

**HR**

**Guidance**

**Appendix 4**

**Generic**

**Guidance**

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| Version Control | Changes Made | Author |
| Version 1 September 2018 | Revised procedure to replace previous Positive Attendance procedure and Sickness Absence procedure for Staff. Incorporates procedures for Green Book, Burgundy Book and Grey Book conditions of service and includes generic guidance for all staff groups. | K. Anderson – People Management |
|  |  |  |
| Version 2 October 2018 | Wording added regarding AVC’s (Additional Voluntary Contributions) to your pension  | People Management  |
| Version 3February 2020 | Changes made and document separated out in line with Grey Book Absence and Wellbeing procedure review. | T. Hanks – People Management |

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# Contact during absence

It is expected that an employee will keep the Council informed about their absence, especially if a significant change occurs. Normally an employee should keep in touch and update their manager, on a weekly basis by telephone. Alternatively the employee may prefer the manager to make contact at pre-arranged times for these updates.

There may be circumstances when it would be medically detrimental for the manager to contact the employee, or where the individual employee may wish to be visited by an alternative manager. In such cases, an employee or the manager should make alternative arrangements and may wish to seek advice from People Management.

Employees who continually fail to keep in touch may lose their entitlement to sick pay and may have their level of absence considered under the Council’s disciplinary procedure. A managers failure to maintain contact with employees who are absent from work due to sickness absence may be considered under the capability procedure.

In normal circumstances, the manager will make contact at their earliest opportunity to offer support in cases of absence. The level of contact will be considered carefully by the manager, taking into account the employee’s condition. It is important that the level and type of contact is supportive but not intrusive. A record of all contact should be recorded on the contact sheet (PA9) and made available to employees if requested.

Contact with an employee can include;

* Writing to or telephoning the employee offering their support
* Providing updates on Council news
* Arranging a support meeting, usually within the first fortnight of the absence
* Inviting employees to social and other non-work related events

An individual may also welcome contact from colleagues to support them through their absence.

In very occasional circumstances it may be necessary for an employee to nominate their next of kin to maintain contact with the employer on their behalf. The managers should note that they cannot disclose information about the employee without written consent from the employee.

# Presenteeism/directed medical absence

Managing absence will be handled promptly and sensitively under this procedure and it is recognised that each employee’s needs and circumstances will be different. Where there is a genuine concern and belief that the employee’s continued presence at work may constitute a hazard, either to the individual concerned or to others, an immediate referral to the occupational health service, with suspension on full pay pending the outcome of the referral, is likely to be necessary.

The following principles should be followed:

* Undertake an immediate risk assessment of the dangers.
* Discuss the situation with the employee (in person if possible and appropriate) to obtain as much information as possible, and to seek their views and opinions.
* If appropriate / possible involve a trade union representative at an early stage.
* Explain to the employee the proposal to refer them to the occupational health service and the purpose of the referral
* Discuss the immediate options with the employee (pending receipt of medical advice) and determine the appropriate immediate action. This might include:
* interim adjustment of duties
* temporary alternative duties
* sickness absence
* ‘Directed Medical Absence’ i.e. suspension from duty
* Complete the referral to the occupational health service as soon as possible. Occupational health Service will then contact the employee to arrange a meeting and explain the purpose of the meeting.
* Review action/decision and undertake a further risk assessment with the employee concerned in light of the medical information/advice. Possible outcomes might include:
* immediate return to work
* reasonable adjustment in the job/workplace
* alteration of duties (temporary or permanent)
* redeployment/transfer to other duties (temporary or permanent)
* Sickness absence (for medical treatment, etc.)
* Continued Directed Medical Absence for medical treatment/further reports etc.
* ill health retirement
* dismissal under the capability procedure (as a last resort)
* Undertake further reviews/risk assessments as necessary, ensuring that there is adequate consultation with the employee.

Note:

(i) Directed Medical Absence should only apply in urgent circumstances, and for a short period only until the proper medical position can be ascertained. It is not intended that this procedure will provide for long term absence on full pay and entitlements to sick pay will not be exceeded by virtue of this procedure.

(ii) One of the aims of this procedure is to ensure adequate consultation with the employee BUT there may be circumstances where it will not be appropriate to accept or agree with the employee’s views/wishes. The final decision rests with the manager/chair of governors.

# Returning to work

Employees should only return to work when they are fit to do so.

For absences of 7 calendar days or less which the individual self certifies, the employee needs to exercise judgement about their own fitness. Absences of 8 days or more require a doctor’s fit note which should be submitted throughout the absence in a timely manner (this includes non-working days e.g. Saturdays or Sundays or days not worked for part-time employees). The employee should return to work on their next scheduled day to work after the fit note has expired.

