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difference

Promoting Attendance & Managing Sickness Absence

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1. INTRODUCTION

1.0

Policy Statement

Wyre Council values the contribution of its employees in the delivery and maintenance of high levels of service. Whilst recognising that employees may occasionally be prevented from attending work through ill health, the Council has a duty to maintain service delivery, provide value for money and minimise disruption. The Council is, therefore, committed to managing attendance and sickness absence and believes that it is the responsibility of line managers and employees, with the support of HR and trade unions, to work together to promote and improve attendance.

The Council recognises that the majority of employees have good attendance levels. However, there are a minority of employees who have an unacceptable level of absence, which has a negative impact on colleagues who have to cover their absences. By implementing this policy the Council aims to strike a reasonable balance between the pursuit of its' business needs and the genuine needs of employees to take time off work due to sickness.

This Policy and Procedure has been developed to ensure that there is a consistent, supportive and fair approach to dealing with absence, which applies to all employees and all types of absence. The council does however recognise that discretion should be allowed in certain circumstances and when this does occur, it is important that decisions are taken in liaison with Human Resources to ensure a consistent approach is maintained.

It is the Council's policy to pay employees the rate of pay whilst absent from work as set out in the Contract of Employment and Statement of Particulars. Payment is however conditional upon an employee complying with the Council's Policy and Procedure, including notifying their manager of the absence, issuing the Council with a Fit Note, attending return to work interviews, attending Occupational Health appointments and maintaining appropriate contact with the Council.

1.1

Aims of the Policy

The aim of this Policy and Procedure is to ensure:

- All employees are treated fairly, consistently and sensitively during times of illness and are made aware of any support mechanisms that may be available to them.
- All employees understand their responsibilities and follow sickness reporting arrangements.
- Managers have a structured framework to assist them in managing sickness absence.
- Reasonable adjustments are considered for employees where applicable.
- Absence records are monitored and action taken at the specific trigger points.
- There is an agreed procedure for managing sickness absence that must be followed.
- The highest levels of quality and service can be maintained to allow the Council to fulfil its obligations to all users of its services.

The Promoting Attendance and Managing Sickness Absence Policy and Procedure is designed to provide guidance on management of both long term and short term sickness absence. We will take a supportive approach, whilst aiming to achieve a balance between the needs of the individual and the needs of the service.

1.2

Scope

This policy applies to all employees with the exception of those individuals who are under probation for whom the full procedural arrangements do not apply and should be managed in line with the Probationary Policy and Procedure.

This policy and the payment of sick pay exist to support our employees when they are sick. Arrangements under the Work Life Balance Policy apply, where employees require time away from work due to personal matters.

2. SICKNESS DUE TO COVID-19

2.0

Now that Covid-19 restrictions have been lifted in England, staff with symptoms of Covid-19 will be managed in line with other reasons for sickness absence.

3. SICKNESS NOTIFICATION

3.0

Notification and Reporting Arrangements

These guidelines have been produced to help you understand the importance of your personal contribution toward improving attendance and controlling absence, by ensuring that you acknowledge the importance of attending work and fully understand what is expected of you.

All absences and absence information should be logged in the Council's sickness management system from the initial notification of absence to the employee's return to work including the return to work interview.

If you cannot work because you are sick, you need to phone your manager to let them know. You should do this as soon as you can, this will normally be by 10.00am. The more notice you are able to provide the better able your manager will be to arrange appropriate cover for your absence. You would normally need to contact your manager each day you are off, however, if it's clear that your absence is likely to last for more than one day, you should explain this to your manager and agree the appropriate timeframe for making contact, and what form the contact should take.

You will need to let your manager know the following:

- The reasons for your absence
- When you think you will be able to return to work
- How and when you will keep your manager updated of your progress
- Give a contact number so that you can be reached if you do not contact them
- Advise of any work/issues that will need to be dealt with during your absence.

It is not normally acceptable for someone to telephone on your behalf or for you to inform your manager of your initial absence by text or email. Neither is it acceptable for you to ring a colleague. If your line manager is not immediately available you must leave a telephone number where your line manager can make contact with you. It is not sufficient to provide 'sick', 'unwell or 'personal' as reasons for absence.

If your absence continues beyond 7 calendar days, you need to get a fit note from your GP. You don't need to continue to notify your manager daily once you have received a fit note, although you and your line manager should agree appropriate contact arrangements.

If your absence is not supported by a fit note, or you don't follow the notification procedure, your manager will make reasonable efforts to contact you and check you are okay.

For this reason, it is important you provide your manager with appropriate contact details. If your manager is unable to make contact, they, or a member of the HR Team may visit you at home to make sure nothing serious has happened. While mitigating factors will be taken into account, if you do not make contact this could be viewed as unauthorised absence, which means you will not get paid while you are off and may lead to disciplinary action being taken.

Line managers should contact HR where an employee has failed to follow the correct procedure or they have any other concerns relating to sickness absence.

3.1

Informal Welfare Meeting

Where Occupational Health have not been involved in the early stages of the absence and it is apparent that you are going to be absent from work for a longer period of time thereby likely to reach the threshold for long term absence (4 weeks or more), your line manager must arrange to meet with you to discuss your current health situation and what assistance we can provide to help you in returning to work. This meeting will normally take place at 2 weeks of absence.

This is a welfare discussion and is not part of any formal process. However on occasion it may be helpful if a member of the HR Team attends; particularly if detailed advice is required regarding support available and/or adjustments.

You will also be made aware of when the formal process maybe initiated, however this will be dependent on the discussions that take place at the welfare meeting.

The meeting will normally take place either at your home or at your normal workplace. The location of the meeting will be largely determined by your health and mobility. There may be occasions where this meeting can be held virtually, however it is expected that you will have your camera turned on for this meeting.

3.2

Statement of Fitness to Work / Fit Notes

Medical certificates are now also known as a “statement of fitness to work”. Doctors are able to indicate on the certificate whether the employee is able to return to work with some minor and/or temporary adjustments.

