Tanworth in Arden Parish Council Asset Disposal Policy

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1. INTRODUCTION

1.1 The policy applies to all employees of Tanworth In Arden Parish Council (TIAPC).

1.2 The policy will be reviewed from time to time and any amendments will be communicated to all employees by the most appropriate method and in a timely fashion.

1.3 Occupational Sick Pay is paid at the sole discretion of the TIAPC.

1.4 If an employee is at the verbal warning stage or above for poor attendance, during the time that the warning remains live, they will not be entitled to claim Occupational Sick Pay.

2. POLICY STATEMENT AND KEY PRINCIPLES

2.1 It is TIAPC's responsibility to achieve satisfactory standards of attendance and to manage sickness/absence in a purposeful and caring way.

2.2 All employees' contributions are valued, so when an employee is unable to be at work for any reason, their contribution is missed.
2.3 TIAPC believes that effective policies will contribute to the maintenance of good health amongst all employees.
2.4 TIAPC understands the confidential nature of information exchanged in all cases and meeting(s).
2.5 Where necessary Access to Medical Records may be used and the procedure will be carried out in accordance with the Act.
2.6 In applying this policy and procedure, care will always be taken to ensure that no employee is unfairly discriminated against.
2.7 Any employee, who is dissatisfied with the application of any aspect of this procedure, can raise a grievance in accordance with TIAPC's grievance procedure.
2.8 TIAPC will consider any advice given by the employee's GP on the 'Statement of Fitness for Work' (Doctor's Note). If the GP advises that an employee 'may be fit for work', TIAPC will discuss this with the employee and consider how help can be extended to them, to get back to work – for example, flexible hours or altered duties.
2.9 If an explanation for absence is not forthcoming or is not thought to be satisfactory TIAPC may consider using disciplinary procedures, in line with ACAS guidelines.

3. DEFINITIONS OF SICKNESS/ABSENCE

- **Authorised** – where the absence has been agreed by the TIAPC e.g. an operation, a pre-arranged dentist appointment.
- **Unauthorised** – where the absence has not been agreed by the TIAPC.
- **Sickness** – absence from work as a result of genuine sickness and is measured in terms of the number of days absence and the number of separate occasions (episodes) in the any 12 month rolling period.
- **Short-term absence** is an absence of up to 4 weeks.
- **Long-term absence** is an absence of 4 weeks and over or where frequent short term absence is attributable to an underlying long term medical condition.
- **Working days** is defined as your normal working days/hours.
- **A year** is any period of 12 consecutive months.
- **SSP** is Statutory Sick Pay (entitlement as per legislation).
- **OSP** is Occupational Sick Pay (entitlement as per your contract of employment)

4. EMPLOYEE'S RESPONSIBILITY

Employees of the TIAPC have a responsibility to:-

- Attend work unless unfit to do so.
- Comply with the sickness absence policy and procedures.
- Notify your line manager of the reason for the sickness/absence no later than the end of the working day on which the sickness/absence first occurs. Notification should be made by phone and in person
- Keep your line manager informed of your sickness/absence and give details of the likely date of return to work.
- Attend 'return to work' meetings and sickness review meetings.
- Attend medical appointments/examinations by a Medical Advisor or Practitioner nominated by TIAPC.
- Co-operate TIAPC to assess fitness for work.
- Receive and follow medical advice and treatment to take best care of your health in order to facilitate a return to work.
- Not engage in any activity, which may delay recovery.
- Upon returning to work, complete a self certification and return to work form and take part in a return to work interview with their line manager. This is a mandatory requirement of the TIAPC.
- Provide a 'Statement of Fitness for Work' (Doctor's Note) for sickness absence beyond 7 consecutive days. These should be submitted to TIAPC as soon as possible but definitely within 4 days of the date of expiry of the previous note.
- To provide a 'Statement of Fitness for Work' (Doctor's Note), for absence either side of a statutory holiday, otherwise OSP will not be paid.

- Refrain from any other employment, either paid or unpaid, whilst off sick, unless it is supported by medical opinion and declared and agreed with TIAPC prior to undertaking.

