

## APPENDIX 6

<b>Policy Name</b>	<b>Absence Management</b>
<b>Date</b>	December 2020
<b>Statement No</b>	1
<b>Version</b>	6

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## **1.0 Introduction**

- 1.1 The overall purpose of the policy is to encourage and support all employees to meet the standards of attendance and performance at work that will enable us to provide a high quality of service to customers.
- 1.2 The council recognises that employees will, from time to time, be unable to come to work for short and sometimes long periods of time. We do not expect staff to come into work when they are genuinely sick. This policy aims to ensure that a reasonable balance is found between the employee's welfare and the need to maintain the effectiveness and consistency of the council's services.
- 1.3 The council is committed to managing sickness absence and believes that it is the responsibility of the managers, employees and union representatives to work together to promote positive approaches and to the management of sickness absence and employee wellbeing
- 1.4 The contractual sick pay provisions provide staff with entitlement to be paid for sickness absence, this is not entitlement to be absent for sickness but an entitlement to be paid in line with these provisions if an employee is genuinely unwell.
- 1.5 Failure to comply with the requirements of the council's Absence Management Policy and/or the abuse of the policy may lead to loss of sick pay and may result in disciplinary action. Abuse includes taking time off as sick leave when not genuinely sick.

## **2.0 Scope**

- 2.1 The following procedures cover incidences of absence or incapability to perform duties due to sickness, injury, a medical/health-related condition, or disability including the following:

- Frequent short-term illness – whether medically certificated or self-certificated.
- Long-term medically certificated illness.
- Absence as a result of industrial injuries.
- Inability to perform requirements of a job owing to a medical condition or a disability (The Managing Performance Policy may also be used in these circumstances if appropriate).

2.2 This policy applies to all employees except for Chief Officer level or any other nominated statutory posts, for these postholders the principals and structure will apply but it should be used in conjunction with procedures set out in the Constitution and will involve Members as appropriate.

2.3 Sections 11 and 12 of these procedures will not apply to employees during their probationary period and prior to confirmation in post. Incidents of absence in relation to these employees will be dealt with under separate procedures relating to probationary periods of employment which are based on the absence triggers contained in this policy.

2.4 The council may, in its discretion, decide not to follow all the timescales and details set out in this policy. HR would be required to consider the reasonableness of such action (before any adjustment) in relation to all the circumstances of the case, including the total length of contract or the length of the remaining period of the contract.

2.5 Level 1 and 2 meetings will normally be held by the line manager but the council reserves the right to substitute the line manager with another or more senior manager where appropriate. Where the line manager is a Head of Service, another member of the Leadership Team will hold the Level 3 meeting.

2.6 Human Resources may accompany managers at meetings. It is their role to advise on procedure, ensure consistency and equity of treatment.

### **3.0 Definitions of absence**

#### **Short term absence**

Short term absence is defined as any period of time where an employee is not at work due to sickness for a period of up to 28 calendar days in duration, from the first day of absence (including half days).

#### **Long term absence**

Long term absence is defined as a period of time where an employee is absent from work due to sickness for a continuous period of greater than 28 calendar days.

### **4.0 Unauthorised absence**

- 4.1 It is the employee's responsibility to make sure they let their manager know at the earliest opportunity (normally before 9am) if they are unable to report for work and the reasons why. However where an employee fails to report for work an hour after an employee is due to start work, without informing their manager, it is important that the situation is investigated and the employee given an opportunity to explain. On the first day of absence the manager (who should seek support from HR) should make enquiries of colleagues to try and establish the reason for the absence. Failing this, all reasonable efforts should be made to get in contact with the employee including contacting their emergency contacts.
- 4.2 If the employee gives their reason as sickness they should be reminded of the sickness reporting procedure and advised, if appropriate, that failure to inform their manager of their absence may lead to their absence from work being considered as unauthorised absence, which may result in loss of pay and possible disciplinary action. Discussions with the employee regarding

unauthorised absence should be documented in writing and placed on the employee's personal record file.

## **5.0 Sickness and annual leave**

5.1 Employees who fall sick on annual leave may be reimbursed for their annual leave if their sickness is certified by a Doctor. Managers should be informed of this as soon as is reasonably practical.

5.2 If an employee is taken ill whilst abroad, they should obtain a statement to verify a certifiable period of illness from a recognised medical practitioner or hospital consultant in the country in which the illness occurred.

## **6.0 Reasonable adjustments**

6.1 The council is firmly committed to meeting its responsibilities under the Equality Act 2010. Care will be taken that the procedures are applied in a way that does not discriminate against employees with a disability or women who are absent from work for reasons of pregnancy-related illness. Reasonable adjustments will be made wherever possible, in accordance with legal and good practice requirements. Examples of reasonable adjustments could be:

- Providing specialist equipment
- Modifying days or hours of work
- Modifying duties
- Redeployment
- Support and advice

6.2 Advice on reasonable adjustments should be sought from HR.

## **7.0 Occupational health**

### **Referral**

- 7.1 Occupational Health is a service that managers and employees can utilise to support the employee's return to work. Occupational health will provide medical advice and give guidance on support needed for the employee to improve their health and can advise on reasonable adjustments the council may wish to consider.
- 7.2 Managers or employees who wish to utilise occupational health should contact the HR service to discuss the process and whether it is appropriate to do so based on the circumstances of the case.

### **Access to medical records**

- 7.3 After the initial consultation, the Occupational Health may decide it is necessary to contact an employee's GP or specialist to gain further information. If so, they will request either verbally or in writing that the employee complete the access to medical records form, which will advise them of their rights under the Access to Medical Reports Act 1988. The employee should complete the form and advise whether or not they are prepared to give consent.
- 7.4 If the employee fails to return the consent form, it will be assumed that they have withheld consent. Employees should be made aware that refusal to give consent could mean the council might have to make a decision on an employee's capability with the medical advice available.

## **8.0 Stress Management Guidance**

- 8.1 When an employee reports sickness absence for stress related reasons, managers should consider the following:

### **Occupational health**

- 8.2 Upon receipt of self-certification or medical certificates from a GP, where the reason for absence is stated as stress the manager should contact the HR Service to determine whether or not it is appropriate to refer the employee to occupational health for

advice and support or whether a stress risk assessment should be organised.