Line managers are expected to give full consideration to whether the proposed adjustments can be accommodated, to support you back to work at an earlier point. In some circumstances it may be appropriate to consider temporarily moving you to a different role or service, if suitable alternative work is available.

If you believe that you are well enough to return to work, prior to the expected return to work date on the medical certificate, you should first discuss this issue with your line manager or HR. Fit notes are advice notes and as such you may decide that you feel sufficiently well to return to work earlier than the GP anticipated.

You are expected to return to work promptly at the end of your medical certificate.

4. RESPONSIBILITIES

4.0

Managers

Each manager has the general responsibility to:

- Ensure all employees are aware of the policy and reporting arrangements
- Ensure confidentiality of personal information at all times and fair, consistent treatment of staff
- Maintain accurate records of absence by ensuring the sickness management system is kept up to date with all relevant information
- Pro-actively manage attendance and promote the wellbeing of staff, including undertaking risk assessments and identifying any underlying causes if there are high absence rates within the workgroup
- Check whether the employee's absences are work related, and if so, explore ways to remove or reduce the factor causing concern.
- Monitor/manage all sickness absence effectively
- Involve HR and Occupational Health in addressing sickness absence
- Ensure absence is never ignored
- Ensure that return to work interviews are carried out for every absence, ideally on the employee's first day of return to work.
- Obtain medical advice about an employee's ability to undertake their job utilising advice provided by GP's in employees 'fit notes' and holding case conferences with Occupational Health where appropriate. This should be undertaken as part of the council's duty of care towards its employees.
- Maintain reasonable and appropriate contact with employees who are absent
- Ensure that the probationary period of each new employee is used appropriately, that attendance records are monitored and that appropriate action is taken if any problems emerge.

In order to set a positive example to their staff, it is expected that line managers will personally aim for excellent attendance.

Line managers should be aware of and acknowledge those individuals who have good attendance e.g. 1-2-1 meetings.

4.1

Employees

In line with their contract of employment, all employees are expected to attend work unless unfit to do so. The payment of sick pay is part of the contract of employment that employees enter into with the Council and as such the employee is required to make themselves available throughout their absence for meetings with managers or HR, appointments with Occupational Health, or for telephone discussions. In addition, employees are required to:

- Ensure that medical advice and treatment is received as quickly as possible and follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
- Attend any appointments made with Occupational Health and comply with all advice they give which will facilitate a return to work.
- Respond in a timely manner to any communications from the Council and attend management meetings as required.
- Raise with their manager any concerns with their job which they feel are making them ill or contributing to their illness/absence.
- Refrain from any activity, domestic, social or sporting, which may be prejudicial to recovery, cause further absence or bring into question the reason for the continued absence.
- On return to work, attend and participate in a return to work interview with their line manager.
- Co-operate with all reasonable attempts to facilitate a safe and full return to work including undertaking alternative duties.
- Advise their line manager if they intend to go on holiday or are living at a different address whilst absent from work due to sickness absence.
- Ensure that they fully inform their GP or consultant of any options and adjustments that the Council is prepared to put in place to support their early return to work.

Request annual leave for holidays that they take during a period of sickness absence in accordance with the Council's procedure for requesting annual leave and do not take such annual leave unless that request is granted.

5. OCCUPATIONAL SICK PAY

5.0

Entitlement to Occupational Sick Pay

The Council's Sickness Scheme and contractual/occupational sick pay is intended to supplement Statutory Sick Pay and Employment Support Allowance so as to maintain normal pay during defined periods of sickness absence. The entitlements given below reflect national conditions of service.

There is provision in the Sickness Absence Scheme for employees to receive pay for up to the following periods:

	Full Pay	Half Pay
During 1 st year of service	1 months full pay	after 4 months service - 2 months half pay
During 2 nd year of service	2 months full pay	2 months half pay
During 3 rd year of service	4 months full pay	4 months half pay
During 4 th & 5 th year of service	5 months full pay	5 months half pay
After 5 years' service	6 months full pay	6 months half pay

Sickness benefits are calculated by establishing the employee's accrued benefits, as detailed above, then calculating backwards from the first day of a current period of absence and including any sickness periods within the previous twelve months.

Full sick pay will be an amount which, when added to Statutory Sick Pay and Employment Support Allowance receivable, will secure the equivalent of normal pay.

In the case of half pay periods sick pay will be an amount equal to half of normal earnings plus an amount equivalent to Statutory Sick Pay and Employment Support Allowance receivable, so long as the total sum does not exceed normal pay.

Where there is medical evidence that an employee is no longer or unlikely to be sufficiently fit to fulfil the responsibilities of the job, we reserve the right to terminate employment before the expiry of contractual/occupational sick pay, in accordance with this policy.

5.1 **Withdrawal of Occupational Sick Pay**

The payment of occupational sick pay is dependent upon the employee complying with the requirements of this Policy and Procedure. An employee will not automatically be entitled to occupational sick pay where they:

- fail to notify of absence or fail to maintain appropriate contact in line with the policy and procedure
- abuse the sickness scheme, including, but not limited to, reporting in sick on the same date an earlier request for annual leave was declined;
- submit a medical certificate, after being advised that they are the subject of disciplinary action, which leads to a delay in the disciplinary process;
- submit a medical certificate following their suspension in connection with a disciplinary matter;
- fail to attend an OH appointment;
- are absent due to or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect;
- suffer an injury sustained whilst working in their own time, on their own account for private gain or for another employer;
- are incapacitated due to actively participating in professional sport;
- continue to work for another employer, whilst off sick from the Council. This matter may constitute gross misconduct and if proven could lead to dismissal;
- fail to return to work despite appropriate agreed adjustments being put in place.

5.2 The following situations will be classed as unauthorised absence and you will not automatically receive any sick pay in respect of the following:

- any day's leave (or part day) which has not been notified, in line with this document, will be treated as unauthorised absence;
- failure to provide contact details or maintain contact;
- failure to comply with the requirements for the provision of medical certification.

