



# **Promoting Attendance and Controlling Absence Policy and Procedure**

# TABLE OF CONTENTS

Contents		Page
1.	Policy Statement	1
2.	Aims of the Policy	1
3.	Scope	2
4.	Notification and Reporting Arrangements	2
5.	Notification of Sickness or Injury	2
6.	Responsibilities	4
7.	Occupational Sick Pay	5
8.	Return to Work Interviews	7
9.	Referral to Occupational Health	7
10.	Absence Management	9
11.	Absence Management Meetings (Formal Process)	9
12.	Phased Return to Work	11
13.	Reasonable Adjustments	11
14.	Redeployment	12
15.	Ill Health Retirement	12
16.	Appeals	13
17.	Sickness During the Working Day	14
18.	Accident or Injury at Work	14
19.	Medical/Hospital Appointments	15
20.	Disability Leave	15
21.	Annual Leave Entitlement in Relation to Sickness Absence	15
22.	Absence From Home Address When Absent On Sick Leave	16
23.	Abuse of Sickness Scheme	16
24.	Cases of Suspected Misconduct	16

25.	Sickness and 1-2-1 Meetings	17
26.	Equality Impact Assessment and Monitoring	17
27.	Data Protection	17
	APPENDIX 1 – ABSENCE MANAGEMENT PROCEDURE	18

## Pandemic

In response to a pandemic all Council employees are expected to follow the social distancing and public health guidelines published by the Government and by the Council in order that the highest level of Health and Safety working practices are met.

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

Pandemic Risk Assessments must be followed at all times and any issues raised immediately with an appropriate line manager

### 1. Policy Statement

- 1.1 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.
- 1.2 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.
- 1.3 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.
- 1.4 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 Doctor's Certificates, attending return to work interviews, attending Occupational Health appointments and maintaining appropriate contact with the Council.

### 2. Aims of the Policy

- 2.1 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.
- 2.2 The Promoting Attendance and Controlling Absence Policy and Procedure is designed to provide guidance on management of both long term and short term sickness absence. The Council will take a supportive approach, whilst aiming to achieve a balance between the needs of the individual and the needs of the service.

### 3. Scope

- 3.1 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.
- 3.2 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.

### 4. Notification and Reporting Arrangements

- 4.1 These guidelines have been produced to help employees understand the importance of their personal contribution toward improving attendance and controlling absence, by ensuring that they acknowledge the importance of attending work and fully understand what is expected of them.
- 4.2 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.

### 5. Sickness absence due to Coronavirus

- 5.1 Do not come into the workplace if you have symptoms of coronavirus. You should report sickness absence to your manager and maintain contact during your absence as normal.

The most common symptoms of coronavirus (COVID-19) are recent onset of:

- new continuous cough and/or
- loss of sense of taste and/or smell and/or
- high temperature

For most people, coronavirus (COVID-19) will be a mild illness.

If you have coronavirus (COVID-19) symptoms:

- do **not** go to a GP surgery, pharmacy or hospital
- you do not need to contact 111 to tell them you're staying at home

If you feel you cannot cope with your symptoms at home, or your condition gets worse, or your symptoms do not get better after 7 days, then use the [NHS 111 online](#) coronavirus (COVID-

19) service. If you do not have internet access, call NHS 111. For a medical emergency dial 999.

5.2 If you live in the same household as someone with coronavirus symptoms, you must self-isolate straight away for 14 days. If you are able, you should continue to work from home during self isolation.

### 5.3 **Self Certification with Coronavirus**

Employees can 'self-certify' for the first 7 days off work. This means following the normal workplace process for reporting sickness absence (see 6.1) but not having to get a note from a doctor or NHS 111.

