

Managing Attendance Policy and Procedure

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Policy statement on attendance

1. CBC aims to encourage all its employees to maximise their attendance at work while recognising that employees will from time to time be unable to come to work for periods of time due to sickness. This policy relates to short-term sickness absences from work (which are defined as those lasting up to 4 weeks), long-term sickness absence (which is defined as anything over 4 weeks) and disability related absence.
2. CBC recognises its responsibility to provide a safe and healthy workplace and to support employees as far as possible to maintain attendance at work. CBC provides medical advice through occupational health provision including access to physiotherapy, counselling, free eye sight screening and tests and undertakes regular risk assessments for stress, Hand Arm Vibration, hearing and night work to prevent work related sickness absence and support employees in the workplace. CBC also has other policies in place which relate to time off work for other reasons e.g. special leave, annual leave, compassionate leave.
3. Despite the support provided, CBC understands that there will inevitably be some short-term sickness absence among employees and it must also pay due regard to the needs of the organisation and the public services provided. If an employee is frequently and persistently absent from work, this can damage efficiency and productivity and place an additional burden of work on other colleagues. By implementing this policy, CBC aims to strike a reasonable balance between the provision of services and the genuine needs of employees to take occasional short periods of time off work because of sickness.
4. The approach taken by CBC to managing long-term absence will be proactive and supportive and focus on measures to support employees return to work. It is proven that a proactive approach from both employees and employer lead to successful management of long-term sickness absence. CBC utilises various measures to support employees in this approach and phased returns to work can enable an earlier return which is beneficial for the employee.
5. None of the provisions in the policy and procedure form terms of employees' contracts of employment. It is therefore subject to change, following a joint review process which will be undertaken between management and the trade unions.

Confidentiality

6. Employees have the right to absolute confidentiality and managers will respect this at all times. If an employee does not wish to disclose personal information to their line manager they may speak with a member of the HR team as an alternative.
7. Employees must be aware that despite their right to confidentiality, managers have a duty to implement the attendance policy and may on occasion be required to make decisions based on information known to them.

Medical appointments

8. Employees are allowed time off to attend regular hospital appointments or medical screening. Where the employee is on the flexi-scheme appointments will normally be managed within the scheme. Where the employee is not on the flexi-scheme appointments should be arranged outside working hours wherever possible. Where this is not possible managers will allow time to attend.
9. Managers may ask to see the appointment card/letter prior to agreeing the amount of time the employee needs to be absent from work.
10. Where the employee has a disability and is required to keep regular appointments in connection with their disability, this may be treated as disability leave as a “reasonable adjustment” under the Equality Act 2010. If managers have any doubt please refer to HR for advice.

Notification of absence

11. Employees are required to notify their immediate line manager/supervisor of any absence caused by sickness or disability and this must be in person by phone unless exceptional circumstances prevent the employee from making contact. Text, email or voicemail is not an acceptable form of contact. It is the manager’s responsibility to ensure a deputy is nominated in their absence.
12. Employees should notify their immediate line manager/supervisor of their absence and the nature of the illness by no later than 9.30am on the first day of absence if they are office based. Where alternative shift patterns are in force managers will have alternative “in-service” notification arrangements which employees must be aware of and abide by. In all circumstances, employees must notify their manager as early as possible and no later than one hour before their normal shift start time.

13. If an employee does not contact their manager to notify absence the manager should contact the employee to establish their whereabouts. If the manager cannot establish contact with the individual, they must contact HR for next of kin details and as a last resort undertake a home visit. On any other occasion a home visit must not be undertaken without prior agreement of the employee. Employee failure to follow this procedure may result in action being taken under the disciplinary procedure for being absent without leave.
14. It is the line managers responsibility to ensure the absence is reported to payroll and HR by ensuring that absence is reported to admin on the appropriate forms in a timely manner (see S1 in appendices)
15. Employees must maintain contact with their manager on a daily basis (unless otherwise agreed with the manager on the first day of absence) until either a return to work occurs or if the absence exceeds 7 days, a fit note is supplied by the GP.
16. Contact between the employee and the manager thereafter must be mutually agreed and continue at no less than a monthly basis and must focus on what support can be provided to enable the employee to return to work as quickly as possible.

Evidence of incapacity

17. For all absences not exceeding 7 days employees will be required to complete a self-certification form on return to work. Completion of the self-certification form applies to all periods of absence due to sickness or disability including single or part days/shifts. If employees are taken ill after reporting for work and subsequently leave work, if they have worked longer than half their normal day/shift, this will not be recorded as sickness and will not require completion of a self-certification form. If an employee leaves work through sickness having completed less than half of their normal day/shift, they will still need to complete a self-certification form and the absence will be recorded as sickness
18. For absences exceeding 7 days employees are required to obtain a fit note from their GP which must be sent to their manager immediately. The employee will be sent, by return, the self-certification form, section 2 of which must be completed and returned immediately.
19. Should an employee feel well enough to return to work during the period of the fit note they are entitled to do so and do not need to return to the GP to be declared fit for work. Should a manager have any concerns about an employee's fitness to work

they should consult with HR in the first instance and consider whether an OH referral is required.

20. An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the first date of sickness as long as the employee has followed the correct procedure outlined at paragraph 11 above for notification of sickness absence.

Role of employees

21. Individual employees have a contractual responsibility to attend work regularly unless there is a genuine reason for not doing so. When an employee is prevented from attending work owing to sickness absence or disability, they must follow the procedure for reporting absence, keep in touch with management and provide fit notes when necessary in accordance with the procedure.
22. If, following discussion, it is decided that a referral to OH or Fit for Work service for advice is appropriate an employee must co-operate with this request. If an employee is referred to OHS or Fit for Work and does not attend or refuses to attend without reasonable cause, this may constitute abuse of the sickness scheme resulting in suspension of pay and may result in a manager taking action under this policy based on the medical information available, which may be detrimental to the employee.
23. Employees have the right under the Access to Medical Reports Act 1988 not to cooperate in the gaining of information from their GP. However, the employee should be made aware that the OH Physician will still offer advice based on the available evidence and management are entitled to make decisions based on that evidence.

Role of line manager

24. Managers should have in place clear procedures for recording all absence for their employees and should not rely on HR or support services to prompt them when action is necessary.
25. Following the procedures outlined in this policy should ensure that all employees are treated fairly and consistently. Effective management of attendance requires a continuous and co-ordinated effort by all managers, with support from senior management.
26. Managers are expected to play a key role in influencing employee behaviour and performance as far as practically possible by creating a supportive environment that contributes to improving attendance.

27. Managers must keep employees informed of corporate standards of attendance (e.g. targets/trigger points) and arrangements for notification of absence in their service area.
28. CBC has a range of family friendly policies to help employees balance the demands of home and work-life. Managers should ensure employees are aware of these policies and they are used appropriately as abuse of the sick leave scheme may result in disciplinary action.
29. Managers will act at all times with sensitivity and within legal boundaries ensuring that all actions taken are fair and reasonable in the individual circumstances.

Role of Occupational Health

30. A referral to occupational health is made when specific medical opinion is needed in relation to the work role and an employee may be seen either by a physician or a nurse depending on the advice needed (see para 47) .
31. A manager must meet with an employee to discuss any referral to occupational health and the reasons for the referral. (referral form in appendices)

Role of Fit for Work

32. Fit for Work www.fitforwork.org is a national programme established to provide free OH advice and return to work plans for employees who have been absent from work for a period of four weeks.
33. Referral to the service is either by GP's who have discretion in whether they directly refer patients to the service, or by employers who are able to refer employees after four weeks sickness absence both in cases where a return to work is not imminent.
34. Once a referral is made a case manager is appointed and they will conduct a telephone appointment (usually 30 minutes long) with an individual within two days of referral. Face to face appointments will only be arranged in exceptional circumstances and if they are required they will be within five days of referral and within 90 minutes travelling time.
35. The telephone appointment cannot go ahead without the consent form having been signed and the case manager will check with the employee whether the service has been explained to them and if so whether they consented to the referral. If the employee did not consent the call would end and no further action be taken.

36. The aim of the appointment is for the case manager to review the employee's health against the bio, psycho and social aspects of their wellbeing and to work with the individual to establish not only health issues and concerns but also any other barriers they have to returning to work (e.g. home issues, caring responsibilities, financial worries etc). The case manager will signpost the employee to a range of support services and will prepare a return to work plan.
37. The employee has the option to consent to that plan being shared with either their GP or employer and the case manager works with the employee to gain their co-operation to the plan.
38. The return to work plan replaces the Fit Note and the case manager has the ability to state that an employee is either:
 - i. Fit for work
 - ii. Fit for work with adjustments
 - iii. Not fit for work but likely to return within three months
 - iv. Not fit for work and not likely to return within three months
39. In addition to this service the Fit for Work service provides expert and impartial advice delivered by a team of occupational health professionals by a range of other channels e.g. live chat, email a question and a free advice line. www.fitforwork.org
40. The service is free to use and there is no limitation on how many employees are referred however an employee can only be referred once in a 12 month period.
41. Referral by employers is made via the website and is simple to use.
42. Manager's have the choice of whether to refer to the Fit for Work service or the councils current OH provider.

Role of the Policy Team

43. Provide information, advice and guidance on the equality implications of this policy and procedure, in particular on the disability equality aspects, to managers and to employees.
44. Advise managers and employees on the application of the Equality Act 2010 definition of disability, on reasonable adjustments to an existing job, or in relation to redeployment and on involving the Access to Work unit.
45. Evaluate the equality, and in particular disability equality, aspects of the policy and procedure.

Role of HR

46. HR maintain and report on an overview of absence across CBC. On a monthly basis HR will provide reports to managers detailing the absence levels in their department and those employees who have hit various trigger points for action.
47. HR will provide training, advice, guidance and support to employees and managers on all aspects of attendance management and act as the conduit to specialist OH advice.
48. HR will support at meetings and formal hearings where appropriate.
49. HR will evaluate employee policies e.g. EPD, exit interviews for their impact on sickness absence statistics.