5. LINE MANAGER'S RESPONSIBILITY

Line Manager has a responsibility to:-

- Ensure that accurate attendance/absence records are maintained and include dates of absence and the reason for the absence, including any known medical diagnosis.
- To ensure that the self certification return to work interview forms, telephone log sheets and any 'Statement of Fitness for Work' (Doctor's Note(s)) are maintained on the employee's personnel file.
- Ensure that all new and existing employees are made aware of this policy and procedures and their responsibilities during a sickness absence period.
- Inform new employees that sickness/absence levels are reviewed as part of the probationary assessment and thereafter on an ongoing basis.
- Maintain regular and appropriate contact with employees when they are absent from work due to sickness and if appropriate give them the opportunity to keep in touch with the team.
- Take appropriate remedial action if certification requirements are not followed.
- Understand the need for and conduct return to work meetings on a 1 to 1 basis on the employee's first day of return to work, as soon into the working day as possible, preferably before the employee begins work. The purpose of this is to establish how the employee is feeling and welcome them back, to ascertain the nature of the reason for absence, to ensure that the self certification and return to work forms are completed and any other relevant paperwork has been received by TIAPC and to consider any necessary follow up action. Further guidance of how to conduct a return to work interview is given in appendix 1A.
- Work with the employee to ensure they are made aware, in advance, when SSP will cease.
- Work with the employee to ensure they are made aware, in advance, when OSP will cease.
- Take reasonable measures to facilitate an employee's return to work.
- Monitor and investigate high levels of sickness absence.

Please note:-

- In order for the employee to receive any eligible OSP, notification should be made in accordance with this procedure.
- Abuse of the notification procedure may result in disciplinary action being taken.
- OSP is paid at the discretion of the TIAPC and employees are not eligible until they have successfully completed their probationary period and this has been confirmed in writing.
- TIAPC, may after prior notice, require the employee to provide a 'Statement of Fitness for Work' (Doctor's Note) or similar in respect of any period of sickness from the first day of absence, where there is reason to believe that there may be misuse of OSP conditions and/or reporting arrangements.

6. NOTIFICATION OF ABSENCE

6.1 It is TIAPC's responsibility to achieve satisfactory standards of attendance and to manage sickness/absence in a purposeful and caring way.

6.2 All employees' contributions are valued, so when an employee is unable to be at work for any reason, their contribution is missed.

6.3 TIAPC believes that effective policies will contribute to the maintenance of good health amongst all employees.

6.4 TIAPC understands the confidential nature of information exchanged in all cases and meeting(s).

6.5 Where necessary Access to Medical Records may be used and the procedure will be carried out in accordance with the Act.

6.6 In applying this policy and procedure, care will always be taken to ensure that no employee is unfairly discriminated against.

6.7 Any employee, who is dissatisfied with the application of any aspect of this procedure, can raise a grievance in accordance with TIAPC's grievance procedure.

6.8 TIAPC will consider any advice given by the employee's GP on the 'Statement of Fitness for Work' (Doctor's Note). If the GP advises that an employee 'may be fit for work', TIAPC will discuss this with the employee and consider how help can be extended to them, to get back to work – for example, flexible hours or altered duties.

6.9 If an explanation for absence is not forthcoming or is not thought to be satisfactory TIAPC may consider using disciplinary procedures, in line with ACAS guidelines

6.10 On the first morning of your sickness absence, you must contact your line manager at the earliest possible opportunity and as close to your normal start time as possible, but not later than the end of your first day absent. Contact should be made in person by phone and you should give details of the nature of your illness and, if the illness is of a minor nature, you should indicate when you believe you will be fit to return to work and if you are going to seek advice from a medical professional. You must inform your line manager as soon as possible of any change in the date of your anticipated return to work.

7. KEEPING IN CONTACT

7.1 For an absence of 7 consecutive calendar days or less, you will need to agree when next contact will be made. If you are not back when you said you would be another contact time will need to be agreed.

7.2 If you return to work after less than 7 calendar days you must complete a self certification form (appendix 2) on your first day of return. You are reminded that it is a serious disciplinary offence to provide false information on a self certification form.

7.3 Should your sickness absence be for a period in excess of 7 consecutive days, you are required to agree when you will contact your line manager in order to provide updates on your illness or injury. A 'Statement of Fitness for Work' (Doctor's Note) must be obtained. Your 'Statement of Fitness for Work' (Doctor's Note) must be forwarded to the TIAPC office no later than 4 days from the date of expiry of the previous note. Should there be any problems forwarding the note you must contact their line manager in a timely fashion and explain any issues you are experiencing. It is your responsibility to ensure that all medical notes are sent to the TIAPC and the TIAPC takes no responsibility or medical notes not received on time.

