

Reps checklist for sickness cases

Initial information

- Check person is a UNISON member
- Check what stage of the sickness procedure
- Check absence record is correct
- What is reason for absence
- When does current Fit Note run out?
- What is pay situation?

Sickness procedure

- Check dates and notes from meetings – informal and first formal – any targets set?
- Have they been breached?
- If member has a disability argue for more realistic target e.g. 10 days instead of 8 in a year
- Medical redeployment to be considered if member unable to return to substantive post – based on O/H advice
- 1st formal stage – all staff now given warning at this stage which stays on file for a year
- Final formal stage – can result in redeployment, revised targets or dismissal

If long term

- Get information from member on current medical situation and prognosis
- Has member seen Occupational Health? If so check report is recent and member has seen it before they meet with management
- What are their recommendations?
- Is member covered by the Equality Act?
- If so have reasonable adjustments been made?
- Have these been reviewed?
- Has member contacted Access to work if needed? Members have to refer themselves.
- Extension to sick pay – may need to request
- Does member want to be considered for ill health retirement?

Planning return to work

- Has GP said when member can return to work?
- Has GP made any recommendations e.g. light duties
- Agree phased return if appropriate
- Check reasonable adjustments will be in place
- May need workstation assessment on return
- Check date member will go back on payroll if had been out of sick pay
- If member has been on long term sick they'll be entitled to take their outstanding annual leave from the previous year. Some members use this to extend their phased return.

Equality Act 2010

Occupational Health usually provide an opinion as to whether the person is covered by the Act. To qualify:

- A worker must have a physical or mental impairment
- The impairment must have a substantial adverse effect
- The effect must be on person's ability to carry out day to day activities
- The effect must be long term (lasted 12 months or more or likely to)

Special cases:

Certain conditions are automatically deemed as a disability as soon as they're diagnosed (since December 2005)

- Multiple Sclerosis
- HIV
- Cancer

Reasonable adjustments

Employers have a legal duty to make reasonable adjustments for any staff covered by the Equality Act. These can include specialist equipment, changes to working patterns, more frequent breaks, re-allocation of work tasks, reduction in working hours or revised targets for sickness absence.

Access to Work can be contacted by the member for workplace assessments if they require equipment such as Dragon or a special desk.

Ill health retirement

There are 3 levels under the ill health retirement regulations. Occupational Health assess staff under the scheme and if they agree IHR the final decision is made by the Directors of HR and Finance.

Tier 1	If Occupational Health Adviser believes on medical grounds the member isn't likely to recover sufficiently to do gainful employment before their normal retirement age.
Tier 2	If it's likely the member will be capable of undertaking gainful employment before their normal retirement age, although they can't undertake employment within 3 years of leaving employment.
Tier 3	If it's likely member will be able to do gainful employment in less than 3 years it's tier 3.