Managing sickness absence

50. There are two types of sickness absence, short term and long term (continuous over 4 weeks) and the management of each requires a different approach.

Managing Short term sickness absence

51. CBC has a systematic approach to managing absence attributed to sickness or disability, which has the following features:
 - i. Council wide targets for average levels of absence due to sickness or disability
 - ii. Systematic consideration of whether an employee is capable of regular and efficient service
 - iii. Triggers for action – to prompt investigation of each case on its merits
 - iv. Comprehensive monitoring – to permit analysis, pick up problems and assist in meeting targets
 - v. A Policy Service to advise and support employees and managers
 - vi. An Occupational Health Service (OHS) to advise on medical aspects of any case
 - vii. Systematic appraisal of the effectiveness of managers in dealing with cases of absence attributed to sickness or disability
52. At all stages of the managing attendance procedure the aims are to:
 - i. Investigate the absence to understand the causes and effect it will have on the employees work and attendance levels.

- ii. Take all reasonable steps to collaborate with staff in tackling health, work or welfare problems (including work place stress)
- iii. To explore any options with the employee which may facilitate them in improving their attendance or returning to work
- iv. To keep the employee informed about their employment position particularly if their job is at risk.

Return to work meetings

53. Return to work interviews are an essential part of managing attendance and must be conducted after **every** sickness or disability related absence. The meeting should be held on the day the employee returns to work (unless prevented by shift patterns and then must be within 48 hours of return) and recorded on form S2 which should be sent to HR. The purpose of the interview is:

- i. To welcome the employee back to work
- ii. Check whether they are well enough to be at work
- iii. Update employees on any news while they were off and let them know how their work was covered
- iv. Identify the cause of the absence
- v. Establish if the employee has any disabilities and whether the provisions of the Equality Act 2010 apply such as making reasonable adjustments (a chair or different equipment for example)
- vi. Establish if there are any work related issues causing the absence

54. The benefit of the return to work meeting is that employees have the opportunity to discuss confidentially any issues that might not normally come to light e.g. they are being bullied or have personal issues. There is no right to be accompanied to these meetings.

55. The return to work should be documented and any actions agreed recorded e.g. referral to OHS.

56. Remind the employee of the need to attend work regularly and that CBC expects full and effective attendance.

57. Review the record of absences and If there are issues regarding the employees level of attendance or patterns of absence, the formal procedure will be initiated (the sickness absence meeting – see paragraph 56)

Referral to Occupational Health

58. The OHS service is available to employees on an appointments based system via HR.

The range of services include:

- i. Health/safety tests and advice
- ii. Workplace risk assessments
- iii. Noise/vibration testing
- iv. Eye and ear tests for council vehicle drivers
- v. Inoculations e.g. Hepatitis A and B
- vi. Counselling
- vii. In-service medical exams
- viii. Pre-employment medical screening

59. The managing attendance procedure covers both short term intermittent absences and long-term sickness and disability absence and provide in all cases for a referral of an employee to the OHS nurse or physician.

60. The following circumstances would normally require referral to the OHS:

- I. an accident at work resulting in ongoing difficulties
- II. a notifiable disease
- III. where an employee has been absent through illness for a period of two weeks or more and there is not a foreseeable return date.
- IV. All employees who have had more than four weeks consecutive absence are to be referred to the occupational health provision unless absence is a result of a self-limiting condition such as:
 - i. fractures which are healing normally with no complications
 - ii. operations or medical procedures where there are no complications
 - iii. employees receiving chemotherapy and/or radiotherapy
 - iv. imminent consultant referral
- V. where an employee has repeated spells of intermittent absence due to sickness or disability
- VI. where there are concerns about particular aspects of an employee's health in relation to their ability to do their job
- VII. Following a return to work (RTW) interview, if the manager feels that the reason for absence requires medical investigation, then immediate referral may be made.

61. Following the appointment the report will be sent to the individual and manager concerned via HR who will advise on next steps and any support that may be required.

Referral to Fit for Work

62. An employee can only be referred to Fit for Work when they have been absent over 4 weeks and there is no prospect of an imminent return to work.

63. Managers may choose to refer to the Fit for Work service if they feel that the employee would benefit from the multi-disciplinary approach taken by the service to developing return to work plans.

64. As the service provides a telephone appointment within two days of referral, this may be a preferred option to an OH appointment.

65. Referral is via the fit for work website and it is essential that the employee has consented to the referral so managers must have a face to face discussion with the employee to seek their agreement to the referral.

Formal action and trigger points

66. This procedure provides a framework to ensure that managers investigate the reasons for absence and any work or domestic problems that may underlie the absence and form a judgement as to what further action is appropriate.

67. Where an employee has failed to attend or improve their attendance levels despite support from management and where attendance levels reach trigger points, the manager will give the employee a series of formal warnings that their job may be at risk.

68. In short term absence cases, there are four stages to the procedure plus the right to appeal. These stages are:

- i. Stage 1 – could result in a Verbal warning (confirmed in writing)(normally 6 months duration)
- ii. Stage 2 – could result in a Written warning (normally 12 months duration)
- iii. Stage 3 – could result in a Final written warning (normally 12 months duration)
- iv. Stage 4 – could result in Dismissal

69. Once a stage in the process has been reached, any improvements in attendance will need to be maintained. If, following a review period, attendance levels return to

unacceptable levels (backsliding), action will re-commence at Stage 2 and longer warnings may be given at each stage.

70. Absence in a 12 month rolling period which meets any of the following criteria but does not exceed 4 weeks continuous absence will be dealt with under the short term sickness absence procedure. The 8 day trigger is pro-rated for part time/variable/annualised contract employees. The trigger points are:
- i. 3 periods of sickness in 6 months
 - ii. 8 working days in a rolling 12 months
 - iii. Any pattern of sickness absence e.g. Mondays, Fridays.

Sickness absence meetings

71. When an employee hits a trigger point for the first time there will be a **Stage 1** absence management meeting where the line manager will consider all the individual circumstances in accordance with the procedure set out below. As a formal warning for sickness may be issued as an outcome of the meeting, the procedures must be carefully adhered to.
72. The line manager will invite the employee to a meeting, in writing giving a minimum of 5 days working notice. The letter will remind the employee of their right to be accompanied by a trade union representative or work colleague.
73. The meeting will be led by the line manager, and will have the purpose of fact finding, where possible establishing the cause of any absence and to offer assistance based on individual circumstances. The line manager will cover the following matters as appropriate during the meeting:
- i. Identify the frequency and cause for the absences and ensure that the employee is aware that their absence record is giving cause for concern, and highlighting the impact on the rest of the team or authority.
 - ii. Advise the employee to seek medical attention to determine if there are grounds to consider that there might be an underlying medical problem, or refer to OHS as appropriate.
 - iii. Give consideration to personal problems which may be causing absences and offer possible ways of helping the employee resolve them.
 - iv. Consider if any temporary or permanent redeployment or reduction of duties or reasonable adjustment is required.

- v. Explore whether the absences may be due to a work related injury, a disability defined within the Equality Act, or pregnancy and take advice from HR as appropriate
- vi. The standard of attendance required and the period over which attendance will be monitored (period of warning)
- vii. The consequences of failure to improve attendance (eventual dismissal).
- viii. Confirm whether or not a formal warning for sickness absence will be issued on this occasion, providing reasons for the decision and indicate the next stage of the procedure if attendance does not improve.

74. The line manager must confirm in writing the outcome of the meeting within 7 working days and send a copy to HR for the employee file. The letter must include:

- i. Details of who attended the meeting and date held
- ii. What was discussed and the actions agreed for both employee and line manager with relevant timescales
- iii. Confirmation of whether or not the outcome is a formal warning for sickness absence providing reasons for the decision and clarification that further absence may result in the employee receiving subsequent formal warnings for sickness absence, clarifying that 3 formal warnings for sickness absence in a rolling 12 month period may result in a dismissal meeting. **NB. If a manager does not give a warning they will be expected to discuss this with HR to justify their use of discretion.**

75. Where attendance has not improved following the first meeting (for further sickness absence that is over and above the initial trigger), the manager will convene a **Stage 2** absence management meeting following the process as above but subsequent meetings will be accompanied by the relevant HR Officer. Should absence levels still fail to improve following a Stage 2 meeting it may be necessary to convene a Stage 3 meeting. At each stage the meeting will cover the points at paragraph 58 above and detailed in the manager guidance notes in the appendices. Meetings will be followed up in writing within 7 working days issuing a **Stage 1** (verbal), **Stage 2** (written) and **Stage 3** (final written) warning as appropriate.

Stage 4 sickness absence capability hearing

76. If there continues to be no improvement following the issue of the **Stage 3** (final written) warning the employee will be invited to a capability hearing, in writing:

- i. giving the right to be accompanied

- ii. informing the employee that as a result of the meeting their contract may be terminated.
- iii. Providing a copy of the line manager's report and evidence for consideration at the capability hearing.

77. The capability hearing will be chaired by a manager with delegated authority to dismiss and must be accompanied by a member of the HR team.

78. The purpose of the meeting is to consider all information in relation to the absences, including Occupational Health advice. If appropriate the hearing manager may ask for further medical advice.

79. The hearing manager should consider whether or not alternative employment, reasonable adjustments to the current role or ill-health retirement could and should have been considered prior to the decision to terminate employment.