Those self-isolating due to coronavirus for more than 7 days can get an online self-isolation note from the:

- [NHS website](#)
- [NHS mobile phone app](#) – for those registered with a GP in England

### 5.4 **If someone is told to self-isolate by a test and trace service**

If a government 'test and trace' service tells someone they've been in close recent contact with someone who has tested positive, they must self-isolate for 14 days. If they develop symptoms, everyone else in their household must self-isolate for 14 days. This is crucial to avoid unknowingly spreading the virus.

Self-isolation means staying at home and not going outside your home at any time. If you live with other people, they do not need to self-isolate, but they should avoid contact with you as far as possible and follow advice on hygiene. If you do not live with other people, you should seek help from others, or delivery services, for essential activities such as food shopping. Self-isolation can be particularly challenging if you are looking after children, or if you care for vulnerable people who cannot stay with friends or family.

If you go on to develop symptoms, anyone you live with must then self-isolate and you must report your symptoms and get tested.

It is crucial that you complete your 14-day self-isolation period if you've been identified as a contact, even if you get a negative test result. This is because you may have the virus, but it cannot yet be detected by a test, so you could unknowingly spread the virus if you leave the house. Other members of your household, however, do not need to remain in self-isolation.

5.5 Any employee that is absent from work due to having tested positive for Coronavirus will have their absence recorded as sickness. This period of time will count towards their calculation of Occupational Sick Pay entitlement however the recorded absence will not contribute towards attendance triggers under this procedure.

5.6 Any employee that is required to self isolate and can not work from home will be recorded as self isolating. This will not count towards their Occupational Sick Pay or attendance triggers under this procedure.

5.7 Any employee that is required to self isolate and their job allows them to work from home will be expected to work from home and their absence will not be recorded as self isolation.

5.8 Any employee that has reported as self isolating must self isolate. Where the Council has reasonable suspicion that the employee is not following government advice, disciplinary action may be taken.

5.9 Any employee that has reported as self-isolating may be required by the council to be tested for COVID-19. If the result is positive this will be dealt with as sickness absence if they are not able to work from home.

## 6. Notification of Sickness or Injury

### 6.1 On the First Day of Absence

6.1.1 On the first day of absence you must report sickness absence as early as possible to your line manager and no later than 10.00 am, (or in accordance with the instructions issued by your line manager if you work non-standard hours) on your first day of absence.

6.1.2 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.

6.1.3 It is not normally acceptable for someone to telephone on your behalf or for you to inform your manager of your 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.

### 6.2 Contact during your first week of absence

6.2.1 You must keep your line manager informed of your progress whilst absent. Except in exceptional circumstances or by prior agreement by your line manager contact should not be made by text or email.

6.2.2 Where the employee is unsure whether they will be fit to return to work, but the absence is still considered to be short term, they must maintain a regular pattern of contact with their manager. As a minimum this should be on day 1, 3 & 5 of the absence or if agreed by the employee on a daily basis.

5.2.3 In exceptional circumstances it may be impossible for the employee to telephone in person, e.g., if they have been seriously injured and are so incapacitated that they are unable to make it to the phone. The person making contact on behalf of the employee must be prepared to provide the information that would normally have been provided by the employee. The employee must make direct contact with the line manager as soon as they are able to do so.

### 6.3 Eighth Day

6.3.1 On the eighth day of absence (or first available working day after this) the employee must contact the manager and further discuss the reason for their continued absence, likely duration of sickness, any treatment they are receiving and any other relevant matters.

6.3.2 In addition, from the eighth day of absence the employee must obtain a "Statement of Fitness to Work" or medical certificate signed by a doctor to certify the reason for their absence.

### 6.4 Contact during longer periods of absence

6.4.1 When an employee is absent from work due to sickness it is important that regular (at least

weekly) contact is maintained between the manager and employee. It is expected that this contact will be via the telephone or in person. It is important to maintain contact for the following reasons:

- To maintain a regular dialogue between the employee and manager
- To ensure that the employee does not feel isolated. It is recognised that where an employee begins to feel disconnected from their work environment they are less likely to return to work in the short term
- To ensure that opportunities to provide relevant support and assistance for the employee are identified
- To provide the employee with opportunities to raise any concerns they have regarding their absence
- To allow the manager to temporarily reallocate duties.