If an employee is in any doubt about their fitness for work, they should refer to their doctor before they return to work. If necessary the manager may seek further advice from the occupational health Service which may result in the employee being referred for an assessment with the occupational health service before returning to work.

The manager (or the next level of management in their absence) will hold a ‘Welcome Back to Work Interview” following each absence and update the computerised HR system with the information.

The Welcome Back to Work interview should be carried out on the day the individual returns using the Welcome Back to Work interview form. Where a manager is not based at the same location as the employee, this can be done via telephone.

Before the interview takes place the manager should access the computerised HR system in order to gather the information they require on the employee’s sickness absence record. They will need to assess this information against the absence management triggers as detailed below:

* Absence of 8 days (10 days for burgundy book employees) or more (in a 12 month period); and / or
* 3 separate absences (in a 12 month period); and / or
* A pattern or trend of absence that gives causes for concern; and /or
* Failure to meet a relevant improvement target set at a support meeting, or at 1st, 2nd or 3rd stage of the absence management procedure

NB The discussion is informal and supportive and is designed to enable the manager to better understand the reason for the absence. It is an opportunity to explore whether there are any underlying reasons for the absence and what support could be provided. As this is informal, there is no right for an employee to be accompanied by a trade union representative or work colleague, however this may be appropriate if the employee has been absent for a long period of time and needs support on their first day back at work.

If triggers/health review points have been hit or where there is other cause for concern, the manager will arrange a meeting as appropriate.

In some circumstances, the employee may prefer to speak to someone of the same gender, and the manager should facilitate this as far as practicable.

# Annual Leave/Maternity Leave

**Annual Leave/Public Holidays**

If an employee falls sick whilst on annual leave (including term time employees), the normal notification procedure applies. An employee will only be regarded as being on sick leave if a doctor’s fit note or letter from medical professional is provided to cover the period of sickness.

An employee who falls sick before or during a period of booked leave should contact their manager as soon as possible using the sickness notification procedure, to advise them of the situation and alert them to the fact that they may wish to reclaim their pre-booked leave dates. The employee must submit a written request setting out how much of their pre-booked leave period is affected by sickness and the amount of leave they wish to cancel and take at a future time. The employee must also produce a fit note/medical certificate from a qualified medical practitioner confirming that they are unfit to take or continue with their pre-booked period of leave. This applies to both annual leave and public/bank holidays.

An employee who is off on sickness absence will accrue and can request to take their contractual annual leave and Bank / Public Holiday accrual during their sick leave period using existing procedures.

An employee cannot be on sick leave and on annual leave at the same time. The type of leave must be switched from one to the other and will be recorded as such. Moving between sick leave and annual leave will not “break” the period of sickness, i.e. the period of sick leave will be continuous if it relates to the same sickness or injury as prior to the period of annual leave. So taking annual leave during a period of sick leave will not trigger a new entitlement to sick pay. Doctor’s fit notes continue to be required. A request for annual leave during a period of sickness should be made through the manager.

In exceptional circumstances accrued leave that can’t be taken or granted in the leave year in which the sickness absence occurs will be carried forward into the following leave year. This is generally only the case when an employee is sick at the end of their leave year and therefore has not had the opportunity to take their annual leave. People Management advice should be sought where sickness absence continues from beyond one leave year.

Payment in lieu of untaken leave cannot be made unless the contract is terminated. Employees who were on sickness absence at the point of termination of employment are entitled to pay in lieu of untaken contractual annual leave and bank / public holidays accrued during the leave year in which the contract of employment is terminated. Such payments are subject to normal deductions (Tax, NI etc.)

**Maternity**

Maternity leave and pay will also be triggered if an employee is absent with pregnancy-related sickness during the last four weeks of pregnancy. Employees should notify their manager as soon as possible if they are absent either wholly or partly because of their pregnancy, confirming the date that their absence began.

There is no entitlement to sick pay whilst employees are on maternity leave.

# Equality Act 2010 – Disability related absence

In accordance with the provisions of the Equality Act 2010 or any subsequent amending or substituting legislation, the Councilgoverning body shall endeavour to accommodate an employee in his/her current post if she/he is absent or may otherwise become absent because of a disability as defined by the act. The Councilgoverning body shall not discriminate against disabled employees or prospective employees, or persons who have had disabilities in the past.

In seeking to accommodate and/or redeploy staff under this procedure, the Councilgoverning body shall obtain such advice and support from external agencies as may be appropriate under all the circumstances.