5.3 In each of the above circumstances it will be for the Head of Service in liaison with the HR Manager to determine if sick pay should be withdrawn from you. The decision will be made based on the facts available to them.

5.4 Where sick pay is withdrawn, you will be advised of the reasons; the length of time sick pay will be withdrawn; and your right of appeal for reinstatement of sick pay to the Director. In these circumstances, you will be asked to enter your grounds for appeal in writing, and this will be considered at stage 2 of the Resolution Policy by the relevant Director.

5.5 Where any part of sick pay is reinstated this will be reimbursed to you at your next normal salary payment date.

6. RETURN TO WORK INTERVIEWS

6.0 Return to work interviews must be conducted after every period of absence ideally on the first day of your return to work. They are an important part of absence management and can help identify short and long term absence problems at an early stage. They also provide line managers with an opportunity to start a dialogue with staff about underlying issues which may be causing the absence and allow them make changes which will support you.

Return to work interviews are informal discussions and you have no statutory right to be accompanied.

Your line manager should express their concern for your welfare, balanced with their concerns about service delivery and the impact on other team members. Your line manager should also discuss with you options for further assistance to improve your attendance, if required.

It is important that your absence record is discussed and that you are made aware of where you are in respect of the absence thresholds.

If you have reached the thresholds you should be advised that you will need to attend an Absence Management Meeting.

The return to work form must be completed on the sickness management system to record the points discussed at the meeting.

7. REFERRAL TO OCCUPATIONAL HEALTH

7.0 In certain circumstances, we might ask you to attend our Occupational Health providers who are best placed to provide us with the specialist advice we may need to be able to support you. If your fit note or Occupational Health report mentions any reasonable adjustments that could potentially be made to support you at work, we will consider that advice.

If you are asked to attend Occupational Health, your manager will contact you to explain why we need to seek additional medical advice. This could be before, during, or after a period of absence.

Your manager will complete a referral form prior to your occupational health appointment giving as much detail as possible in order to provide the occupational health advisor with sufficient information to ensure you get the best possible benefit from the appointment and we receive relevant information as a consequence.

You are strongly encouraged to attend Occupational Health if your line manager feels it is necessary. You won't be referred without your consent, but if you decline your absence will continue to be managed based on the information available, which may then not include important medical advice.

If you confirm that you will attend an Occupational Health appointment and then subsequently fail to attend, consideration will be given to withdrawing sick pay for the period up to the next available Occupational Health appointment.

- 7.1 The Occupational Health provider will ensure that the employee is aware of their rights under the Access to Medical Reports Act, if the Occupational Health advisor considers it beneficial to obtain a report from the employee's GP or consultant.
- 7.2 Following the appointment the Occupational Health advisor will provide written guidance in the form of a report, provided to your manager and HR, you may also request a copy. Your manager will consider the content of the report and discuss this with you.

7.3 **Being accompanied to an Occupational Health Appointment**

In normal circumstances you should be seen on your own to enable confidential information to be discussed. If you have a learning disability, or communication/ language problem then a suitably qualified assistant may be invited into the consultation to improve the communication process. The Occupational Health Advisor will be able to advise when this may be applicable and who would be suitably qualified taking into consideration the nature of the disability.

Should you request to be accompanied by a family member or trade union representative or colleague during a consultation they will be asked to wait outside the room whilst discussing confidential issues and then invited to join the appointment only if it is appropriate for them to do so. Inviting 'third parties' into a meeting means that the consultation becomes an open meeting and the clinician will require to be accompanied by a member of the client's management team. This may be in person or via a conference call. These meetings are termed Case Conferences where non-confidential issues such as workplace support including phased return and other adjustments can be discussed.

The Occupational Health appointment is not part of any formal process and therefore it would not be appropriate for a union representative or work colleague to accompany you in any formal capacity.

8. ABSENCE MANAGEMENT

- 8.0 While we are committed to providing support to colleagues who are experiencing health difficulties, where sickness absence reaches certain levels we often need to manage this through a more formal process.

Your manager will determine the most appropriate way of managing your absence by referring to a number of sickness absence thresholds.

8.1

Short Term Absence

Short-term absence is normally identified as absence that has no underlying long-term medical condition and is attributable to minor ailments.

The short term absence thresholds are as follows:

- Any absence(s) within a rolling 12 month period which amounts to 2 of your working weeks;
- 3 periods of absence of 1 day or more in any rolling twelve month period;
- a pattern of absence which is causing concern whereby at the Manager's discretion the formal procedure may be initiated. This may include, but is not limited to, a pattern of absences occurring at the beginning or end of a week; during school holidays; coinciding with sporting or other events; or when an employee reports sick on the same day that a leave request had been declined.
- Where your manager has concerns regarding your welfare or your ability to undertake your normal duties

8.2

If you have a disability that is affecting your attendance at work, serious consideration will be given to increasing the threshold levels as a reasonable adjustment where the absences relate to the disability.

8.3

Long Term Absence

Long-term absence is normally identified as an absence from work for 4 weeks or more normally due to an underlying medical condition and/or where there is no prospect of you returning to work in the near future. The threshold for managing long-term absence is 4 weeks of continuous absence in a 12-month rolling period.

8.4

When you reach the threshold for either short term or long-term sickness as defined above, your manager will review your attendance record with you using an Absence Management Meeting, where review periods and targets for improvement will be set.

8.5

There may be occasions where holding an Absence Management Meeting is not appropriate but this must be decided in liaison with Human Resources.

8.6

Where procedures are followed it is legitimate to dismiss on the grounds of 'some other substantial reason' (where no underlying medical condition is identified) or 'capability' where an underlying medical condition is identified.

9. ABSENCE MANAGEMENT MEETINGS (FORMAL PROCESS)

9.0 Whenever you are off work due to sickness, your manager will look at the number of instances and days you have been off sick in the past 12 months to check whether you have reached or exceeded any of the absence thresholds.