7.4 You should have certificates (either self certification or 'Statement of Fitness for Work' (Doctor's Note)) to cover the entire period of your sickness absence. These dates need to be continuous.

7.5 For all periods of sickness of half a day or longer, you will be required to attend a return to work meeting upon your return, to discuss the reasons for your absence, in particular whether it was work related. You will be informed as to who covered your work during your absence, so that you can have a suitable handover.

7.6 For long term absence your line manager may discuss and agree with you an informal meeting to establish how support can be offered to enable you to return to work.

7.7 For long term sickness absence or frequent periods of sickness absence, you may be requested to co-operate with TIAPC in order to gain information from your GP or consultant via the 'access to medical records' procedure.

7.8 The TIAPC reserves the right to withhold occupational sick pay in circumstances where the certification procedure described above has not been followed or where there is sufficient reason to doubt the validity of your sickness absence claim.

7.9 On being fit to return to work, you must contact your line manager and let them know as far in advance as possible of the proposed date of your return.

7.10 Persistent short term sickness absence may be, in the absence of any underlying medical condition or other reasonable excuse, a disciplinary matter and will be dealt with in accordance with the TIAPC disciplinary procedure. The TIAPC would explore all possibilities first.

8. PAY WHILE OFF SICK

Statutory Sick Pay (SSP)

8.1 All employees have a right to SSP as long as you earn more than the lower earnings level and providing you have been off sick for at least more than four consecutive days.

8.2 SSP is not, however, payable for the first three qualifying days (QDs) of absence. (A qualifying day is a day on which you are normally expected to work under your contract of employment e.g. Monday to Friday).

8.3 There is a limit of 28 weeks for SSP in any one period of sickness or linked periods (periods of sickness are said to be linked if the second period starts within eight weeks of the end of the first period, in these circumstances the first three qualifying days do not apply again). If this limit is

exceeded you would be sent the statutory forms stating that the TIAPC is unable to pay SSP as the 28 weeks have been exhausted.

Occupational Sick Pay (OSP)

8.4 Payments for Occupational Sick Pay are outlined below:-

Years Service	Occupational Sick Pay
Up to 6 months of completed continuous service.	No OSP.
After 6 months of completed continuous service and up to 5 years.	A maximum of 4 weeks full pay in any 12 month rolling period.
After 5 years of completed continuous service	A maximum of 12 weeks full pay in any 12 month rolling period.

* pro rata for part time staff.

** inclusive of any SSP due or less any State Sickness benefit due

8.5 These payments will only be provided if the procedure has been complied with and the TIAPC is satisfied with the reasons given for your absence. Non-compliance with the procedure may result in loss of occupational sick pay.

8.6 Once eligible employees have exhausted OSP they will be entitled to SSP for the remainder of the 28 weeks (28 weeks starts from the 1st day of absence).

8.7 Please note, should your line manager have reason to doubt the validity of the illness or the reason given for the absence, the TIAPC reserves the right to withhold pay for all or part of the absence and may issue, should the circumstances prevail, a formal warning or dismissal under the disciplinary procedure.

9. MANAGING SHORT TERM ABSENCE

9.1 The procedure for managing short term absence is detailed below, with indicators for action, which would normally be appropriate at different stages. However, it should be remembered that where a single underlying illness is suffered, which periodically flares up, it is usually appropriate to treat such individuals as having a long term illness.

9.2 The TIAPC has set triggers, at which sickness absence needs to be reviewed. Line managers will be expected to review and manage sickness absence levels based on these triggers to identify trends and patterns and take appropriate action. The triggers are as follows:-

- 3 or more episodes of sickness absence in a rolling 6 month period (or sickness year)
- 5 or more episodes of sickness absence in a rolling 12 month period (or sickness year)
- 10 days (covering one episode or several episodes of sickness absence) in a rolling 12 month period or sickness year
- Only working days should be counted

9.3 The above are indicators of sickness absence that would normally trigger a meeting. The meeting would be in addition to the return to work meeting. All meetings will provide the opportunity to fully explore the reasons for the sickness absence, identify and address any barriers to improving attendance and agree any other appropriate support or action.

