

# Managing Health & Attendance Policy



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## 1.0 Introduction

The Council aims to encourage all its employees to maximise their performance and attendance at work but recognises that a certain level of ill-health and sickness is inevitable. This policy is designed, as far as reasonably possible, to support employees who are genuinely ill and unable to perform their duties in full and/or attend work. However, operational efficiency and service delivery remain paramount and an individual who is unable to perform their duties or who has repeated and/or continued absence due to ill health may have their employment terminated.

## 2.0 Scope

This policy applies to all employees except those within their probationary period where the Probation Policy will apply.

This policy provides a framework for managers and employees to follow to ensure a fair and consistent approach to the management of health & attendance. However, there may be times when it is appropriate for managers to depart from strict adherence to the requirements of the policy, having regard to the circumstances of a particular case. Any departure should only take place in consultation with HR, with particular attention being paid to making sure that the spirit of the framework and equality of treatment are maintained. Any such decision must be based on reasonable grounds and fully documented.

## 3.0 Roles & Responsibilities

### 3.1 Management Team/Human Resources

- Ensure that employees receive induction, appropriate training and development for their role and, through ongoing supervision and Our Conversations, receive regular feedback on their progress at work.
- Provide training for all managers and supervisors in relation to good management practices
- Promote a culture of consultation, participation and open communication throughout the Council in relation to the welfare of employees.
- Provide managers with adequate support to enable them to implement this policy

- Enable access to confidential counselling for employees caused by either work or external factors
- Provide opportunities for employees to maintain and promote their health and wellbeing including a good work-life balance.

### **3.2 Managers**

- Ensure there is a fair and consistent recruitment process. This will ensure that employees are safely and effectively appointed to the Council taking account of reasonable adjustments as appropriate to the job role and health condition.
- Ensure that all newly appointed or promoted employees receive appropriate inductions to enable them to understand their role within the Council.
- Undertake risk assessments within their Service area to identify and manage hazards impacting on health and wellbeing including Wellness Action Plans as appropriate. This may be at a group or individual level.
- Delegate duties to employees as appropriate and ensure that employees are fully trained according to their role
- Promote a positive environment, maintain good communication between management and employees, recognise good performance and periodically review workloads to help identify demands
- Refer an employee to occupational health as appropriate in relation to any health or welfare concerns.
- Monitor working hours and overtime to ensure that employees' working arrangements are managed appropriately, comply with working time directive and monitor holidays to ensure that employees are taking their entitlement.
- Consider temporary or longer term modification of role or work arrangement for employees following an occupational health assessment as needed.

### **3.3 Employees**

The policy covers the roles of the Council and the Manager in managing attendance including stress, but it is important that employees understand the management of health and safety in the workplace is a joint responsibility between the employee and the employer. Employees should:

- Notify their manager of any known health issues and access support as advised by their manager or Senior HR Business Partner.

- Raise issues of concerns to managers/supervisors about working environment or working practices that in their opinion could potentially lead to stress or other welfare issues. Raising such issues will have no detrimental impact on how the Council perceives an employee's performance.
- To respect the needs of others and take responsibility for actions that may have an adverse impact on colleague's wellbeing, reporting issues as appropriate
- To ensure that annual leave and flexible working (where operationally possible) is used to good effect to enable rest and relaxation.

## 4.0 General Principles

### 4.1 Confidentiality & Data Protection

Absences should be managed with sensitivity and employee confidentiality should be maintained at all times. Information relating to an employee's health is classed as 'sensitive' in Data Protection terms and will only be accessible by appropriate individuals including managers and HR and only for the purposes of managing attendance and related matters. Should a team member take a message regarding the sickness absence of an employee, this information should not be shared with colleagues without the express permission of the employee.

### 4.2 Distinguishing between sickness and disciplinary matters

Matters relating to poor attendance due to sickness and capability on the grounds of ill-health will normally be dealt with under this policy. Its aim is not to question the reasons for absence, but to provide a framework by which employees are encouraged and supported to maximise their performance and attendance at work.

However, where matters of misconduct arise in the management of attendance, it may be appropriate to deal with them via the Council's Disciplinary Standards and Procedures, for example:

- Failure to adhere to the requirements of the policy
- Unauthorised absence
- If there are reasonable grounds to suspect that an employee is not genuinely ill and/or is abusing sickness procedures.

Unless there is firm evidence that absences involve fraudulent statements by the employee, or there is some other form of misconduct, the Council's Disciplinary Procedure should not be used for managing short-term absence issues. Managers should consult with their Senior HR Business Partner as to the appropriate course of action.