If your sickness absence reaches any of the threshold levels, your manager will discuss this with you at a return to work meeting (or will communicate this to you by other means if you are still off work) to make you aware that you have reached the threshold and what this means.

There are normally three formal meetings in the absence management process; these will be referred to as Stage 1 Absence Meeting, Stage 2 Absence Meeting and Stage 3 Absence Meeting.

If you exceed a threshold (e.g. more than 3 instances/2 of your normal weeks OR 4 weeks of continuous long term absence in a 12 month period) in most cases your manager will arrange a formal absence meeting with you, this will usually be at Stage 1

Progression to a formal absence meeting will typically be automatic, although your manager will take into consideration the specific circumstances and may choose not to proceed immediately to a formal meeting. For example:

- Where an absence relates to a 'one off' situation, such as surgical intervention
- Where an absence is related to a critical illness; or
- Where, up to that point, you have had a consistently exceptional attendance record

Managers should seek advice from HR before any decisions are made to ensure a consistent approach is being taken.

9.1 The purpose of the Absence Meeting is to provide assistance and support to you to help improve your attendance to a satisfactory level.

Absence Management Meetings are not disciplinary meetings. The aims of these meetings are to:

- Establish the reasons for your absence; is it medical or non-medical.
- Explain to you the impact the absence is having on the organisation.
- Discuss possible ways of reducing absence in the future.
- Investigate any reasonable adjustments.
- Discuss the possibility of requiring additional information from Occupational Health and what this entails.
- Inform you of the possible actions if your level of absence is not improved.
- Set a review period and targets for improvement to reduce absences.

9.2 **Right to be accompanied**

At all formal stages of the Absence Management Procedure (i.e. formal Absence Meetings) you may, if you wish, be accompanied by a recognised trade union representative or work colleague. Although it would not normally be acceptable for this to be a close relative, consideration will be given to this in exceptional circumstances.

9.3 **Notice**

You will be given at least 5 working days' notice of the meeting. Where a trade union representative or work colleague is not available this should not unduly delay the meeting. However we will seek to accommodate the request to rearrange the meeting but it is not expected that this would need to happen on more than one occasion.

Managers should treat individuals in a sensitive manner. Discussions between you and your manager will be kept confidential so far as reasonably possible. The meetings will be arranged at a suitable venue, which will normally be your place of work. However, in some circumstances (depending on your health and well-being) this may be held at your home with your consent or other suitable location.

Further details of the Absence Management Meetings are in the absence management procedure, Appendix 1.

9.4 **Thresholds following a formal absence meeting**

If you exceed the absence threshold of more than e.g. 3 instances/2 of your normal weeks OR 4 weeks of continuous long-term absence in a 12-month period, your manager will invite you to attend a formal Stage 1 Meeting.

At a Stage 1 Meeting, your manager will ask about your health, discuss your levels of absence and the thresholds you have met, discuss any medical advice from Occupational Health, consider any disabilities and reasonable adjustments and discuss any other support available to you, such as the Employee Assistance Programme.

As part of the Stage 1 Meeting, your manager will set you targets to bring your attendance levels back under the absence threshold (more than 3 instances/2 of your normal weeks).

Where the Stage 1 Meeting was due to long term absence, your line manager will set you a target depending on the medical advice available to them.

If this target is not achieved within the set timescale, your line manager will then invite you to attend a Stage 2 Meeting.

At the Stage 2 Meeting, the absence thresholds are reset and you would only proceed to the next formal absence meeting (Stage 3 Meeting) if you exceed any of the thresholds again over the next 12 months or if a long term absence continues to the next review period (see below)

If you are absent before attending a scheduled formal absence meeting, the meeting will be rearranged and the total instances or days will be taken into account.

9.5 **Review Periods**

One of the outcomes of the Stage 1 absence meeting will be to set a relevant period of time for your manager to review your attendance. The review periods should normally be set for a 2 – 4 month period. In certain circumstances, it may be appropriate to set a longer review period depending on the level of the meeting, previous attendance record and nature of the absence/absences This must be done in consultation with Human Resources.

If your absences do not improve during the review period your manager will need to decide whether another absence management meeting is needed.

9.6 **Combined short-term and long-term absence**

Occasionally, you might reach thresholds with a mixture of long and short-term absence. When this happens, your manager will continue to manage your sickness absence and you will still progress through the appropriate sickness absence process.

9.7 **Sustaining your Return to Work**

When you return to work you will be expected to achieve and maintain a level of absence which does not exceed the absence thresholds or the agreed target set by their manager. The point where your absence got to in the absence management procedure will remain “live” for one year. Your absences will be reviewed throughout this time and if the satisfactory improvement proves only to be of a temporary nature then your manager has the option of returning immediately to the point in the procedure that you had reached when you returned to work.

If you return to work following a period of long-term absence (i.e. over 4 weeks), you will have also exceeded the threshold for short-term absence and further short-term absence will be managed under this procedure from the point in the procedure you had previously reached.

If you had previously been managed under the short-term absence procedure prior to being absent on long term sickness you will return to the point in the procedure you had previously reached.

9.8 Repeated long term absences

If you have 2 or more periods of long-term absence in any 24-month period, you will automatically be referred to a Stage 2 Attendance Management Meeting. At this meeting your absences will be reviewed in detail and consideration will be given to how you can improve your attendance.

10. PHASED RETURN TO WORK

10.0 Following a period of long-term absence Occupational Health may recommend that a phased return to work would be beneficial. The phased return period will normally be for four weeks or less and involves a gradual build-up of hours and/or duties. Employees will receive their normal pay from day one of the phased return.

If you wish to request to increase the phased return beyond four weeks, you will be asked to cover non-working time during the extended period with annual leave. A phased return to work may include modification to days or hours of work or adjustment to duties.

11. REASONABLE ADJUSTMENTS

11.0 The Council is required to consider making reasonable adjustments to assist employees' who have a disability as defined under the Equality Act 2010.