80. If it is decided following the hearing that the contract of employment will be terminated by virtue of capability as a result of absence, then the employee must be given due notice/pay in lieu of notice and any other additional payments outstanding i.e. holiday pay. (but see paragraph 75)

Long term sickness absence

81. If absence continues past 4 weeks this is termed long-term sickness absence and the following process should be followed. The trigger points for action are different in long-term sickness cases and they are :-

- i. 1 month – verbal warning
- ii. 3 months – written warning
- iii. 6 months – final written warning
- iv. 12 months - dismissal

82. It is the managers responsibility to establish regular contact with the employee and as a minimum the manager should meet with the employee on a monthly basis to discuss:

- ix. How the employee is feeling and what steps they are taking to recover and return to work
- x. What support the employer can provide to enable to return to work e.g. phased return to work, reduced hours, specialist equipment
- xi. Whether a referral to occupational health would be beneficial
- xii. How long the employee expects to be absent from work

83. Once the continuous absence reaches the 4 week **trigger point** the **stage 1** absence review meeting must be held using the relevant invite letter and unless there are exceptional circumstances a stage 1 warning should be administered. If managers are considering not giving a warning they must contact HR for advice.
84. At the three month **trigger point** stage a **stage 2** invite letter is issued and a further absence review meeting arranged. A referral to OHS must be undertaken and a formal absence review held with the employee to advise them of the consequences of continued absence. This does involve a **stage 2** warning being administered unless exceptional circumstances prevent this. If managers are considering not giving a warning they must contact HR for advice.
85. The meeting should focus on what steps can be taken to ensure a speedy return to work and remind the employee of the potential consequences of continued absence i.e. dismissal.
86. Should a return to work not have been achieved at this point monthly meetings continue as in paragraph 58 above until the six month **trigger point** is reached at which point a further referral to occupational health will be made and be followed by a formal **Stage 3** meeting at which the employee has the right to be accompanied where the manager will consider all points at paragraph 58 and decide whether a further warning may be appropriate. The employee should be given every opportunity to provide solutions to the problem. This will be based on all the evidence presented and the likelihood of the employee returning to work within a three month period. Should the manager decide that dismissal may be appropriate at this stage, this will be referred to another manager with authority to make the decision to dismiss. If dismissal is not considered appropriate at this stage a **stage 3 final written warning** will be administered.
87. If a return to work has not been achieved by the 12 month stage a formal **stage 4** capability hearing will be arranged with a manager with authority to dismiss.
88. An employee may normally only be dismissed after a final written warning and if there is no reasonable alternative to dismissal. As an alternative to dismissal, in agreement with the employee, managers may decide on:
- I. making reasonable adaptations to the work, workplace or working arrangements (taking into account job evaluation)
 - II. compulsory transfer to another job – where the employee’s condition means that they cannot continue in their original work place or job
 - III. redeployment search for a reasonable period

IV. demotion

89. If an employee is no longer capable of performing in the role they were employed for they will be dismissed unless they can be redeployed into another role.
90. If an employee is redeployed they will accept the terms and conditions relevant to the new post and pay will not be protected if the new role is a lower salary.
91. It may not be practical to ask the employee to work through their notice period. An employee who is dismissed after absence related to sickness or a disability is entitled to:
- I. Notice or pay in lieu of notice even if they cannot work it in practice
 - II. Full pay for the notice period even if they are on half or nil pay
 - III. Full pay for any untaken leave accrued in the current year unless management require some or all of it to be taken in the notice period
 - IV. Full pay for leave accrued during the notice period unless management required some or all of it to be taken before the employee leaves.

Appeal

92. Employees have the right of appeal against a decision to dismiss. Any appeal must be made in writing to the dismissing manager who will liaise with HR to arrange an appeal hearing. The appeal will be heard by members supported by an HR officer
93. The grounds for appeal must be on one or more of the following grounds:-
- i. Procedure – a failure to follow procedure having a material effect on the decision
 - ii. The facts of the case – the appellant can bring evidence directly relevant to disputed facts as set out in the grounds of appeal. Otherwise the facts at the earlier stage will be accepted
 - iii. Sanction/caution/action – too severe given the circumstances of the case
 - iv. New evidence – only new evidence which had not come to light for the first hearing is to be considered. The appeal is not to be used to reargue the case with different evidence. Where there is genuine new evidence the original hearing officer should have the opportunity to hear the evidence and review their decision

Phased return to work

94. Where an employee has been absent from work due to illness/incapacity or disability a phased return to work may be appropriate to ensure a smooth and

supported return to work. This may include a temporary change to hours or times worked and/or any other reasonable adjustment. The GP fit note or advice from OHS may give an indication of whether this is likely but nonetheless this is always a consideration.

95. A phased return to work will only be considered where the employee intends to resume normal working within 4-6 weeks and where immediate resumption of full duties would clearly put additional strain on the employee and jeopardise their ability to continue normal working.
96. The period of the phased return should normally be 4 weeks duration with the employee returning to normal working by the 5th week. In exceptional circumstances and with the agreement of HR the period may be extended to 6 weeks.
97. Where a phased return or change to contractual working hours is being considered as part of rehabilitation back to work it is important that the manager discuss the basis of the return with HR and/or the Policy Team. Any agreement can then be administered and any contractual revisions noted and advised to payroll e.g. if an employee reduces their hours permanently and a change to contract is required.
98. The agreement should be put in writing, signed and forwarded to HR with copies being kept by the manager and employee.
99. For recording purposes absences during a phased return to work are '*authorised absences for the purposes of rehabilitation*'. The employee is not deemed as sick for the purposes of recording and they will resume their normal basic salary or weekly pay.
100. Where the employee does not resume normal working as agreed, the phased return to work agreement will be void and the occupational sick pay scheme will be resumed as entitlement allows.
101. If the employee subsequently becomes absent again, due to sickness or disability, managing attendance procedures will apply, including resumption of occupational sickness payments as appropriate.

Disability related absence

102. The Equalities Act 2010 places a legal requirement on employers to make reasonable adjustments for employees with disabilities where this would enable an

employee to continue working or to enable a return to work from sickness absence. The Act defines a disabled person as a person with:

‘a physical or mental impairment which has a substantial and long term [i.e. expected to last for more than 12 months or recur beyond 12 months] adverse effect on their ability to carry out normal day to day activities.’

103. There is a legal requirement placed on employers to ensure the employee is not disadvantaged because of their disability however an employee must make their manager aware of the disability.
104. It is recognised that a person may be perfectly healthy and also living with a disability. When an employee needs time off work related to the disability (Disability Leave) they are not necessarily ‘sick’. Such absences may include (this list is not exhaustive):
1. Hospital or doctors appointments connected with the disability/impairment or technical aids
 2. Ongoing treatment
 3. Recovery time from an aspect of disability/impairment e.g. an asthma attack or diabetes
 4. Infection that is as a result of disability and/or an impairment
105. The disability may be physical or mental and mental disability can include the symptoms of stress (refer to separate stress policy).
106. Disability leave is managed under the terms of the managing attendance policy and procedure. This means that the manager will conduct return to work interviews and sickness absence reviews if a trigger is reached. Disability leave is recorded separately but aggregated into the sick absence figures and therefore counts towards trigger points. This means that the authority expresses its concern and exercises its responsibilities but does not imply that the employee is in the wrong and does not necessarily mean that formal action will be taken. **The line manager must however take into account the nature of the absence relating to a disability when considering action following a trigger being reached and must consult with HR or the Policy Team when considering action.**
107. Ultimately it may be considered that the levels of absence due to disability become unsustainable for financial and/or service provision/operational reasons. All other options outlined at paragraph 72 must have been exhausted and demonstrated to be ineffective before dismissal is considered appropriate. Dismissal

would be managed under the terms of the managing attendance policy and procedure.

Maternity absence

108. Sickness absences during pregnancy must be recorded in the same way with detailed records of the cause of absence to highlight pregnancy related illnesses. Absence for ante-natal clinics is not counted towards trigger points for action.
109. If an employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth, her maternity leave will start automatically and she should notify her line manager in writing as soon as possible.

Sick pay scheme

110. The council's sick pay scheme is intended to supplement Statutory Sick Pay (SSP) and other welfare benefits so as to maintain normal pay during defined periods of absence on account of sickness or disability.
111. Employees are entitled to receive occupational sick pay as per NJC Green Book for the following periods:

During 1 st year of service	1 months full pay and (after completing 4 months service) 2 months half pay
During 2 nd year of service	2 months full pay and 2 months half pay
During 3 rd year of service	4 months full pay and 4 months half pay
During 4 th and 5 th years of service	5 months full pay and 5 months half pay
After 5 years service	6 months full pay and 6 months half pay

Suspension of sick pay

112. In appropriate cases managers may consider a period of suspension from the Council's sick pay scheme. The Council's sick pay scheme is distinct from the statutory sick pay scheme (SSP) and the conditions for payments under each scheme are different. An employee who fails to meet the conditions for payment of the Council's scheme may still qualify for SSP. Suspensions can only happen on two grounds:
- I. One – abuse of the conditions of the sick pay scheme such as a refusal to submit to a medical examination or failure to comply with procedures for reporting absence

- II. Two – sickness absence that can be attributed to either the employee’s own misconduct or neglect; deliberate conduct prejudicial to recovery; active participation in professional sport or injury whilst working in their own time for private gain or for another employer.

Withdrawal of self-certification

113. In certain circumstances where a manager has justifiable concerns that the right to self-certify is being abused, the right to self-certify may be withdrawn from individual employees (CBC would have to meet the cost of a private certificate). If the circumstances warrant the withdrawal of the right this would normally be accompanied by a warning and this would be put in writing. Managers should discuss with HR before taking any action.

Notification of Sickness Absence

S1

Completed by line manager on receiving call re: sickness absence from an employee

Employee name
Department:
Post Title/section

Call taken by:(manager name)
Post Title

Call received on (date/time) (Day 1)
Reason for absence
Expected return to work date
Call received day 2 (date/time)
Update on condition
.....
.....
Call received day 3(date/time)
Update on condition
.....
.....
Call received day 4(date/time)
Update on condition
.....
.....
Call received day 5 (date/time)
Update on condition
.....
.....
Call received day 6 (date/time)
Update on condition
.....
.....
Call received day 7(date/time)
Update on condition

.....
.....
Remind employee to obtain GP fit note from day 8

Agree contact with employee if absence continuing (weekly/bi-weekly/ monthly)

Administrative Officer - Ensure notification recorded on BT3 week end summary for payroll, the computerised system and S2 for line manager

Return to work interviews (RTW)

The purpose of the RTW is to:

- Welcome the employee back to work and let them know their absence has been noted and recorded– hence why they must be done after every absence no matter how brief.
- Check they are well enough to be back at work.
- Discuss the details of a previously agreed return to work based on advice on the GP fit note.
- Update the employee on any news whilst they were off i.e. what has changed?
- Identify the cause of the absence – this needs to be handled with sensitivity and by asking open questions. Very often sickness absence is a symptom of other things happening in someone’s life e.g. caring responsibilities, workplace bullying, lack of motivation and job satisfaction. The interview gives the employee the chance to open up about these issues.
- Establish whether the employee has an ongoing disability and whether the provisions of the Equality Act 2010 apply, requiring reasonable adjustments to be considered.
- Establish if the sickness is work related and whether there are any health and safety issues to address.

