

## **Inefficiency Sickness Long Term (FAQ)**

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### **Will I get a warning as a result of a period of long-term sickness absence?**

The Written Warning and Final Written Warning process as set out at paragraph 5.2 – 5.10 Inefficiency Sickness Absence Policy will not apply when you are on a period of long-term sickness absence. Your sickness absence will be case managed by Departmental HR and line management, in consultation with the OHS and Welfare Support Service, as appropriate.

You will be consulted during your absence from work through formal Review meetings and correspondence. It is important to note that while the formal warning process will not apply, dismissal will remain an option should the Department decide that it can no longer sustain your absence.

Departmental HR and line management will also review your overall sickness absence record on your return to work and may consider that formal warning action is appropriate at that stage.

The terms of paragraph 4.5 – 4.11 Inefficiency Sickness Absence Policy will be followed before proceeding with formal warning action.

If you are issued with a warning following your return to work and wish to appeal the decision, you should follow the steps for the internal appeal process as set out in the Inefficiency Sickness Absence (Intermittent Sickness Absence) User Guide for staff.

### **What happens if the OHS opinion is that I am fit to return to work?**

If the Occupational Health Adviser's opinion is that you are fit to return to duty, OHS will inform your Departmental HR. OHS will also write to your GP advising that you have been found fit to return to work. Departmental HR will then inform you of the OHS opinion and advise you to return to work by a specified date, which will normally be within 7 calendar days, unless agreed otherwise. A closing medical certificate from your GP will not be required.

Where appropriate, Departmental HR or line management will confirm any reasonable adjustments, or rehabilitation arrangements which may have been put in place to assist with your return to the workplace. Examples could be working reduced hours for a limited period (phased return) or helpful alterations to facilities, equipment/work areas/duties or transfer. Further information on the phased return arrangements can be found in the Sickness Absence policy (Section 3.01).

The treatment of OSP, should you fail to return to work by the date specified by your Department, is set out in the Sickness Absence section of the HR Handbook. Failure to return to work by the date specified may result in disciplinary action, including dismissal.

### **I don't think I am fit to return to my normal work pattern just yet. What options are available to me?**

There is provision for you to work reduced hours on a phased return. The aim throughout the period of working reduced hours should be to increase progressively, the hours being worked to help you become fit to work your normal working pattern.

Where a phased return to work has been recommended, there must be initial contact between you and your the line manager, in advance of the your return to work. The purpose of this is to draw up an agreed phased return plan between you, your line manager and, if appropriate, the Welfare Officer and DHR. This plan, which will record what has been agreed, should be copied to HR Connect and DHR, and should include;

- proposed duration of the reduced hours arrangement (up to a maximum 3 months);
- number of hours to be worked each week/each day of each week;
- the scope and range of duties involved;
- procedures for reviewing the phased return plan including agreement of any changes.

The effectiveness of the phased return will be closely monitored by your line manager and DHR, in consultation with you to ensure that all parties are adhering to the agreed phased return plan and due account is being taken of any OHS/GP guidance.

### **Could I be considered for Retirement on Medical Grounds?**

If you, or your Department, consider that the nature of your medical condition may make retirement on medical grounds appropriate, your case will be referred to the OHS. If OHS advise that the criteria for early retirement on medical grounds have been satisfied and the Department decides to retire you on medical grounds the procedures set out in the HR Handbook, Early Retirement on Medical Grounds, will be followed (Section 2.04). This policy also sets out the procedures to be followed should the OHS advise that your medical condition has not satisfied the criteria for early retirement on medical grounds.

### **How much notice will I get if I am retired early on medical grounds?**

You will receive a minimum of 9 weeks' notice and a maximum of 13 weeks' notice (calculated on the basis of continuous employment), unless a shorter period is mutually convenient.

### **What if I do not agree with the OHS opinion?**

If you wish to appeal against the OHS opinion you will be required to provide medical evidence to Departmental HR within 4 weeks of the date of their letter to you. The medical evidence must be in the form of a new report from your doctor and/or hospital specialist which is comprehensive and clearly supports your case on medical grounds. Further information about the appeals process and what is required in the new report can be found in the Early Retirement on Medical Grounds Section of the HR Handbook (2.04), Annex 1.

### **What happens if the Department decides it can no longer sustain my absence?**

If the Department decides it can no longer sustain your absence you will be invited to a meeting with Departmental HR, the purpose of which will be to consider dismissal.

If following the meeting, a decision is taken to proceed with dismissal action you will be advised in writing. The letter will set out the reasons, your effective date of termination, taking account of the Notice Period and your right to an Internal Appeal.

Further information on the appeal process can be found at Paragraphs 14.6 to 14.11 of the Inefficiency Sickness Absence Policy.

### **Am I entitled to compensation if I am dismissed?**

Departments have discretion to pay compensation in cases of dismissal on grounds of inefficiency. Departments will consider whether compensation should be paid and, if so, how much. In doing so they will assess in percentage terms the extent to which the inefficiency is caused by factors beyond your control and the efforts you have made to remedy the inefficiency and / or the underlying causes of it. Guidance for assessing compensation in such cases is attached at Annex 1.

In the event that you are dismissed on grounds of inefficiency and you are not paid compensation or paid less than the maximum, you may, subject to eligibility, appeal to the Civil Service Appeal Board against the Department's decision on compensation. You will have the right to be accompanied at the appeal by a Trade Union representative or other work colleague. The procedures for appeal are set out in the Civil Service Appeal Board Section of the HR Handbook (2.07).

### **How much notice will I get if I am dismissed?**

The minimum period of notice given to staff with 4 years' or more continuous service and who are dismissed on grounds of inefficiency is one week for each year of continuous employment plus one week, to a maximum of 13 weeks. A shorter period of notice applies where service is less than 4 years. Details are set out in the Notice section of the HR Handbook (Section 2.05).