

Sickness Absence Management

1. Introduction

The Forestry Commission is committed to supporting staff whose health affects their ability to carry out their role or to attend work. This procedure sets out the steps to ensure that individuals whose sickness absence exceeds the acceptable standard are given the necessary support and time to improve and are managed fairly and consistently.

Information on reporting and recording sickness absence and your entitlement to sick pay is provided in [HR Policy and HR Procedure – Sick Leave and Sick Pay](#).

2. Sickness absence standards

The FC accepts that some absence due to sickness is unavoidable and will support individuals who are suffering from ill health. However if your sickness absences reach a level where there is likely to be a negative impact on your work or the work of the team, then this will be investigated and managed in line with this procedure.

Regular communication will help your manager to understand any issues that are affecting your health or ability to attend work, or are likely to do so in future. Together you can discuss the support available and identify any steps that could be taken to reduce the likelihood of you being absent from work.

The FC's [Employee Assistance Programme](#) can provide confidential support and counselling to help you cope with issues relating to your health, personal life or work.

2.1 Sickness absence monitoring

Managers apply consistent standards and the FC uses a “trigger point” system to monitor absence and identify individuals whose sickness absences have exceeded the acceptable level. The trigger points are set out in [HR Policy – Sickness Absence Management](#). There are separate trigger points for short-term intermittent sickness absence and long-term sickness absence.

If your absences reach a trigger point, this will prompt your manager to consider whether any action or support is needed.

It may be appropriate to adjust the trigger points if you have a disability that is expected to result in increased sickness absence. Any reasonable adjustment to the trigger points will be based on Occupational Health advice (see [Section 3](#)).

2.2 No action necessary

In some circumstances your manager may decide that it is not necessary to discuss your sickness absences with you or take any further action. For example this may be because your sickness absences have been pregnancy-related or due to a planned stay in hospital.

2.3 Investigatory meeting

If you have reached the trigger point as a result of your short-term intermittent sickness absences your manager may ask to meet you to discuss your sickness absences. At this informal meeting, your manager will:

- raise their concerns about your well-being;
- establish if there are any factors that could be contributing to your sickness absence;
- consider any action that FC could take to help you to reduce your sickness absence;
- determine whether Occupational Health advice would be helpful (see [Section 3](#));
- remind you of the support available from the Employee Assistance Programme;
- explain the consequences of your sickness absences continuing to exceed the trigger points;
- agree a target for reducing your sickness absences; and
- set a timescale for improvement (usually a maximum of three months).

Your manager will send you a short email or note after the meeting, summarising the discussions and any agreed actions and timescales for improvement.

As this is not a Formal Sickness Absence Review, there is no right to be accompanied. However you can seek advice from your Trade Union representative or the [Employee Assistance Programme](#) before and after the meeting.

If your level of sickness absence does not exceed the agreed target during this time then no further action will be taken. Your sickness absences will continue to be monitored against the trigger points.

Alternatively if your sickness absences exceed the agreed target during this timescale it will normally be appropriate to progress to the formal procedure (see [Section 4](#)).

3. Occupational Health Advice

The role of the FC's Occupational Health Adviser is to provide you and your manager with expert medical advice on your health and the implications of any medical conditions on your ability to attend work and/or carry out your normal duties. Occupational Health advice is provided by an independent organisation that provides this service to the FC.

3.1 Consent

Your manager will meet with you to ensure that you understand the reason for the referral and ask for your permission to proceed. If you give consent, your manager will provide the Occupational Health Adviser with details of your job description, sickness absence record and any information provided by you or your doctor regarding your health. The Occupational Health Adviser will then contact you to arrange a consultation with one of their medical professionals.

Depending on the nature of your health condition, it may also be necessary to obtain information from your doctor. The Occupational Health Adviser will ask for your consent before requesting a medical report from your doctor.

You are encouraged to give your consent at each stage of the referral process. However if you choose not to do so then management decisions will be based on the information available.