In seeking such accommodation, consideration shall be given (normally in consultation with the employee) as to whether reasonable adjustment(s) might be made to the job, the working hours and/or the working environment. For example, the duty to make reasonable adjustments arises from the provision, criterion or practice applied by or on behalf of the employer, or any physical feature of premises occupied by the employer, places a disabled person at a substantial disadvantage compared with people who are not disabled. An employer has to take such steps as it is reasonable for it to have to take in all the circumstances to prevent that disadvantage. In other words, the employer has to make reasonable adjustment. Where a duty arises, an employer cannot justify a failure to make a reasonable adjustment.

To avoid possible discrimination against a disabled person in managing sickness absence it is necessary to establish whether the employee has a disability as defined by the relevant act and to identify which, if any, absences are related to the disability. This will necessitate seeking medical advice and consulting with the employee. Where disability is identified, advice should be sought from the People Management team before exploring and deciding on the best course of action. Employees should be treated equally whether their sickness absence is for a mental health or physical health problem.

Managers please refer to the disability leave policy

# Access to work

Managers should advise employees that an Access to Work grant may be available for practical support to help employees do their job. It’s for people with a disability, health or mental health condition.

There is no set amount for an Access to Work grant. How much is given depends on the circumstances.

The money can pay for things like:

* adaptations to the equipment used
* special equipment
* a support worker or job coach to help the employee in their workplace
* fares to work if unable to use public transport
* disability awareness training for colleagues
* a communicator at a job interview

Effect of the condition

The disability or health condition must affect the employee’s ability to do their job or mean they have to pay work-related costs. For example, special computer equipment or travel costs because they can’t use public transport.

A mental health condition must affect the employee’s ability to a job and means they need support to:

* start a new job
* reduce absence from work
* stay in work

Exceptions

Employees may not qualify if they get any of these benefits:

* Incapacity Benefit
* Employment and Support Allowance
* Severe Disablement Allowance
* Income Support
* National Insurance Credits

It is the employee’s responsibility to contact Access to Work who will supply them with a form to be completed, assess any needs and advise whether any training, equipment, other support is needed.

Further information is available from <https://www.gov.uk/access-to-work/overview>

Remploy workplace mental health support service

To be eligible for this service you need to be in permanent or temporary employment (attending work or signed off) and have a mental health condition (diagnosed or undiagnosed) that has resulted in workplace absence, or is causing difficulties to remain in work.

Tel: 0300 4568114

Email: vocationalrehabilitation@remploy.co.uk

Local Disability Employment Advisers:

Barrow Tel. No. 01229 893370

Carlisle Tel. No. 01228 605070 (aidan.quigley1@jobcentreplus.gsi.gov.uk)

# Stress

**Guiding Principles**

The Council places a high value on maintaining a healthy and safe working environment for all its employees and it recognises that its duty of care extends to mental health as well as physical health at work.

It is committed to providing a supportive working environment that maintains and promotes the health and well-being of all its employees.

The Council is committed to implementing a stress management policy for all employees throughout the organisation. This includes improving the organisational environment through effective and sensitive management, enabling individuals to cope successfully with the demands and pressures of work, and providing support for employees whose health and well-being are affected by stress.

**Aims**

To develop and implement procedures to manage problems that occur within the workplace and to support individuals who are suffering from stress.

* To increase awareness of stress and methods to combat it.
* To offer practical support to staff in managing stress in themselves and others.
* To monitor procedures and outcomes, and to annually assess the effectiveness of the policy.

**Definition of Stress**

There is no universal definition of stress. However, the Health and Safety Executive has defined stress as “the adverse reaction people have to excessive pressures or other types of demand placed on them at work’’ (2016). In its positive manifestation, stress can act as a motivational and enabling force, in its negative format, however, stress becomes harmful and disabling and therefore a potential cause of physical and mental illness.

Pressures can arise from an individual’s personal life as well as from work, and people vary in their capacity and ability to cope with different types of pressure. Some individuals will recognise that their health is affected and will seek help; others will not recognise or acknowledge that they are stressed although it may be apparent to their manager and work colleagues. Although in itself, stress is not an illness, there is evidence that stress can lead to mental and physical ill-health.

All work has its pressures. We all vary in our capacity to cope with different types of pressure. Some pressure, even when high, can be motivating and challenging. Pressures that we can respond to effectively are likely to lead to job satisfaction. However, pressures at a level we cannot cope with, even in some cases too little pressure or challenge.