Adjustments may take a number of forms and may be temporary or permanent, including:

- Providing you with practical aids or making adaptations to premises or equipment;
- Reduction in your working hours or changes to your working pattern;
- Amendments to your duties (normally temporary).

We will give consideration to adjustments both from the perspective of the employee and also with due regard to the reasonableness of those adjustments from an operational point of view.

In many cases it will be possible to accommodate adjustments to some degree or other; however in some cases it may not be considered reasonable to accommodate all or some of those adjustments. Where this is the case your manager should be able to clearly explain the reasons for being unable to accommodate the adjustments.

12. REDEPLOYMENT

12.0 Redeployment will only be considered when other options to return you back to your substantive role have been unsuccessful and where medical advice indicates that you are unable to perform the duties of your current role, with reasonable adjustments.

In some cases, Occupational Health will not be able to recommend redeployment, despite you being unable to return to your substantive post.

The aim of redeployment will be to find a position that you can fulfil and where reasonable adjustments can be accommodated, if required.

12.1 Opportunities for redeployment are limited and these are dependent upon vacancies that exist in the organisation at the time that redeployment is being considered. This will include both permanent and fixed term vacancies. If you are offered and you accept redeployment into a fixed term vacancy, as an alternative to the termination of employment, you will transfer from permanent contract of employment to a fixed term contract of employment.

12.2 Where you are redeployed for health reasons, into a fixed term appointment, the normal arrangements for notice, redeployment and redundancy will apply to you at the end of the contract.

12.3 Where you are re-deployed due to health reasons to a lower graded post, pay protection does not apply.

12.4 If no suitable redeployment opportunities are available and you are unable to return to your existing role, consideration will be given to progressing the formal absence management procedure through to stage 3 of the procedure.

13. CAPABILITY AND ILL HEALTH RETIREMENT

13.0 **Capability dismissal**

If it is decided following an Absence Meeting 3 that there's nothing more that can be done to help you return to work, or that your short term absence levels are no longer sustainable, then it's possible you will be dismissed on the grounds of capability due to ill-health or some other substantial reason depending on the reasons for sickness absence. This decision would only be taken after all mitigating factors, reasonable adjustments and redeployment possibilities had been explored. Absence Meeting 3 can only be held by a Corporate Director or Chief Executive with the authority to dismiss.

13.1 **Ill Health Retirement**

If you are a member of the Local Government Pension Scheme, below normal retirement age, and advice from Occupational Health is that you are permanently unfit to carry out the duties of your post, you may be dismissed on the grounds of capability due to ill-health with access to pension benefits. This is known as ill health retirement.

13.2 Where you may be eligible for ill health retirement (release of pension due to reasons of ill health) you will be referred to an Independent Physician through Occupational Health, for an assessment of your health.

13.3 Where ill health retirement is being considered, HR will be able to provide general information on the ill health provisions within the Pension Scheme Regulations.

13.4 To qualify for ill health retirement the Pension Scheme requires that you are permanently incapable of discharging the duties of your current employment, and has a reduced likelihood of any gainful employment before normal retirement age.

13.5 Consideration must be given to the possibility of reasonable adjustments to your substantive role and to the option of suitable alternative employment within the Council, before the Physician will be able to advise the Council that the you are eligible for release of pension benefits.

13.6 There are 3 Tiers of ill health retirement within the Pension Scheme Regulations and the Physician will advise the Council of which of these Tiers you satisfy.

13.7 There are occasions where an employee with a serious long term or terminal condition may wish to be dismissed and/or may be eligible for early release of pension benefits and therefore there may be some discretion on the application of the procedure.

14. APPEALS

14.0 At all stages of the formal Absence Management Procedure employees have the right of appeal to the next level of management or to the Employment and Appeals Panel in the case of dismissal.

Appeals must be submitted in writing to the Human Resources Manager within 10 working days of receipt of the written outcome of the meeting clearly stating the grounds for appeal.

Appeals against any formal level within the Absence Management Procedure except dismissal will only be considered for the following reasons:

- To appeal against the level of target or duration of review period set.
- The employee believes that the original hearing officer reached an unfair decision.

Where possible the appeal will be heard within 10 working days of an appeal being received.

The decision of the hearing officer will be communicated to you in writing within 5 working days of the hearing.

The decision of the hearing officer will be final.

14.1

Appeals against dismissal

Appeals against dismissal will be heard in line with the Appeals against Dismissal Policy.

Risk Assessments are in place and our buildings are Covid secure. Meetings should be held with only essential members present and must adhere to social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning.

15. SICKNESS DURING THE WORKING DAY

15.0

If you have worked for more than half of your expected hours and then have to leave work through ill-health, this will be counted as a full day's attendance.

If you have worked for less than half your expected hours and have to leave work through ill-health, this will be counted as a full day's sickness absence for monitoring purposes, and will be counted in the calculation of trigger points.

16. ACCIDENT OR INJURY AT WORK

16.0

If you consider your illness arises from an accident at work you must notify your line manager immediately so that the Accident Incident Reporting Form can be completed. If you are absent from work due to an accident or injury at work your absence will be treated in the same way as if your absence was due to sickness and therefore the Absence Management Procedure should be followed. Absences must still be supported by a doctor's certificate if they persist for longer than seven calendar days.

16.1

Absences due to a work related accident, incident, disease or dangerous occurrence must be treated on a case-by-case basis. Line managers should seek advice as appropriate from Health and Safety. It is the line manager's responsibility to ensure that accident/incident reports are completed so that where necessary reports and information can be forwarded to the HSE in line with the RIDDOR Regulations.

- 16.2 An absence which counts as a confirmed work-related injury or illness will continue to accrue towards the trigger points as set out in this policy. It is anticipated, however, that in such cases the emphasis will normally be focussed on providing reasonable support for you to enable you to return to work within a reasonable timescale.
- 16.3 In accordance with the Local Scheme of Conditions of Service an employee who is absent from work as a result of an accident is not entitled to a sick pay allowance if damages may be receivable from a third party. The Council may at its discretion advance the allowance provided the employee agrees to refund the amount from any damages awarded. It is the employee's responsibility to inform the Council of any claims they have submitted and damages awarded.