3.2 Occupational Health reports

The information gathered by the Occupational Health Adviser will be used to provide advice on the likely effects of your health condition, including any reasonable adjustments that would be beneficial and/or expectations regarding your return to work.

The content of the Occupational Health report will be discussed with you during the consultation and you are entitled to see a copy before it is released to the FC if you wish. Your manager will discuss the contents of the Occupational Health report with you and provide you with a copy. All reports will be marked "Protect Medical" and handled accordingly (see [Section 9](#)).

3.3 Reasonable Adjustments

Reasonable adjustments are actions that can be taken at work to assist you if you have a medical condition. If you have a disability the FC has a legal duty to make reasonable adjustments, however your manager will usually also try to make adjustments if you have a health condition that is not considered a disability or you have not declared a disability.

Your manager will consider any reasonable adjustments that are suggested by you, your doctor or the Occupational Health Adviser. Reasonable adjustments can be made on a temporary or permanent basis and can include alterations to premises, changes to your job, hours of work or work location, or provision of specialist equipment or software.

If a reasonable adjustment is necessary then the Sickness Absence Management process will be suspended until the adjustments have been put in place and sufficient time has been allowed for you to benefit, based on Occupational Health advice. However if your sickness absences continue once the adjustments are in place then it may be necessary to proceed to the formal procedure.

4. Formal procedure

If your sickness absences continue to exceed the acceptable standards despite the time and support given for improvement, your manager will normally proceed to the formal procedure. Your manager will proceed directly to the formal procedure where your sickness absence has reached 28 continuous days of absence (long-term absence).

The FC has separate procedures for managing short-term intermittent sickness absences and long-term sickness absence. The formal procedure for managing short-term intermittent absence is set out in [Section 5](#) and for long-term absence in [Section 6](#).

5. Formal Procedure – Short-term intermittent absence

[HR Policy – Sickness Absence Management](#) explains when the formal procedure for managing short-term intermittent absence should be followed. The procedure consists of three formal stages and an appeals process. A flowchart is provided in [Section 10](#).

At each stage you will be asked to attend a Sickness Absence Review and at stages 1 and 2 you will be issued with formal improvement warnings and given time and support to improve. If your sickness absences continue to exceed an agreed target then you will progress through each of the stages until finally dismissal will be considered.

5.1 Stage 1 – Monitoring Period

If your sickness absences exceed an agreed target during the informal monitoring, your manager will normally issue a First Improvement Warning (see [Section 5.5](#)). You will be placed on a Monitoring Period, typically lasting between three and six months, during which time you will be given a target for reducing your sickness absence. Occupational Health advice will be taken into account when deciding on the length of Monitoring Period and setting a target for reducing sickness absence.

If your sickness absences do not exceed the target level during the Monitoring Period then the formal procedure will end and normal monitoring will resume. Your manager will confirm in writing that no further action will be taken unless your sickness absences give cause for concern again while the First Improvement Warning remains live (see [Section 5.5.1](#)).

5.2 Stage 2 – Trial Period

If your sickness absences exceed the target level during the Monitoring Period, or if your level of sickness absence gives cause for concern while a First Improvement Warning is live, your Unit Manager will usually issue a Final Improvement Warning (see [Section 5.5](#)). You will be placed on a Trial Period, giving you a further opportunity to reduce your level of sickness absence.

The Trial Period will typically last between three and six months, depending on the nature of your health condition. If necessary updated Occupational Health advice will be obtained to help determine a reasonable target for reducing your sickness absence.

If your sickness absences do not exceed the target level during the Trial Period then your Unit Manager confirm in writing that no further action will be taken, provided that your sickness absences do not give any cause for concern while the Final Improvement Warning remains live (see [Section 7.5.1](#)).

5.3 Stage 3 – Dismissal

If your sickness absences exceed the agreed targets during the Trial Period, or if your level of sickness exceeds a trigger point absence while a Final Improvement Warning is live, dismissal will be considered by your Unit Manager (see [Section 7](#)). It may be necessary to obtain updated Occupational Health advice at this stage to determine whether an application for Ill Health Retirement is appropriate (see [Section 6.4](#)).

