



The Michael Lonsdale Group inclusive of (Michael J Lonsdale Limited, Michael J Lonsdale (Electrical) Limited and E7 Building Services Limited), Policy:

## Managing long term sickness absence – guidance and procedure

### Long term sickness absence

1. If you are absent or expected to be absent for longer than four working weeks in a single episode, we consider this to be long term sickness absence. There are two types of long-term absence.
  - Planned absence where you are likely to know how long you will be absent (for example, broken bones or surgery that needs recovery time).
  - Unplanned absence where it may take you longer to recover and you are unsure how long you will be absent (for example, depression or back pain).
2. If your sickness absence is likely to be for more than four weeks continuously, it is important that we keep in contact with you at agreed intervals to understand more about your condition, your likely return to work date and any adjustments we can put in place to facilitate your return to work.
3. If you are unable to return to work within a reasonable period and all options have been considered including reasonable adjustments, flexible working and redeployment, then we may need to consider the termination of your contract of employment on the grounds of capability. Before we do this, we will follow the steps set out below.

### Absence and Disability

4. We will initially manage your absence in line with the short-term absence process. When you reach the trigger point under the short-term procedure, we will hold an absence review meeting. We may also refer you to occupational health.
5. If your absences are related to your disability or an underlying condition, we will manage these under the long-term sickness absence process after the initial absence review meeting. You may also be absent for unrelated reasons for example stomach bugs or tonsillitis. We would continue to manage these separately under the short-term absence process.
6. We want to make sure that you have the support you need to be able to attend work and carry out your role. To do this we will consider any adjustments that are recommended by occupational health or by you. We understand that in some circumstances you may have a higher-level absence due to your condition. We will do whatever we can to make



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reasonable adjustments to allow you to continue working. This may include regular meetings to review any support in place or look at any alternative adjustments we can make.

7. If you are absent for more than a total of 20 days in a rolling 12-month period for disability related absences, we will invite you to a first stage health capability meeting (see below). For any absences that are not related to a disability, we will continue to monitor these in line with short-term sickness absence trigger points.
8. The trigger point will be pro-rated for part-time staff using the formula set out in the short-term sickness absence policy.

### Planned Procedures

9. If you know in advance that you will be absent, for example because of a planned procedure such as an operation, let your manager know as soon as possible. You will need to provide a fit note in the normal way. You should give your manager an indication of when you might return following advice from your GP or consultant. This will be the date that you are expected to return.
10. One week before the date you are expected to return, you should contact your manager and let them know if you will be returning as planned or if you will be absent for longer. At this stage we may decide to refer you to occupational health to see if there are any reasonable adjustments that can help to facilitate your return and support you.

### First health capability meeting

11. If you have a long-term period of continuous absence or high intermittent absence because of a disability, we may need to consider your capability for work where:
  - we have no predicted date of return or your return to work may be unlikely within a reasonable timescale
  - occupational health advice says you are unfit to work/unfit to work in the foreseeable future or there is no anticipated date for your return
  - there is a high level of intermittent absence because of a disability with no improvement to attendance levels and appropriate adjustments have been made
  - you are unable to fulfil the duties of your role effectively after appropriate adjustments have been made to improve your attendance or facilitate your return to work.

### Meeting Process

12. Your manager will meet with you to discuss your absence and consider the next steps. We will review the matters discussed in earlier meetings and consider whether there is anything further we can do to facilitate your return to work or to bring about an improvement in your absence.



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13. You have the right to be accompanied at the meeting by a work colleague or trade union official. The person accompanying you has an important role in supporting you through the meeting. They can fully participate in the discussion and ask any questions. You may also choose to meet privately during the meeting and can ask for a break at any time to do this. They cannot answer questions on your behalf.
14. Your manager will discuss and review the options detailed below with you and listen to your thoughts and feelings about the situation. Your manager will consider whether:
  - further advice from occupational health is needed, including additional medical advice such as specialist reports, to ensure any decision takes into account up to date medical information – we may ask for this if your recovery is taking longer than expected or there has been a recent deterioration in your health
  - the reasonable adjustments already made are appropriate
  - any further adjustments could be put in place such as alternative duties
  - a phased return or flexible working has been discussed
  - if all options above have been explored, redeployment may be appropriate.
15. If the Michael Lonsdale Group is unable to facilitate your return to work, whether to your original role or another suitable role, we will discuss other options with you. This may include ending your employment if your attendance levels do not reach an acceptable level.