Preparing for the RTW:

- Find a quiet place with no distractions as the meeting is confidential – don’t sit on the edge of the employee desk for a quick chat as this is not likely to lead to a constructive conversation.
- Remind yourself about the individual employee and have their absence records to hand in case you need a reminder about their history or their absences are causing concern.
- Think about how you would respond to a request for flexible working or a change in pattern/hours of work.
- Think about the kind of questions you might ask – are there patterns of absence occurring? Does it appear there is an undisclosed medical condition demonstrated by repeat absences?
- Have the occupational health referral form to hand in case there is a need for a referral.
- If there are repeated absences for minor illnesses such as headaches, migraines, stomach upsets ask the employee if they have sought advice from their GP and whether they are receiving treatment for them. If they haven’t, ask them why not and what they can do to improve their health.

- Refresh yourself on the referral process for counselling or physiotherapy in case this is needed and if stress has been mentioned make sure you have the stress risk assessment handy.
- Remember that the focus of the discussion should be positive and focus on positive outcomes.

Following the RTW

- Make a note of the discussion (on form S2) and give a copy to the employee and send to HR.
- Make a list of any actions that are needed and note who will take them forward.
- If appropriate set a review date and diary it to make sure it happens.
- Let the employee know that you are available if they have any worries or concerns they need to discuss and that you are there to support them.

Managing Sickness and Disability Absence Return to Work Discussion

S2

Employee Name:		Department:	
Date of first day of absence:		Date of last day of absence:	
Total number of working days lost:		Total number of working hours lost:	

Please indicate normal working pattern in hours per day						
Mon	Tue	Wed	Thurs	Fri	Sat	Sun
If working pattern varies from week to week please provide further information						

Please refer to the full list of sickness reasons via the CBC intranet Please complete ALL 3 sections relating to cause of sickness absence.		
1	Top level sickness absence reason	
2	Sickness absence reason detail	
3	Sickness absence cause	

If disability related, please state any reasonable adjustments to be considered.					
Have you been to a doctor or medical professional?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Are you receiving any medication or treatment?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If 'Yes', please state any implications for work, if 'No' state why not:		
Are there any work related factors contributing to your absence and return?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If 'Yes', please state:		

Is a risk assessment required?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Done <input type="checkbox"/>
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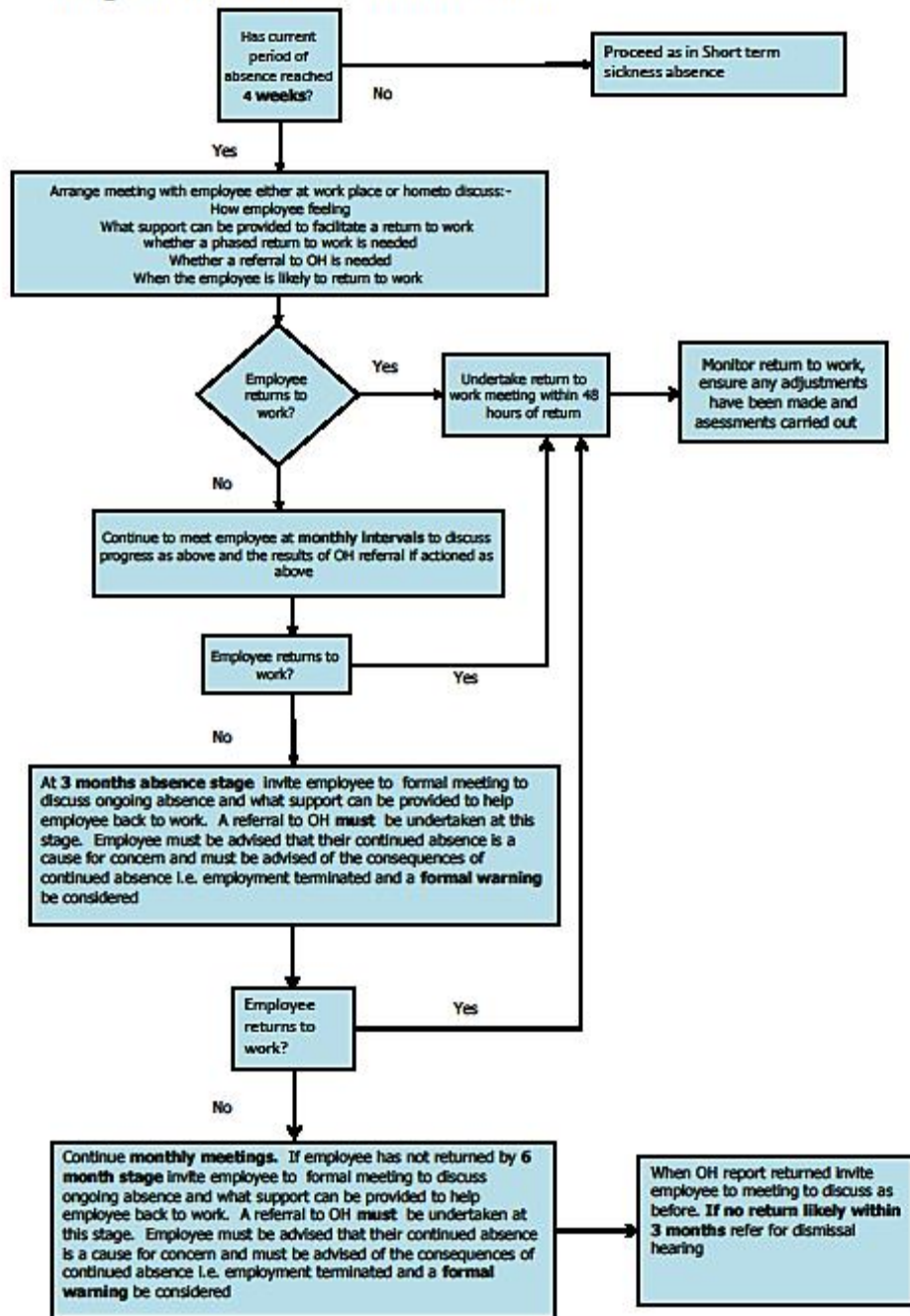
Is there anything else to take into consideration regarding your return to full attendance and performance?	
How many days has the employee been sick during the previous 12 months? (if a trigger has been reached instigate formal action as per policy)	
Remind employee of number of days lost in previous 12 months and advise them of the consequences of further absences (formal action)	

Employee: I certify that I was absent from work on the days and dates above for the reasons as stated. I confirm that the information given is the truth and that any false information may lead to disciplinary action.			
Signature:		Date:	

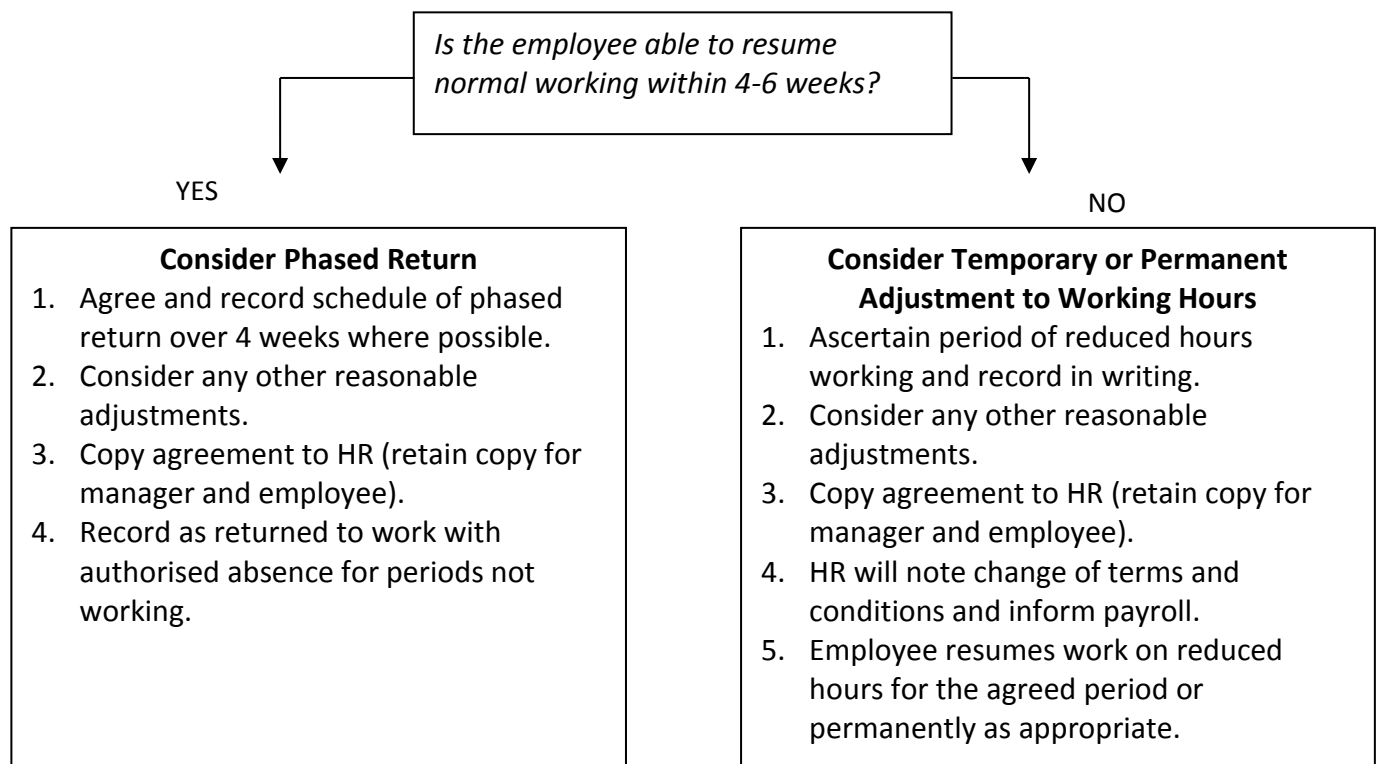
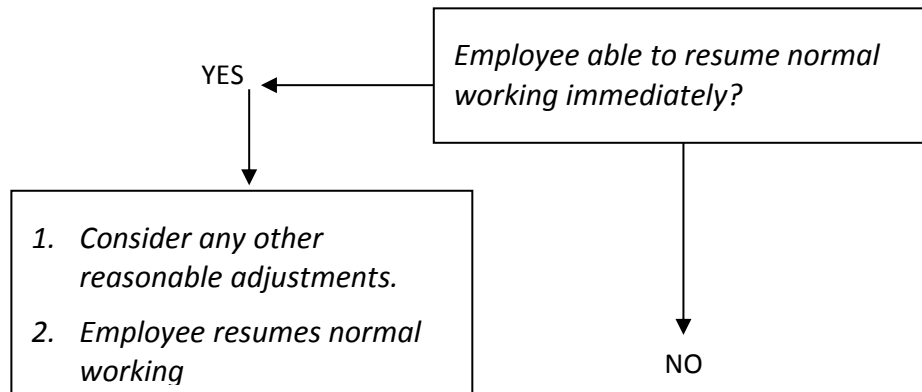
Manager: I confirm the record of the return to work discussion and authorise the absence as					
Self-certified sickness absence	<input type="checkbox"/>	Disability Leave	<input type="checkbox"/>	Work related	<input type="checkbox"/>

