



Ill Health Capability Policy

This policy sets out our approach to supporting employees whose ability to carry out their role is affected by ill health.

Contents

1.0	Policy Statement.....	2
2.0	Scope.....	2
3.0	Guiding principles	2
4.0	Leaving the Council due to ill health.....	2
5.0	Consideration of ill health retirement	3
6.0	Consideration of Dismissal Meeting	3
7.0	Appeal	4

Relevant forms and letters:

- [Letter templates for Ill Health Capability](#)

Related policies and Guidance:

- [Attendance Policy](#)
- [West Yorkshire Pension Fund](#)

If you have any questions about this policy or require any further support, please contact the HR team by emailing hr@southkesteven.gov.uk

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

1.0 Policy Statement

South Kesteven District Council is committed to supporting the health and wellbeing of all employees. We recognise that, on occasion, an employee's ability to carry out their role may be affected by ill health. This policy sets out the Council's approach to managing situations where an employee's capability to work is impacted by long-term or persistent health issues. It aims to provide a fair, supportive, and consistent process, balancing the needs of the individual with the operational requirements of the organisation. It includes outlining support options, reasonable adjustment and where necessary, decisions regarding leaving the Council on the grounds of ill health.

This policy should be read in conjunction with the Attendance Policy.

2.0 Scope

This policy applies to all employees of South Kesteven District Council. It does not apply to agency workers or contractors.

3.0 Guiding principles

- All cases will be handled sensitively, with a focus on supporting the employee.
- The Council will make reasonable adjustments in line with the Equality Act 2010 where an employee is considered to have a disability.
- The process aims to ensure fair treatment, encourage open dialogue and explore all options before considering termination of employment.
- Managers will consult Occupational Health and work closely with HR throughout the process.

4.0 Leaving the Council due to ill health

The Council recognises it is important to take positive and supportive action to help employees with long term health issues recover and return to work if absent.

Managers should work with the employee to consider all reasonable options to support the employee to continue working. These could include:

- Reasonable adjustments
- Job modifications
- Redeployment

(Please see the Attendance Policy for more information).

However there are some situations where employment may no longer be a viable option for either the employee or the Council. In these cases, the employee may be referred to an Occupational Health Practitioner to identify if they meet the criteria to leave the Council due to ill health.

The manager is ultimately responsible for making the decision based on all relevant information, including Occupational Health advice.

5.0 Consideration of ill health retirement

Retirement on ill health grounds can be considered:

- In the event of a long-term illness
- Following an accident
- Where a long-term condition is preventing an employee from being able to complete their job duties
- By an employee's personal request

A referral to an Occupational Health Practitioner (approved by the West Yorkshire Pension Fund) should be made. The purpose of the referral is to seek advice on the employee's health and fitness with a view to determining the way forward. Occupational Health will be able to recommend whether the employee will:

- Be able to resume their full normal role
- Be able to resume their normal role after an initial period of adjustments or rehab plan
- Be able to resume their role with permanent adjustments, taking into account the needs of the employee and the opportunities for adjustments within the Council
- Be unable to resume to their role but would be able to undertake suitable alternative work (which may include reasonable adjustments)
- Be permanently unable to do their job until their normal pension age and not immediately capable of undertaking gainful employment.

6.0 Consideration of Dismissal Meeting

Following the receipt of the Occupational Health advice, the manager should consider what action to take. The Line Manager, or a suitable alternative manager, should invite the employee to a meeting and provide at least three days' notice of this meeting. A member of the HR Team and/or a note taker may be in attendance. The employee has the right to be accompanied by a work colleague or Trade Union Representative and will be advised, in writing, that their employment is at risk of termination due to ill health.

The meeting will include:

- Consideration of medical reports from Occupational Health and, if applicable, the employee's GP/specialists.
- Consideration of alternative outcomes to dismissal such as alternative roles or reasonable adjustments.
- Consideration of retirement on ill health grounds. Ill Health Retirement quotes can be requested through the HR Team.
- The manager is responsible for making the decision based on the advice from Occupational Health.

Where the outcome is ill health retirement, employees who have met the two year qualifying period in the LGPS may qualify for ill health benefits. The LGPS Pension Scheme provides a tiered ill health

retirement package with graded levels of benefit based on how likely it is the individual will be capable of gainful employment after they leave.

The manager should notify the employee of their decision in writing. The decision may also be given verbally at the meeting.

7.0 Appeal

Employees have the right to appeal against termination on ill health grounds and this will be conducted in line with the West Yorkshire Pension Fund (Local Government Pension Scheme) process. To appeal, the employee should submit the reason for their appeal in writing to the dismissing manager within five working days of the written notification of the decision.

Appeals will normally be heard at the next level of authority from that which the original decision was made. A member of the HR Team and/or a note taker may be in attendance. The employee has the right to be accompanied by a work colleague or Trade Union representative.

At the meeting, the manager will review the points of appeal raised by the employee along with discussing the Occupational Health advice. The manager may re-refer the case to a different Occupational Health Practitioner in order to support making a decision on the appeal outcome.

The Appeal manager will communicate their decision in writing to the employee.

For further information about this policy, please contact the HR Team at hr@southkesteven.gov.uk.

- This policy applies to all employees within South Kesteven District Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- The Council reserves the right to amend this policy from time to time.