## 6.5 **Informal Welfare Meeting**

- 6.5.1 Where Occupational Health have not been involved in the early stages of the absence and it is apparent that an employee is going to be absent from work for a longer period of time thereby likely to reach the trigger for long term absence (4 weeks or more), the line manager must arrange to meet with the employee to discuss their current health situation and what assistance the Council can provide to assist them in a return to work. This meeting will normally take place at 2 weeks of absence.
- 6.5.2 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.
- 6.5.3 The employee 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.
- 6.5.4 The meeting will normally take place either at the employee's home or at the workplace. The location of the meeting will be largely determined by the employee's health and mobility.
- 5.5.5 Whilst this is an informal meeting, a brief follow up letter, incorporating what has been discussed, will be sent to the employee by the manager, following the welfare meeting to clarify discussions.

## 6.6 **Statement of Fitness to Work / Fit Notes**

- 6.6.1 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.
- 6.6.2 Managers are expected to give full consideration to whether the proposed adjustments can be accommodated, to support the employee back to work at an earlier point. In some circumstances it may be appropriate to consider temporarily moving the employee to a different role or service, if suitable alternative work is available.
- 6.6.3 If the employee believes that they are well enough to return to work, prior to the expected return to work date on the medical certificate, the employee should first discuss this issue with their manager or HR. Fit notes are advice notes and as such an employee may decide that they feel sufficiently well to return to work earlier than the GP anticipated.
- 6.6.4 Employees are expected to return to work promptly at the end of their medical certificate.

## 7. **Responsibilities**

---

## 7.1 **Managers**

7.1.1 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.

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

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

## 7.2 **Employees**

7.2.1 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.

## 8. Occupational Sick Pay

### 8.1 Entitlement to Occupational Sick Pay

- 8.1.1 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.
- 8.1.2 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 <sup>st</sup> year of service	1 months full pay	after 4 months service - 2 months half pay
During 2 <sup>nd</sup> year of service	2 months full pay	2 months half pay
During 3 <sup>rd</sup> year of service	4 months full pay	4 months half pay
During 4 <sup>th</sup> & 5 <sup>th</sup> year of service	5 months full pay	5 months half pay
After 5 years' service	6 months full pay	6 months half pay

- 8.1.3 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.
- 8.1.4 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.
- 8.1.5 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.
- 8.1.6 Where there is medical evidence that an employee is no longer or unlikely to be sufficiently fit to fulfil the responsibilities of the job, the Council reserves the right to terminate employment before the expiry of contractual/occupational sick pay, in accordance with this policy.

### 8.2 Withdrawal of occupational sick pay

- 8.2.1 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.

8.2.2 The following situations will be classed as unauthorised absence and an employee 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.

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

8.2.4 Where sick pay is withdrawn the employee will be advised of the reasons; the length of time sick pay will be withdrawn; and their right of appeal for reinstatement of sick pay to the Director. In these circumstances, the employee will be asked to enter their grounds for appeal in writing, and their appeal will be considered at stage 2 of the Grievance Procedure by the relevant Director.

8.2.5 Where any part of sick pay is reinstated this will be reimbursed to the employee at their next normal salary payment date.

## 9. Return to Work Interviews

9.1 Return to work interviews must be conducted after every period of absence ideally on the first day of the employee's return. 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 a manager 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 the employee.

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

9.3 The manager should express their concern for the employee's welfare, balanced with their concerns about service delivery and the impact on other team members. The manager should

also discuss with the employee options for further assistance to improve their attendance, if required.

- 9.4 It is important that the employee's absence record is discussed and that they are made aware of where they are in respect of the triggers.
- 9.5 If the employee has reached the triggers they should be advised that they will need to attend an Absence Management Meeting.
- 9.6 The return to work form must be completed on the Crown system to record the points discussed at the meeting.