### **4.3 Employee's fitness to work**

The Council has a duty of care towards employees and if the employee reports to work but the Manager does not believe that they are fit to work, they can be sent home and advised to contact their GP. Managers should discuss this with their Senior HR Business Partner before requesting them to go home. The absence will be treated as sickness absence.

### **4.4 Employee's failure to communicate/co-operate**

In circumstances where an employee does not co-operate with attempts to manage their absence and/or it is not possible for managers to properly communicate with them, it may be appropriate for managers to exercise their discretion and adopt a suitably abbreviated approach.

### **4.5 Absences relating to accidents at work**

If an absence is due to an accident at work, the employee must immediately report the incident to their line manager following the accident reporting procedures. Thereafter, the manager will need to ensure that the Council's accident form is completed and check whether the circumstances are reportable to the Health and Safety Executive under the Reporting of Injuries, Diseases and Dangerous Occurrence Regulations. Guidance can be found on the Health & Safety sharepoint site. Health & Safety will undertake an assessment to determine whether an accident at work would be classed as an industrial injury. Should this be the case, the employee would qualify for industrial injury pay.

### **4.6 Medical Appointments**

#### **4.6.1 Routine medical appointments**

Attendance at routine medical appointments such as doctor, dentist and opticians cannot be counted as working time. Employees should make every effort to fix

routine medical appointments with due regard to the needs of the organisation which may mean booking appointments for the early or late part of the day or during lunch breaks.

Where an employee attends a routine medical appointment during working hours, they must get permission from their manager and then make them aware of when they are back at work.

Where, due to the nature of the role it is not operationally viable to take time out during a working day, employees should discuss the time off arrangements with their line manager. This could include making routine medical appointments outside of their working patterns, adjusting their working days, or booking annual leave.

#### **4.6.2 Fixed medical appointments**

Employees attending for hospital, ante natal and cancer screening appointments, where appointments are fixed without discretion, can count the actual time as working time (up to normal hours for that day).

Where appointments are for treatments and the employee is unfit to return to work, this should be treated as sickness. Employees should always tell their managers of their expected absence as far as possible in advance of the appointment. Managers can request evidence of appointments to be produced. If there is any doubt how the appointment should be treated, please refer to your Senior HR Business Partner.

Where there are regular appointments that cannot take place outside of working hours, the time should be made up or taken as annual leave, in agreement with the manager.

#### **4.6.3 Private Cosmetic Procedures**

If an employee chooses to have a private cosmetic procedure, they should take appointments in their own time. However, if this is directly related to a previous serious medical procedure, please liaise with your Senior HR Business Partner.

## 5.0 Occupational Sick Pay and Industrial Injury Pay

5.1 An employee is entitled to Occupational Sick Pay in line with their contract. This is intended to supplement statutory sick pay and incapacity benefit so as to maintain normal pay during defined periods of absence on account of sickness.

5.2 Entitlement to sick pay is:

during 1<sup>st</sup> year of service, one month's full pay and (after four months' service) two months' half pay;

during 2<sup>nd</sup> year of service, two months' full pay and two months' half pay;

during 3<sup>rd</sup> year of service, four months' full pay and four months' half pay;

during 4<sup>th</sup> and 5<sup>th</sup> years of service, five months' full pay and five months' half pay;

after 5 years' service, six months' full pay and six months' half pay.

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out of or in the course of employment with the Council. Periods of absence in respect of one will not be offset against the other for the purposes of calculating entitlements under the scheme. Therefore, an employee who is absent due to an industrial injury will have an entitlement replicating the occupational sick pay entitlement detailed above.

5.3 The payment of occupational sick pay and industrial injury pay is dependent on the employee complying with all the rules of the occupational sick pay scheme including the rules concerning the notification of an employee's absence to their line manager or supervisor before they were due to start work on the day of absence. Any day's sickness absence which has not been notified to the Council in line with the rules will be treated as unauthorised absence and occupational sick pay may not be paid for that day.

5.4 The Council reserves the right to withhold payment or deduct from salary a day's pay for each day of unauthorised absence. Any decision concerning this matter will be made by the employee's line manager in consultation with the Senior HR Business Partner.

5.5 Where an employee is in receipt of industrial injury pay and the employee makes a claim for damages against a third party in respect of the accident/incident and is awarded

compensation (whether by way of a court judgement or as a result of an out of court settlement) it is a condition of employment that the employee, on receipt of such compensation, repay to the Council the pay which they received whilst off work.

