

Managing Attendance Policy

Prepared by: Human Resources

Approved by Employment and General Committee: XX 2019

For review: XX 2022

Contents



CHESTERFIELD
BOROUGH COUNCIL

Policy statement on attendance	2
Confidentiality	3
Medical appointments	3
Notification of absence	3
Evidence of incapacity	4
Cosmetic surgery	5
Role of employees	6
Role of line manager	6
Role of Occupational Health	7
Role of the Policy Team	7
Role of HR	7
Managing sickness absence	8
Return to work meetings	9
Referral to Occupational Health	10
Trigger points and warnings	11
Formal action	12
Sickness absence meetings (Level 1 to 3)	13
Level 4 sickness absence capability hearing	15
Long Term sickness absence	15
Appeal	18
Phased return to work	18
Disability related absence	19
Dying To Work Charter	21
Maternity absence	21
Sick pay scheme	21

Suspension of sick pay	22
Withdrawal of self-certification	22

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 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 or 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 Occupational Health (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.

Cosmetic surgery

Absence due to an individual undergoing elective cosmetic surgery is not covered by this policy.

21. If an employee is absent from work as a result of having cosmetic surgery, they will not be entitled to receive Statutory Sick Pay (SSP) or Occupational sick pay (OSP) for this period of absence and must use annual leave to cover for the period of absence.
22. If there are medical complications arising from the surgery the decision not to pay SSP and OSP will be reviewed after discussion with HR. If the complications could not have been foreseen and the employee will suffer financial detriment, payment of SSP and OSP will be considered.
23. If the cosmetic surgery is being undertaken via the NHS and is for medical reasons, the normal entitlement to sick pay would apply.

Role of employees

24. 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.
25. If, following discussion, it is decided that a referral to OH service for advice is appropriate an employee must co-operate with this request. If an employee is referred to Occupational Health Services (OHS) 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.
26. 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

27. 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.

28. Following the procedures outlined in this policy, managers 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.
29. 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.
30. 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.
31. 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.
32. 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

33. 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 50).
34. A manager must meet with an employee to discuss any referral to occupational health and the reasons for the referral.

Role of the Policy Team

35. 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.
36. 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.
37. Evaluate the equality, and in particular disability equality, aspects of the policy and procedure.

Role of HR

38. 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.

39. 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.
40. HR will provide support at meetings and formal hearings where appropriate.
41. HR will evaluate employee policies e.g. PDR, exit interviews for their impact on sickness absence statistics.

Managing sickness absence

42. 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.
43. 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.
44. 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

45. Return to work meetings 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
46. 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.
47. The return to work should be documented and any actions agreed recorded e.g. referral to OHS.
48. Remind the employee of the need to attend work regularly and that CBC expects full and effective attendance.
49. 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 (see paragraph 54)

Referral to Occupational Health

50. 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
51. The managing attendance procedure covers both short term intermittent absences, long-term sickness and disability absence and provide in all cases for a referral of an employee to the OHS nurse or physician.
52. 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) meeting, if the manager feels that the reason for absence requires medical investigation, then immediate referral may be made.

53. 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.

Trigger points and warnings

54. Absence in a 12 month rolling period which meets any of the following criteria will be dealt with under the managing attendance policy. The 8 day trigger is pro-rated for part time/variable/annualised contract employees at all levels. 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 that causes concern. This could be certain days of the week; around Bank Holidays; before or after a holiday; when holidays are refused; school holidays; same time each year or a pattern of regularly reaching or nearly reaching triggers.
 - iv. 4 weeks continuous absence
 - v. a mixture of long term and short term absence
55. Absences which continue past 4 weeks are termed as long-term sickness. The trigger points for action are different in long-term cases and are as follows:
- i. One months absence
 - ii. Three months absence
 - iii. Six months absence
 - iv. Nine months absence (Formal meeting but no formal warning issued)
 - v. Twelve months absence
56. Once a trigger point has been reached, managers should work with employees to support them to improve their attendance. Improvement targets should be set for employees who have triggered under this policy. The targets set will be as follows depending on whether

the absence is long term or short term and are to designed to support individuals to improve their attendance at work. The targets are:-

Short term

- i. No more than 3 periods of sickness in the next 6 months
- ii. No more than 8 working days in the next 12 months
- iii. No pattern of sickness absence identified
- iv. No long term absence of 4 weeks or more

Long term - Return to work before next trigger point and once the employee has returned to work the targets set will be:

- i. No more than 3 periods of sickness in the next 6 months
- ii. No more than 8 working days in the next 12 months
- iii. No pattern of sickness absence identified
- iv. No long term absence of 4 weeks or more

Formal action

57. This policy 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.

58. Where an employee has failed to attend work 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.

59. In all situations there are 4 levels to the warnings plus the right to appeal. All warnings should be issued within a maximum of 2 weeks of the employees return to work following the sickness absence, unless it has been mutually agreed to extend this period. The 4 warning levels are:

LEVEL	<u>ACTION</u>	DURATION OF WARNING
1	Verbal warning confirmed in writing	6 months
2	Written warning	Twelve months
3	Final written warning	Twelve months
4	Capability Hearing	N/A

60. Once a level in the procedure has been reached, any improvements in attendance will need to be maintained. If, following the expiry of a level 2/3 warning, attendance levels return to unacceptable levels (backsliding) within 12 months of expiry of the warning (to take into account the rolling 12 month period), action will re-commence at level 2/3 respectively and a two year warning will be given.