9.4 It is important that the procedure for managing short term absence is followed for everyone to ensure fairness and consistency across the TIAPC. Without triggers, the TIAPC is vulnerable to inconsistent practice and possible discrimination. Only in exceptional circumstances will it be appropriate to vary from the process, for example when dealing with issues such as disability or maternity related absence.

9.5 There may be situations that need to be investigated further, where the employee has not reached or exceeded the absence triggers. This may be appropriate where the employee tends to be absent on the same day of the week or following a holiday.

9.6 Half-day sickness absence will be counted towards the triggers and reviewed along with other absences, when deciding if further action needs to be taken.

10. **RETURN TO WORK – SHORT TERM ABSENCE**

10.1 If before or during a return to work interview, it is identified that the employee has for the first time exceeded a trigger, the line manager should ensure some additional points are covered during the return to work meeting and explore the causes for the sickness absence.

10.2 The return to work form can be found in appendix 1.

10.3 The return to work meeting should be an open two way discussion, which serves to highlight any problems associated with the sickness absence, any issues that the employee may be experiencing in the workplace and explore the reasons for the situation and ways in which improvement can be achieved/maintained or support given.

10.4 The employee will be made aware that they have exceeded the triggers, giving rise to potential concern over the level of attendance. It may also be appropriate to consider requesting 'access to medical records'. (See appendix 3).

10.5 It will be appropriate that, the employee is informed that a sustained improvement is required over the next 6 months and an agreed target set and review meeting dates arranged.

10.6 Review meetings should take place to review the target set and sickness absence statistics since the return to work meeting, which identified that the trigger had been exceeded. Any improvement that has occurred should be acknowledged. When the attendance pattern is considered satisfactory the employee should be informed that no further action will be taken.

10.7 SHOULD NO IMPROVEMENT BE IDENTIFIED AND THE SICKNESS ABSENCE LEVELS CONTINUE OR INCREASE FURTHER, APPROPRIATE ACTION MAY BE CONSIDERED BY THE TIAPC, VIA THE DISCIPLINARY PROCEDURE.

11. MANAGING LONG TERM ABSENCE

11.1 This procedure should be used either:-

- When an employee has been off sick for more than 4 weeks and possibly where the return may be unclear. **Or**
- Where frequent short term absence is attributable to an underlying long term medical condition.

11.2 Whilst all situations are different, it is expected that cases will normally be resolved within 12 months, either through return to work or where employment can not continue. Most cases will, of course, take less time. This expectation should be borne in mind in the management of long term sickness absence cases.

11.3 Where there has been a continuous sickness absence period exceeding 2 weeks the line manager will normally arrange a meeting. Such meetings will normally be arranged with employees at a time and place to suit them. The arrangements will be confirmed in writing. If the employee wishes a work colleague may be present to provide support. Your manager will always be accompanied by another member/representative of the TIAPC.

11.4 The purpose of the meeting will be:-

- To discuss the 'Statement of Fitness for Work'.
- To enquire as to the employee's health, ascertain the nature and likely progress of the illness and the likely length of sickness absence.
- To discuss the possibility of a phased return to work and the support that would be needed at that time.
- For the employee to explain and discuss what action(s) have been taken in relation to the sickness absence.
- It will normally be appropriate to request information via the 'access to medical records' procedure.
- Agree future contact arrangements. Contact should be maintained at regular intervals by regular telephone calls or pre-arranged meetings. In exceptional circumstances it may be appropriate to agree an alternative contact.
- Ascertain whether any assistance can be provided.
- To discuss SSP and OSP payments.
- To consider the guidance given under the Disability Discrimination Act if appropriate.

11.5 Details of the discussion, which took place during the meeting, will be confirmed in writing to the employee.

11.6 In exceptional circumstances and if the employee is expected to return to work within a short, specified period of time, then a meeting may not be necessary. Such situations may include where the employee has undergone an operation and/or where the condition and recovery are straightforward. Managers must however; monitor the situation in case the sickness absence

becomes more prolonged or complicated than expected. A meeting will be arranged in any event after a sickness absence of 2 months.

12. **RETURN TO WORK – LONG TERM ABSENCE**

12.1 In the event of an employee returning to work after being off sick for more than 3 months, it may be appropriate for the TIAPC to ask the employee to provide medical evidence, such as written authorisation from their GP, that they are fit to return to work.