- 8.3 Where employees want to self-refer to occupational health, claiming stress they should advise their manager and HR to ensure that appropriate advice and support is provided.
- 8.4 Appointments for referral and self-referral must be made through the HR Service and accompanied by a completed occupational health referral form.
- 8.5 Occupational health will advise managers on rehabilitation or suitable adjustments to the workplace to facilitate a return to work and avoiding a recurrence of the problem.

### **Stress and Mental Health**

- 8.6 There is often a link between stress and mental health. In practice, it can be hard to distinguish when stress turns into a mental health problem and when existing mental health problems become exaggerated by stress at work.
- 8.7 Signs of mental health concern to look out for include:
  - An increase in unexplained absences or sick leave
  - Poor performance
  - Poor timekeeping
  - Poor decision-making
  - Lack of energy
  - Uncommunicative or moody behaviour
- 8.8 Many of the symptoms of mental health problems are similar to those that people experience when they are under considerable pressure; the key differences are in the severity and duration of the symptoms and the impact they have on someone's everyday life.
- 8.9 Managers can support employees affected by mental health problems by:

- Exploring whether their mental health problem is impacted by problems at work and if so, trying to find a resolution to their concerns.
- Encouraging employees to raise and discuss issues concerning their mental health confidentially.
- Keeping in touch with employees who are off sick. Managers should not pressurise employees but should encourage them to keep them informed.
- Offering employees returning to work from a period of mental health sickness absence a gradual return to work.
- Encouraging employees to look after their mental health; ensuring employees take lunch breaks and have a good work-life balance.
- Reminding employees of the support and advice available to them through the Employee Assistance Programme and/or the Mental Health First Aiders.

### **Stress Risk Assessments**

- 8.10 Managers should respond to work related concerns that are having an impact on the employee's stress levels and undertake reasonable measures to eliminate or control these.
- 8.11 Where an employee has cited job related stressors within their service areas, managers should conduct a stress risk assessment as soon as reasonably practicable (see Appendix B for template). These should be conducted under guidance from the HR Service, and where appropriate the advice of occupational health should also be considered.



## **Employee Responsibilities**

8.12 Employees have a responsibility to raise concerns and tell their manager about possible problems and sources of stress. If the organisation is not aware of a problem it can be difficult for action to be taken. Employees' roles and responsibilities include:

- To understand what work related stress is, what causes it and how it can be prevented and managed.
- To identify potential causes of stress for themselves before they become a problem and to raise them with their manager.
- To identify early when they are beginning to experience excessive pressure that may lead to work related stress and raise this with their manager or HR service so they can help to resolve the problem.
- To work with their manager or HR service in identifying solutions to work related stress.
- To be supportive of colleagues experiencing work related stress.
- To work with their manager or HR service in identifying solutions to help them return to work effectively and quickly after a period of stress or mental health or depression related sickness absence.
- To take advice and support that is available to them through the employee assistance programme to help manage their stress symptoms. EAP details/[Link to be added](#)

## **9.0 Notification and certification of sickness absence**

9.1 Employees must contact their manager by telephone before 9.00am if they are absent from work due to sickness, injury or any other health problem on every day of absence for the first 7 days

of absence (employees should not text in or e-mail so they can discuss their absence and arrangements required in their absence). If their manager is unavailable they should contact another member of the team. The employee must also confirm when the sickness started, how long they expect to be away from work, the reason they are sick and any cancellation or cover arrangements that need to be made in relation to their work. In exceptional circumstances, if the employee is too ill to notify their absence themselves then they can arrange for someone to do this on their behalf.

- 9.2 If an employee leaves work during the working day because of sickness, s/he must notify their immediate line manager (or another manager) giving an anticipated return date and discussing necessary arrangements as in 9.1 above.
- 9.3 The manager must log the employee's sickness on MyView once notified as soon as practicable.
- 9.4 Employees must keep their managers up to date if the reason for the absence changes or if the absence is expected to last longer than originally stated.
- 9.5 For each occasion of sickness absence, employees must complete the first section of the self-certification and return to work form on MyView and then submit this to their manager. The manager will then complete a return to work interview with the employee and complete the second section of the form on MyView. (see 10.1 below)
- 9.6 **Maintaining contact after the first 7 days of absence**  
If the absence continues beyond seven calendar days then the employee must keep their manager informed of the progress of their sickness on at least a weekly basis and obtain a fit note from their doctor to cover every day of sickness (from day eight). The weekly catch up should be managed by the manager in line with an agreed day/time with the employee to hold the call and should be done on the phone or by video link. Every four weeks the employee

should be offered a catch up face to face meeting either in the workplace or through a home visit (home visits will be supported by a HR Officer accompanying the line manager), a video call may also be considered if appropriate. Employees must forward fit notes immediately to their manager who in turn should add the certificate end date onto MyView and then forward onto HR.

- 9.7 Employees who are undergoing close monitoring of absence may be asked to provide a fit note from the first day of each absence period. If, as a result of this requirement, the employee incurs a cost this will be refunded, normally through the expense claims process.
- 9.8 Every absence must be certified and recorded to ensure correct payment of sick pay and to ensure that accurate records are maintained. Any employee who fails to comply with these procedures may be dealt with through the council's Disciplinary Policy. Also, failure to comply may result in the council withholding sick pay, including statutory sick pay and all other benefits.
- 9.9 If an employee is absent from work through sickness they must refrain from working elsewhere. If this situation were to arise it may be dealt with under the Disciplinary policy.

## **10.0 Returning to work**

- 10.1 Upon return to work following every period of sickness absence the manager should arrange to meet privately, in an appropriate place, with the employee to conduct a return to work interview. Return to work interviews can be conducted by telephone or video for home and remote workers. This should happen ideally on the first day back or at least within three days of the return to work.
- 10.2 These discussions are deemed to be informal and should raise any concerns around the employee's absence and attempt to resolve any issues before moving to formal procedures.
- 10.3 In general this discussion should be used to: -

- Discuss the cause of absence
- Discuss, where appropriate, the general attendance record, and reinforce the council view of the importance of good attendance.
- Arrange a level 1 (or appropriate level) meeting regarding short term sickness issues when an employee has reached the sickness triggers (see section 11).
- Discuss the support and advice available to the employee to help improve their sickness record.
- Complete the return to work form on MyView.