**Strategies for Dealing with Stress - Preventative Measures at an Organisational Level**

The Council will:

* establish, promote and maintain a culture of consultation, participation and open communication throughout the organisation, particularly during times of change
* raise the awareness of staff about stress and its causes;
* provide opportunities for employees to maintain and promote their health and well-being.

**Identification and Management**

The Council will:

* make information available for all staff on stress awareness to help them to handle pressures they may encounter, and to recognise stress when it occurs in themselves and others;
* manage workplace pressures, which may affect employees by undertaking regular risk assessments on the hazards that are seen to be causing stress and taking appropriate action to reduce stress. Participation in risk assessments by employees is to be encouraged;
* consider the use of a recognised whole stress/wellbeing audit tool
* undertake an annual performance management appraisal/review with each member of staff to ensure that the work role and tasks match the relevant job descriptions, and to ensure that job descriptions are up to date.

It is in the interests of all to recognise the possible signs of stress. These may be:

* persistent or recurrent moods – anger, irritability, detachment, worry, depression, guilt and sadness;
* physical sensations/effects – aches and pains, raised heart rate, increased sweating, dizziness, blurred vision, skin or sleep disorders;
* changed behaviours – difficulty concentrating or remembering things, unable to switch off, loss of creativity, making more errors, double-checking everything, loss of interest in sex, eating disorders, increasing use of tobacco, alcohol, coffee, drugs;
* for example, when stress is experienced over long periods, high blood pressure, heart disease, ulcers, anxiety, long-term depression.
* poor work performance – less output, lower quality, poor decision-making;
* worsened relationships at work, such as conflict between colleagues, poor relationships with customers/students/parents.
* related to staff attitude and behaviour, such as loss of motivation or commitment, poor time-keeping, working longer hours but with diminishing effectiveness.

**Supportive Measures for Employees**

The Council will:

* identify internal and external sources of assistance for employees with stress. This will include a confidential counselling scheme for all staff who request it;
* provide access to stress management courses;
* consider a ‘Healthy Workforce’ strategy designed to equip staff who are suffering from stress to access a range of activities, which will encourage a healthy lifestyle;

**Safe Systems of Work**

**Employee Responsibilities**

* All individuals should recognise the importance of training and development as a means of developing competence and well-being in the job. Individuals should take an active part in determining their own training needs in conjunction with the person responsible for their performance management.
* If individuals believe that they are suffering from stress in their personal life, it is advisable to contact their manager. If they are struggling with work-based duties then they should contact their line-manager to discuss the issues. If this is not possible then they may wish to contact the People Management team/Trade union representative for further advice or assistance.

Employees are reminded that support is also available from the relevant trade unions and professional associations.

Depending on the specific circumstances, employees may wish to access support through of the organisations below:

**NHS Live Well**

Healthy living advice and tips covering a broad range of areas. www.nhs.uk/livewell

**MIND**

Advice and support for a wide range of issues ranging from mental health to money and benefits. www.mind.org.uk / 0300 123 3393 (charged as a standard UK geographic landline)

**CRUSE**

Bereavement support. www.cruse.org.uk / 0844 477 9400 (7 pence per minute to call, plus your telephone provider's access charge.)

The use of a formal system of performance appraisal offers an opportunity to have a one-to-one discussion about work and to explore whether people in your team are experiencing excessive pressure at work.

**Managerial/Supervisor Responsibilities**

The manager has a particular responsibility to be aware of the legal duty as an employer and also to be aware of how to recognise the early warning signs of stress in their employees. It is important for the success of this procedure that those with management responsibilities play an active role in its implementation. The responsibilities include:

* regular workplace risk assessments which must include consideration of stress related factors and action taken to minimise the effects of risk upon the individual and the organisation;
* ensuring that newly appointed employees receive appropriate health and safety induction training which includes the process for reporting concerns which may ultimately lead to stress related illness;
* observing and evaluating work performance;
* providing information on the policy and where possible helping individuals to overcome their problems before job performance is affected;
* becoming familiar with this procedure and attending stress management training;
* ensuring that all absences are appropriately and consistently recorded
* ensuring that all absences which may have been caused by stress are acted upon sympathetically and with understanding;
* act with sensitivity and tact when dealing with individuals that they suspect may be suffering from stress, or who have been diagnosed as such;
* ensuring that staff have access to the occupational health Service at an early stage in the development of a stress related illness;
* contacting the People Management team promptly when a GP medical certificate is received which indicates that absence is possibly stress related.
* ensuring that staff within the management team have received training covering all aspects of their work, including health and safety.

**Integration with other Policies**

**Recruitment and Selection**

The full range of tasks and demands of the job should be set out clearly in the job description and should be fully discussed in the interview process. Areas of potential pressure should be identified.