12.2 Where it is felt that it is appropriate for a phased return to work, the employee and their line manager should meet to establish a pattern of return to work and anticipate timescales, subject to frequent and agreed reviews, which are mutually acceptable. Each case must be considered in the light of the individual circumstances.

12.3 Options may include: a short term modification to workload, Adjustment to working hours (normal pay will apply for normal hours worked) Mid-week return, so that two or three days back at work is followed by a weekend of rest.

12.4 It will be necessary for the employee to complete a weekly self certification form for the parts of the week when they are not at work as part of the phased return to work arrangements. This period of sickness absence would be excluded from the sickness absence trigger levels. If sick pay entitlement has been exhausted, the employee may cover non-working days with other leave such as annual leave.

12.5 All agreements reached to allow for an early return to work on a reduced hourly basis, should be for a limited period (normally for up to 1 month, but exceptionally up to 2 months).

13. **SICKNESS/ABSENCE WHILE ON ANNUAL LEAVE**

13.1 If the employee falls ill during a period of annual leave they should notify their line manager in the usual way. On provision of a Statement of Fitness for Work they will be regarded as being on sick leave, rather than annual leave, from the date on the Statement of Fitness for Work.

13.2 Further annual leave will be suspended for the period covered by the Statement of Fitness for Work.

13.3 Where the sickness is less than 7 days the TIAPC will meet the cost of the Statement of Fitness for Work.

13.4 If the employee fails to produce a Statement of Fitness for Work they will be considered as being on annual leave as planned and not on sick leave.

13.5 Sickness absence occurring during public or bank holidays cannot be reclaimed and annual leave untaken as a result of sickness absence cannot be carried forward into the next annual leave year.

14. COMPASSIONATE LEAVE

14.1 Compassionate leave must be agreed with your line manager. Your line manager will request a copy of the death certificate.

14.2 An employee will be allowed up to a maximum of 5 days off with pay to arrange and/or attend the funeral of a close relative (such as a parent, grandparent, husband/wife, brother or sister).

14.3 An employee will be allowed up to a maximum of 3 days off with pay to arrange and/or attend the funeral of any other family member (not mentioned above).

14.4 Should an employee require time off to arrange or attend a friend's funeral, annual leave will need to be mutually agreed with the line manager.

14.5 Compassionate leave will be paid at the sole discretion of the TIAPC.

APPENDIX 1

TANWORTH IN ARDEN PARISH COUNCIL

RETURN TO WORK FORM

This form must be completed and signed by all members of staff following any period of absence for whatever reason and however short the period was and countersigned by their immediate line manager, at the return to work interview. The form will be held on the individual's personal file. For absences exceeding 7 calendar days, a Statement of Fitness for Work (Doctor's Note) must also be provided and for extended periods of absence uninterrupted continuous medical certificates need to be provided.

The first parts of the form may be completed upon initial notification of absence, ready for the employees return to work.

Surname: …….. Other names: ……

Post/Job Title: …….. Contracted hours of work per week: …….

Date of first day of absence: ……..

Date and time absence reported: ……..

To whom was the absence reported: ……

First date of illness: …… Last date of illness: ……..

Date of return to work: …… Total number of days/hours off, in this episode: …..

State briefly and specifically why you were absent from work: ……

…….

Have medical certificate(s)/fit note(s) been provided: YES/NO/Not required

Was a medical practitioner been consulted during this absence: YES/NO

If yes, give details: ……

Was your absence as a result of an injury at work or work related accident or illness? YES/NO

If yes, please give details, including the date and time of when the incident was reported and how:

……

Was the incident recorded in the accident book – YES/NO

Was your absence as a result of an accident, where damage may be claimed by a third party? (E.g. road traffic accident) – YES/NO

If yes, please give details: ……

Are there any factors at work that have caused or contributed to your absence: YES/NO

If yes, please give details: ……..

If yes, what action is to be taken to support the employee: ……

Are you currently taking any medication? YES/NO

If yes, check details of the medication to ensure that work related equipment can be used safely including driving, where necessary.

SUMMARY OF SICKNESS ABSENCE

IN THE PREVIOUS ROLLING 12 MONTHS

Number of days: Number of episodes:

IN THE PREVIOUS SICKNESS YEAR I.E. 1 APRIL TO 31 MARCH

Number of days: Number of episodes:

SUMMARY OF THE RETURN TO WORK INTERVIEW (What was discussed, agreed etc):

……..