5.4 Formal Sickness Absence Reviews

Depending on the stage you have reached in the formal procedure, your manager or Unit Manager will write to you, giving **five working days'** notice of a formal meeting to review your level of sickness absence. The letter asking you to attend the meeting will confirm:

- the stage you have reached in the formal procedure; and
- your right to be accompanied by a Trade Union representative or workplace colleague if you wish.

If you or your representative are unable to attend on the proposed date then you may request an alternative, provided it is within **five working days** of the original date set.

Your representative can put forward your case and confer with you, but cannot answer questions on your behalf.

At all Formal Sickness Absence Reviews, notes will be taken by someone who has not previously been involved in the case. You will be given a copy of the notes for comment.

5.5 Warning Letters

A formal improvement warning will only be issued after a Formal Sickness Absence Review has been held and any factors contributing to your sickness absences have been investigated and addressed.

Your manager or Unit Manager will send you a warning letter within **five working days** of the Formal Sickness Absence Review. The warning letter will specify:

- the duration of the Monitoring/Trial Period;
- the target for reducing your sickness absences during this period;
- consequences of your sickness absences exceeding the agreed target;
- the length of time that the warning will remain “live”; and
- your right to appeal (see [Section 8](#)).

5.5.1 Length of time the warning will remain live

A First Improvement Warning will normally remain live for 9 months after a Monitoring Period ends. A Final Improvement Warning will usually remain live for 12 months from the end of a Trial Period. In certain circumstances it may be appropriate to extend the length of the warning.

After the warning has expired, it will normally be disregarded for future sickness absence management purposes, but will be retained on your personal file.

5.5.2 Sickness absences while a warning is live

If your sickness absences increase to an unacceptable level in the 9 months following a Monitoring Period or 12 months following a Trial Period then the formal procedure will restart. You will normally re-enter the process at the next formal stage, unless there is clear justification for the previous stage being repeated.

5.5.3 Sickness absences after expiry of warnings

There may be occasions where you maintain an acceptable level of sickness absence throughout the live warning period, only to lapse soon after it expires. Where a pattern is identified by your manager, this will be taken into consideration when deciding how long any future warning should remain live.

5.6 Long-term absence during a Monitoring/Trial Period or while a warning is live

If you are absent for 28 or more consecutive days during a Monitoring/Trial Period or live warning period, but later return to work, you would normally proceed to the next formal stage of the procedure for managing short-term intermittent absence when you return. However if you do not return to work then it may be necessary to manage your sickness absence in line with the formal procedure for managing Long-term Absence.

Your total sickness absence record, including both short and long-term absences, will be taken into account in deciding when action needs to be taken.

6. Formal Procedure – Long-term absence

[HR Policy – Sickness Absence Management](#) explains when the formal procedure for managing long-term absence should be followed. The procedure consists of three stages: consultation; medical investigation; and dismissal. A flowchart is provided in [Section 10](#).

It may be necessary to repeat stages 1 and 2 more than once, depending on the nature of your health condition and how this develops. Dismissal will only be considered if after all alternatives have been explored you remain unable to return to work.

6.1 Stage 1 - Consultation

Your manager will stay in regular contact with you throughout your absence to check on your progress, offer support and manage the rehabilitation process when the time is right. They will get in touch with you at an early stage in your absence to agree how frequently they will make contact and what form this will take.

Exceptionally if it is not possible or appropriate for your manager to contact you, they will arrange for another manager to keep in touch on their behalf.

6.1.1 Sickness Absence Reviews

At regular intervals, your manager will write to you, giving **five working days'** notice, asking you to meet to review your ongoing absence and discuss the prospects for recovery and possible return to work.

You have the right to be accompanied by a Trade Union representative or workplace colleague if you wish. If you or your representative are unable to attend on the

proposed date then you should contact your manager to reschedule the meeting as soon as possible.