10.4 In the case of long-term sickness absence, the discussion should be used to allow consideration of any particular difficulties or concerns the employee may have relating to their return to work.

10.5 In agreeing support for returners to work, managers should consider whether a risk assessment is required or further advice is needed from Occupational Health and whether a phased return would be helpful. If the latter is required the phased return will be managed with sick pay meaning that any partial absence during the phasing will be funded through the sick pay entitlement. The absences during a phased return will not contribute to absence triggers.

## **11.0 Short term sickness**

### **Level 1 meeting**

11.1 It is important that line managers raise their concern about individual absence problems with the employee at an early stage so that appropriate measures can be taken. It is also important that if an employee is having health problems, s/he should discuss this with the manager.

11.2 The line manager must meet with the employee in any of the following circumstances:

- (a) Where an employee has been absent on sick leave for 3 spells or more in any 3-month period, and/or where an employee has been absent for 10 days or more over the previous 12 months. Whilst it is recognised that this is more difficult to monitor in respect of part-time staff, Human Resources will support line managers when absence through sickness for such staff reaches triggers on a pro-rata basis i.e. a part timer who works on 2.5 days per week rather than across 5 days would reach annual triggers with 5 working days absence.
- (b) Where the employee's overall attendance record gives rise to concern because of a combination of sick leave, medical appointments (e.g. Hospital, Doctor Dentist Appointments), leave unauthorised in advance and/or dependency leave and/or compassionate leave.
- (c) Where there are other reasons for concern, for example the employee's absence appearing to follow a particular pattern such as frequent Mondays or Fridays, or repeated instances of absence just before or after periods of annual leave.

11.3 In preparation for the meeting, and deciding on potential follow-up action, the manager should give due consideration to the following factors and seek HR support especially to confirm absence triggers to be set in the review period:

- Possible presence of work-related stress.
- Possibility of any other work-related factors including working conditions, relations with other staff or managers, health and safety issues or other issues associated with the working environment.
- Any evidence of drink or drug related illness\*.
- Any specified recurring medical condition\*.
- Any condition that might constitute a disability\*.
- Any absence in relation to a disability\*.
- Any pregnancy-related illness\*.

\*The manager must consult with HR before holding a meeting with the employee in such cases.

## **Conducting a Level 1 Meeting**

11.4 The purpose of the meeting will be:

- To review absence so far and to ascertain and confirm reasons for absence.
- To consider any work related support which may be required including any temporary assistance or change of duties and work arrangements.
- Understand and record the actions the employee is taking including support from medical professionals as appropriate.
- To consider with the employee whether it is relevant at this stage to refer the employee to the Occupational Health Advisor and/or to seek a medical record/reports from the employee's own GP or other medical practitioner.
- To set a review period and future expectations.
- To inform the employee of possible outcomes if expectations are not met and potential next stages.

Please see Level 1 meeting form at Appendix C, the form should be sent to HR to go the employee file

11.5 At the meeting the manager should consider the circumstances of the employee and fully consult the employee about the problem before deciding on what action is to be taken.

The meeting will normally conclude with the manager:

- Setting the length of the review period, with due regard to the circumstances of the case. The period will not normally be less than 4 months.
- Setting out the level of absence (i.e. the total number of days and/or spells) that would trigger a level 2 meeting. This should be in line with their work pattern (please seek HR support as

above). For full-time staff this will be 3.5 days or more and/or 3 spells of absence in 3 months (see Appendix A).

- The manager should also record any other agreed actions as appropriate.
- Agreeing any interim review meetings that might be appropriate in the circumstances of the case.
- Informing the employee that unless expectations are met over the review period, then further action will be taken in line with Level 2 below. It should also be explained to the employee that should it become clear at any time during the review period that expectations will not be met, then the review meeting will be brought forward.

The results of the discussion and any proposed action, including details of the expectations for improvement, should be confirmed in writing.

### **Level 1 Follow Up Review Meeting**

11.6 If at the end of the review period the attendance expectations have been met, the manager should advise the employee that:

- No further action is necessary.
- If trigger points for investigation are reached again within 12 months of the review meeting, the procedure will continue from the beginning of Level 2.
- If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.

11.7 Where there has been some improvement, but expectations have not been met completely (for example where the employee's absence is very close to the trigger and the review has consisted of other time off from work), the line manager in consultation with HR and in consideration of the circumstances of the case may decide to extend the Level 1 review period before finally confirming the review is complete.

Please see Level 1 review meeting form at Appendix D, the form should be sent to HR to go the employee file.

## **Level 2 meeting**

### **Pre-meeting Action**

- 11.8 In the event of attendance expectations not being met during a Level 1 review period, or where the employee's absence hits trigger points again within 12 months of a Level 1 review meeting, the employee should first be referred to the Occupational Health Advisor (OHA) and/or a medical report/records obtained from the employee's own GP or other medical practitioner. The line manager should tell the employee that expectations have not been met, that an OHA referral will be made, and a Level 2 meeting held once the OHA report is received.
- 11.9 On receiving the advice from the OHA, the line manager shall invite the employee to a Level 2 meeting and inform them of their right to be accompanied by a colleague or trade union representative. A member of HR will also attend the meeting to support and provide advice as appropriate.

### **Conducting a Level 2 Meeting**

- 11.10 The purpose of the meeting will be to review the situation again taking into account the employee's circumstances. Depending on the outcome of the medical advice and consultation with the employee, the line manager may decide on any of the following courses of action (although these do not preclude other/alternative action):
- a) Set a Level 2 review period, explaining to the employee that if attendance expectations have not been met by the end of the period, the matter will be referred for consideration by a member of the Leadership Team at a Level 3 meeting, where a range of options may be considered. The review period



should not normally be less than 6 months. (In certain circumstances - e.g. if the employee has previously been on Level 2 on more than one occasion - the period should be 12 months). It should also be explained to the employee that should it become clear at any time during the review period that expectations will not be met, then the review meeting will be brought forward.