……

Will the employee need further time off to attend medical appointments, relating to this episode of sickness/absence?: YES/NO

If yes, what dates will be required? ……

I declare that:

- I was unfit for work and have not worked in any job during the period stated above;
- I understand that my data will be held electronically and manually and used to calculate sick pay;
- I understand that deliberately giving false or misleading information may lead to disciplinary action.

Employee's Signature: Date:

I confirm that this represents an accurate record of issues discussed and actions agreed:

Employee's Signature: Date:

Manager's Signature: Date:

APPENDIX 1A

RETURN TO WORK INERVIEWS

1. Return to work interviews should be carried out by the Line Manager/Functional Head as soon as reasonably practicable, on the first day of the return to work.
2. If the Line Manager/Functional Head is away, an alternative representative should be identified to perform the return to work interview.
3. Interviews should be conducted privately and where there will be no interruptions and should be carried out on a 1 to 1 basis.
4. It is important that return to work interview is always carried out in order to be fair and consistent.
5. The self certification/return to work form should be completed in full.

THE PURPOSE OF THE RETURN TO WORK INTERVIEW

1. To establish how the employee is feeling and to welcome them back to work.
2. To ascertain the nature of the reason for the absence and if there are any work related factors affecting the health and well being of the individual.
3. To ensure that all documentation is accurate and complete.
4. To consider whether reasons given are consistent with other available evidence e.g. previous reasons given for earlier absences.
5. To give an opportunity for the employee to explain the absence and for the Line Manger/Functional Head to raise any queries with them.
6. To ascertain if the sickness/absence is a result of a one off or an on-going ill health problem.
7. To identify any further action as necessary.

APPENDIX 2

TANWORTH IN ARDEN PARISH COUNCIL

SELF-CERTICATE FORM FOR SICKNESS ABSENCE

This form must be completed by the employee when absent from work for 7 consecutive days **or less**, without a 'Statement of Fitness for Work'. Please return to your Line Manager.

Name: ……

First day I was unfit for work (including weekends): ……..

First day I was absent from work: …….

Date on which I was fit to return to work (including weekends): ……

Date returned to work: ……

My absence was caused by the following: ……..

……..

Did you seek medical advice: YES/NO (this could be from a Dr or Dentist or other medical practitioner)

If yes, please give details: ……..

I declare that:

- I was unfit for work and have not worked in any job (paid or unpaid) during the period stated above;
- I understand that my data will be held electronically and manually and used to calculate sick pay;
- I understand that deliberately giving false or misleading information may lead to disciplinary action.

Employee's Signature: Date:

APPENDIX 3 **ACCESS TO MEDICAL RECORDS**

The Access to medical Reports Act states that an employer may have access to reports provided by a medical practitioner, which are in connection with their employment.

Does the employee have to give consent?
The Act states that the employee has to give his or her consent for their employer to be given access to their medical records.

This means that an employer cannot ask a doctor to provide a medial report on one of his employees without first asking for the consent of that employee.

What is the procedure for access?
The employee concerned must be notified of the intent to apply to their doctor or medical practitioner to obtain a medical report.

What rights does an employee have under the Act?
The employee can:-

- Refuse their consent
- To consent to the report being provided to their employer and state that it can be sent directly to their employer
- To consent to the report being provided to their employer but state that they wish to see the report before it is provided to their employer.

If an employee states that the report can be sent but they wish to see it first, under Section 4 of the Act the doctor or medical practitioner must wait 21 days before sending the report to the employer. During this period the employee must make suitable arrangements to either go or see the report or have it sent to them.

If they do not do this within 21 days then the report will be sent to the employer.

Under Section 5, of the Act an employee can request the doctor to amend the report if they feel that it is incorrect or misleading.

The doctor can agree to amend the report but if they do not, they can attach details of the employees views and state that they did not make any changes.

Your doctor will retain all reports requested by employers for 6 months. During this time the employee will be able to request access to them.

Under Section 7 of the Act, the doctor does not have to show the employee information which they believe might cause serious harm to the employee's physical or mental health or that of third parties.