If you are too unwell to participate in a Sickness Absence Review and this is likely to be the case for some time, then your manager may have to make a decision based on the medical advice and information available to them.

The frequency of Sickness Absence Reviews will depend on the progression of your health condition and expected duration of your sickness absence. Meetings may be held at your workplace, home or another agreed location. Your manager will write to you after each meeting to summarise the actions taken and planned.

6.2 Stage 2 - Medical Investigation

Your manager will ask for your consent to seek Occupational Health advice at various stages during your sickness absence (see [Section 3](#)). This will help them to monitor your progress and continually explore options for reasonable adjustments that would enable you to return to work. You are encouraged to give consent but if you choose not to do so then management decisions will be based on the information that is available.

The frequency of referrals to the Occupational Health Adviser will depend on developments in your health and the length of your sickness absence.

Your manager will discuss all medical advice with you at the Sickness Absence Reviews and will ensure that you are kept fully informed of any decisions that are being considered regarding your employment.

6.3 Return to Work

When you are well enough to come back to work, your manager will work with you to agree the steps that will be taken to ease your transition. Reasonable adjustments suggested by you, your doctor or the Occupational Health Adviser will form the basis of a return to work plan (see [Section 3.3](#)).

Your manager will continue to meet with you after you have returned, to review the effectiveness of the adjustments and support that are in place.

The formal procedure will stop when you return to work. However if you have another period of long-term absence within the next four years then it may be necessary to consider your previous sickness absences when deciding when action should be taken.

6.4 Ill Health Retirement

Where the Occupational Health advice indicates that you are unlikely to return to work within a reasonable timeframe, your manager will ask for your consent to submit an application for Ill Health Retirement. Your HR Case Manager will work with you and your manager throughout the application process.

Decisions on Ill Health Retirement are made by the Pension Scheme Medical Adviser. To qualify for Ill Health Retirement you must satisfy certain criteria which are specific to your pension scheme. More information is available on the Civil Service Pensions website at www.civilservice.gov.uk/pensions.

The Pension Scheme Medical Adviser will notify you of their decision in writing via your HR Case Manager. You have the right to appeal against their decision within three months and your HR Case Manager can help you to do so.

6.5 Stage 3 - Dismissal

If your absence continues then dismissal will be considered after all appropriate options for alternative employment have been explored and Ill Health Retirement has been ruled out. It is unlikely that the FC will be able to sustain your absence for more than a year.

Your Unit Manager will invite you to meet with them and will consider whether dismissal is appropriate.

7. Dismissal

Dismissal will be considered where you have either failed to reduce your level of short-term intermittent sickness absence during a Trial Period or where there is no prospect of you returning from a long-term absence within a reasonable timescale. All alternative options, including Ill Health Retirement, will always be explored before dismissal is considered.

Your case will be reviewed by Director HR before any further action is taken. You will then be invited to attend a Final Absence Review with your Unit Manager, who will decide whether you should be dismissed.

7.1 Role of Director HR

Director HR must be consulted on every case where dismissal is being considered. The role of Director HR is to monitor for fairness and consistency of penalty across the FC.

7.1.1 Compensation for Dismissal

Before you are advised of the decision to dismiss you, Director HR will also decide whether you are eligible for any compensation under the Civil Service Compensation Scheme. The level of compensation will be determined using Cabinet Office guidance ([PIN 40](#)). Payment of compensation is not automatic and a key factor is the degree of individual culpability. If Director HR decides that you are not eligible for the maximum amount of compensation then the reasons for this decision will be explained to you.

7.2 Final Sickness Absence Review

Your Unit Manager will write to you, giving **five working days**' notice of the final Sickness Absence Review meeting. You will be given the right to be accompanied by a Trade Union representative or workplace colleague.

If you have given consent, decisions will be based on up-to-date Occupational Health advice. Where your Unit Manager is satisfied that reasonable adjustments have been made and support given, but you have been unable to reduce your sickness absences/return to work, you will be advised that you will be dismissed on the grounds of capability.