- b) In a case where it is clear to the line manager that despite action taken so far there is no marked improvement in the attendance level and/or it seems that there is unlikely to be an improvement in the attendance level in the near future, the line manager has the option of referring the case to a member of the Leadership Team for further consideration in line with Level 3 below. (An example of where this course of action is appropriate is in cases where the number and frequency of previous Level 1 and/or Level 2 meetings is such to suggest a recurring pattern of problems with attendance).
- c) Where it is considered to be a disciplinary rather than a sickness matter, for example if the OHA has advised that there is no reason that the employee should not attend regularly and there are concerns or doubts about the pattern of or reasons for absence, the line manager may decide to refer the matter to the Disciplinary Procedure.
- d) Require the employee to provide first day GP certificates (this action may be taken in conjunction with other possible actions above).

11.11 The results of the discussion and any proposed action, including details of the expectations for improvement, should be confirmed in writing using the Level 2 meeting form at Appendix E, the form should be sent to HR to go the employee file

### **Level 2 Follow Up Review Meeting**

- 11.12 Where option (a) above is selected, and at the end of the review period the attendance expectations have been met, the manager should advise the employee that:
- No further action is necessary.
  - If trigger points for investigation are reached again within 12 months of the review meeting, the procedure will continue from the beginning of Level 2.
  - If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.
- 11.13 Where there has been some improvement, but expectations have not been met completely, the line manager may decide to extend the Level 2 review period before finally deciding on a course of action.
- 11.14 Where expectations not met the employee's case should be referred for formal consideration by a member of the Leadership Team at a Level 3 meeting, please see section 13.
- 11.15 Please see Level 1 review meeting form at Appendix F, the form should be sent to HR to go to the employee file.

## **12.0 Long term sickness**

### **Level 1 meeting**

#### **Pre-Meeting Action**

- 12.1 Where an employee has been absent for 4 weeks or more continuously they should normally be referred to the Occupational Health Advisor (OHA) and/or a medical report/records obtained from the employee's own GP or other medical practitioner. The employee will be asked to provide written consent and subsequently informed of the OHA appointment made where applicable.

- 12.2 If the employee is too ill to attend the OHA appointment, the employee will be asked to give consent to the council or the OHA, to obtain relevant medical information from the employee's GP, hospital or other appropriate medical professionals.
- 12.3 On receiving the advice from the OHA (or other relevant medical information), the line manager shall write to the employee inviting them to a Level 1 (Long-Term Absence) meeting as set out below (this might be a Level 2 or Level 3 meeting if relevant because the employee's attendance/ performance was already subject to earlier levels) giving them 5 working days' notice. HR will attend the meeting and the employee will be informed of their right to be accompanied by a colleague or trade union representative.
- 12.4 If the employee is too unwell to attend a meeting at the council's offices, the line manager should arrange to visit the employee at home to conduct the meeting. All home visits should be accompanied by HR. If the employee is unable to receive a visit at home, a medical statement to this effect must be provided.
- 12.5 If the employee returns to work prior to the Level 1 (or other relevant Level) meeting, the appropriate meeting should take place in accordance with the procedures for short term absence (see Section 11 above).

### **Conducting a Level 1 Meeting**

The purpose of the meeting will be:

- To review absence so far and to ascertain and confirm reasons for absence.
- To consult with the employee and to ascertain from them the likelihood of their returning to work in the near future.
- To consider measures to assist the employee to return to work.

- To set a reasonable date for review of the situation.
- Outline the possible range of outcomes.

The results of the discussion and any proposed action, including details of the expectations for improvement, should be confirmed in writing by issuing the employee with a copy of the Level 1 Long-term Sickness form found at Appendix G (the form should be sent to HR to go the employee file).

### **Level 1 Follow Up Action**

12.6 If the employee returns to work by or before the end of the review period, the line manager must conduct a Return to Work interview (see Section 11 above) and should also complete a review form (see Appendix H) to advise the employee that:

- Should his/her absence levels hit the trigger points for investigation within the next 12 months, the procedure will continue from the beginning of Level 2 of either the Long-Term Sickness Procedure or the Short Term Sickness Absence Procedure, as appropriate.
- If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.

The form should be returned to HR to place on the employees file.

### **Level 2 meeting**

#### **Pre Meeting Action**

12.7 If the absence continues beyond the agreed Level 1 review period, or where the employee's absence hits trigger points within 12 months of a Level 1 review meeting, the employee should first be referred to the OHA and/or a medical report/records obtained from the employee's own GP or other medical practitioner.

- 12.8 On receiving the advice from the OHA, GP or other medical practitioner, the line manager shall invite the employee to a Level 2 meeting.

### **Conducting a Level 2 Meeting**

- 12.9 The line manager should ascertain the employee's view of the illness and medical diagnosis/prognosis and should discuss with the employee reasonable options available to the council and the employee.

- 12.10 Depending on the outcome of the medical advice and consultation with the employee, the line manager may decide on any of the following courses of action (although these do not preclude other/alternative action):

- a) In a case, where it is clear to the line manager that despite action taken so far there is no marked improvement in the sickness absence level/the employee's ability to carry out their duties and/or it seems that there is unlikely to be an improvement in the near future, the line manager should refer the case to a member of the Leadership Team for further consideration in line with Level 3 below.
- b) Set a further review period, informing the employee that if they have not returned to work/are unable to perform their duties by the end of the period, the matter will be referred to Level 3, and that consideration may at that stage have to be given to the employee's continued employment.

Whichever action is decided upon, the line manager should confirm this in writing with the employee, HR will provide a modified form to complete based on Level 1 Long-term sickness form in Appendix G, (this must be completed and sent to HR for filing), including possible outcomes discussed.

### **Level 2 Follow Up Review Meeting**

12.11 If the employee returns to work/is able to resume performance of their duties by or before the end of the review period, the line manager must conduct a Return to Work interview (see Section 10 above and also form in Appendix H which can be modified with HR support for Level 2 review but now returned) and should advise the employee that:

- Should his/her absence levels hit the trigger points for investigation within the next 12 months, the procedure will continue from the beginning of Level 2 of either the Long-Term Sickness Procedure or the Short Term Absence Procedure, as appropriate.
- If trigger points are not reached again within 12 months of the review meeting, but are reached again after that time the procedure will normally start from Level 1.

### **13.0 Level 3 - sickness and attendance hearing**

#### **(Capability Review Hearing)**

##### **Pre-meeting Action**

13.1 Where the employee's case is referred for formal consideration by a member of the Leadership Team, for example:

- In the event of attendance expectations not being met during a Level 2 review period, or
- Where the matter has been directly referred to Level 3 in accordance with sections 11.10 (a) and 12.10(a).

