions

All sickness-related provisions previously spread across multiple conditions of service have been consolidated into a single policy framework, improving accessibility, consistency and ease of reference for managers and employees.

5. Simplification of Short-Term and Long-Term Absence Processes

The management processes for both short-term and long-term sickness absence have been streamlined to remove duplication, clarify escalation points, and support more efficient case management.

6. Enhanced Guidance and Support Materials

A suite of updated guidance documents has been developed to support managers in applying the policy, including revised materials on absence review meetings, maintaining contact, reasonable adjustments, and the use of management discretion and well as updated communication templates for managers.

7. Introduction of Clear Parameters for Phased Return to Work

The policy establishes consistent timescales and payment arrangements for phased returns to work, including defined maximum durations and clearer expectations regarding transition back to normal working hours.

To ensure consistency and prevent prolonged phased returns:

- **Standard maximum duration:** 4 weeks
- **Extended duration (disability-related):** up to 8 weeks
- If normal hours are not resumed by 4 or 8 weeks, further adjustments should be treated as temporary or permanent contractual changes.

8. Revised Management Discretion Framework

The policy updates the approach to management discretion, enabling quicker and more consistent decision-making by managers within defined parameters, while also clarifying circumstances where discretion cannot be applied.

Short-Term Absence Discretion

Managers may:

- Decide not to escalate to Stage 2 or 3 where circumstances reasonably justify (e.g., single absence due to broken leg).
- Adjust disability-related absence targets during monitoring (from zero further absences up to a maximum of three).

Long-Term Absence Discretion

Managers may:

- Not arrange an absence review if the employee is due to return within one week of reaching one month of absence (must proceed if return does not occur).
- Defer or not hold a monthly review (but not two consecutive reviews under normal circumstances).
- Waive monthly reviews in cases of terminal illness or defined medical treatment periods, provided appropriate contact is maintained.

Clarification of Where Discretion Cannot Be Applied

Managers **cannot**:

- Defer or skip Return-to-Work Interviews.
- Extend or vary phased-return timescales or payment arrangements.
- Waive sickness certification requirements.
- Extend occupational/statutory sick pay entitlement.
- Shorten or extend the 3-month monitoring period after a short-term review.
- Allow sickness absence to be recorded as annual leave, flexi, TOIL, or other leave types.
- Waive the requirement for reasonable ongoing contact (except stated exemptions).
- Choose not to manage a sickness absence case.

Appendix 4

Equality Impact Assessment

The purpose of an Equality Impact Assessment (EqIA) is to improve the work of Orkney Islands Council by making sure it promotes equality and does not discriminate. This assessment records the likely impact of any changes to a proposal or changes by anticipating the consequences and making sure that any negative impacts are eliminated or minimised and positive impacts are maximised.

Should you have any questions or wish for your draft EqIA to be reviewed by our Equality, Diversity and Inclusion Adviser, please contact OD@orkney.gov.uk.

1. Identification of the Proposal or Change	
Name of proposal or change being assessed.	Managing Sickness Absence Policy.
Responsible Service and Directorate.	Human Resources and Organisational Development, Infrastructure and Organisational Development.
Date of assessment.	28 September 2026.
Is the proposal or change existing? (Please indicate if the service is to be deleted, reduced or changed significantly).	Updates to an existing policy.

2. Primary Information	
What are the intended outcomes of the proposal or change?	To control and manage sickness absence levels.
Is the proposal or change strategically important?	Strategic plans include major investment plans, new strategic frameworks or plans such as annual budgets, locality plans or corporate plans. Where a proposal is identified as strategic, evidence relating to socio-economic impacts and inequalities will be required in the relevant section **Yes**

State who is or may be affected by this proposal or change, and how?	All Council employees.
How have stakeholders been involved in the development of this proposal or change?	Policies have been reviewed and agreed by the Corporate Leadership Team and Extended Corporate Leadership Team with their views being taken on board. Policies are subject to collective bargaining with the Council recognised Trade Unions before final approval from Elected Members.
Is there any existing data and / or research relating to equalities issues in this policy area? Please summarise. E.g. consultations, national surveys, performance data, complaints, service user feedback, academic / consultants' reports, benchmarking.	The Equality and Human Rights Monitor: Is Scotland Fairer report published in November 2023 by the Equality and Human Rights Commission reviews the available data and evidence to support evidence-based debate and decisions to drive action and meaningful change that will make life fairer for everyone in Scotland. The report focuses on six major areas of life for each protected characteristic; one of which includes work. Key findings include: • The attainment gap between looked after children has not reduced resulting in lower further or higher education, employment or training outcomes. • Despite increasing levels of employment, disabled people in Scotland are more likely to earn a lower hourly wage and / or be in low-paid employment than non-disabled people, with the gap widening. • Despite increasing employment levels, ethnic minority workers in Scotland on average experience both a lower quantity and poorer quality of work, with consistently lower median hourly earnings and higher levels of insecure work. • The employment and gender pay gap in Scotland has narrowed. However, the Scottish labour market continues to have high levels of sex segregation and strong sex segregation in apprenticeships reflecting the labour market. The Scottish Government published A Fairer Scotland for All: An Anti-Racist Employment Strategy focusing on four areas: • Understanding the workforce through data. • Acting on recruitment and representation. • Driving cultural and attitudinal change. • Fair work policy and legislation.