### Meeting Outcomes

16. There are a range of outcomes available including the following.
  - A further health capability meeting if further recommended adjustments have been put in place (a timeframe will be specified).
  - Exploring the option of redeployment. We will do our best to provide an alternative suitable role. Where we have no suitable position, we may invite you to the next stage of the capability process; a second capability meeting.
  - A referral to occupational health for advice. If there is no anticipated return date or no likelihood of a return to work set out in the occupational health report, or that you are unable to fulfil your role effectively for health reasons we will invite you to a second health capability meeting.

### Second health capability meeting

17. At the second health capability meeting, your manager will discuss with you the reasons for your continued absence and review the matters discussed in earlier meetings. We will ask for an update on any developments in your condition and will review any adjustments put in place since the last meeting.
18. If you are ready to return, we may refer you to occupational health to get advice on how we can support you back into work.



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19. If there is no improvement in your absence with the adjustments in place, or occupational health confirm that a return to work is unlikely or there is no anticipated return date, we will invite you to attend a health capability hearing where the potential outcome could be dismissal.

## Health capability hearing

20. The purpose of the health capability hearing is to consider your absence and decide about your continued employment with the Michael Lonsdale Group. This will usually be the final stage following the previous health capability meetings.
21. The capability hearing will usually take place where:
  - you have already had two health capability meetings
  - you are still unable to return to work after adjustments, including redeployment have been considered
  - there is no anticipated reasonable timeframe for your return.
22. However, there may be variations to these timescales depending on the nature of the absence, the availability of information from occupational health or where we have set specific timescales for reviewing adjustments.
23. If your absences relate to a disability, either long term or intermittent, we will follow the same process as set out above. You will usually have two health capability review meetings before we invite you to attend a health capability hearing.

## Health capability hearing process

24. You will be given at least five working days' written notice of the hearing along with copies of the documents that will be used. You will have the right to be accompanied at the meeting by a work colleague or a trade union official.
25. It is helpful if you attend the meeting, but if you choose not to, you can submit a written statement. We will go ahead with the meeting and consider your case and any documentation along with your written statement to help us decide on your continued employment.
26. The meeting will normally be chaired by one of the senior leadership team. It can take place in our office or another agreed location. At the meeting we will:
  - review your absence history, including all relevant documentation and occupational health reports
  - review the adjustments and support made
  - give you the opportunity to put your case
  - consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance



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- consider the impact of your absence on the organisation and whether this level of absence can be sustained
- consider whether the option of redeployment is appropriate

## Health capability hearing outcomes

27. The outcome of the hearing will be confirmed in writing to you. You will also be sent a copy of the notes taken during the hearing. There outcomes include
- exploring further redeployment opportunities
  - dismissal with notice – this will happen if it is clear from the evidence that no further support or time will make any substantial difference to the outcome and/or there is no foreseeable return to work date.

## Appeal

28. You have the right to appeal the outcome of a health capability meeting or capability hearing. Your appeal must be in writing, and you must make sure we receive it within five working days of the date you received the outcome. Your letter of appeal should set out the grounds on which you are making the appeal and should include as much information as possible.
29. You will be invited to attend an appeal hearing in writing as soon as possible. The appeal hearing will normally be conducted by the Managing Director or a designated external consultant.

## Redeployment

30. Redeployment will only be considered where medical evidence supports that you are unable to do the duties of your role and no adjustments can be made to the post. We may seek advice from occupational health about other suitable roles and any adjustments that need to be considered. This option will depend on a suitable post being available and may include redeployment to a post at a lower level which could impact your salary.
31. The terms of the redeployment will be set out clearly and will include a trial period over a suitable period of time. At the end of the trial, you may be confirmed in the new post, or either you or the Michael Lonsdale Group may say that the post is not suitable.
32. Where redeployment is unsuccessful, we can enter back into the health capability procedure at any stage.

## Terminal illness

33. We will deal with very serious or life-threatening illness sensitively and flexibly. We may refer you to occupational health for further advice. In these cases, we may amend the process accordingly.



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## Data protection

34. The data collected by the Michael Lonsdale Group on your health and absence is categorised as sensitive personal data as defined under the legislation. The data is collected for the sole purpose of managing your sickness absences to determine the management approach and support required.

## Accessing your medical records

35. If at any time the Michael Lonsdale Group asks to see your medical records, we must get your consent. You have the right to refuse consent; however, if you do you must be aware that we will need to make any decisions about your absences based on the information that is available to us. We would normally ask occupational health to get the records that are relevant to the issue/s, and they would provide a report based on the records.

Name **Gary Herbert**

Signed

For and on behalf of the

Michael J Lonsdale Group Board of Directors

(Michael J Lonsdale Limited/ Michael J  
Lonsdale (Electrical) Limited

E7 Building Services Limited

Position **Managing Director**

Date **01/10/2021**