13.2 The employee should normally first be referred to the OHA for an up to date medical opinion and/or a medical report/records obtained from the employee's own GP or other medical practitioner. The line manager should tell the employee that an OHA/GP referral will be made, and a Level 3 meeting held once the OHA/medical report is received.

The line manager must prepare a report including:

- A brief summary of the employee's general employment record: length of service, job description, general performance record.
- Attendance record as a whole during the duration of employment with the council.
- Action taken so far (including notes of previous meetings).
- Factual medical information including the most recent medical opinion from the OHA, and any information from the employee's GP/consultant. This will address matters such as whether there is an underlying illness/condition; the likelihood of change in attendance/return to work within a reasonable period.
- Any reasonable adjustments that can be made or reasons why any proposed adjustments are not reasonable.
- The effects on the service and other staff
- The service and financial impact on the council, including the ability to make alternative work arrangements to cover the employee's post.
- Any other relevant information.

13.3 The Leadership Team member must write to the employee inviting him/her to a meeting. The employee will be given a minimum of 5 working days' notice of the meeting.

The letter should outline the following:

- The purpose of the meeting and potential outcomes, including the possibility of dismissal.
- The employee should be advised of their right to be accompanied to the meeting by a recognised trade union representative or work colleague.
- Explain that the matter may be dealt in their absence if they fail to attend
- Attach copies of any documentary evidence that will be considered at the meeting and which is available at that time.

## Conducting a Level 3 Meeting

13.4 The purpose of the meeting will be to determine the employee's future employment based on the employee's circumstances. Depending on the outcome of the medical advice and consultation with the employee, the Leadership Team member may decide on any of the following courses of action, although these do not preclude other/alternative action:

**a) Redeployment with a review period.** To attempt to identify alternative work within the council that is within the employee's capability, failing which the employment may be terminated. Potential options may include:

- part-time work on a temporary or permanent basis with a pro rata reduction in salary and other benefits
- transfer to a less demanding post (if available and provided that the Person Specification is met), protection of existing salary will be considered based on the circumstances of the case for a maximum of 4 weeks whilst the employee trials the role. As this would involve the staff choosing to accept a job at lower salary for capability reasons the council would not provide the 18 month salary protection in line with the redeployment policy unless the employee has become disabled during the course of their employment with the Council and such redeployment to a lower graded post would constitute a suitable adjustment, in this circumstance the employee would receive 18 months of salary protection as set out in the redeployment policy.

If the employee is redeployed, an appropriate review period should be set based on the circumstances of the case to ascertain whether the employee has been able to fulfil the requirements (performance and attendance) of the new job.

**b) Additional review period in current role**

For long term sickness:



- To inform the employee that the stage has been reached whereby unless s/he is able to return to work within a defined period, his/her employment will be terminated. A further review period may be combined with further referrals to the OHA and/or further meetings or home visits.

For short term sickness:

- To inform the employee that the stage has been reached whereby unless attendance expectations are met within a defined period, his/her employment may be terminated. A further review period can be combined with the following:
  - further referrals to the OHA;
  - a requirement for first day medical certificates;

**c) To explore ill health retirement or compassionate retirement** in accordance with the rules and procedures of the Local Government Pension Scheme and Retirement policy.

**d) To dismiss the employee** with the notice to which he/she is entitled on the grounds:

- that the employee's level of non-attendance at work is unacceptably high and it is not possible and/or reasonable for the council to continue to employ him/her, or
- that the employee is incapacitated and it appears that no longer term improvement can be expected within a reasonable period; therefore it is not possible and/or reasonable for the council to continue to employ him/her as s/he is incapable of satisfactory performance of the duties for which s/he is employed.

13.5 Whichever action is decided upon, the Leadership Team member should confirm this in writing with the employee, including possible outcomes discussed within 3 working days of the meeting.

### **Level 3 Follow Up Review**

- 13.6 Where options (a) or (b) above are selected, and at the end of the review period the performance and attendance expectations have been met, the manager should advise the employee that:
- No further action is necessary.
  - If trigger points for investigation are reached again within 12 months of the review meeting, the procedure will continue from the beginning of Level 3.
- 13.7 Where there has been some improvement, but expectations have not been met completely, the line manager may decide to extend the Level 3 review period before finally deciding on a course of action.
- 13.8 If expectations have not been met, the matter will be referred to a member of the Leadership Team to consider dismissal. The process for the meeting will be as in 14.4 above. Further medical advice may be sought by the council in advance of this meeting if it is considered by the council necessary and relevant.
- 13.9 If trigger points are not reached again within 12 months of a review period, or any extension of the review, but are reached again after that time, the line manager will decide at which Level the procedure will start. This will normally be Level 1 or Level 2; the line manager's decision will be based on consideration of the full attendance history of the individual and the particular circumstances of the case.
- 14.0 Cases that might be dealt with under either/both the short term and long term sickness procedures**
- 14.1 Not all cases will fall neatly within either section 12 or section 13 above. It is possible for any employee at any stage/level of the long-term procedure to return to work; s/he may then begin to take frequent short term sick leave. Similarly, at any stage/level of the short term absence procedure an employee's sickness absence

may become protracted. In such cases, the whole set of circumstances will be considered.

## **15.0 Right of appeal against dismissal**

- 15.1 An employee has the right of appeal against any decision to dismiss taken under these Procedures. The employee must lodge the appeal in writing with the Head of HR & OD no later than 10 working days after the employee has been notified in writing of the decision to dismiss.
- 15.2 The appeal will normally be heard by a Chief Officer, the Deputy Chief Executive or where they have already been involved the Chief Executive.
- 15.3 The employee must be notified in writing of the date and time of the appeal hearing and his/her right to be accompanied by a trade union representative or work colleague. The letter should explain that the matter may be dealt with in the employee's absence if s/he fails to attend, and that if unable to attend s/he may be represented by a trade union representative or work colleague and/or send written submissions.
- 15.4 The decision of the Deputy Chief Executive or the Chief Executive shall be final and will be confirmed in writing with the employee.
- 15.5 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