## **6.0 Stress and Mental Health Issues**

6.0 The Health & Safety Executive (HSE) define stress as ‘the adverse reaction people have to excessive pressure or other types of demands placed on them.’. This distinguishes between pressure, which can be positive if managed correctly, and stress which can be detrimental to health. All Service areas cover the potential for stress on their risk assessments.

It is the Manager’s responsibility to ensure the wellbeing of their employees and the Our Conversations framework should be used for this purpose.

Mindful Employer – Keeping Well at Work is a practical guide for staff and is available on the Intranet.

### **6.1 General Risk Assessments**

The first step in stress prevention strategy is the completion of a stress risk assessment relevant to Service areas and roles identified with a potential of high risk of stress. The risk assessment should identify, remove, reduce or manage potential stressors with the workplace in order to prevent, where possible, the occurrence of any adverse impact on employee health and well-being.

A risk assessment joint action plan is available and is based on guidance provided by the HSE. Link. This risk assessment is intended as a guide only and it should be noted that if there are particular job roles or tasks that have the potential to be stressful/ cause stress, a more specific assessment will be required.

Further information on the completion risk assessment process is available from the Health and Safety intranet page.

## 6.2 Individual Risk Assessments

Where it is identified that an employee may be suffering from stress, a Wellness Action Plan should be completed by the manager and the employee and measures put in place to control the identified risks.

Wellness Action Plan documents are available on the Intranet or from the Senior HR Business Partner.

## 7.0 Reporting and Recording Sickness Absence

7.0.1 Managers and employees are required to adhere to the following so that the Council can fulfil its duty of care to all employees and maintain service levels. Failure to do so may hinder the Council in its attempts to support employees and result in delay/loss of pay and, in some cases, disciplinary action for the employee.

7.0.2 When an employee starts in their role the manager and employee should agree local arrangements for reporting unplanned absences (in line with 7.1.1 below) and document them accordingly, identifying:

- The person to whom an employee should report in the first instance, together with two alternatives in the absence of the first person.
- The method and timing by which an employee must report. Local arrangements must be complied with to enable operational delivery.
- Other than in exceptional circumstances e.g. hospitalisation, the employee should telephone in person. Messages should not be sent via text, email or social media, or left on an answerphone as important details may be omitted. However, when circumstances make it impractical to speak to a manager in person e.g. due to shifts/unsocial hours, alternative arrangements may be agreed.
- Any specific arrangements to cover exceptional circumstances e.g. where an employee lives alone or does not have access to a phone.

7.0.3 Service Managers and/or Directors are responsible for ensuring that new managers are notified of the reporting arrangements in place for their teams.

## **7.1 Reporting Requirements – First day of absence**

7.1.1 If an employee is unable to work because of illness or injury they must contact their manager or supervisor by phone, where possible prior to their normal start time and inform them of:

- The reason for their absence
- The likely duration of their absence
- Whether the absence is as a result of an accident or illness arising from work.

7.1.2 It is the responsibility of the manager to:

- Contact employees who have not started work as expected and find out why. Managers should inform their Senior HR Business Partner if they have been unable to make contact with the employee.
- Ensure that an employee's absence is recorded in an accurate and timely manner using People Manager. If someone other than the line manager takes the call, then the Council's electronic notification form should be used. This form is available on the Intranet. HR will then input the absence.
- If the absence could be caused by an Industrial Injury, then the absence type should be classed as a 'Potential Industrial Injury' and the accident reporting procedures followed.
- Wherever practicable and appropriate, contact Digital Services to arrange for an 'out of office autoreply' to be added to the absent employee's email account. In exceptional circumstances, a manager may request access to an employee's email account to enable operational delivery. This should be authorised by HR and requested via Digital Services, setting out the operational reasons for this access and ensuring access is withdrawn as soon as the operational need is met.
- Review the employee's diary and take appropriate actions in relations to commitments in the employee's calendar. Only in exceptional circumstances should the employee on sickness absence be contacted in relation to the management of operational issues.

## **7.2 Reporting Requirements – Second to seventh calendar day**

7.2.1 If an employee's absence continues beyond one day and a medical statement has not already been submitted, employees are required to contact their manager or supervisor

on each working day of their absence (or at a frequency deemed appropriate by the individual line manager in line with local arrangements) up to, and including, the seventh day of absence. This will enable the appropriate arrangements for cover to be made and allow the Council to monitor the employee's continuing ill health. Employees do not have to make contact on non-working days.

