

**HR Guidance**

Grey Book

 Absence and Wellbeing Guidance – Workplace Injury/Illness

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| Version Control | Changes Made | Author |
| Version 1 October 2020 Draft | Addendum to the CFRS Grey Book Absence and Wellbeing guidance – specifically in relation to workplace injury/illness.  | Tracey Robinson  |
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# Introduction

This supplementary guidance to the Grey Book Absence and Wellbeing documentation applies to employees who are employed under Grey Book terms and conditions, where a workplace injury or illness has occurred. It is intended to provide guidance to managers and employees in relation to the management of illness/injury whilst undertaking authorised duties.

It should be noted that whilst sickness absence issues should be dealt with in a fair way they are often complex and unique and circumstances may differ from case to case.

# Principles

This procedure has been developed in accordance with the Grey Book Part B Occupational Health.

Key points include:

* An employee on authorised sickness absence as a result of an illness or injury directly arising out of authorised duty shall be entitled to full pay for twelve months. Thereafter, the fire and rescue authority may reduce pay by up to half for six months. Fire and rescue authorities have the discretion to extend the period of sick pay in exceptional cases.
* Additionally, absence in respect of normal sickness shall be recorded separately from absence in respect of illness or injury arising out of authorised duty. Periods of absence in respect of one shall not count against the other for the purpose of calculating sick pay entitlement.
* Sick pay entitlement are those stated in the Grey Book Absence and Wellbeing Procedure. In some cases, an accident investigation may take some time, therefore the Service reserves the right to temporarily treat an absence as arising out of authorised duties, and to revert to treating it as non-service related (including in relation to sick pay entitlement) should any investigation conclude as such.
* In addition to ensuring that injury and illness confirmed as arising out of authorised duties is managed correctly, a clear decision made as early as practicable will protect sickness absence payments for employees who may suffer a further, unrelated, period of absence due to sickness in the future.

# Process for managing injury or illness arising out of authorised duties

**Notification**

During the initial notification (e.g. reporting an accident or notifying absence from work), the employee must report this to their manager in accordance with the usual service procedures and state that their absence is due to an illness or injury arising from authorised duty, along with any associated information.

**Following Notification**

The manager must ensure that an accident form is completed and that any necessary investigation has/is being carried out including a written/signed statement from the individual regarding the circumstances to their injury/absence. Advice should be sought from Health and Safety including reference to the Adverse Safety Event Procedure on Sharepoint:

[Adverse Safety Event Procedure](https://intranet.cumbria.gov.uk/Fire/policies/CFRS%20Policies%20%20Strategies/Adverse%20Safety%20Event%20Procedure.docx) Health and safety processes must have been followed for every situation. In situations where health and safety processes have not been adhered too, this may result in the injury or illness not being dealt with as work related.

Managers should also seek advice from Occupational Health to discuss whether a referral is appropriate and ensure support mechanisms are in place for the employee. If a referral (employee’s consent required) is appropriate this must be made to Occupational Health as soon as possible, even if the work-related injury or illness has not resulted in an absence from work. Managers will need to clearly outline the medical questions they would like to be answered. Occupational Health may gain additional medical information from a GP/Consultant if the medical condition has not been previously disclosed to Occupational Health. Where there is a divergence of opinion between the Occupational Health Physician and an employee’s treating medical practitioner over either the employee’s fitness for duty, or for the purpose of calculating sick pay entitlement, the question of whether an illness or injury has arisen out of authorised duty, an independent medical opinion should be sought to resolve the matter, as per the Grey Book.

Managers should follow the absence management procedures stated in the Absence and Wellbeing Procedure during any period of absence. It is the responsibility of the line manager to accurately record the reason for absence on iTrent. Absence in respect of illness or injury arising out of authorised duty should be recorded as: ‘Accident on Duty’. Following investigation if the manager finds the potential illness or injury has not arisen out of authorised duty, the absence reason should be changed to the relevant medical reason.

**Decision Making**

The manager is responsible for determining if the injury, disease or other health condition is wholly or mainly attributable to the employee’s County Council duties of employment following the investigation and receiving advice from Occupational Health, Health and Safety and People Management. The manager may wish to discuss the matter with a senior manager, if necessary, to ensure consistency and fairness of decision making across the Service.

Managers may find it helpful to set up a meeting to discuss the issue with Health and Safety, People Management and Occupational Health prior to determining if the injury/illness has been due to authorised duties.

The information required for decision making includes:

1. Managers should make efficient robust decisions as soon as possible based on all available evidence and this may include:
	1. details of the injury sustained, or the disease contracted (that is, the condition) by the employee.
	2. how it is connected to their employment (that is, what caused it).
2. To support their decision making managers may find it useful to obtain copies of the following:
	1. Accident and investigation report(s).
	2. Job description, including details of the location of work, duties of employment and training records etc.
	3. Sickness absence record.
	4. The circumstances leading up this injury/disease being sustained or contracted.
	5. Occupational health referral information and associated reports (requires employee’s consent)
	6. Appropriate medical advice, for example, from the Occupational Health service.
	7. Details of Personal Injury Claim (if applicable – see below).
3. Managers may also find it helpful to obtain additional supporting and corroborating evidence, for example, witness statements and copies of any relevant letters and correspondence relating to any other medical advice received.

It is extremely important that accurate records are kept throughout the process and there is a coordinated approach to this by all service areas involved.

**Appeals Process**

If a person disagrees with the outcome of a decision about dealing with an absence as a work related injury or illness it can be dealt with in accordance with the Grey Book Grievance Procedure.

**Following Decision**

If an injury/illness is determined as not arisen from authorised duties, normal sick pay provisions will apply and the situation should continue to be managed in accordance with the Grey Book Absence and Wellbeing Procedure.

If it is determined that an injury or illness has arisen from authorised duties then this must be recorded on iTrent as an Accident at Work by updating the absence reason if necessary. The employee will then be entitled to full pay for 12 months. If at the end of the 12 months the employee remains absent from work the service may reduce pay by up to half for 6 months. Fire and rescue authorities also have the discretion to extend the period of sick pay in exceptional cases, please see extension to sick pay guidance for further information, however any absences longer than 18 months will usually not be paid.

All absences will be managed in line with the Grey Book Absence and Wellbeing Procedure which aims to facilitate a return to work as soon as possible.