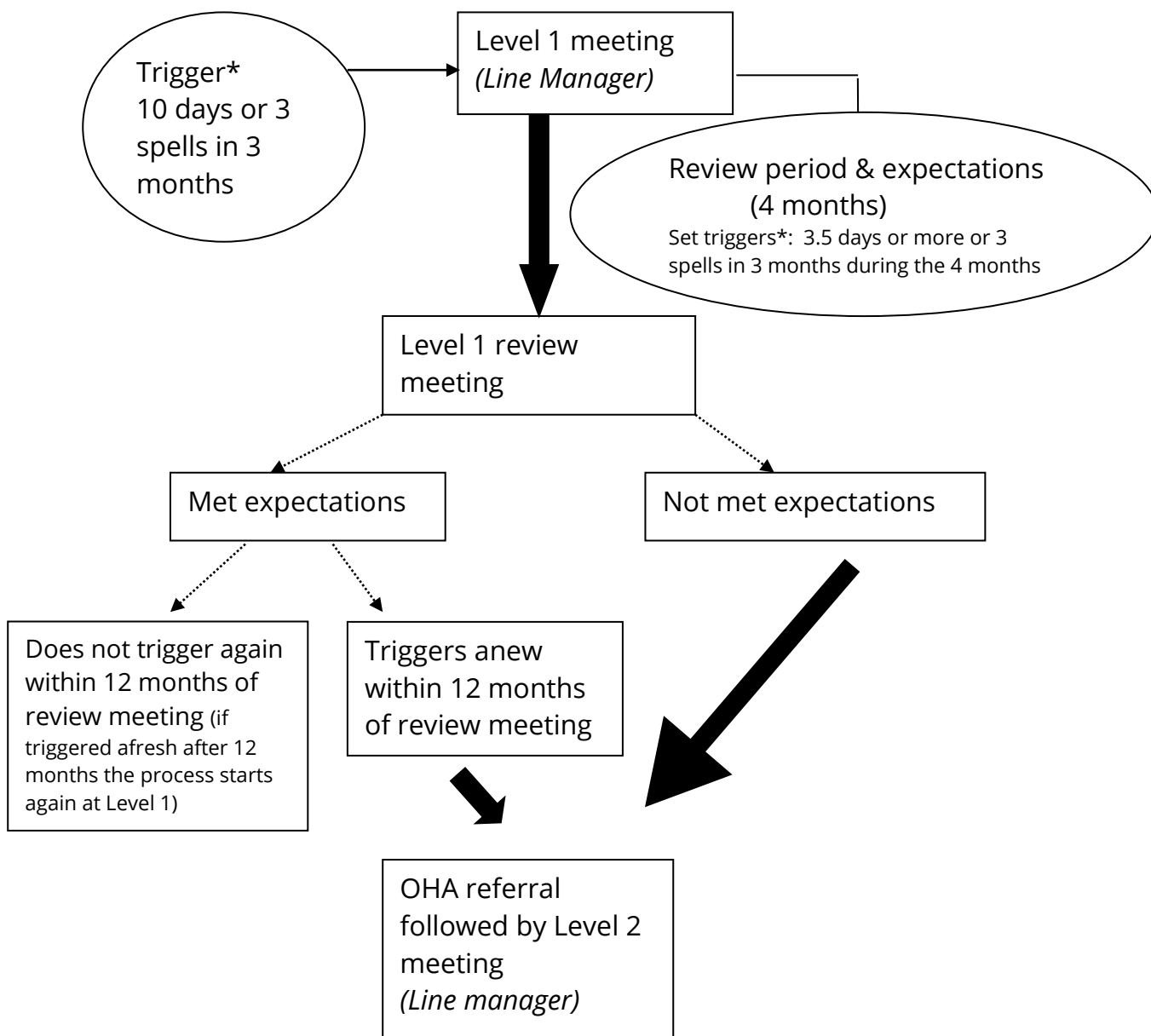
## **16.0 Policy review and amendment**

- 16.1 This policy shall be reviewed in line with legislation and best practice to reflect the best possible level of support and management.