61. As stated at para 54, absence is monitored over a rolling 12 month period and therefore it is possible that the same absences could be taken into account after the level 1 warning should further absences occur within the same rolling 12 month period.
62. Where backsliding occurs after a level 1 warning has expired a further level 1 warning will be given for a 12 month period.
63. The overriding intent of this policy is to support employees to provide regular and effective service. When considering dismissal a manager will review absence patterns in the previous 5 years to ensure a full history is taken into account.

Sickness absence meetings (Level 1 to 3)

64. When an employee hits a trigger point for the first time there will be a **level 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.
65. 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.
66. 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.
67. 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. Clarify the absence target for the duration of the warning
 - iv. 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 capability hearing. **NB. If a manager does not give a warning they will be expected to discuss this with HR to justify their use of discretion.**
68. Where an employee has breached the absence target following the first meeting the manager will convene a **level 2** absence management meeting following the process as above but subsequent meetings they will be accompanied by the relevant HR Officer. Should absence targets still be breached following a Level 2 meeting it may be necessary to convene a Level 3 meeting. At each stage the meeting will cover the points at paragraph 66 above and detailed in the manager guidance notes in the appendices. Meetings will be followed up in writing within 7 working days issuing a **level 1** (verbal), **level 2** (written) and **level 3** (final written) warning as appropriate.

Level 4 sickness absence capability hearing

69. If the employee continues to breach the absence target following the issue of the **level 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.
70. 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.
71. 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.

72. 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.
73. 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. (see paragraph 83)

Long term sickness absence

74. 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
75. Once the continuous absence reaches the 4 week **trigger point** the **level 1** absence review meeting must be held using the relevant invite letter. A referral to OHS should normally be undertaken and a formal absence review held with the employee to advise them of the consequences of continued absence. Unless there are exceptional circumstances a level 1 verbal warning should be administered. If managers are considering not giving a warning they must contact HR for advice.
76. At the three month **trigger point** stage a **level 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. This does involve a **level 2** warning being administered unless exceptional circumstances prevent this. If managers are considering not giving a warning they must contact HR for advice. 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.
77. Should a return to work not have been achieved at this point monthly meetings continue as in paragraph 74 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 **level 3** meeting. The manager will consider all points at paragraph 74 and decide whether a further warning may be appropriate. The employee should be given every opportunity to provide suggestions as to how a return to work can be supported and every effort should be made to achieve this. If despite considering any adjustments possible a return to work at this stage is still not possible a **level 3 final written warning** will be administered. A formal meeting should also take place if the employee remains absent at the nine month trigger point. However, should it become apparent at any point in the process that an individual

will never be able to return to work based on medical evidence, the manager may refer to another manager with authority to make the decision to dismiss.

78. If a return to work has not been achieved by the twelve month stage a formal **level 4** capability hearing will be arranged with a manager with authority to dismiss.
79. 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
80. 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.
81. 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.
82. 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

83. 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.
84. 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

85. 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.
86. A phased return to work will only be considered where the employee intends to resume normal working within 4 weeks and where immediate resumption of full duties would clearly put additional strain on the employee and jeopardise their ability to continue normal working.
87. 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.
88. 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.
89. The agreement should be put in writing, signed and forwarded to HR with copies being kept by the manager and employee.
90. 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.
91. 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.

92. 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

93. The Equality 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. likely 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.’
94. 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.
95. 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
96. The disability may be physical or mental and mental disability can include the symptoms of stress (refer to separate Managing Workplace Stress policy).
97. Disability leave is managed under the terms of the managing attendance policy. This means that the manager will conduct return to work meetings 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.**
98. 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 66 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.

Dying to work charter

99. The Council has committed to the Dying to work charter and makes the following commitments:
- I. If an employee has a diagnosis of a terminal condition the triggers for action within this policy will not apply. Regular welfare meetings will be held (as appropriate dependent on the health of the individual) to provide ongoing support.
 - ii. If an employee has a diagnosis of a terminal condition they will not be dismissed from their employment as a result of that condition.
 - iii. Employees will continue to receive full pay throughout their illness.
 - iv. The council will provide training to line managers and all HR staff on dealing with terminal illness, including how to discuss future plans with any employee who has a diagnosis of a terminal illness, and on what adaptations to work arrangements that may be necessary.
 - v. The council will ensure that appropriate support is provided through the counselling service.

Maternity absence

100. 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.
101. 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

102. 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.
103. 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

- 104. The council takes it's responsibility for employee health and wellbeing seriously and provides a range of support mechanisms to help employees remain in work. The council considers this to be a joint responsibility with employees themselves taking action to keep fit and well and manage their attendance at work. E.g. take proactive measures to manage health conditions.
- 105. Therefore if an employee is perceived to abuse the sickness scheme e.g. failure to follow policy, working whilst off sick etc. or is absent on account of sickness due or attributable to deliberate conduct prejudicial to recovery or the employee's own misconduct or neglect or active participation in professional sport or injury whilst working in the employee's own time on their own account for private gain or for another employer sick pay may be suspended.
- 106. If an employee is sick due to their participation in dangerous/ extreme sports or activities e.g. aviation, caving, parachuting, motor sports, gravity sports etc. sick pay may be suspended as it is expected the employee will have their own personal insurance to cover any possible accidents and subsequent injuries that may lead to time off work.

Withdrawal of self-certification

- 107. 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.