The decision to dismiss you will be confirmed in writing within **five working days** of the meeting. The letter will confirm:

- the reason for dismissal;
- your notice period;
- your right to appeal; and
- if applicable, the amount of compensation you are entitled to and your right to appeal this to the Civil Service Appeal Board.

The letter will confirm whether you are required to work during your contractual notice period. You will continue to be paid during this time if you remain absent from work.

8. Appeals

You have the right to appeal against a formal warning or decision to dismiss you. You must appeal within **ten working days** of the date of the warning letter or dismissal letter, clearly setting out your grounds for appeal.

The role of the Appeal Manager is to review whether the procedure has been followed correctly and the decision made was reasonable. The Appeal Hearing will not normally be a re-hearing of information already put forward at the Sickness Absence Reviews, but any additional evidence that you present will be considered.

In the case of short-term intermittent absence, your Monitoring Period or Trial Period will continue while the appeals process is ongoing.

8.1 Appeal Manager

The Appeal Manager will be at least one grade above the manager who made the decision. Where this is not possible, the appeal will be heard by a manager outside of your management chain who has not previously been involved in the case.

The Appeal Managers for appeals against dismissal will be the Chief Executive, Country Director or their nominated deputy. Appeals against the Director General's decision to dismiss a member of the Senior Staff Group will be heard by the FC Chair.

8.2 Appeal Hearing

The Appeal Manager will invite you to attend a meeting where you will be given the opportunity to explain your grounds for appeal.

You will be given **five working days**' notice of the meeting and the letter asking you to attend will confirm:

- your current stage in the formal procedure;
- the decision that you are appealing against; and
- your right to be accompanied by a Trade Union representative or workplace colleague if you wish.

If you or your representative are unable to attend on the proposed date you may suggest an alternative, provided it is within **five working days** of the original date.

8.3 Appeal Outcome

The Appeal Manager will notify you of their decision in writing within **five working days** of the Appeal Hearing. If there is likely to be a delay, an interim response will be given.

The Appeal Manager may decide to:

- Fully uphold the appeal – stop the formal process and disregard the warning or dismissal;
- Partially uphold the appeal – repeat or extend the Monitoring Period or Trial Period;
- Not uphold the appeal – the warning remains live and process continues or dismissal is progressed.

The outcome of the Appeal Hearing is final. Any grievances relating to issues that have already been addressed at Appeal Hearings will not be accepted.