Certified sickness absence	<input type="checkbox"/>	Pregnancy related	<input type="checkbox"/>	Industrial Injury	<input type="checkbox"/>
<p>I undertake to facilitate the return to work by the following management actions:</p> <p>I have made the employee aware of their absence record and advised them of the current position and the consequences of not improving performance:</p>					
Signature:		Date:			

Long Term Sickness Absence Process



Managing a return to work following absence due to long term sickness



Example of a **phased return to work** for a full time employee:

- Week one: employee works 1 full day or a suitable equivalent combination of half days
- Week two: employee works 2 full days or a suitable equivalent combination of half days
- Week three: employee works 3 full days or a suitable equivalent combination of half days
- Week four: employee works 4 full days or a suitable equivalent combination of half days
- Week five: employee resumes full time working

Phased return to work agreement

Name:

Directorate:

Manager name:

Schedule of working

	Week commencing	Details of work pattern (full/part days, hours etc)
Week 1		
Week 2		
Week 3		
Week 4		
Week 5		
Week 6		

I have agreed with my medical practitioner that I am able to resume work on a phased return basis and that I will be able to resume normal working by w/c

I understand that the phased return schedule allows me authorised absence for '*rehabilitation purposes*', that my absences are therefore not recorded as '*sickness*' and that full contractual salary/wages will be paid.

I undertake to ensure, to the best of my abilities, that I fulfil this agreement to resume normal working. I understand that if I am unable to fulfil this agreement then normal rules with regard to sickness will apply.

If I am unable to resume normal working hours after the above date then I understand that the agreement lapses and that a new agreement with regard to temporary changes to my working hours, terms and conditions may be negotiated (e.g. part-time working).

Signed: employee Date:

Signed: manager Date:

Request for Advice from Occupational Health

1. **To the referrer:** please ensure this form is completed fully. Attach any information relevant to the referral to assist the Occupational Health Advisor in providing you with the appropriate report
2. It is very important that the employee understands the reasons why they are being referred and what advice the referring manager is requesting to optimise support and advice.

Referrer Details	
Name in Print:	
Tel. No:	
E-mail: This should be your dedicated e-mail address and not shared with anyone else	
Name in print of relevant HR contact:	
Tel. No:	
E-mail:	
Employee Details	
Name in Print:	Date of Birth:
Title: Mr/Mrs/Miss/Ms/Other	NI Number:
Gender: Male / Female	
Address	Home telephone:
	Mobile:
	Work telephone:
Job Title	Department / Business Group:
Work Location:	Contractual Hours of Work:
Is this an absence following an accident at work: Yes / No	Is the employee currently off work: Yes / No
First date of this absence:	Absence / Sickness History Attached: Yes/No
Are there any specific requirements needed to assist in this assessment? (i.e. interpreter):	Please describe key duties of the position (or attach copy of job description)

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Request for Advice from Occupational Health

Reason for referral (Please tick)	Specific advice required (Please tick all that apply)
Prolonged sickness absence period > 2 weeks.	When is the employee likely to be fit enough to return to work?
Following frequent minor sickness absence (NB: please ensure sickness absence history print-out attached with this referral - please obtain this from HR Shared Services)	Are there any restrictions/reasonable adjustments that will be required?
Changing job requirements and/or pre-placement assessment	For how long might any restrictions be required?
Return to work following an accident/injury <i>*sustained / not sustained</i> at work (*delete as appropriate)	Is there likely to be a need to seek alternative work activity?
Assessment of fitness to continue in present work activity	Other specific advice required – please specify questions:
Concern over performance that may be health related	
Concern over performance/behaviour that may be related to substance misuse/abuse	
Other reason - please specify:	
Please provide details of current problem, such as how is this affecting their ability to work?	

What action has been taken to date?

I confirm that the reason for this referral has been fully explained to the employee

Signature of Referrer:

Date:

Declaration:

- The reasons for this referral and the contents of it have been discussed with me by the referrer and I consent to a confidential report being compiled by Occupational Health in answer to the questions detailed above.
- I am aware that the referrer may share the report with my manager/supervisor
- I understand that the information given will be retained in STRICT CONFIDENCE by the OH department and that no medical information will be released without my consent. Any advice given to the referrer will only be expressed in terms of my fitness to carry out the proposed duties both now and in the future.
- I understand that as part of this referral I will be contacted by Occupational Health and am in agreement for them to do so. I also understand that I may be required to attend for an assessment with an Occupational Health Professional.
- I have been informed that I can see any report before it is supplied to the referrer & I **DO / DO NOT** (please delete as appropriate) wish to see the report before it is sent to the referrer.
- I consent to any OH report being sent in electronic format

Employee Signature	Print Name	Date

STAGE 1 ABSENCE MANAGEMENT MEETING GUIDANCE NOTES FOR MANAGERS (a guide for both short and long term absence)

The aim of this guidance note is to provide managers with a step by step template to follow at the stage 1 meeting with the employee. Please amend the template to reflect the individual case.

Attendees:

Thanks for attending/Introductions

If the employee is unaccompanied, the line manager checks he/she is happy to proceed without representation and makes a note to that effect.

Reason for Meeting

- To discuss the employee's absences in the last 12 rolling months
- To review the employee's current health situation
- To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
- To look at the options available in line with the Managing Attendance Policy and Procedure.

Absences from Work

- Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions, over the last 12 months.**

Date	Reason for absence

- Discussion to explore if there was any associated reason's linked to the absences e.g. absence caused by a disability or personal, family or work related problems.
- Discuss any return to work interviews, relevant one-to-one meeting notes and any previous OH advice or a referral to OH if appropriate.
- If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day. It is legitimate to state this as a fact to the employee and ask them for their opinion on it (they may not have realised there was a pattern forming)
- Explain that you are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve their attendance.

- Remind the employee they are contractually required to be at work and ask what steps they are taking to improve their attendance. Check whether they have been to the GP for any illnesses they have been off with and challenge if they haven't.

Current Health Situation:

- General discussion around how the employee is feeling.
- The nature of employee's ill health and any progress or improvements.
- If Long term absence is there a likely return to work date.
- Discuss any recent Occupational Health reports.
- Employee is asked to provide an explanation as to why attendance has hit trigger points.

Support Available

- Discuss any support we can offer in order to assist in returning to work or improving the level of attendance.
- (If Applicable) Reference to any OH reports that have already been received prior to the meeting and what they said.
- If still absent from work, could we accommodate employee returning to work in a different capacity until they are fully fit to resume normal duties.
- Discuss any reasonable adjustments for the employee if needed.
- Discuss referring to OH for advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health. Where applicable, arrange follow up meeting on receipt of OH advice.
- Discuss whether temporary or permanent redeployment should be considered (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Pay status, i.e. when reduce to half/nil sick pay.
- If recommended by OH consideration for those in the Pension scheme to be reviewed for permanent ill health retirement.

Managing Attendance Procedure

- Explain the employee's absences have hit the council's trigger points and therefore must be monitored under the Managing Attendance Policy.
- Unless there are mitigating circumstances which must be discussed with HR, administer stage 1 warning and explain to employee that this will remain on their file for 6 months during which time their absence levels will be monitored.
- The employee absence(s) will continue to be reviewed and the manager will set an appropriate review period depending on the circumstances with the aim of them improving attendance or returning work within the review period. A review meeting will take place following the review period to discuss the absence(s). In addition a target of improvement will be set, if the employee is absent long term, then the target is for them to return to work, if you are managing the employee's short term absences then the amount of absences within this review period must be below the council's trigger points pro rata to the length of the review period, this could be no absences within a 6 month period.
- If they do not improve or return within this review period a Stage 2 Hearing will be arranged to discuss the absence.
- Explain that you hope to see an improvement in the employee's attendance. However, if further absences happen or if they fail to return to work, then a Stage 2 hearing will be arranged. Explain that we have a responsibility to make them aware of what the managing attendance

procedure is and also what the possible outcomes of the process could be, they need to be aware that at a Stage 2 Hearing an outcome could be a written warning for 12 months.