**Pre-employment health screening procedures must be followed.**

For posts where it is recognised that a higher than normal level of pressure and stress exists, candidates’ tolerance to stress should become a more important factor in the selection process.

**Induction**

All employees must receive full and appropriate induction into their jobs. Starting a new job can be a stressful time and a planned induction will help eliminate any concerns.

Within the induction programme, the stress policy, and the procedure for reporting concerns must be discussed.

**Attendance Management**

As part of performance review meetings with staff, all absences should be discussed with the staff member and underlying reasons identified. Although not an absolute requirement, managers may wish to consider illnesses that manifest during the early part of a break away from work. These can be an indicator of stress release during these times.

The line manager will arrange appropriate communication mechanisms with an absent employee, upon receipt of a GP certificate which identifies a stress related illness, to discuss any underlying causes and to arrange support and assistance if the absence is likely to continue. This is a very sensitive area and further advice can be obtained from the human resources manager or the Health and Safety team.

**Return to Work**

Before the employee returns to work, the manager or nominated person will agree a planned return to work with the member of staff. This planned return should include identifying any changes to the working conditions and must identify the underlying causes and the measures to be put in place to reduce the risk of a reoccurrence. Any such measures should be recorded and fully implemented by those involved.

**Training and Development**

Many employees experience stress through feeling that they are not adequately trained for their existing job, especially when they move into a new or a changed role. The identification of appropriate training and support activities should be agreed at the beginning of a new post and reviewed no less than annually in line with the performance management process.

**Appraisal policy**

All staff participate in appraisal reviews. The aim of the review is to provide support to staff to enable them to perform their role effectively and to identify and address any relevant training or development needs.

# Workplace adjustments

Cumbria County CouncilThe recognises that bringing about equality and support for people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for disabled people and those returning from a period of absence.

Workplace Adjustments in this document refer to the temporary and permanent adjustments available for employees.

Temporary adjustments are usually made for employees returning from a period of absence in order to facilitate a return to work; or employees who are in work that become unwell yet can remain in work and prevent absence with Workplace Adjustments. Temporary adjustments are bound by a timeframe and are also known as ‘Light Duties’.

Permanent adjustments are usually made for employees with a disability under the Equality Act 2010 and are typically not time bound. They are also known as ‘Reasonable Adjustments’.

This procedure enhances the support and assistance available to disabled employees and absent employees when returning to work. This document sets out what workplace adjustments are, when they should be required, and the procedure for applying workplace adjustments.

The impact and progress of the workplace adjustments procedure will be reviewed in order to assess its effectiveness from both a personal and organisational perspective.

**What are Workplace Adjustments?**

Workplace Adjustments may include changes to hours, duties or location of the role, the use of particular equipment or improving access or facilities. Such adjustments can be made on a temporary or permanent basis.

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| --- | --- |
| **Type** | **Definition** |
| Workplace Adjustments | Adjustments, both permanent and temporary, that can be made for an individual in the workplace. Adjustments being defined as adaption to a new situation. |
| Reasonable Adjustments (Permanent Adjustments) | Adjustments in relation to protected characteristics (i.e. Disability, Religion etc.). Associated with the Equality Act. There is no definitive list of reasonable adjustments that can be made. They depend on the case and what is ‘reasonable’ (considered to be appropriate and fair). These are generally permanent adjustments. |
| Temporary Adjustments | A reduction or amendment to ‘tasks’ required in their role. These are generally temporary adjustments. |
| Phased Return  | Employees start on a reduced working time and building time up over specific period until they are working their full contracted hours and days. |

**When are Workplace Adjustments available?**

There are different ways in which the need for work place adjustments can be requested as detailed below and all requests should be considered.

1. **Fit Notes**

A Fit Note for an employee might state that the employee ‘may be fit for work’ and the Doctor may tick one of the following options:

* Phased return to work
* Amended duties
* Altered hours
* Workplace adaptions

The Doctor then has the option to make additional comments.

All of the above are considered to be workplace adjustments by the employer and the application of the Doctor’s recommendations could enable the employee to return to work.

However, occasionally a Doctor may not provide any additional comments/recommendations and would only tick one of the options available. In this situation, the line manager should have an informal discussion with the employee about the workplace adjustments recommended on the Fit Note with the view to coming to an agreement on the adjustments that could be made.

The line manager may need to ask the employee to seek clarification from their Doctor or refer the employee to Occupational Health to provide additional recommendations on the adjustments required. In this situation, the employee should remain absent until the conditions of the Workplace Adjustments are clarified.