## 10. Referral to Occupational Health

- 10.1 The Council seeks to support employees via the provision of an on-site Occupational Health advisor. The role of Occupational Health is to provide advice and guidance to the Council and employees on matters relating to employee health and attendance. The OH provider will work with the Council to support good levels of attendance. **All appropriate measures will be taken to ensure that safe social distancing can be followed during all Occupational Health meetings.**
- 10.2 Where a manager has concerns about an employee's health a referral to OH may be beneficial. The manager may wish to seek advice on this matter from the HR section.
- 10.3 There are several circumstances during which employees may be referred to Occupational Health. They are:
  - where sickness absence is giving cause for concern e.g. repeated spells of sickness or long term absence
  - following an accident at work
  - where an employee has been off sick for a period of 2 weeks or the absence is expected to last 2 weeks or more
  - where their sickness pay entitlement has been exhausted
  - where there is concern about the particular aspects of an employee's health in relation to their ability to do their job
  - muscular skeletal or stress/depression related problems
  - where it is known, prior to an absence, that an employee is going to require time off work for health related issues, e.g. elective surgery.
  - where the employee may not be fit for their substantive role but may be fit for adjusted duties
- 10.4 Prior to the referral the manager should discuss with the employee why they consider a referral to OH will be of assistance. Managers will complete a referral form for the initial OH appointment, which is available on the HR pages of the intranet. It is important that information on the form is factually correct and provides the OH advisor with sufficient information to ensure the employee gets benefit from the appointment and the Council receives relevant information as a consequence.
- 10.5 HR will book an appointment for the employee and will inform the manager and employee of the date, time and location of the appointment.
- 10.6 The OH provider will ensure that the employee is aware of their rights under the Access to Medical Reports Act, if the OH advisor considers it beneficial to obtain a report from the employee's GP or consultant.

- 10.7 Following the appointment the OH advisor will provide written guidance in the form of a report, provided to the manager and HR, the employee may also request a copy. The manager should consider the content of the report and discuss with the employee.
- 10.8 All Council employees are required to attend medical appointments or examinations with the Council's nominated OH provider where applicable. **All appropriate measures will be taken to ensure that safe social distancing can be followed during all Occupational Health meetings.**
- 10.9 If an employee refuses to be referred to OH or refuses to permit medical information to be shared with the Council, management will be required to base any judgements, including the employee's suitability to continue to work for the Council, on the information available to them at the time.
- 10.10 The provision of an Occupational Health service is of benefit both to the Council and to employees. Wasted appointments are costly to the Council and could have been used for another employee's benefit. Where an employee confirms that they will attend an OH appointment and then subsequently fails to attend, consideration will be given to withdrawing sick pay for the period up to the next available OH appointment.
- 10.11 **Being accompanied to an Occupational Health Appointment**
- In normal circumstances an employee should be seen on their own to enable confidential information to be discussed. Where an employee has 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 employee's disability.
- 10.12 Should an employee 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.
- 10.13 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 the employee in any formal capacity.

## 11. Absence Management

- 11.1 **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.
- 11.2 The trigger points for managing short term absence are as follows:
- 10 working days of absence (pro-rata for part time staff), in any 'rolling' twelve month period;
  - 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.
- the manager has concerns regarding the employee's welfare or ability to undertake their normal duties

As detailed in section 5.5, where an employee has tested positive for Coronavirus and has been absent from work as a result, this period of time will not be taken in to account for absence management proceedings.