- If at the end of the Stage 1 review period the employee's attendance has improved to the expected level, then they will be advised to sustain this improvement. Should the employee have further absences within a 12 month period and the absences reach the council's trigger points, a decision could be made to escalate to a Stage 2 hearing within the Managing Attendance Procedure.
- Ensure the employee has a copy of the managing attendance policy and procedure.
- A letter will be sent to confirm the outcome of the meeting (please use the stage 1 outcome template letter from policy).
- Check whether the employee has any questions and thank all parties for attending the meeting.

STAGE 2/3 ABSENCE MANAGEMENT MEETING GUIDANCE NOTES FOR MANAGERS (a guide for both short and long term absence)

The aim of this guidance note is to provide managers with a step by step template to follow at the stage 2 and 3 meeting with the employee. Please amend the template to reflect the individual case.

Attendees:

Thanks for attending/Introductions

If the employee is unaccompanied, the line manager checks he/she is happy to proceed without representation and makes a note to that effect.

Reason for Meeting

- To discuss the employees absences since the Stage 1/2 meeting.
- To discuss the employee's absences in the last 12 rolling months
- To review the employee's current health situation
- To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
- To look at the options available in line with the Managing Attendance Policy and Procedure.

Absences from Work

- Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions, over the last 12 months.**

Date	Reason for absence

- Discussion to explore if there was any associated reason's linked to the absences e.g. absence caused by a disability or personal, family or work related problems.
- Discuss any return to work interviews, relevant one-to-one notes and any previous OH advice or a referral to OH if appropriate.
- If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day. It is legitimate to state this as a fact to the employee and ask them for their opinion on it (they may not have realised there was a pattern forming)
- Explain that you are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve their attendance.

- Remind the employee they are contractually required to be at work and ask what steps they are taking to improve their attendance. Check whether they have been to the GP for any illnesses they have been off with and challenge if they haven't.

Current Health Situation:

- General discussion around how the employee is feeling.
- The nature of employee's ill health and any progress or improvements.
- If Long term absence is there a likely return to work date.
- Discuss any recent Occupational Health reports.
- Employee is asked to provide an explanation as to why attendance has not improved since Stage1(2) meeting.

Support Available

- Discuss any support we can offer in order to assist in returning to work or improve the level of attendance.
- (If Applicable) Refer to any OH reports that have already been received prior to the meeting and what they said.
- If still absent from work, could we accommodate employee returning to work in a different capacity until you are fully fit to resume normal duties.
- Discuss any reasonable adjustments for the employee if needed.
- Discuss referring to OH for advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health. Where applicable, arrange follow up meeting on receipt of OH advice.
- Discuss whether temporary or permanent redeployment should be considered (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Pay status, i.e. when reduce to half/nil sick pay.
- If recommended by OH consideration for those in the Pension scheme to be reviewed for permanent ill health retirement.

Managing Attendance Procedure

- Explain the employee's absences have continued to hit the council's trigger points and therefore must be monitored under the managing attendance policy.
- Unless there are mitigating circumstances which must be discussed with HR, administer stage 2 written warning (stage 3 final written warning) and explain to employee that this will remain on their file for 12 months (or longer period if backsliding has occurred) during which time their absence levels will be monitored.
- The employee absence(s) will continue to be reviewed and the manager will set an appropriate review period depending on the circumstances with the aim of them improving attendance or returning work within the review period. A review meeting will take place following the review period to discuss the absence(s). In addition a target of improvement will be set, if the employee is absent long term, then the target is for them to return to work, if you are managing the employee's short term absences then the amount of absences within this review period must be below the council's trigger points pro rata to the length of the review period, this could be no absences within a specific period.
- If they do not improve or return within this review period a Stage 3 meeting / Stage 4 Hearing will be arranged to discuss the absences and the employee's fitness to undertake the role.

- Explain that you hope to see an improvement in the employee's attendance. However, if further absences happen or if they fail to return to work, then a Stage 3 meeting or Stage 4 Hearing will be arranged chaired by a manager with authority to dismiss. Explain that we have a responsibility to make them aware of what the absence management procedure is and also what the possible outcomes of the process could be, they need to be aware that at a Stage 4 Hearing an outcome could be dismissal.
- If at the end of the Stage 2 / 3 review period the employee's attendance has improved to the expected level, then they will be advised to sustain this improvement. Ensure the employee has a copy of the managing attendance procedure.
- A letter will be sent to confirm the outcome of the meeting (please use the stage 2 /3outcome template letter from policy).
- Check whether the employee has any questions and thank all parties for attending the meeting.

STAGE 4 SICKNESS ABSENCE CAPABILITY HEARING GUIDANCE NOTES FOR MANAGERS (a guide for both short and long term absence)

The aim of this guidance note is to provide managers with a step by step template to follow at the Stage 4 Hearing with the employee. Please amend the template to reflect the individual case.

Attendees:

Thanks for attending/Introductions

Reason for Meeting

- To review the employee's current health situation.
- To discuss the absences since the Stage 1, Stage 2 and Stage 3 meetings.
- To discuss the employee's name absences in the last 12 rolling months.
- To identify if there are any further support mechanisms that could be put in place to help reduce the absences.
- To look at the options available in line with the Managing Attendance Policy and Procedure.

Absences from Work

- Discuss absences from work and how these absences have reached the trigger points. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions, over the last 12 months.**

Date	Reason for absence

- Discussion to explore if there was any associated reason linked to the absences e.g. absence caused by a disability or personal, family or work related problems.
- If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day.
- Explain that you are concerned about the number of absences and that we want to ensure that we are supporting employee as much as possible to help them improve their attendance.

Current Health Situation:

- General discussion around how the employee's is feeling.
- The nature of employee's ill health and any progress or improvements.
- If Long term absence is there a likely return to work date.
- Employee is asked to provide an explanation as to why attendance has not improved since the last Stage 3 Meeting.
- Recent Occupational Health reports.

Support Available

- If applicable Dismissing Manager can suggest other options or reasonable adjustments to try and improve the employee's attendance.
- Discuss whether temporary or permanent redeployment has been considered (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Pay status, i.e. when reduce to half/nil sick pay.
- If recommended by OH, consideration for those in the Pension scheme to be reviewed for permanent ill health retirement.

Adjournment

Adjourn the meeting to analyse all the information provided at the meeting in order to make decision on how to proceed.

The Dismissing Manager should consider the questions below:

- Has recent advice been sought from OH about the employee's condition/prognosis?
- Does the advice from OH indicate that the employee is likely to return to work in the near future?
- Are we satisfied that advice/reasonable adjustments have been considered / made and given an opportunity to have an impact on the employee's level of attendance, bearing in mind the length of absence, interests of the relevant management and the position the employee holds?
- Where there is an underlying medical condition and the OH report mentions suitability for alternative employment, have we considered/offered/discussed the option of alternative employment with the employee?

Managing Attendance Procedure

After considering all the evidence presented at the hearing, the Dismissing Manager has the following options available:

- **Dismissal** - manager decides to dismiss the employee on the grounds of 'Some Other Substantial Reason' or 'Capability' (if underlying medical condition), need to outline the reasons why, provide information on the employees notice period and if appropriate any information on redeployment that they can seek during their notice period.
- **Dismissal with permanent ill health Tier 1/2/3** - manager decides to dismiss the employee following the OH advice stating they are deemed permanently unfit to return to their substantive post, and redeployment to an alternative post is not possible, it is proposed to terminate their employment with the council on the grounds of capability due to your underlying medical condition. Explain they have been granted ill health retirement under the Local Government Pension Scheme at the following level - **Tier 1/2/3** – this means that they are deemed to be unfit for gainful employment for * years.

If it is decided to dismiss the employee advise them of their notice and outstanding annual leave

As advised you are entitled to *** weeks notice (on full pay) to terminate employment (based on your continuous service date of *****) and therefore the last day of

employment with the council will be *****. It is expected that they will be required to work your notice period. Any outstanding entitlement to annual leave should be taken during the notice period.

The employee must continue to submit GP fit notes during their notice period.

Appeal

- Inform the employee of their right to appeal against this decision, as specified at paragraph 76. If you wish to exercise this right, you should do so by writing to the Dismissing Manager, within ten working days of receiving the outcome letter, outlining the reasons for the appeal.
- **Extend Review Period** - If the employee is not dismissed the Dismissing manager can consider the following outcomes:
 - Reasonable adjustments are considered.
 - OH referral is carried out.
 - Redeployment is investigated (if appropriate due to an underlying medical condition and it has been recommended by OH).
- The Dismissing Manager to set a review period for 2 months, or in exceptional circumstances this can be extended to a maximum of 4 months. For employees who are absent from work when the meeting takes place, if they return to work prior to the end of the review period, the review period will end and the review discussion should take place at this time. For employees that are at work when the Stage 4 Sickness Absence Capability Hearing takes place a new trigger will be set for the length of the review period. This will be pro rota down to the length of the review period, e.g. this could be no absences for a 2 month review.
- If they do not improve or return within this review period another Stage 4 Hearing will be arranged to discuss the absence, and again dismissal could be considered.
- If at the end of the Stage 4 review period the employee's attendance has improved to the expected level, then they will be advised to sustain this improvement. Ensure the employee has a copy of the managing attendance policy and procedure.
- A letter will be sent to confirm the outcome of the meeting (please use the draft letter from policy).
- Any questions?
- Thank all parties for attending the meeting

NOTE TO MANAGERS: Please ensure that you speak to the employee prior to sending this letter to advise them of the process and that they will shortly receive a letter.

Name
Address

Date

Dear (Name)

INVITE - STAGE 1 Absence Management Meeting

Further to our conversation on **(insert date)** where we discussed and reviewed your absence(s) from work, I advised you that you had met the trigger points under the Managing Attendance Policy. I am therefore, writing to request your attendance at a Stage 1 Absence Management Meeting to discuss your ongoing sickness absence.