- 7.2.2 Subject to any agreement to vary these reporting requirements, managers must ensure that contact has been made with absent employees and that this policy has been complied with.

### **7.3 Reporting Requirements – Beyond seven calendar days**

- 7.3.1 Employees must obtain a fit note giving the reason for their absence and covering the eighth day of absence onwards. The fit note must be sent to their manager at the earliest opportunity.
- 7.3.2 Managers must ensure that they have received the fit note and should request this from the employee if it has not been received. These should be logged onto iTrent before scanning in and emailing to the Senior HR Business Partner and HR Sickness mailbox.
- 7.3.3 The employee must inform their manager of any problem that may delay the submission of a fit note. Failure to provide a fit note by a medical practitioner or hospital statement of absence within a reasonable time, will render the absence as 'unauthorised' which may result in a delay of pay and/or disciplinary action. If a fit note is not provided after a reasonable time, then this will result in unpaid absence.
- 7.3.4 Employees must ensure they remain contactable during periods of sickness absence. The line manager will agree with the employee the preferred method of contact.
- 7.3.5 Where the employee is off on long-term absence i.e. a period of four calendar weeks' or more, managers should contact the employee using the preferred method of contact at least once a week to ensure that the Council provides appropriate support to the employee. In cases of absence due to mental health issues, less frequent contact may be appropriate following discussion with the Senior HR Business Partner.
- 7.3.6 Managers must keep a record of the dates and times that they have called their employee or attempted to call but are unable to get a response and the notes section on iTrent can be used for this purpose. If a manager is unable to make contact after several unsuccessful attempts, they should advise their Senior HR Business Partner who will

## **7.4 Reporting Requirements – Employees who become ill when on annual leave**

- 7.4.1 If an employee becomes ill at the beginning of, or during a period of authorised annual leave (including bank holidays which fall within a period of annual leave), they must ensure that they follow the usual reporting requirements.
- 7.4.2 Providing that reporting requirements are followed correctly, and the employee is able to provide medical evidence that they have been unwell i.e. a fit note, employees will be entitled to claim back any annual leave that was interrupted due to illness.
- 7.4.3 In order to obtain a fit note as proof of illness during a period of annual leave the employee will need to visit a GP or other healthcare professional during the period, they are unwell as these will not be provided retrospectively.
- 7.4.4 Failure to adhere to relevant reporting requirements will automatically disqualify employees from claiming back any periods of annual leave which were interrupted by illness.
- 7.4.5 An employee who is on sickness absence may request annual leave and this must be authorised in the usual way. This leave request must be notified to the Senior HR Business Partner who will undertake the necessary action in iTrent.
- 7.4.6 If an employee has been refused annual leave and then is sick on those days, the employee will be asked to provide a fit note to cover that period unless exceptional circumstances apply. Failure to provide a fit note as requested may mean that the absence is unauthorised and unpaid.

## **7.5 Medical Statements ('Fit notes')**

- 7.5.1 Medical statements are issued by GPs and other health professionals to people when they are ill or injured. They provide advice about an employee's fitness for work. If the medical statement advises they are unfit for work, then they must not work until the fit note has expired.
- 7.5.2 A health professional will provide a 'may be fit for work' statement if they think that their patient's health condition may allow them to work with additional support or adjustment to work duties or hours for instance.

Upon receipt of a statement of 'may be fit for work', managers should discuss the comments with the employee as soon as practicable to assess if the recommendations can be accommodated to enable the employee to return to work. This may take place over the telephone or face to face.

The following should be taken into consideration:

- The requirements of the employee's normal role
- The nature and effect of the health condition
- Health & Safety requirements – a risk assessment may be required
- Service/Operational requirements
- Disability discrimination legislation
- Temporary redeployment

Managers should liaise with their Senior HR Business Partner when considering these. If appropriate a referral may be made to Occupational Health for further advice.

Each case will be considered on an individual basis and a return to work may not be feasible in every case. Details of the discussions and outcomes should be confirmed in writing to the employee. This could be included in the Return to Work interview form.

7.5.3 If it is not possible to make reasonable adjustments for the employee to return to work, the fit note will be used as though it was 'unfit for work'. The employee will then remain on sickness absence and be paid in accordance with statutory and occupational sick pay provisions.

7.5.4 In the event that an employee does not agree with any adjustment offered by a manager to facilitate a return to work, the issues should be discussed further with a view to reaching an understanding and agreement.