1. **Occupational Health Referrals**

It may become apparent during any of the stages of the Absence and Wellbeing Procedure and/or through consultation with Occupational Health that an employee may be able to return to work with workplace adjustments (permanent or temporary). Occupational Health will be able to provide recommendations of workplace adjustments.

You may wish to ask Occupational Health is an individual is likely to have a condition which may be classed as a disability. For a condition to fall within the remit of the Equality Act it must be substantial, long term, and impact on daily living activities. Each condition is assessed in the hypothetical sense by Occupational Health, as if the individual were not receiving/had not received treatment. The ultimate decision on whether a condition may fall under the remit of the Equality Act is made by the Employment Judge, i.e. the legal profession, rather than the medical profession.

Please note, Workplace Adjustments may also be suggested as part of an employee’s phased return.

1. **Disability**

Where an employee is or becomes disabled, either gradually as a result of the onset of an illness, disorder, condition or suddenly as a result of an accident, the line manager must address the issue of what reasonable adjustments could be made to accommodate the employee's needs and facilitate his or her retention in employment. The key objective will be to take all reasonable steps to enable the employee to continue working, or, where there has been a period of absence from work, to resume working, without being at a disadvantage.

**Process**

Line managers should contact People Management at any point for advice or support on any aspects of this process.

1. When workplace adjustments are required the line manager should consider what adjustments may need to be made using advice provided by the Doctor, Occupational Health and the employee (or a mixture of all).
2. The line manager will arrange a meeting with the employee to discuss the need for workplace adjustments. This may form part of the Absence and Wellbeing procedure or could be a separate meeting. In the meeting the line manager and employee will discuss the following:
	1. Potential amendments to hours (e.g. reduction of hours or amendment to working pattern)
	2. Potential amendments to duties (e.g. no manual handling)
	3. Potential amendments to location of role (e.g. based in an accessible location).
	4. Length of Workplace Adjustments (if temporary or permanent).
	5. The use of particular equipment and how the equipment will be maintained and reviewed
	6. Improving access or facilities
	7. Permanent Redeployment (possibly on a trial basis).
3. Employees may have a work colleague or trade union representative present at the meeting.
4. The line manager should confirm the workplace adjustments in writing within 5 working days using the letter template in Appendix 1.
5. If the Workplace Adjustments requested are not deemed to be reasonable the manager will confirm in writing using the template letter in Appendix 2 within 5 working days and arrange a meeting with the employee to discuss other available options. Advice should be sought from People Management/relevant HR or payroll provider in these situations.
6. Adjustments should be implemented as soon as possible, unless an extension is required due to the scale of the adjustment needed (improving access or facilities).
7. The Workplace Adjustments should be reviewed regularly (at least annually in line with the employees appraisal).

**Reasonable Adjustments Procedure**

It is important to note that the duty to make reasonable adjustments places the responsibility firmly on the line manager to identify and initiate any adjustments. However this should be done in consultation with the employee and they should be given the opportunity to suggest any adjustments for consideration as the manager will not know the specific needs of each employee.

**Temporary Adjustments**

Temporary adjustments are usually made for employees returning from a period of absence in order to facilitate a return to work. They usually become available through Fit Notes and Occupational Health consultations.

Temporary adjustments, as defined above, are a reduction or amendment to ‘tasks’ required in an employee’s role.

Temporary Adjustments should usually last **no longer than 4 -6 weeks** and may be part of a phased return. Each case should be considered on an individual basis taking into consideration the medical grounds and impact on service delivery. Temporary adjustments cannot last any longer than 6 months and at this point the adjustments would need to be reviewed to decide if they should be made permanent under the Equalities act 2010. Advice should be sought from People Management and Occupational Health if the temporary adjustments are likely to exceed 4 weeks.

A letter confirming the Workplace Adjustments should be sent to the employee within 5 working days of the informal meeting. Please see template letter in Appendix 1.

If there are no temporary adjustments available i.e. the required adjustments cannot be accommodated. The line manager should discuss this with the employee and keep the employee informed if their required adjustments can be accommodated at a later stage. The employee may be required to remain absent until they are fit enough to return to full duties. Advice should be sought from People Management in these situations. To confirm that there are no temporary adjustments available, please send the employee the template letter in Appendix 2.

An informal review of the temporary Workplace Adjustments should take place each week for the duration of the adjustments.

**Permanent Adjustments (Reasonable Adjustments)**

Workplace adjustments in relation to protected characteristics (i.e. Disability, Religion etc.) are associated with the Equality Act 2010. There is no definitive list of reasonable adjustments that can be made. They depend on the case and what is ‘reasonable’ (considered to be appropriate and fair).