The meeting has been arranged for **(time am/pm on day, date at location)**.

At the meeting we will discuss your absence(s), your current health situation and any support that could be offered. I have enclosed details of your absences in this period, any return to work interview forms, any relevant one-to-one meeting notes, and the occupational health report received **(Note to Managers – please take reference of OH report out if not applicable at this stage or that the report has not been received)**.

Present at the meeting will be myself and **XXXX HR Officer (If applicable)**, you have the right to be accompanied at the meeting by a work colleague or recognised Trade Union Representative. Should you wish to arrange to be accompanied please contact me directly as soon as possible, or should any difficulties arise in making arrangements.

If for any reason you are unable to attend the meeting, I would be grateful if you could let me know as soon as you are able so that we can arrange an alternative time.

Please be aware that the meeting may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

Please do not hesitate to contact me if you have any questions in the meantime regarding the meeting. Also enclosed with this invite is a copy of the Managing Attendance Policy and Procedure for your information.

Yours sincerely

Line Manager

Name
Address

Date

Dear (Name)

OUTCOME - STAGE 1 Absence Management Meeting

Thank you for attending the Stage 1 Absence Management Meeting held on **(insert date)**, I am writing to confirm the details of our discussion. Present at the meeting were **(insert names)**. **Note to Managers - if the employee was unaccompanied, please state if he/she was happy to proceed without representation.**

I explained at the meeting that I was concerned about your absences and that I wanted to ensure that we were supporting you as much as possible to help you improve your attendance.

At our meeting we discussed your absence(s) from work, how these absences have reached the trigger points, and your current health situation. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions / reasons, over the last rolling 12 months.**

Date	Reason for absence

During the meeting we discussed: **(Note to Managers – please customise this letter choosing from the options below to reflect what was discussed at the meeting).**

- *The nature of your ill health – please state what was discussed*
- *any associated reasons linked to the absences e.g. absence caused by a disability or personal, family or work related problems.*
- *If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day.*
- *Your likely return to work date, if still absent from work.*
- *(If Applicable) Reference to any OH reports that have already been received prior to the meeting and what they said.*
- *If appropriate a referral to Occupational Health for advice on fitness to resume duties or advice on ongoing health.*
- *Any support we can offer in order to assist your return to work or improve your level of attendance.*
- *If still absent from work, could we accommodate your returning to work in a different capacity until you are fully fit to resume normal duties.*

- *Whether temporary or permanent redeployment should be considered if there is an underlying medical condition and it has been recommended by OH. (redeployment is not usually common during the stage 1 process, however, should it be applicable then please refer to standard wording in stage 2 outcome letter).*
- *Any reasonable adjustments agreed with a specific review date*
- *Pay status, i.e. when reduce to half/nil sick pay.*

I explained at the meeting that your absences will continue to be monitored and I administered a verbal warning and set a review period for **6 months**, this review period and the warning will end on **(insert date)**. Following the review period, I will discuss any absences with you and any supporting documentation before deciding on the next stage within the procedure.

During the review period I expect to see an improvement in your levels of attendance at work.

In accordance with the Managing Attendance Policy, should your absence levels exceed the expectations prior to the review period ending the review period will be brought forward.

I hope that we will see an improvement in your attendance and if there are any further adjustments/support that you feel would be of benefit to you please discuss this with me. However, if your absence(s) still remain at a level which is a concern please be aware of the next steps in the managing attendance procedure:

- If there has been no improvement in your absences after the 6 month review period, a Stage 2 Absence Management meeting will be arranged. At this meeting the relevant manager will review your absences and look at what other support can be provided to facilitate an improvement in your absences. They will again set a review period to monitor your absences.
- A Stage 3 Absence Management meeting will follow if there has been no improvement in your absences after the review period. At this meeting the relevant manager will review your absences and look at what other support can be provided to facilitate an improvement in your absences. They will again set a review period to monitor your absences.
- If there has been no improvement in the absences after a Stage 3 Absence Management meeting the stage 4 hearing will follow. The Stage 4 Sickness Absence Capability Hearing will be chaired by a Manager with authority to dismiss. They will be reviewing your absences and looking to see what support has been offered to improve your absences. They will also discuss your absences to see whether the organisation can sustain this level of absence away from the workplace and therefore a possible outcome of this meeting could be dismissal. **(Note to Managers – Do not remove this dismissal wording)**

I want to emphasise that the Stage 4 Sickness Absence Capability Hearing is at the later stages of the procedure, and although we are at the early stages we have a responsibility to make you aware of the absence management procedure including the possible outcomes of the process.

If at the end of the review period your attendance has improved to the expected level, you are then encouraged to sustain this improvement. Should you have further absences within a 12 month period and the absences reach the council's trigger points, a decision could be made to escalate to a Stage 2 Absence Meeting within the Absence Management Procedure.

We have previously provided you with a copy of the Managing Attendance Policy and Procedure. However, if you would like another copy, details can be found on the Intranet or if you do not have access to this please let me know and I will arrange for another copy to be sent to you.

If you have any queries with regard to the content of this letter, please do not hesitate to contact me.

Yours sincerely

Line Manager

NOTE TO MANAGERS: Please ensure that you speak to the employee prior to sending this letter to advise them of the process and that they will shortly receive a letter.

Name
Address

Date

Dear (Name)

INVITE - STAGE 2 (3) Absence Management Meeting

Following the Stage 1 (2) Absence Management meeting held on **(insert date)** where we discussed your absence(s) from work, a review period of 2 months was set. This review period expired on **(insert date)**, and therefore a further discussion took place on **(insert date)** where we reviewed your attendance.

I am now writing to request your attendance at a Stage 2(3) Absence Management Meeting to discuss your ongoing sickness absence. This meeting has been arranged for **(time am/pm on day, date at location)**.

At the meeting we will discuss your absence(s), your current health situation and any support that can be offered. I have enclosed details of your absences in this period, any return to work interview forms, any relevant one-to-one notes, Stage 1 (2) invite and outcomes letters and the occupational health report received **(Note to Managers – please take reference of OH report out if not applicable at this stage or a report has not been received)**. You previously received a copy of the Managing Attendance Policy and Procedure during the Stage 1 (2) process. However, if you require a further copy please do not hesitate to ask.

The meeting will be chaired by myself and **XXXX HR Officer** will be in attendance.**(If applicable)**. You have the right to be accompanied at the meeting by a work colleague or recognised Trade Union Representative. Should you wish to arrange to be accompanied please contact me directly as soon as possible, or if any difficulties arise in making arrangements.

If for any reason you are unable to attend the meeting, I would be grateful if you could contact [me] as soon as possible in order to arrange an alternative time.

Please be aware that the meeting may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

Please do not hesitate to contact me if you have any questions in the meantime regarding the meeting.

Yours sincerely

Line Manager

Name
Address

Date

Dear (Name)

OUTCOME - STAGE 2 (3) Absence Management Meeting

Thank you for attending the Stage 2 (3) Absence Management Meeting held on **(insert date)**, I am writing to confirm the details of our discussion. Present at the meeting were **(insert names)**. **Note to Managers - if the employee was unaccompanied, please state if he/she was happy to proceed without representation.**

Since the Stage 1 (2) Absence Management Meeting held on **(insert date)**, we set a 6 month (12 month) review period ending on **(insert date)**, unfortunately during this period your attendance has not met the target set, therefore I informed you that we have progressed to the Stage 2 (3) Absence Meeting.

I explained at the meeting that I am still concerned about your absences and that I wanted to ensure that we were continuing to support you as much as possible to help you improve your attendance.

At our meeting we discussed your absence(s) from work and your current health situation. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions / reasons, over the last rolling 12 months.**

Date	Reason for absence

During the meeting we discussed: **(Note to Managers – please customise this letter choosing from the options below to reflect what was discussed at the meeting).**

- *The nature of your ill health and any progress or improvements – please state what was discussed your likely return to work date, if still absent from work.*
- *Any support we can offer in order to assist your return to work or improve your level of attendance.*
- *Any associated reasons linked to the absences e.g. absence caused by a disability or personal, family or work related problems.*
- *If the manager has identified a pattern of absences e.g. Mondays and Fridays, pre or post annual leave, school holidays, public holidays, pay day.*
- *(If Applicable) Reference to any OH reports that have already been received prior to the meeting and what they said.*
- *If still absent from work, could we accommodate your returning to work in a different capacity until you are fully fit to resume normal duties.*
- *Any reasonable adjustments agreed with a specific review date.*
- *Referral to Occupational Health for advice on fitness to resume duties or advice on ongoing health.*

- *Discuss whether temporary or permanent redeployment should be considered if there is an underlying medical condition and it has been recommended by OH.*
- *Pay status, i.e. when reduce to half/nil sick pay.*
- *Where applicable, arrange follow up meeting on receipt of OH advice.*
- *If recommended by OH and the employee is a member of the pension scheme consideration for permanent ill health retirement.*

I explained at the meeting that your absences will continue to be monitored and I administered a written warning (final written warning at Stage 3 meeting) and set a review period for 12 months, this review period will end on **(insert date)**. Following the review period, I will discuss any absences with you and any supporting documentation before deciding on the next stage within the procedure.

During the review period I expect to see an improvement in your levels of attendance at work.

In accordance with the Managing Attendance Policy and Procedure, should your absence levels exceed the expectations prior to the review period ending the review period will be brought forward.

I hope that we will see an improvement in your attendance and if there are any further adjustments/support that you feel would be of benefit to you please discuss this with me. However, if your absence(s) still remain at a level which is a concern please be aware of the next steps in the Managing Attendance Policy and Procedure:

- If there has been no improvement in your absences after a Stage 2 Absence Management Review Meeting a Stage 3 Absence Management meeting will be arranged.
- If there has been no improvement following the stage 3 Absence Management meeting a stage 4 Sickness Capability hearing will be held.
- The Stage 4 Sickness Absence Capability hearing will be chaired by a manager with authority to dismiss and they will be looking at your absences and looking to see what support has been offered to facilitate an improvement in your absences. They will also be reviewing your absences to see whether the organisation can sustain this level of absence away from the workplace and therefore a possible outcome of this meeting could be dismissal. **(Note to Managers – Do not remove this dismissal wording)**

I want to emphasise that the Stage 4 Sickness Absence Capability Hearing is at the later stages of the procedure, and although we are at the early stages we have a responsibility to make you aware of the absence management procedure including the possible outcomes of the process.