If this is not agreed and the employee refuses to work, arrangements should be made for a formal review of the case by the Director of Service (or a Senior Officer appointed by them) as soon as reasonably practicable by following the procedure in Section 12.6.

## **8.0 Return to Work Interviews**

8.1.1 On the employee's return to work, the absence should be closed via People Manager. If the Manager is not available, the Senior HR Business Partner should be advised so that they can close the absence.

8.1.2 A return to work interview is a key part of the absence management process. A meeting must take place after each period of sickness absence usually on the day of return but, if not, as soon as practicable after this and the electronic Return to Work Notification Form should be used for this. A link to the form will be sent to the line manager when the sickness is closed on People Manager but if another manager is completing on their behalf a link is also available on the Intranet.

- 8.1.3 When you first speak to the employee after their return, you should check that they are fit to be at work before they start work. If they are not fit, they should go home until such time as they are fit.
- 8.1.4 It is the responsibility of the line manager to ensure that the return to work interview is completed.

## 9.0 Formal Action

- 9.1.1 Where poor attendance affected operational performance and/or there are persistently high levels of absence the circumstances must be reviewed, and formal action taken as appropriate. To assist managers to identify the need for formal action the Council uses trigger points for consistency.
- 9.1.2 It is important to note that formal action can still occur where sickness absences are covered by fit notes, and that such action may ultimately result in dismissal.
- 9.1.3 Decisions relating to formal action may be taken by assessing an employee's total absence record which could include both short-term absence and long term absence (i.e. absence with a duration of 4 weeks' or more) and industrial injury. Long and short term absence are not considered mutually exclusive to one another and therefore decisions regarding formal action will be made on a case by case basis, giving due consideration to the specific circumstances of the case and a review of an employee's total absence record.
- 9.1.4 Triggers:
- Trigger A: Three or more occasions of sickness absence during a three-month rolling period
  - Trigger B: Eight or more cumulative days' sickness absence, on three or more occasions in a twelve month rolling period
  - Trigger C: Twelve or more cumulative days in a 6 month rolling period.
  - Trigger D: Any other recognisable patterns, such as frequent absenteeism on a Monday or Friday, avoiding particular tasks.
  - Long term absence of 4 weeks or more or a medical statement for longer than 4 weeks.

- 9.1.5 Where the absences are related to a disability, a reasonable adjustment may be to consider adjusting the trigger points. Please consult with your Senior HR Business Partner for guidance.
- 9.1.6 Absences relating to pregnancy should not be included in this process as this could be considered discriminatory.

## 10.0 Poor Attendance Record

- 10.0.1 This is where there are repetitive, frequent absences of various lengths, which are unpredictable or a combination of long-term absence and short-term absence resulting in an unsatisfactory attendance record. These can be self-certificated or covered by fit notes.
- 10.0.2 When an employee's absence level breaches the Council's triggers their record will be reviewed, and a decision made as to the instigation of formal action for attendance. Formal action will not automatically follow breach of the triggers and will depend on the particular circumstances, having regard to factors such as the individual's overall absence record and the circumstances surrounding recent absences. To ensure fairness and consistency, where it is considered inappropriate to take formal action managers should discuss this with their Senior HR Business Partner.

### 10.1 Formal Action: Stage 1 Attendance Review Meeting

- 10.1.1 The manager should arrange a formal meeting with the employee to discuss their sickness and attendance record. The employee must be notified of the meeting in writing, giving 7 calendar days' notice and provided with details of their absences during the period under review. A representative from HR may attend the meeting if requested by either the employee or the manager and the employee has the right to be accompanied by a work colleague or trade union representative or an official employed by a trade union who may speak on their behalf.
- 10.1.2 The purpose of the meeting is:
- For the manager to explain to the employee their concern about their level of attendance. During the meeting the manager should ensure that the employee understands the requirements of the policy, the reasons why it is in place, the stage that they have reached and the possible consequences of continuing an unsatisfactory level of attendance.

- To establish with the employee the reasons for the absences, and any mitigating factors that they feel should be taken into account and any practical steps that might be taken to improve their attendance record, such as:
  - Could the Council make any changes to the employee's working patterns/conditions (either on a temporary or permanent basis)?
  - Would the employee benefit from contacting the Council's Employee Assistance Programme for additional support or advice?
  - Is there anything that the employee can do to improve their attendance record?
- Exploring whether there could be an underlying health problem and if an OH appointment would be appropriate.