17. MEDICAL/HOSPITAL APPOINTMENTS

- 17.0 Attendance at doctors, dentists and hospital appointments are not classed as sick leave and they should not be recorded as such.

Wherever possible, you should make medical/dental appointments outside of your normal working hours. However, where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments and you will be required to make up the time, either by staying late or by using flexi time where this scheme is operated.

If it is not possible to arrange appointments out of work hours permission to attend during work hours should be sought and should not be unreasonably refused. Except in cases of emergency, you should advise your line manager of the proposed time of the appointment as soon as possible and must produce an appointment card or letter if asked. Where there are a series of appointments for regular and on-going treatment, acceptable arrangements need to be approved by your line manager for handling these.

Under normal circumstances time will not be credited to staff for time away from work for doctor or dentist appointments however where a hospital appointment is necessary this will be treated as authorised absence and time credited in line with section 9.8 of the Flexitime Policy.

18. DISABILITY LEAVE

- 18.0 Disability leave is different from sick leave or annual holiday entitlement. It is most commonly used to allow you paid time off for rehabilitation, assessment or treatment.

Examples of situations where disability leave might be appropriate include:

- time off to attend annual check-ups
- medical appointments that occur unavoidably during working hours
- time off for treatment or surgery
- time off to attend physiotherapy
- time off for counselling and hospital appointments
- time off for specific rehabilitation activities such as sign language training.

Time taken for disability leave should always be recorded separately to sickness absence. An appointment card or letter must be produced upon request.

19. ANNUAL LEAVE ENTITLEMENT IN RELATION TO SICKNESS ABSENCE

19.0 If you become unfit for work either immediately prior to or during a period of pre-booked annual leave must comply with sickness reporting procedures (where practical) and provide a Fit Note to cover the period you wish to reclaim.

In such situations the reason for the employee remaining unfit for work must not conflict with likely activities undertaken whilst on holiday or activities required to undertake the holiday itself. If the you become fit for work whilst still on leave, you should also confirm the date on which you would have been fit to work on your return from leave.

19.1 If you are absent due to long term sickness, you will accrue annual leave and may request to take this during a period of long term absence. If you wish to take leave during long term absence, you should request this in writing via your line manager.

19.2 If you return to work in the current leave year, every effort should be made to take your remaining contractual annual leave entitlement to assist with your rehabilitation back to work. Should you be unable to take all of the leave, you are allowed to carry it forward into the new leave year.

19.3 If you return to work in a new leave year, you still have the right to the contractual annual leave you accrued whilst off sick during the previous leave year, which you should be allowed to carry forward into the new leave year. However, it is recommended that you take most or all of this leave in a block in the first month after your official return to work date or to assist with extending a phased return to work.

20. ABSENCE FROM HOME ADDRESS WHEN ABSENT ON SICK LEAVE

- 20.0 There are occasions when an individual who is absent on sick leave is away from his/her home address, e.g. to stay with parents; convalesce; go on holiday (acceptable as long as nothing is done which might worsen the condition or otherwise prolong the sickness absence). You must agree to provide your line manager with the revised necessary contact details and the length of time you are likely to be away from home.

21. ABUSE OF SICKNESS SCHEME

- 21.0 In cases where abuse of the sickness policy is suspected, which may include, failure to report sickness absence at the appropriate time; non-attendance at an Occupational Health appointment without reasonable cause; failure to submit a Doctor's fit note at the appropriate time; submission of forged or false fit notes; deliberate conduct prejudicial to the employee's own recovery; or due to the employee's misconduct or neglect, sick pay may be suspended and consideration may be given to disciplinary action. Advice from HR must be sought in these cases.

22. CASES OF SUSPECTED MISCONDUCT

- 22.0 There occasionally will be circumstances where some form of disciplinary action may be appropriate. This only applies in cases of misconduct. Where there is a sickness or welfare issue the matter will be dealt with under the Attendance Review Procedure.
- 22.1 The action that needs to be taken, or indeed when to take it, will vary in each case and will be dependent upon the facts. The following situations would normally be those where consideration may be given to instituting the Disciplinary Procedure:-
- Failure to follow the notification rules by not contacting the Designated Officer during the first day of absence and having no good reason for doing so.
 - Providing an unsatisfactory reason for being absent from work.
 - Frequent short-term sickness absence, and suspicious patterns of absence where there is no satisfactory account at the return to work interview.
 - Unauthorised absence.
 - Deliberate falsification of a doctor's certificate.
 - Abuse of the Council's sickness scheme.
 - Refusal to return to work when appropriate agreed adjustments are put in place

The last three examples are potentially gross misconduct.

- 22.2 On each occasion the responsible line manager should take action in accordance with the normal disciplinary procedure. It is important that minor misdemeanours are not ignored.
- 22.3 If the Disciplinary Procedure is invoked, the first stage will be to investigate the situation by interviewing the employee as soon as possible in order to determine the reason for absence and to consider any other evidence available.
- 22.4 The overall objective is to improve the individual's attendance record to an acceptable standard. Any warnings given should be accompanied by a timescale for improvement and the situation must be monitored and reviewed throughout this period.

23. SICKNESS AND 1-2-1 MEETINGS

- 23.0 The 1-2-1 meetings provide an opportunity to consider an individual employee's sickness and review the overall picture, examine possible trends and learn, by seeking to determine how well supported the employee was on their return. The review does not replace the Return to Work interviews or other good management practice in dealing with sickness absence issues.

24. EQUALITY IMPACT ASSESSMENT AND MONITORING

- 24.0 The operation of this policy will be monitored for its impact on different staff groups in line with the Equality Act 2010. This will enable the Council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

25. DATA PROTECTION

- 25.0 In implementing this policy, the Council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

APPENDIX 1 – ABSENCE MANAGEMENT PROCEDURE

Short term absence is normally identified as absence that has no underlying long term medical condition and is attributable to minor ailments. Often the employee will only be absent for a few days. Short term absence is the most disruptive in terms of service delivery.