	The strategy provides guidance for employers to create inclusive workplaces by developing an anti-racist culture; raising awareness of the harms of racism, including hate-crime and supporting anti-racist campaigns. The Disability Confident employer scheme is a government initiative that encourages people to increase the number of disabled people they hire. The framework sets out three levels of achievement to support organisations put steps in place to help the recruitment, retention and development of disabled people.
Is there any existing evidence relating to socio-economic disadvantage and inequalities of outcome in this policy area? Please summarise. E.g. For people living in poverty or for people of low income. See The Fairer Scotland Duty Guidance for Public Bodies for further information.	Evidence demonstrates a strong relationship between socio-economic disadvantage and poorer health outcomes. The Scottish Government's Fairer Scotland Duty Guidance recognises that poverty and socio-economic disadvantage can lead to inequalities of outcome across a range of areas, including health, employment and financial wellbeing. People experiencing socio-economic disadvantage are more likely to experience poorer physical and mental health outcomes, higher rates of long-term health conditions and greater barriers to accessing healthcare and support services. Employees on lower incomes may be disproportionately affected by periods of sickness absence, particularly where absence is prolonged and results in reduced income through exhaustion of occupational sick pay entitlements. The policy seeks to mitigate these impacts through the provision of occupational sick pay, access to Occupational Health support, reasonable adjustments, phased returns to work, redeployment opportunities. These measures aim to support employees experiencing ill health while reducing the risk of financial hardship and maintaining employment wherever possible.
Could the proposal or change have a differential impact on any of the following equality areas?	Please provide any evidence – positive impacts / benefits, negative impacts and reasons:
1. Race: this includes ethnic or national groups, colour and nationality.	Employees from minority ethnic groups may experience health inequalities and differing experiences of accessing healthcare services. The policy applies consistently to all employees and supports reasonable adjustments where required.

2. Sex: a man or a woman.	The Council recognises that health conditions and life events may affect men and women differently and can result in differing patterns of sickness absence. For example, employees may experience absence related to pregnancy, maternity, menopause, and andropause. The policy includes provisions to ensure that pregnancy and maternity-related absence, as well as menopause and andropause-related absence, are considered separately and are not counted towards management trigger points where appropriate. The policy promotes access to Occupational Health support, reasonable adjustments, phased returns to work and individual support arrangements to ensure employees are treated fairly and supported in remaining in, or returning to, work. No unjustified adverse impacts relating to sex have been identified. The policy is expected to have a positive impact by supporting employees experiencing sex-specific health issues and promoting equality of opportunity in the workplace.
3. Sexual Orientation: whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.	No differential impact.
4. Gender Reassignment: the process of transitioning from one gender to another.	The Council recognises that gender re-assignment can be a challenging and difficult time and can often lead to higher-than-normal levels of sickness absence. Therefore, sickness absence related to gender re-assignment, is categorised separately and is not counted towards management trigger points for managing short-term sickness absence.
5. Pregnancy and maternity.	We recognise that during pregnancy/maternity and maternity individuals can experience from higher-than-normal levels of sickness absence directly related to their pregnancy. Therefore, as a reasonable adjustment maternity or pregnancy related sickness absence is categorised separately and is not counted towards management trigger points for managing short-term sickness absence.
6. Age: people of different ages.	The Council recognises that for some people age related health conditions including Menopause/Andropause can result in higher-than-normal levels of sickness absence directly related to this. Therefore, as a reasonable adjustment some age related health conditions including Menopause/Andropause related sickness absence is categorised separately and is not counted towards management trigger points for managing short-term sickness absence.
7. Religion or beliefs or none (atheists).	No differential impact

8. Disability: people with disabilities (whether registered or not).	One of the key aims of this policy is to 'ensure that those who may face challenge or disadvantage in relation to levels of sickness absence as a result of having a disability, are not unfairly treated. This aligns to our commitment as a Disability Confident Employer as part of the Disability Confident accreditation framework. The Council has a clear commitment to making reasonable adjustments to support individual with a disability to remain and work and return to work where they have been ill. The policy allows for adjustments in respect of the monitoring processes, disability related absence is not counted in relation to management trigger points for managing short-term sickness absence.
9. Marriage and Civil Partnerships.	No differential impact.
10. Caring responsibilities	Caring responsibilities can have an impact on attendance levels, particularly where employees provide unpaid care for children, older relatives, or family members with disabilities or long-term health conditions. The introduction of the Unpaid Carers Policy may provide additional support and flexibility for employees with caring responsibilities, which could have a positive impact on attendance, wellbeing, and employee retention.
11. Socio-economic disadvantage.	The Council has an occupational sick pay scheme of up to 6 months full pay and 6 months half pay, in addition to statutory sick pay entitlement. Additionally, there is the ability to agree in exceptional circumstances extensions to sick pay provisions. These provisions are aimed to supporting individuals financially during times of ill health.
12. Care experienced	No differential impact.

3. Impact Assessment

Does the analysis above identify any differential impacts which need to be addressed?	No.
Does the analysis above identify any potential negative impacts?	No.
Do you have enough information to make a judgement? If no, what information do you require?	Yes.

4. Equality Impact Assessment Action Plan

Please complete the following action plan where you have identified any differential impacts or potential negative impacts in Section 3 of the Equality Impact Assessment.

Impact Identified	Action to be taken	Owner	How will it be monitored	Date Action to be completed

5. Sign and Date

Signature:	[redacted]
Name:	Craig Walker.
Date:	7 October 2026.