- 11.3 Where an employee works less than a 5-day working week then the trigger points should be pro rata according to the number of days a week they work.
- 11.4 Please be aware that in some cases a short term absence pattern could be related to a disability, a long term condition or become a disability in the long term. However, absences that are medically certified or attributable to a disability or long-term medical condition can still be regarded as short term absences and managed under this part of the policy.
- 11.5 **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 a return to work in the near future. The trigger point for managing long term absence is 4 weeks.
- As detailed in section 5.5, where an employee has tested positive for Coronavirus and has been absent from work as a result, this period of time will not be taken in to account for absence management proceedings. This may need to be reviewed in the event that further complications result in a prolonged illness and lengthy absence. However management of such a situation would be carried out sensitively in liaison with the individual and OH.
- 11.6 When an employee's absence reaches the trigger points for either short term or long term sickness as defined above, the manager will review the attendance record with the employee using an Absence Management Meeting, where review periods and targets for improvement will be set.
- 11.7 There may be occasions where holding an Absence Management Meeting is not appropriate but this must be decided in liaison with Human Resources.
- 11.8 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.

## 12. Absence Management Meetings (Formal Process)

- 12.1 The purpose of the Absence Management Meeting is to provide assistance and support to the employee to improve his/her attendance to a satisfactory level.
- 12.2 Absence Management Meetings are not disciplinary meetings. The aims of these meetings are to:
- Establish the reasons for the absence; is it medical or non-medical.
  - Explain to the employee 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 of possible actions if level of absence is not improved.
  - Set a review period and targets for improvement to reduce absences.

## **12.3 Right to be accompanied**

At all formal stages of the Absence Management Procedure (i.e. formal Absence Management Meetings) employees may, if they 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.

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

## **12.4 Notice**

Employees 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 the Council 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.

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

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

## **12.7 Review Periods**

One of the outcomes of the Absence Management Meetings will be to set a relevant period of time for the manager to review the employee's 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 the employee's absences do not improve during the review period the manager will need to decide whether another absence management meeting is needed.

## **12.8 Target setting**

Targets will also be set as an outcome of the Absence Management Meeting. The purpose of the target is to set a clear expectation of the level of attendance and improvement required from the employee. The target set will need to be below the Council's trigger points outlined above for short term and long term absence and will be reviewed within the period set. For example if the review period set is 2 months it may be legitimate to issue a target of "no absences".

When setting review periods or targets it may be necessary for managers to use their discretion on what they are. This should be done in liaison with HR and consideration will be given to the individual circumstances and the nature of the illness.

## **12.9 Sustaining the employees Return to Work**

When the employee returns to work they are expected to achieve and maintain a level of absence which does not exceed the Council's trigger point or the agreed target set by their

manager. The point where the manager got to in the absence management procedure will remain “live” for one year. The employee’s absences will be reviewed throughout this time and if the satisfactory improvement proves only to be of a temporary nature then the manager has the option of returning immediately to the point in the procedure the employee had reached when they returned to work.

12.10 Where an employee returns to work following a period of long-term absence (i.e. over 4 weeks) they will have also exceeded the trigger points for short term absence and further short term absence will be managed under this procedure from the point in the procedure they had previously reached.

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

#### 12.12 **Repeated long term absences**

Where an employee has had 2 or more periods of absence in any 24 month period, they will automatically be referred to a Stage 2 Attendance Management Meeting. At this meeting the absences will be reviewed in detail and consideration will be given to how the employee can improve their attendance.

**As detailed in section 5.5, where an employee has tested positive for Coronavirus and has been absent from work as a result, this period of time will not be taken into account for absence management proceedings.**

### 13. Phased Return to Work

13.1 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.

13.2 If the employee wishes to request to increase the phased return beyond four weeks, they 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.

### 14. Reasonable Adjustments

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

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

- the provision of practical aids or adaptations to premises or equipment;
- reduction in working hours or changed working pattern;
- amendment to duties (normally temporary).

14.3 The Council 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.

14.4 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 the manager should be able to clearly explain their reasons for being unable to accommodate the adjustments.