# Appendix A - Flow Charts on Using the Sickness & Attendance Policy

## Short Term Absence

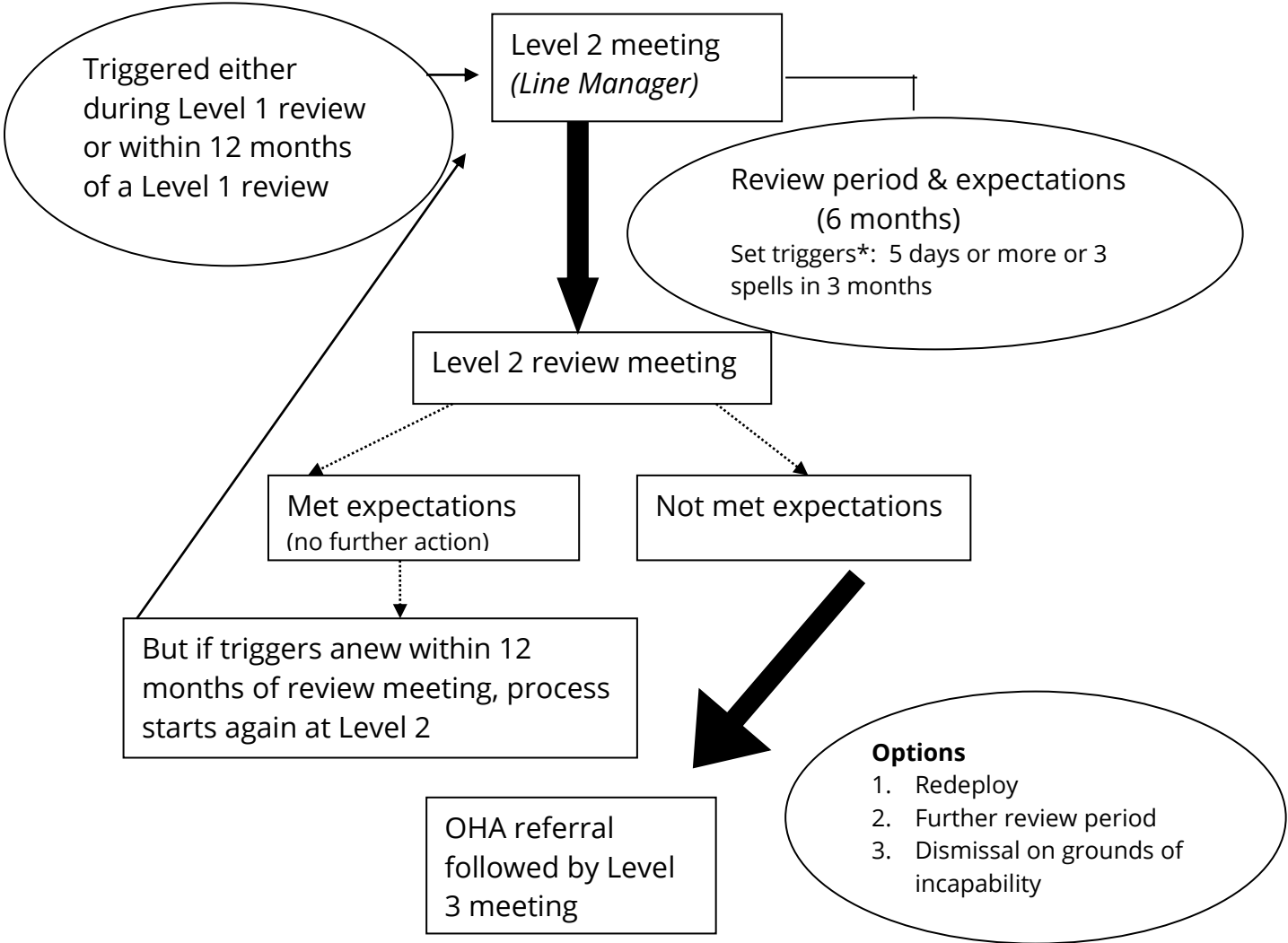
### Levels 1 & 2



\* = Full-time triggers these will be pro-rata for part-time

# Short Term Absence

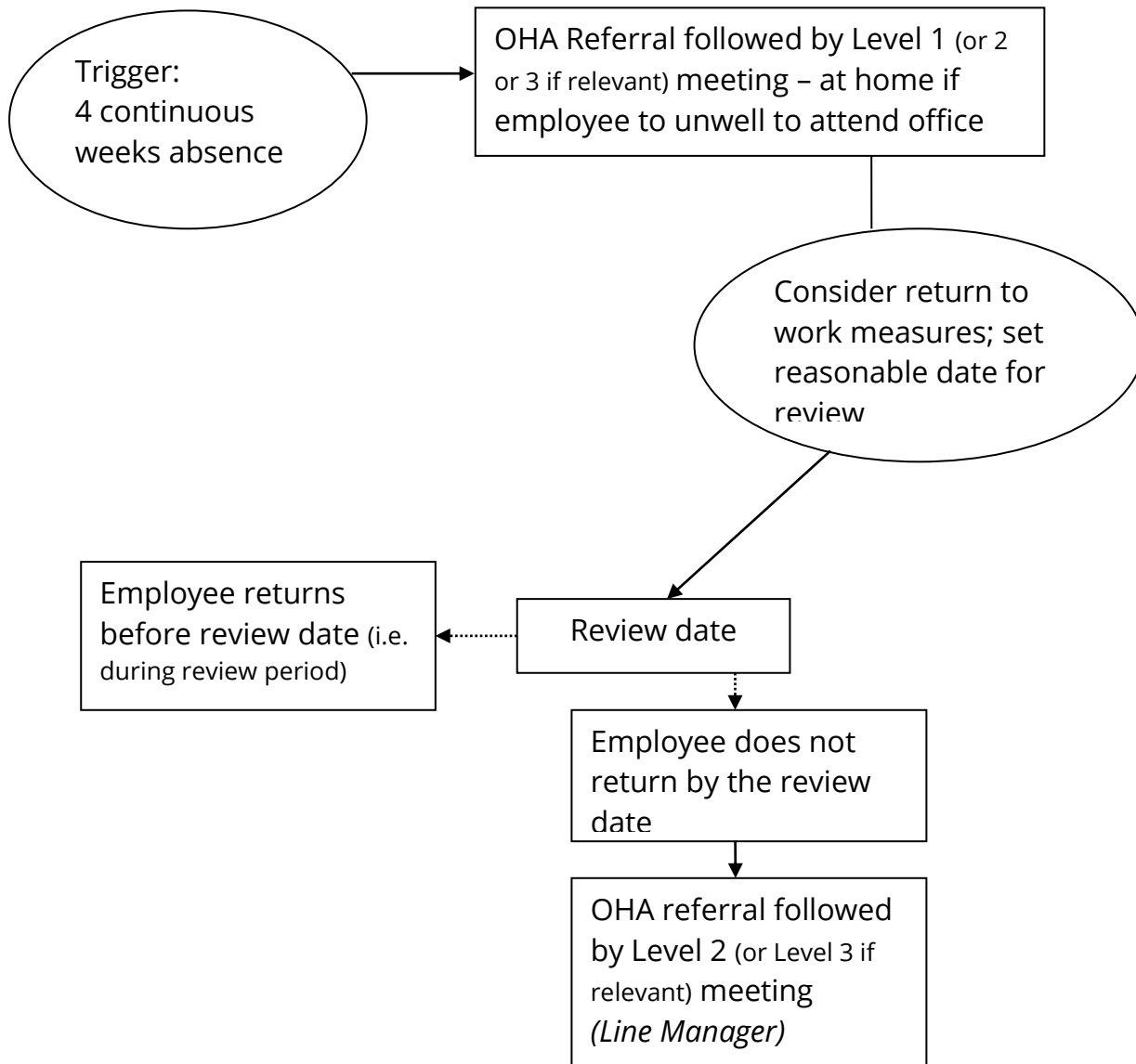
## Levels 2 & 3



\* = Full-time triggers these will be pro-rata for part-time

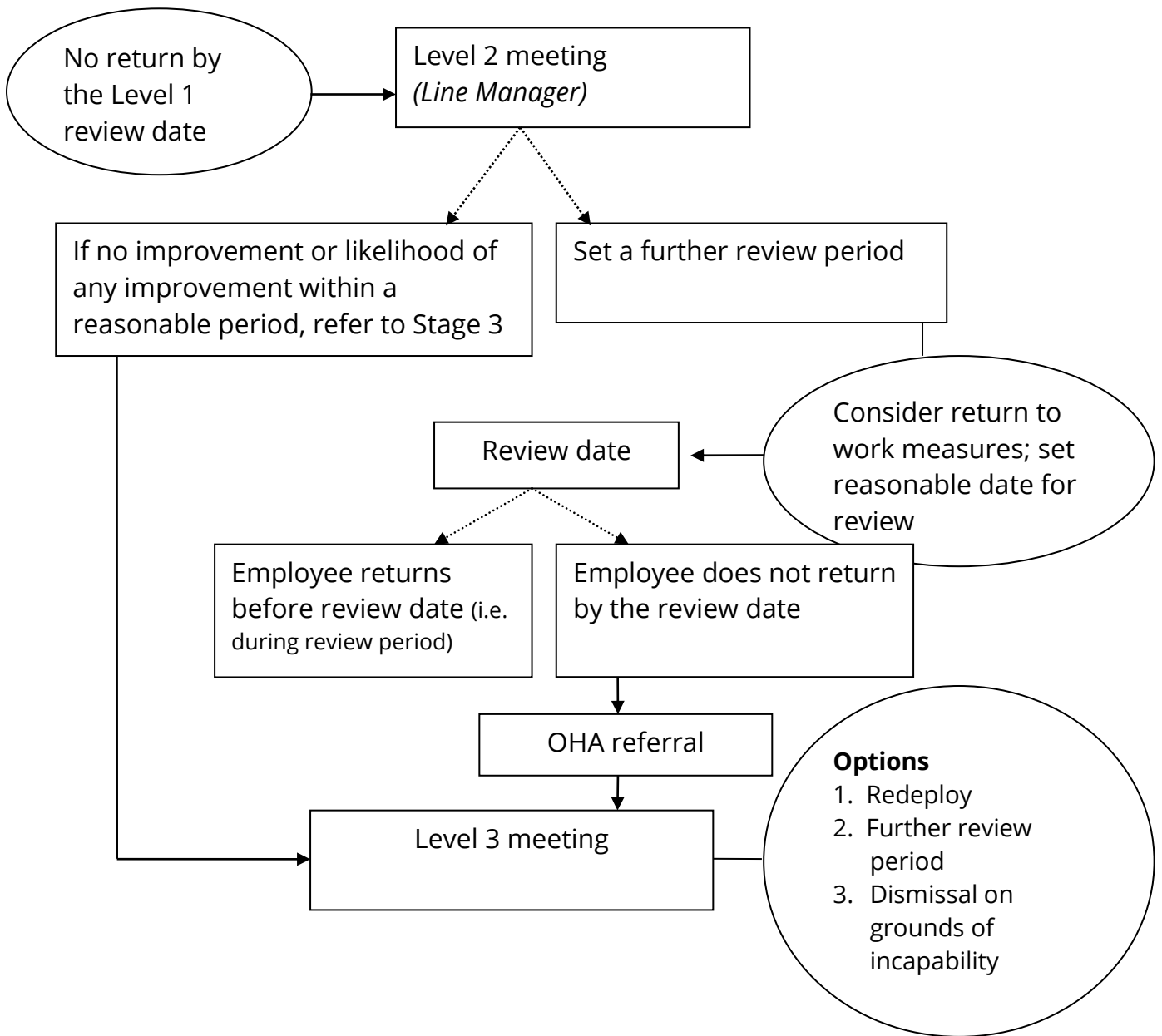
# Long-Term Absence

## Levels 1 & 2



# Long-Term Absence

## Levels 2 & 3



## Appendix B – East Herts Council Stress Risk Assessment Form

The HSE Management Standards cover six key areas of work design that, if not properly managed, are associated with poor health and well-being, lower productivity and increased sickness absence. In other words, the six Management Standards cover the primary sources of stress at work, this form prompts discussion on each source so that action can be informed.

**Demands** – this includes issues such as workload, work patterns and the work environment.

**Control** – how much say the person has in the way they do their work.

**Support** – this includes the encouragement, sponsorship and resources provided by the organisation, line management and colleagues.

**Relationships** – this includes promoting positive working to avoid conflict and dealing with unacceptable behaviour.

**Role** – whether people understand their role within the organisation and whether the organisation ensures that they do not have conflicting roles.

**Change** – how organisational change (large or small) is managed and communicated in the organisation.

### STRESS ASSESSMENT & ACTION PLAN

<b>Service/team:</b>		<b>Manager:</b>
<b>Employee:</b>	<b>Date of assessment:</b>	<b>Manager's signature:</b>
<b>Sickness absence dates to and from (if relevant):</b>		<b>HR's signature:</b>
<b>Review date:</b>		<b>Employee's signature:</b>



Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:	What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>DEMANDS OF THE JOB</b>				
Different people/groups at work demand things that are hard to combine?				
Unachievable deadlines?				
Have to work very intensively?				
Some tasks neglected because you have too much to do?				
Unable to take sufficient breaks?				

Feel pressured to work long hours?					