Under the Equality Act 2010, disabled employees are protected against direct discrimination because of their disability, indirect discrimination in relation to their disability, and discrimination arising from their disability.

A key duty under section 20 of the Act is for employers to make "reasonable adjustments" to working arrangements, working practices and premises whenever these place a disabled employee at a substantial disadvantage in comparison with employees who are not disabled.

The Council is committed to take all reasonable steps to avoid a substantial disadvantage caused to a disabled person by a provision, criterion or practice, or a physical feature. Where an auxiliary aid would avoid a substantial disadvantage to a disabled person, the Council will take all reasonable steps to provide that aid.

The Council recognises the duty to make [reasonable adjustments](https://www.xperthr.co.uk/how-to/how-to-support-an-employee-who-becomes-disabled/31992/?keywords=reasonable+adjustments#reasonable-adjustments) to working arrangements and premises to accommodate the needs of disabled employees as a statutory duty and the responsibility is firmly on the line manager to identify and initiate any adjustments.

Permanent reasonable adjustments are usually continuous and should be implemented throughout an employee’s employment with the Council. The permanent adjustments should be monitored and reviewed on a regular basis (usually as part of an employee appraisal and review – approximately every 6 months).

A copy of the reasonable adjustment agreement letter (Appendix 1) should be given to the employee once the reasonable adjustments have been confirmed.

If you would like clarification on the Reasonable Adjustments procedure, please contact the People Management team either via the People Management Portal or on 01228 221231.

Access to Particular Equipment
(Temporary and Permanent Adjustments)
If an employee requires particular or specialist equipment they will need to complete the [Workstation Assessment and Training](http://cumbria.learningpool.com/course/search.php?search=workstation+assessment) on InTouch. Once complete the line manager will then also need to complete the eLearning.

The line manager should discuss the assessment with the employee and if there is a significant medical issue which requires specialist or particular equipment they should refer the employee to Occupational Health.

**Permanent Redeployment**

Where Occupational Health advises that the employee is permanently incapable of carrying out the duties of their current post and recommends that they are redeployed to a reasonable alternative, they will include recommendations about the kind of work the employee should be capable of performing, as well as any particular tasks or duties that should be avoided.

The line manager (for community or voluntary controlled s only) should request access for the employee to the Alternative Employment Programme (AEP). Managers will complete an [authorisation form](https://www.cumbria.gov.uk/elibrary/view.asp?id=54667) and sent to the Service Centre via the Service Centre portal. Head teachers will need to contact the Service Centre by email to request the forms and access to the AEP. They should email servicecentre@cumbria.gov.uk.

During this period of seeking redeployment normal sick pay arrangements will apply.

Where redeployment is not immediately or obviously available, the manager should arrange to meet with the employee to discuss all of the available options. This may be as part of the absence and wellbeing or capability procedures.

**Further Support**
Further support is available from **Access to Work** which is a government scheme that offers extra support based on employee’s needs. This may include a grant to help cover the costs of practical support in the workplace, buying specialist equipment or getting to and from work.

Please visit: <https://www.gov.uk/access-to-work> for more information and to apply.

Remploy Workplace Mental Health Support Service

To be eligible for this service you need to be in permanent or temporary employment (attending work or signed off) and have a mental health condition (diagnosed or undiagnosed) that has resulted in workplace absence, or is causing difficulties to remain in work.

Tel: 0300 4568114

Email: vocationalrehabilitation@remploy.co.uk

Further information can also be found in the Health and Safety Procedures manual. [Section 17](http://www.cumbria.gov.uk/elibrary/Content/Internet/535/615/984/3770814415.pdf) refers to the Provision and Use of Work Equipment.

# Work-related Accidents and Incidents

This guidance aims to support managers manage an employee’s absence following an accident at work.

A work accident, workplace accident, occupational accident, or accident at work is a "discrete occurrence in the course of work" leading to physical or mental occupational injury.

If there has been an accident at work it is essential that line managers follow the appropriate procedures to ensure that the recording and reporting responsibilities of the employer have been completed before starting the Absence Management procedures.

What to do when an employee has an accident at work?

When an employee informs you that they have had an accident at work you need to ensure that all the appropriate steps have been followed, details can be found in the Corporate [Safety Procedure No. 6 – Reporting, Recording and Investigation of Adverse Events](http://www.cumbria.gov.uk/elibrary/Content/Internet/535/615/984/4183716757.pdf).

Cumbria County Council (including voluntary controlled and community s) have a responsibility to record all accidents/incidents and where relevant the County Council Health and Safety Team will ensure that any accidents/ incidents which may be further reportable to the Health and Safety Executive under RIDDOR will be made.