Long term absence is identified as an absence from work for 4 weeks (or more) with an underlying medical condition and/or where there is no prospect of a return to work in the near future.

For long term absence cases progression to formal action may not be necessary if the return to work is imminent or if the manager feels that progress is being made and an early return to work/improvement is likely (as discussed at informal welfare meeting), no further action is required except, where the manager considers appropriate, a referral to Occupational Health to confirm fitness to return to duty.

Informal Actions**Short term absences**

- Return to work discussions after every absence
- Discuss absences and identify any underlying reasons
- See if any assistance can be offered
- Advise employee of consequences of hitting absence thresholds
- Maintain records of all discussions

Long term absences

- Informal welfare meeting (At two weeks).
- Keep in touch with the employee
- Send copies of any communications that have been issued to staff, e.g. core brief (unless the employee has requested they do not want to receive such items).
- Any changes in sick pay entitlement should be communicated to the employee, e.g. full pay reduces to half pay.
- Ensure employees are aware that they can access the Employee Support Programme

Stage 1**Absence Management Meeting**

In cases where an employee's attendance meets the Council's attendance thresholds, or there is a pattern of absence which is causing concern, the employee will be invited to attend a Stage 1 Absence Management Meeting with their line manager.

Template letters are available from HR for all written correspondence as part of the Attendance Management Procedure

Preparation before the meeting:

The manager will write to the employee and invite the employee to a meeting to discuss their sickness absence. The manager may invite a member of Human Resources to also attend this meeting if required, this is recommended in the majority of cases.

The letter from the manager must:

- Require the employee to attend a meeting to discuss the matter – informing him/her of the stage of the procedure they are at;
- Give at least five days' notice;
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice;
- Advise the employee that they have the right to bring a trade union representative or work companion;
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in his/her absence. Managers must take advice from Human Resources in these circumstances.

During the Meeting:

The purpose of the Stage 1 Absence Management Meeting is to:

Short term absence

- Discuss the employee's absence record;
- Review the number of and/or pattern of absences;
- Explore the reasons for the high level of absences;
- Discuss (if available) any OH information that has already been requested;
- Identify areas for support;
- Set an improvement target and review period;
- Explain the consequences of failing to achieve the target

Long term absence

- Review the employee's absence to date;
- Review what steps are being taken to assist the employee back to work;
- What steps the employee and their medical advisors are taking to facilitate that process;
- Review recent OH advice (as appropriate);
- Consider opportunities to temporarily or permanently amend hours or duties;
- Consider opportunities to introduce other workplace adjustments;
- Consider the likely timescale within which the employee will return to work;
- Discuss the next steps and inform the employee of the potential outcomes if their absences continue.
- Set a monitoring period to review the employee's absence

The employee will be expected to participate in the discussion and offer their own suggestions for how they might improve their attendance.

In cases where the employee has an underlying disability, as defined in the Equality Act 2010, advice must be obtained from HR on the appropriate target and review period. Subject to the nature of the absences and the nature of the disability it may be appropriate to set a more generous target as an adjustment under the act.

Where appropriate reference should be made to other supporting policies such as work life balance and flexible working options.

Outcomes of meeting:

- A review period should be set for the employee to achieve a sustained improvement in their attendance or return to work. The sustained improvement required is for the employee to reduce their current level of sickness to below the Council's trigger point. The monitoring period may be brought to an end earlier if the employee fails to meet the level of attendance required;
- Agree on any reasonable adjustments or forms of support that might be put in place to reduce absences;
- Advise the employee that should their attendance not significantly improve, or they are unable to return to work during the agreed period set, then they will be subject to a Stage 2 Absence Management meeting;
- The outcome of the Stage 1 Absence Management meeting will be confirmed in writing to the employee.

Follow Up Action:**Short term absence**

- A follow up review meeting must be arranged for the end of the review period. If the employee's attendance has improved the manager should commend them on the

Long term absence

- The manager will stay in touch with the employee and review absence at the end of the review period.

improvement shown and advise that they are no longer subject to formal review.

- The manager should advise that if the employee's attendance deteriorates again, so that they exceed the thresholds then they could progress to a Stage 2 meeting.
- The manager will write to the employee following the review meeting to confirm the outcome and what was discussed.
- If the level of attendance has not reached the required level and the employee will be subject to Stage 2.

Stage 2 Absence Management Meeting If following the review period set at the Stage 1 Absence Management Meeting the employee fails to provide an immediate and sustained improvement in their attendance or are still absent from work, they will be invited in writing to attend a Stage 2 Absence Management Meeting.

Preparation before the meeting:

The meeting will normally be held by the Head of Service who will write to the employee and invite them to a meeting to discuss their sickness absence. A member of Human Resources should also be invited to the meeting.

The letter from the manager must:

- Require the employee to attend a meeting to discuss the matter – informing him/her of the stage of the procedure they are at;
- Give at least five days' notice;
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice;
- Refer to previous warning(s);
- Inform the employee that they have the right to bring a trade union representative or work-place companion;
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in his/her absence. Managers must take advice from Human Resources in these circumstances.

The manager should ensure that the employee has been referred to OH prior to the meeting if this has not already taken place so that OH advice is available for consideration at the Stage 2 meeting.

During the Meeting:

The purpose of the Stage 2 Absence Management Meeting is to:

Short term absence

- Review and reaffirm issues previously discussed with regard to the employee's attendance;

Long term absence

- Discuss any progress or improvements in the employee's health
- Review the employee's absence to date;

- Review the number of and/or pattern of absences;
- Explore the reasons for the high level of absences;
- Discuss any recent OH advice;
- Identify any further areas for support;
- Review the efficacy of any support already provided to the employee and amend if appropriate;
- Set an improvement target and review period;
- Explain the consequences of failing to achieve the target.
- Review what steps are being taken to assist the employee back to work;
- What steps the employee and their medical advisors are taking to facilitate that process;
- Review recent OH advice (as appropriate);
- Consider opportunities to temporarily or permanently amend hours or duties;
- Consider opportunities to introduce other workplace adjustments;
- Consider the likely timescale within which the employee will return to work;
- Discuss the next steps and inform the employee of the potential outcomes if their absences continue.