The legislation that you should be aware of is as follows:-

- The Data Protection Act
- The Equality Act

The Data Protection Act specifies that all personal data held regarding employees must be kept in an organised filing system. Date in relation to health is regarded as sensitive under the Data Protection Act meaning that consent must be given by the employee in order to lawfully process it. Obtaining consent in the above format using the Access to Medical Reports Act will be sufficient.

The Equality Act states that employers cannot discriminate against employees who are disabled, as defined by the Act and that they have a duty to make reasonable adjustments in the workplace in order to accommodate the disability.

CONSENT FORM FOR RELEASE OF MEDICAL RECORDS

It is necessary for us to obtain a copy of your medical records to support your [accident/illness claim] that you have made with us. Before we can ask any doctor that you have consulted to send us a copy of your records, we need your signed permission.

Your rights are as follows:-

You do not have to give your consent, but if you do not we may be unable to proceed in the assessment of [your claim and this will delay any benefits or even mean that no benefits can be paid at all].

You can ask to see a copy of your records before the doctor returns it to us. If this is the case, we will tell the doctor to retain your records for 21 days so that you can arrange to see it. If you have not made arrangements to see the report within this time, your doctor will send the records to us.

If you choose not to see your records at this stage, you may ask the doctor for a copy within 6 months of it being sent to us. A duplicate set of records can be sent to your doctor on request should you wish to see it at a later date. If you consider any aspect of the records to be incorrect or misleading, you may ask the doctor to amend it. If the doctor refuses to make the amendments, you may ask him/her to attach a statement outlining your views, which will then accompany your records.

Your doctor can withhold access to your records if he feels that it would cause physical or mental harm to you or others.

Your medical records will contain details of relevant consultations, treatments, operations, investigations and test results that you have undergone at any surgery, hospital or clinic. Your consent will give us, as your employer, information which will help us to support you.

I have read the details of my rights under the Access to Medical Records as explained above. I hereby consent to Tanworth in Arden Parish Council seeking medical information from my doctor and I agree that a copy of this consent shall have the validity of the original.

Your Signature …….. Date …….

Your Name
Please Print ……..

The name and address of your GP …….

……

Postcode

* I DO/DO NOT WISH TO SEE THE REPORT BEFORE IT IS SENT TO TANWORTH IN ARDEN PARISH COUNCIL (PLEASE DELETE AS APPLICABLE)

PRIVATE AND CONFIDENTIAL - EXAMPLE – EXAMPLE – EXAMPLE - EXAMPLE

Date

Name of GP – or medical practitioner
Address

Dear (name)

Reference: (full name of employee and date of birth)

I am writing to you about the above mentioned employee who has worked for us since (date) and is a valuable member of our team at MTC Insulation Solutions Limited. He/She currently works in the capacity of (job title) and has recently (give the circumstances i.e. has been away from work sick, or has had problems carrying out certain activities, it may be that they have been suffering with a certain problem and you need to summaries this in this letter. If they have been away sick you may wish to confirm the date they first went off sick and the length of time or summarise the amount of sickness absence due to the problem over the last how many months).

We have met with (name) and he/she is fully aware of the questions asked in this letter.

(name of employee) has been given information on Access to Medical records and has signed the necessary consent form, a copy of both are attached for your information. Enclosed is a job description for (name)'s job, which I hope will help you complete the report.

I would be very grateful if you could respond in your report to the questions below:-

1. Please confirm the currently medical condition of (name).
2. What is the future prognosis for (name)?
3. Are there any reasonable adjustments that the organisation could make to support (name) in his/her role?
4. Would a phased return, reduced hours in his/her initial return to work, assist (name) in his/her return to work?
5. Is (name)'s condition work related?
6. Is (name) able to drive too and from work, some (miles)?
7. Is (name) able to drive to carry out his/her normal duties. This involves driving on average (hours) per day (days of the week).
8. Is (name) able to drive in the dark?
9. **(ask questions specific to the role and the condition).**

Please can you send an invoice to cover the cost of this report to the above address.

If you should have any queries whatsoever, please do not hesitate to contact me.

Yours faithfully

(Name)
(Job Title)

Enc: Consent to Access to Medical Records
Information given to (name) re Access to Medical Records

NOTE – THIS LETTER, ONCE COMPLETED SHOULD BE SHARED WITH THE EMPLOYEE TO ENSURE THAT THE WHOLE PROCESS IS TRANPARENT AND THE EMPLOYEE IS AWARE OF THE QUESTIONS BEING ASKED.