10.1.3 Depending on the circumstances of the absence/s, the manager will then need to decide what action, if any, is required. this may include:

- Making notes of the meeting including the reasons for absence and the recovery period) i.e. where there was a short-term situation or condition has ended.
- Referring to Occupational Health
- Implementing changes to working patterns/conditions
- Referring the employee to the EAP's counselling service

10.1.4 A review period, of a minimum of 6 months should be put in place during which time the employee will be expected to improve their attendance. Reviews can take place at an earlier date if there are further absences.

10.1.5 The outcome of the meeting must be confirmed in writing. As well as detailing the matters discussed and agreed, including the review period, the letter must make it clear that failure to achieve and sustain an acceptable level of attendance could lead to further action under this policy.

10.1.6 The letter needs to be sent to the Senior HR Business Partner for recording on the employee's personal record.

10.1.7 It is the responsibility of the manager to regularly review the employee's attendance levels and to ensure that any agreed actions identified at the Stage 1 review meeting are carried out and reviewed on an ongoing basis. Failure of the employee to achieve an improvement in attendance over the review period will necessitate the manager to progress automatically to a Stage 2 Attendance Meeting as detailed below.

## **10.2 Formal Action: Stage 2 Attendance Review Meeting**

10.2.1 The employee's attendance level will continue to be monitored. If there is no improvement, or the improvement cannot be sustained (during the review period and implementation of any agreed actions) the manager should invite the employee to attend a Stage 2 meeting. The employee must be notified of the meeting in writing giving a minimum of seven calendar days' notice and provided with details of their absences during the period under review. A representative from HR will attend the meeting, and the employee has the right to be accompanied by a work colleague or trade union representative or an official employed by a trade union who may speak on their behalf.

10.2.2 The purpose of the meeting is to:

- Let the employee know that the manager remains concerned about their level of attendance
- Explain the impact that the absences are having on the employee's work and that of colleagues and the impact that the absences are having on service delivery.
- Review the actions, if any, that were taken following the first meeting and decide on any further actions that might be necessary.
- Provide an opportunity for the employee or their representative to respond and comment.
- To consider further adaptations to working practices/conditions where appropriate.
- To establish a further monitoring period of a minimum of 6 months,
- To consider issuing a formal warning that continued poor attendance could lead to termination of employment.

10.2.3 The outcome of the meeting must be confirmed in writing and a copy sent to the Senior HR Business Partner for recording onto the employee's personal record. Where a formal warning has been issued the employee should be notified of their right of appeal in accordance with Section 13 below.

10.2.4 The Council's triggers continue to apply throughout any review period. Each case must be considered on its own merits, but where the employee's attendance does not improve, or the improvement is not sustained, the manager should consult with their Senior HR Business Partner and determine whether the matter should be progressed to a Stage 3 or a Stage 2 meeting reconvened

### **10.3 Formal Action: Stage 3 Attendance Review Meeting**

10.3.1 If the employee's attendance has not improved or an improvement is not sustained following the issue of a formal warning and the review period and implementation of any agreed actions, the manager must prepare a case report in consultation with the Senior HR Business Partner for the Director of Service.

10.3.2 If appropriate, the Director will ask the Senior HR Business Partner to convene a hearing with the employee to consider dismissal for poor attendance. The meeting will be conducted by the employee's Director of Service, or another officer duly delegated to act on their behalf. The employee will have the right to be accompanied by a colleague or trade union representative or an official employed by a trade union and must be given a minimum of 7 calendar days' notice in writing of the meeting. A representative of HR will also attend the meeting.

10.3.3 The purpose of the hearing is to consider the case report and the actions taken to date including:

- The employee's attendance record
- The effect that the absences are having on the operational efficiency of the department or service.
- Details of meetings and actions previously taken
- Any up to date Occupational Health advice where appropriate
- Any relevant mitigation from the employee and their representative.

10.3.4 Possible outcomes include, but are not limited to:

- A further review period of a minimum of 6 months
- The issue of a final warning
- Dismissal of the employee

10.3.5 The outcome of the hearing will be confirmed in writing by the Senior HR Business Partner. Where it has been decided to issue a final written warning or to dismiss the employee, they must be notified of their right of appeal in accordance with Section 13 below.

## **11.0 Underlying Health Condition**

11.1 In some instances, 'short-term' absences may be caused by an underlying health condition. Where this is identified or suspected, the employee should be managed with appropriate adjustments, in accordance with the provisions for Long Term Sickness Absence below.