The employee will be expected to participate in the discussion and offer their own suggestions for how they might improve their attendance.

Outcomes of meeting:

Short term absence

- Set a monitoring period for the employee to achieve a sustained improvement in their attendance. The sustained improvement required is for the employee to reduce their current level of sickness to below the Council's trigger point.

Long term absence

- Set a further monitoring period in order to review the employee's absence. If at the end of the monitoring period they have been unable to return to work and the prognosis is still unclear or redeployment has not been successful then they will progress to the next stage of the procedure which could lead to dismissal on the grounds of capability where an underlying medical condition is identified.

- Agree on any further reasonable adjustments or forms of support that might be put in place to reduce absences
- Decide whether to utilise the option of requesting the employee to produce a GP's Fit Note from the first day of each period of sickness absence during the monitoring period any cost will need to be reimbursed by the Council.
- Advise the employee that if there is no improvement within the review period the employee will be required to attend an Absence Management Meeting at Stage 3 of the procedure the outcome of which could be dismissal.
- The outcome of the Stage 2 Absence Management Meeting will be confirmed in writing to the employee (template letter available from HR)

Follow Up Action:**Short term absence**

- A follow up review meeting must be arranged for the end of the review period. If the employee's attendance has improved the manager should commend them on the improvement shown and advise that they are no longer subject to formal review.
- The manager should advise that if the employee's attendance deteriorates again, so that they exceed the trigger point in the 12 months following the successful completion of the review period they will automatically re-enter the formal process at Stage 2.
- The manager will write to the employee following the review meeting to confirm the outcome and what was discussed.
- If the level of attendance has not reached the required level and the employee will be subject to Stage 3.

Long term absence

- The manager will stay in touch with the employee and review absence at the end of the review period.

**Stage 3
Absence
Management
Meeting****Management**

If following the review of Stage 2 the employee still fails to provide a sustained improvement in their attendance or return to work, they will be invited in writing to attend a Stage 3 Absence Management Meeting to discuss the way forward the outcome of which may be dismissal.

Preparation before the meeting:

The manager will write to the employee and invite them to a meeting to discuss their sickness absence. The meeting will need to be chaired by a Corporate Director and a member of HR must also be in attendance.

The letter from the manager must:

- Require the employee to attend a meeting to discuss the matter – warning that a possible outcome of this meeting is dismissal;
- Give at least five days' notice;
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice;
- Refer to previous warning(s);
- Inform the employee that they have the right to bring a trade union representative or work-place companion;
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in his/her absence. Managers must take advice from Human Resources in these circumstances.

A Human Resources representative must be present at the Stage Three meeting. His/her role is to advise the Director on correct procedures and attendance management measures, but the Director makes the final decision on any attendance management measure that may be applied.

During the Meeting:**Short term absence**

- The Director chairing the meeting will consider whether, having reviewed the information presented, there are any further actions that the Council can take to assist the employee in improving their attendance and thereby continuing in employment;
- The employee will be given the opportunity to present their case and any mitigating circumstances;
- Others involved such as the line manager may also be asked to provide information on what steps have been taken to improve the employee's attendance.

Long term absence

- The Director chairing the meeting will consider whether an employee is able to continue in employment and all reasonable alternatives to retain the employee in work have been considered;
- The employee will be given the opportunity to give an explanation as to why their attendance has not improved and any mitigating circumstances;
- Others involved in managing the absence such as the line manager may also be asked to provide information on what actions have been taken.

When reaching a decision about whether or not to terminate employment the Director will consider issues such as:

Short term absence

- Operational needs of the service and the need for the work to be undertaken;
- The impact of the employee's absence and ill health on other employees and service delivery;
- The employee's absence record;
- Financial and cost implications;
- Representations made by the employee and their representative
- What actions have been taken to attempt to enable the employee to continue in employment;
- What if any consideration has been given to alternative duties on either a temporary or permanent basis
- Medical advice received.

Long term absence

- How long the employee has been absent;
- The nature of the incapacity;
- The likelihood of a return to work in the near future;
- The operational needs of the service and the need for the work to be undertaken;
- The impact of the employee's absence and ill health on other employees and service delivery;
- Financial and cost implications;
- Representations made by the employee and their representative;
- What steps have been taken to attempt to enable the employee to continue in employment;
- What, if any, consideration has been given to alternative duties on either a temporary or permanent basis;
- Medical advice received.

The above lists are not exhaustive and the weight attached to each issue will depend upon the circumstances of the case. It will be the responsibility of the Director in making the decision to balance both the needs of the employee and the requirement for effective delivery of Council services.

Outcomes of meeting:**Short term absence**

- If the Director concludes that the employee is to be dismissed for short term persistent absence the dismissal will be linked to the

Long term absence

Following due consideration of the information provided at the Stage 3 Attendance Meeting the Director may consider any of the following actions:

employee's inability to attend work to an acceptable standard

- If the Director decides that dismissal is not appropriate a further review period and targets should be set.
- A further period of review whilst the employee's absence continues to be supported/managed, before the convening of another meeting at stage 3 of the procedure;
- Retirement on the grounds of ill-health (this can only be considered if supported/recommended by Occupational Health Physician);
- Dismissal on the grounds of capability due to ill health

Follow Up Action:

- The outcome of the Absence Management Hearing will be confirmed in writing to the employee.

Right of Appeal (see section 14)

Employees have the right of appeal against the decision of the hearing officer following each of the formal stages of the Absence Management Procedure.

Appeals against dismissal will be heard in line with the Appeals against Dismissal Policy.