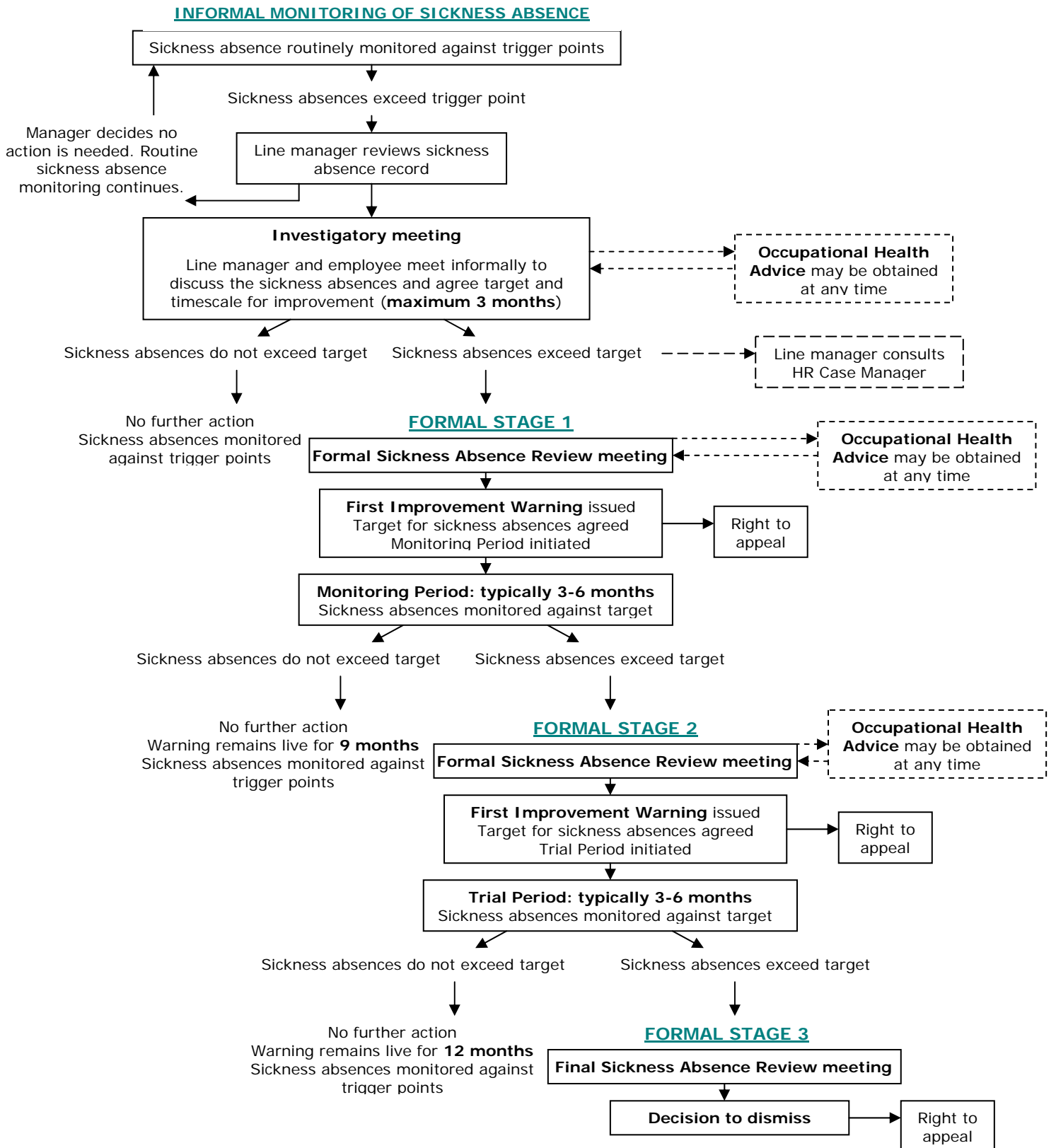
9. Management of medical records

All information relating to your health will be given a "Protect Medical" protective marking and handled accordingly. Failure to observe this may result in disciplinary action for those involved.

You have the right to access information about your health and sickness absence and you can allow a representative to access this information on your behalf by providing your written permission to your HR Case Manager.

10. Flowcharts

10.1 Managing short-term intermittent absence



10.2 Managing Long-term Absence

INFORMAL MONITORING OF SICKNESS ABSENCE

Sickness absence routinely monitored against trigger points

Individual begins period of sickness absence

Regular contact maintained between line manager and absent individual to discuss the individual's health and anticipated return to work, where appropriate.

Continuous sickness absence exceeds trigger point

Line manager consults HR Case Manager

FORMAL STAGE 1

Consultation:
Line manager and individual meet for a **Sickness Absence Review** to discuss the employee's health, consider any medical advice and determine whether further Occupational Health advice should be obtained. Manager will send the individual a note of actions taken and planned.

FORMAL STAGE 2

Medical Investigation:
Line manager obtains employee's consent to refer to **Occupational Health** for advice on reasonable adjustments that would help the employee to return to work. Manager will discuss the medical advice with the individual.

Formal stages 1 and 2 may be repeated several times if individual remains absent, unless a return to work is not expected within a reasonable timescale

Employee returns to work
Supported by reasonable adjustments, if required

Employee does not return to work

Medical advice indicates no prospect of return to work within a reasonable

Application for III Health Retirement (if appropriate)

Decision on whether individual qualifies for III Health Retirement

Right to appeal

FORMAL STAGE 3

Final Sickness Absence Review meeting

Decision to dismiss

Right to appeal