- 11.2 An employee who is diagnosed with a condition that does not cause them to be absent, but which affects their performance and/or prevents them from carrying out their full duties, should also be dealt with in accordance with Section 12 below.

## **12.0 Long Term Sickness Absence**

Long term sickness absence is a continuous absence of 4 calendar weeks' or more.

### **12.1 Long-term absence and ICT access**

Where an employee has been, or is likely to be absent, long-term with no prospect of immediate return, managers are required to notify Digital Services, so that access to IT systems can be suspended as appropriate and an out of office message established on the email account.

### **12.2 Long-term absence and procurement**

Where an employee in possession of a Council procurement card has been, or is likely to be, absent with no prospect of immediate return, managers are required to notify Procurement, so that access to the procurement card can be temporarily suspended.

### **12.3 Long-term absence and holiday entitlement**

- 12.3.1 An employee continues to accrue annual leave during periods of long-term sickness absence, and it is the responsibility of the employee and the manager to ensure that, wherever possible the leave is taken during the correct leave year.
- 12.3.2 If, because of long-term sickness absence, an employee has unused leave at the end of that leave year, as their absence prevented them from taking this, they shall be entitled to carry over their remaining leave in full. Any leave carried over must be used within 12 months.
- 12.3.3 Accrued leave should be used to facilitate a graduated return that extends beyond six weeks or where there has been more than one phased return during a leave year and advice sought on this from the Senior HR Business Partner.

### **12.4 Maintaining contact with absent employees**

- 12.4.1 Managers should take positive steps to keep in touch with an absent employee (at least once a week following the first week of absence), so the employee knows the Council is interested in their health and well-being and that support is available. This will also allow the manager to keep up to date with the employee's progress and prognosis, and their perspective on the likelihood of a return to work. The Senior HR Business Partner may also be involved in contacting the employee.

- 12.4.2 The manager should agree with the employee how they would like the contact to take place.
- 12.4.3 Where an employee is absent from work as a result of stress or mental health related issues appropriate contact with their manager can have a significantly positive impact on the wellbeing of the employee, the employment relationship and the overall duration of the absence.
- 12.4.4 If despite reasonable efforts, the employee fails to respond and/or declines contact managers must seek the advice of the Senior HR Business Partner. A refusal to cooperate in the management of their absence may be treated as misconduct and could lead to disciplinary action.

## **12.5 Formal action: After four calendar weeks' continuous absence**

- 12.5.1 When an employee has been absent for four weeks, and their return to work does not appear imminent, the manager should write to the employee inviting them to a formal Long Term Absence Review Meeting, giving a minimum of seven calendar days' notice to discuss their continued absence. A representative from HR will attend the meeting, and the employee has the right to be accompanied by a work colleague or trade union representative or an official employed by a trade union who may speak on their behalf. This can take place over the phone if the employee is unable to come into the workplace.
- 12.5.2 The purpose of the meeting will be to review the employee's situation and progress and explore the options that may be available to support the employee and enable their return to work such as:
- Referral to Occupational Health
  - Referral to the Council's Employee Assistance Programme
  - Use of the Cashplan to access other medical services e.g. physiotherapy
  - Consideration of temporary or permanent reasonable adjustments to the employee's working environment/practices and/or patterns to enable a return to work.
  - Consideration of whether temporary or permanent redeployment is available that would facilitate a return to work, subject to medical advice. A time period should be agreed for achieving redeployment.
  - Consideration of a graduated return to work programme (GRWTP) to facilitate their return. This will normally be approved by Occupational Health and would

normally be for a period no longer than 6 weeks. The GRTWP should be documented and reviewed during the programme. This may be to the employee's permanent role or using temporary redeployment to another role.

12.5.3 The outcome of the meeting must be confirmed in writing and a copy sent to the Senior HR Business Partner for recording onto the employee's personal record.

Further Long-term absence review meetings should take place as appropriate, usually monthly, ensuring that Occupational Health advice is sought in a timely manner.

## **12.6 Formal action: Capability Review**

12.6.1 If, after full exploration and consultation in accordance with section 12.1.5 above the employee appears unlikely to return to work within a reasonable timeframe, consideration will be given to terminating the employment on the grounds of ill health/attendance.

12.6.2 This procedure will also be followed should an employee be at work but incapable of performing their substantive role due to ill health. In these circumstances a capability review will be convened if all other reasonable adjustments have been explored.

12.6.3 The manager must prepare a case report in consultation with the Senior HR Business Partner for the Director of Service.