## 15. Redeployment

- 15.1 Redeployment will only be considered when other options to return the employee back to their substantive role have been unsuccessful and where medical advice indicates that an employee is unable to perform the duties of their current role, with reasonable adjustments.
- 15.2 In some cases, Occupational Health will not be able to recommend redeployment, despite the employee being unable to return to their substantive post.
- 15.3 The aim of redeployment will be to find a position that the employee can fulfil and where reasonable adjustments can be accommodated, if required.
- 15.4 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 an employee is offered and accepts redeployment into a fixed term vacancy, as an alternative to the termination of employment, they will transfer from permanent contract of employment to a fixed term contract of employment.
- 15.5 Where an employee is redeployed for health reasons, into a fixed term appointment, the normal arrangements for notice, redeployment and redundancy will apply to the employee at the end of the contract.
- 15.6 Where an employee is re-deployed due to health reasons to a lower graded post, pay protection does not apply.
- 15.7 If no suitable redeployment opportunities are available and the employee is unable to return to their existing role, consideration will be given to progressing the formal absence management procedure through to stage 3 of the procedure.

## 16. III Health Retirement

- 16.1 Where an employee is no longer able to perform their duties and it is not possible to redeploy them into an alternative role, ill health retirement or dismissal will be considered.
- 16.2 Where an employee may be eligible for ill health retirement (release of pension due to reasons of ill health) they will be referred to an Independent Physician through Occupational Health, for an assessment of their health.
- 16.3 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.
- 16.4 To qualify for ill health retirement the Pension Scheme requires that the employee is permanently incapable of discharging the duties of their current employment, and has a reduced likelihood of any gainful employment before normal retirement age.
- 16.5 Consideration must be given to the possibility of reasonable adjustments to the employee's 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 employee is eligible for release of pension benefits.
- 16.6 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 the employee satisfies.

16.7 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.

## 17. Appeals

17.1 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.

17.2 Appeals must be submitted in writing to the Head of Business Support within 10 working days of receipt of the written outcome of the meeting clearly stating the grounds for appeal.

17.3 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.

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

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

17.6 The decision of the hearing officer will be final.

### 17.7 Appeals against dismissal

Appeals against dismissal will be heard by the Employment Appeals Panel.

Wherever possible, meetings should be held virtually either by video call or by telephone to avoid face to face contact. It is recognised that this is not possible or practical for every situation and therefore meetings should be held with only essential members present and social distancing and personal hygiene measures such as regular hand washing, use of hand sanitiser and surface cleaning at the front of mind.

17.8 An appeal hearing shall be arranged not less than 5 working days and not more than 20 working days after receipt of the appeal letter, unless otherwise agreed by both parties.

17.9 The employee will have the right to be accompanied by a work colleague, or, if they are a member of a trade union, a trade union representative.

17.10 All information relating to the appeal will be available at least 5 working days before the hearing.

17.11 The appeal format will be:

- The staff member will be given an opportunity to state their case. The manager and panel will be entitled to ask questions of the staff member.
- The manager or management representative will provide a statement including the reason for the decision to dismiss. The staff member and panel may ask questions of the manager.
- The Members of the Panel and HR representative advising the panel may seek clarification of any matter raised. The Chair has the right to adjourn the hearing to allow further investigation of any allegations or facts.

- Once the Panel is satisfied it has all the information needed to make a decision, the Chair will invite the staff member, and then the manager, to summarise their case.
  - The hearing will then be adjourned, and all the available evidence reviewed by the Panel before a decision is reached.
- 17.11 The decision of the Panel at this stage will be final and will be communicated in writing as soon as possible (normally within 5 working days of an appeal hearing).
- 17.12 The options available to the Panel are:
- Disallow the appeal, and uphold the original decision;
  - Uphold the appeal, and reinstate the staff member to their former position;
  - Reinstate the staff member to their former position with a recommendation for a further period of target setting, monitoring and review;
  - Consider the possibility of a suitable alternative post if available.

## 18. Sickness During the Working Day

- 18.1 If an employee has worked for more than half his/her expected hours and then has to leave work through ill-health, this will be counted as a full day's attendance.
- 18.2 If an employee has worked for less than half his/her expected hours and has 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.