Accident reporting plays a vital part in assessing the effectiveness of the Council’s safety management arrangements and is an important tool in monitoring and reporting on health and safety performance standards.

There is also a requirement to carry out accident/incident investigations to identify possible root causes and to put in place remedial measures to prevent recurrence. You should seek advice and support from an expert when conducting an investigation such as Health & Safety or a mental health first aider

Should I still follow the Absence Management procedure if the absence is caused by an accident at work?

Where an accident at work has caused an employee to be absent from work then a manager should contact People Management to discuss the case.

It is also important that if an employee is off as a result of an accident for over 7 days then you must notify the Health and Safety Team in addition to ensure that they can review the incident and make any relevant report to the HSE

A manager should try to meet with the employee as soon as possible to make sure that the employee receives all the support they may need. The meeting is also the opportunity to discuss the accident and review any details to allow the manager to complete their reporting and accident investigation responsibilities to ensure these are complete and accurate.

It is important to ensure that any necessary information is gathered as early as possible whilst this is fresh in the mind, to aid any accident investigation. It is to be noted and communicated to employees that the requirement to gather factual information following any accident/ incident is not to apportion any blame but is vital to enable causes to be identified and remedial actions to be taken.

This type of meeting should be held in a similar way to a support meeting, discussing what support/ information is required, E.g. is an Occupational Health appointment needed?, is a witness statement required? Is there an expected return to work date? Are there any reasonable adjustments which would help the employee to return to work and which stage of the Absence and Wellbeing procedure is the employee currently on, if any.

At this meeting the employee would not be moved onto or progressed further into the Absence and Wellbeing procedure, the purpose of the meeting is to ensure that the employee and Manager have any additional support/ information they need.

It would be expected that all the required investigations would be completed within 4 weeks. In more complex cases this may take longer than 4 weeks, if this is the case the employee will be notified of any delays as soon as possible.

Once the investigations have been completed and the Health and Safety team have reviewed the accident the managers will arrange a further meeting with the employee to review the situation and hold the relevant Absence Management meeting as appropriate.

What triggers should I set for an employee who has had an accident at work?

When an employee has had an accident at work managers need to ensure that any triggers set in relation to the Absence Management procedure are fair, depending on the accident and the details of the accident report it may be necessary to extend the standards triggers. It is important that managers have a conversation with People Management and Health and Safety to ensure that all details are being taken into consideration.

# Management of Planned and Urgent Medical Treatment

The concept of this guidance is to ensure that appropriate contact and support is maintained throughout the absence but that consideration is given to the circumstances and the management of the case takes into account those requirements.

This guidance provides an overview of the requirements when managing sickness absence which fall into the categories detailed below:

* Time off for operations
	+ Operations whereby appointments are controlled by the hospital or the urgency of the health issue, for example broken bones, unplanned admissions into hospital for surgery. (This does not replace paid time off for Hospital appointments and medical screening as detailed in the time off work booklet)
* Serious illness
	+ Treatment and/or recovery of life changing diseases/conditions, for example radiotherapy, chemotherapy, dialysis.

This guidance is not intended for use for elective cosmetic procedures where the employee has chosen to undergo surgery for non-medical reasons.

Principles

The County Council endeavours to support employees who have experienced significant changes in their health or in relation to surgery which may impact on their ability to attend work on a regular basis over a period of time.

Contact needs to be maintained throughout all absences to ensure that the Council is discharging its duty of care to employees absent from work due to sickness. This enables the provision of relevant support and a timely understanding of the health issues to ensure that any advice that is given is appropriate.

Cases defined in the criteria above may require some flexibility in approach in terms of supporting the employee through their illness, recovery and return to work.

Key Principles of managing such cases include:

* Maintenance of supportive contact on a regular basis, taking account of treatments, side effects and recovery times.
* Frequency of contact should be agreed with the employee.
* The review of any sickness absence targets in consideration of medical advice in relation to diagnosis, prognosis and expected recovery time.

Guidance on the above can be sought by submitting an Occupational Health referral. In addition, should managers require any further advice or clarification on this guidance, please raise a ticket on the People Management Portal.

For any cases that do not fall under the above, managers should refer to the Absence and wellbeing Procedure. The Time off Work Booklet describes various options available for staff who may need time off from work for other reasons

<http://www.intouch.ccc/eLibrary/view.asp?ID=59010>

Should any reasonable adjustments be required in relation to any sickness absence, including the examples above, please refer to 'Guidance on Workplace Adjustments'