If at the end of the review period your attendance has improved to the expected level, then you are encouraged to sustain this level of attendance.

Note to Managers: for employee's who are offered redeployment please include the following: Due to your underlying medical condition it was recommended by OH that

redeployment should be investigated. We discussed this at our meeting and you agreed that redeployment would be something that you would like to pursue. We also agreed that we would support you with looking at redeployment opportunities.

We have already provided you with a copy of the Managing Attendance Policy and Procedure, when you were invited to the Stage 1 (2) Absence Management Meeting. However, if you would like another copy, details can be found on the CBC intranet or if you do not have access please let me know and I will arrange for another copy to be sent to you.

As you may already be aware we also have our occupational health provider who offers tailored support to identify reasonable adjustments, where appropriate, to help you to return and/or remain at work. If you have any queries about occupational health please speak to your line manager.

If you have any queries with regard to the content of this letter, please do not hesitate to contact me.

Yours sincerely

Line Manager

NOTE TO MANAGERS: Please ensure that you speak to the employee prior to sending this letter to advise them of the process and that they will shortly receive a letter.

Name

Address

Date

Dear (Name)

INVITE - STAGE 4 Sickness Absence Capability Hearing

Following the Stage 3 Absence Management meeting held on **(insert date)** where we discussed your absence(s) from work, a review period of 12 months was set. This review period expired on **(insert date)**, and therefore a further discussion took place on **(insert date)** where we reviewed your attendance.

I am now writing to request your attendance at a Stage 4 Sickness Absence Capability Hearing to discuss your ongoing sickness absence. The meeting has been arranged for **(time am/pm on day, date at location)**.

The meeting is to discuss your current health situation, your absence(s) from work, and the options that may be considered; at this point we need you to be aware that this could include termination of your contract with Chesterfield Borough Council, on either the grounds of some other substantial reason or capability *(if underlying medical condition)*.

The meeting will be chaired by **XXX (Dismissing Manager)**, also present at the meeting will be myself and **XXX HR Officer**, you have the right to be accompanied at the meeting by a work colleague or recognised Trade Union Representative. Should you wish to arrange to be accompanied please contact me directly as soon as possible, or if any difficulties arise in making arrangements.

I have enclosed details of your absences in this period, any return to work interview forms, any relevant one-to-one notes, Stage 1, Stage 2 and Stage 3 invite and outcomes letters and the occupational health report received. If you wish to provide any additional documentation which is not included within this pack, it must be received by me no less than 5 days prior to the hearing in order to avoid unnecessary delays.

If for any reason you are unable to attend the meeting, I would be grateful if you could let me know as soon as you are able so that we can arrange an alternative time. You are reminded that the hearing may proceed in your absence should you or your representative fail to attend without advance notification to me and without good reason.

Please do not hesitate to contact me if you have any questions in the meantime regarding the meeting. A copy of the Managing Attendance Policy and Procedure is included within the enclosed pack.

Yours sincerely

Dismissing Manager

Name
Address

Date

Dear (Name)

OUTCOME - STAGE 4 SICKNESS ABSENCE CAPABILITY HEARING

I am writing to confirm the outcome of the Stage 4 Sickness Absence Capability Hearing held on **(insert date)**. The purpose of this meeting was to review your attendance at work following the Stage 1, Stage 2 and Stage 3 Absence Management Meetings held on the following dates **(insert dates)**

Present at the meeting was Dismissing manager and HR Officer **(include names)**, yourself and representative. **(Note to Managers if the employee did not invite a trade union representative then manager must confirm that the employee was happy to continue without a representative).**

Since the Stage 1, Stage 2 and Stage 3 Absence Management Meetings we have continued to review your attendance. At our meeting we discussed your absence(s) from work and your current health situation. We referred to all the documentation presented for the meeting, this included the Stage 1, Stage 2 and Stage 3 invite and outcome letters, any return to work forms, any relevant one-to-one notes and OH reports. The absences that we were reviewing were: **Note to Managers – please include details of absences - dates / occasions / reasons, over the last 12 months.**

Date	Reason for absence

During the meeting we discussed: **(Note to Managers – Please customise this letter choosing from the options below to reflect what was discussed at the meeting).**

- *The nature of your ill health and any progress or improvements*
- *Employee is asked to provide an explanation as to why attendance has not improved since the last Stage 3 Meeting.*
- *Recent Occupational Health reports.*
- *Any associated reasons linked to the absences e.g. absence caused by a disability or personal, family or work related problems.*
- *If still absent from work, could we accommodate your returning to work in a different capacity until you are fully fit to resume normal duties.*
- *If applicable Dismissing manager can suggest other options or reasonable adjustments to try and improve the employee's attendance.*

- *Whether temporary or permanent redeployment has been considered if there is an underlying medical condition and it has been recommended by OH. Pay status, i.e. when reduce to half/nil sick pay.*
- *If recommended by OH and the employee is a member of the pension scheme consideration for permanent ill health retirement.*

The panel adjourned the meeting to consider all of the available information together with the evidence presented at the meeting regarding your absences. We then subsequently, reconvened to deliver the decision having taken into account all of the evidence presented at the meeting.

Managers – please choose option as appropriate:

Option 1

Note to Managers - Decision not to dismiss but set review period

*After considering all the evidence presented at the hearing I was not satisfied that the absences are attributable to sickness and/or that the line manager and senior manager have not taken satisfactory action. However, I explained that your absences are still a significant concern and that you will continue to be reviewed. **Note to Managers- please insert what actions are required during this extension period.** A further review period of 2 months or less was set in order to continue to monitor your absences. Following the review period, I will discuss any absences with you and any supporting documentation before deciding on the next stage within the procedure.*

During the review period we expect to see an improvement in your levels of attendance at work.

In accordance with the Managing Attendance Policy, should your absence levels exceed the expectations prior to the review period ending the review period will be brought forward.

I hope that we will see an improvement in your attendance and if there are any further adjustments/support that you feel would be of benefit to you please discuss this with me. However, if your absences still remain at a level which is a concern please be aware of the next steps in the managing attendance procedure:

- *If there has been no improvement in your absences after a Stage 4 Sickness Absence Capability Review a further Stage 4 Sickness Absence Capability Hearing will be arranged. The Stage 4 Sickness Absence Capability Hearing will be chaired by a manager with authority to dismiss and they will be looking at your absences and looking to see what support has been offered to improve your absences. They will also be reviewing your absences to see whether the organisation can sustain this level of absence away from the workplace and therefore a possible outcome of this meeting could be dismissal.*

If at the end of the review period your attendance has improved to the expected level, then you will be advised to sustain this level of attendance. Should you have further absences within a 12 month period and the absences reach the council's trigger points, a decision

could be made for a further Stage 4 Sickness Absence Capability Hearing to be arranged where dismissal could be the outcome.

We have already provided you with a copy of the Managing Attendance Policy and Procedure, when you were invited to the Stage 1, Stage 2 and Stage 3 Absence Management Meetings. However, if you would like another copy, details can be found on the CBC Intranet or if you do not have access please let me know and I will arrange for another copy to be sent to you.

As you may already be aware we also have our occupational health provider who offers tailored support to identify reasonable adjustments, where appropriate, to help you to return and/or remain at work. If you have any queries about occupational health please speak to your line manager.

Option 2

Note to Managers - Dismissal

Having taken all of the available information into account and all of the evidence presented at the meeting, I am satisfied that your managers have undertaken reasonable steps to try and help you to improve and sustain your attendance at work. There is therefore no other alternative but to dismiss you with notice on grounds of 'some other substantial reason' or 'capability (where a medical condition is identified) as the organisation cannot continue to sustain your high level of absence from work.

Option 3

Note to Managers - Dismissal with permanent ill health Tier 1/2/3

*Having taken all of the available information into account and all of the evidence presented at the meeting you were informed that as you are deemed permanently unfit to return to your substantive post, and redeployment to an alternative post is not possible it is proposed to terminate your employment with the council on the grounds of capability due to your underlying medical condition. It was explained that as you have been granted ill health retirement under the Local Government Pension Scheme at the following level - Tier 1/2/3 – this means that you are deemed to be unfit for gainful employment for * years.*

This is applicable for option 2 or 3

In accordance with your terms and conditions of service you are entitled to X weeks notice to terminate your employment. Arrangements will be made for you to receive payment for any outstanding leave you are due up to the date of your termination.

You were informed of your right to appeal against this decision as per paragraph 76 of the Managing Attendance Policy. If you wish to exercise this right, you should do so by writing to me, within ten working days of receiving this letter, outlining your reasons for your appeal.

Note to Managers if long term - As advised please continue to send in copies of your Fit Note in the normal way up to the last date of your employment, including your notice period, this will be **(insert last day of employment)**.

This is applicable for option 1 or 2

Note to Managers: for employee's who are offered redeployment please include the following:

Due to your underlying medical condition it was recommended by OH that redeployment should be investigated. We discussed this at our meeting and you agreed that redeployment would be something that you would like to pursue. We also agreed that we would support you with looking at redeployment opportunities.

Please find enclosed a copy of the Redeployment Policy which outlines your responsibilities, please read this carefully.

Details of current vacancies within CBC can be found on the CBC website. If you intend applying for any roles, could you please let HR know in advance so they are able to notify the appointing manager and ensure that your redeployment status is recognised. Likewise if you would like any assistance in completing an application form, or with preparation for an interview, please contact me and I will be happy to provide/organise support for you.

In the meantime, if you have any questions regarding the content of this letter, please do not hesitate to contact me on the above telephone number.

Yours sincerely

Dismissing Manager