12.6.4 The Director will ask the Senior HR Business Partner to convene a hearing with the employee to consider dismissal for poor attendance. The meeting will be conducted by the employee's Director of Service, or another officer duly delegated to act on their behalf. The employee will have the right to be accompanied by a colleague or trade union representative or an official employed by a trade union and must be given a 7 calendar days' notice in writing of the meeting. A representative of HR will also attend the meeting. Where an employee is unable to attend the date originally fixed for the review because their chosen representative cannot attend, efforts will be made to agree an alternative date, provided that it is reasonable and within five days of the original date.

Any other requests for adjournment will be considered having regard as to the reasons for the request and the circumstances of the case. Other than in exceptional circumstances, no more than one adjournment will be permitted.

Where an employee who has been given notice of a review meeting in accordance with this policy fails, without good reason to attend the hearing, the conducting officer may proceed in their absence.

12.6.4 Possible outcomes of the review are (but not limited to):

- Dismissal on the grounds of capability due to ill-health
- A further review period where it appears that the employee will return to work within a reasonable timeframe, following further treatment, recovery time.

12.6.5 The outcome of the meeting must be confirmed in writing to the employee within 7 calendar days of the hearing. If the employee has been dismissed, they will have the right to appeal as in Section 13 below.

## **13.0 Appeals Process against formal warnings and dismissal**

- 13.1 Where an employee has been dismissed or issued with a formal warning, they will have the right to appeal. Any such appeal must be lodged within 7 calendar days of the date of the letter confirming the outcome of any formal meeting under this policy, using the Notification of Appeal form.
- 13.2 For formal warnings issued under this policy for persistent short-term absence, the appeal will normally be considered by the next senior officer.
- 13.3 In the case of dismissals, appeals will be held by a member of Management team, normally a Director of Service. A member of HR will be present.
- 13.4 Employee's will be given 7 calendar days' notice of the appeal hearing in writing and will have the right to be accompanied by a colleague or a trade union representative or an official employed by a trade union.
- 13.5 The employee will be notified of the outcome of the appeal hearing in writing within 7 calendar days. All decisions reached at the appeal hearing will be final.
- 13.6 Where an employee is unable to attend the date originally fixed for the appeal hearing because their chosen companion cannot attend, efforts will be made to agree an alternative date and within five working days of the original date. Any other requests for adjournment will be considered having regard as to the reasons for the request and the circumstances of the case. Other than in exceptional circumstances, no more than one adjournment will be permitted.
- 13.7 Where an employee who has been given notice of an appeal meeting in accordance with this policy fails, without good reason to attend the hearing, the Council will treat the appeal as having been withdrawn.

## 14.0 Specialist Medical Advice – Occupational Health

- 14.1 The Council may refer an employee to occupational health for specialist medical advice at any point during its management of their health. It is the manager’s responsibility to contact the Senior HR Business Partner to discuss the appropriate course of action.
- 14.2 The purpose of the referral will be to access qualified medical advice on the impact of the condition on the employee’s ability to undertake the work and to identify reasonable adjustments that could be considered to support the employee in the workplace in order to either avoid further absence or achieve an early return to work.
- 14.3 Employees may be requested by the Council to consent to attend an occupational health appointment and to agree to allow the occupational health advisor to provide a report to the Council. The terms of all employees’ contracts are that they must give such consent when reasonably asked to do so by the Council.
- 14.4 Where an employee refuses to consent to the Council obtaining medical information about their diagnosis and prognosis, the Council shall be entitled to make decisions about the individual’s continued employment solely on the basis of such information that is available.

## 15.0 Health Surveillance

- 15.1 The Council is committed to ensuring the health & safety of employees. Where an employee is in a role that has an identified health surveillance requirement due to the nature of the work undertaken, the employee is required to co-operate with the process and attend health surveillance appointments as required.

## 16.0 Management of Information

- 16.1 A copy of all letters and other records prepared/sent in conjunction with this policy must be sent to the Senior HR Business Partner for storage on employee records, in accordance with relevant data protection requirements.

Version Number	Creation Date	Changes Made	Changes Made By:	Date of Changes
2.0	Mar 23	Policy reviewed	A Felton	Apr 23
1.2	Nov 19	2.4 Clarified that Council	A Felton	Nov 19

		using Wellness Action Plans (Appendix B)		
I.1	Aug 17	Inserted section on Health Surveillance	A Felton	Aug 17
I.0	May 2017	New policy created, combining stress and managing ill health & attendance policy	A Felton/ J Corsham	May 2017