## 19. Accident or Injury at Work

- 19.1 If an employee considers their illness arises from an accident at work they must notify their line manager immediately so that the Accident Incident Reporting Form can be completed. An employee who is absent from work due to an accident or injury at work should be treated in the same way as if their 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.
- 19.2 Absences due to a work related accident, incident, disease or dangerous occurrence must be treated on a case by case basis. The line manager 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.
- 19.3 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 the employee to enable them to return to work within a reasonable timescale.
- 19.4 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.

## **20. Medical/Hospital Appointments**

- 20.1 Attendance at doctors, dentists and hospital appointments are not classed as sick leave and they should not be recorded as such.
- 20.2 Wherever possible, employees should make medical/dental appointments outside of their 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 may be required to make up the time, either by the employee staying late or by using flexi time where this scheme is operated.
- 20.3 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, the employee should advise their 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 the line manager for handling these.
- 20.4 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.

## **21. Disability Leave**

- 21.1 Disability leave is different from sick leave or annual holiday entitlement. It is most commonly used to allow staff paid time off for rehabilitation, assessment or treatment.
- 21.2 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, such as chemotherapy, etc.
  - time off to attend physiotherapy
  - time off for counselling and hospital appointments
  - time off for specific rehabilitation activities such as sign language training.
- 21.3 Time taken for disability leave should always be recorded separately to sickness absence. An appointment card or letter must be produced upon request.

## **22. Annual Leave Entitlement in Relation to Sickness Absence**

- 22.1 Any employee who becomes 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 they 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 employee becomes fit for work whilst still on leave, they should also confirm the date on which they would have been fit to work on their return from leave.

- 22.2 Employees who are absent due to long term sickness accrue their annual leave entitlement and may request to take annual leave during a period of long term absence. Any employee wishing to take leave during long term absence should request this in writing via their line manager.
- 22.3 Where an employee returns to work in the current leave year, every effort should be made to encourage them to take their remaining contractual annual leave entitlement to assist with their rehabilitation back to work. Should they be unable to take all of the leave, they are allowed to carry it forward into the new leave year.
- 22.4 Where an employee returns to work in a new leave year, they still have the right to the contractual annual leave they accrued whilst off sick during the previous leave year, which they should be allowed to carry forward into the new leave year. However, it is recommended that the employee be encouraged to take most or all of this leave in a block in the first month after their official return to work date or to assist with extending a phased return to work.
- 22.5 An employee may carry over up to 4 weeks annual leave (pro rata) if they have been unable to take this due to Coronavirus through illness or due to working demands. Further detail can be found in the Leave and Worklife Balance Policy (Revised May 2020 CV-19)

## 23. Absence From Home Address When Absent On Sick Leave

- 23.1 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). The employee must agree to provide the line manager with the revised necessary contact details and the length of time they are likely to be away from home.

## 24. Abuse of Sickness Scheme

- 24.1 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. See also section 7.2.

## 25. Cases of Suspected Misconduct

- 25.1 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.
- 25.2 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.

- 25.3 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.
- 25.4 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.
- 25.5 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.

## **26. Sickness and 1-2-1 Meetings**

- 26.1 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.

## **27. Equality Impact Assessment and Monitoring**

- 27.1 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.

## **28. Data Protection**

- 27.1 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 trigger points
- 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 Trigger Points, 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 monitoring 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 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 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**

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

**Long term absence**

- Discuss any progress or improvements in the employee's health
- Review the employee's absence to date;
- Review what steps are being taken to assist the employee back to work;

- 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.
- 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.

- 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

#### **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.

#### **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 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.

<b>Stage 3 Absence Management Meeting</b>	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;

#### **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

- 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.

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 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.

##### **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:

- 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 must be submitted in writing within 10 working days of receipt of the written outcome of the hearing clearly stating the grounds for appeal to the Head of Business Support.

Appeals against dismissal will be heard by the Employment and Appeals Panel.