Have to work very fast?					
Unrealistic time pressures?					
Any other Demand issues (workload, work patterns and the work environment)					

Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:	What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>CONTROL</b>				
Can decide when to take a break?				
Have a say in your work speed?				
Have a choice in deciding how you do your work?				
Have a choice in deciding what you do at work?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> <b>Describe/give examples:</b>	<b>What can we do about it?</b> <small>(Employee/ Manager/other Staff/External?)</small> <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Have some say over the way you do your work?				
Working time can be flexible?				
Any other Control issues (how much say in the way they do their work.)				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>SUPPORT (Manager)</b>				
Given supportive feedback on the work you do?				
Can rely on your manager to help you out with a work problem?				
Can talk to your manager about something that upset or annoyed you at work?				
Supported through emotionally demanding work?				
Line manager encourages you at work?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Any other Line Mgr Support – this includes the encouragement, sponsorship and resources provided by the organisation and line management. HR support for you as a line manager is also relevant or policies and procedures to Manage staff				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>SUPPORT (Peers &amp; Staff)</b>				
Colleagues/staff would help you if work became difficult?				
Get help and support needed from colleagues and staff?				
Receive the respect at work you deserve from your colleagues/staff?				

Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:		What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
Colleagues/staff willing to listen to your work-related problems?					
Any other Colleague/staff Support issues i.e. reliability					



Cause of stress	Was/is it a problem for you? Rate 1-5 Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) Describe/give examples:	What can we do about it? (Employee/ Manager/other Staff/External?) Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>RELATIONSHIPS</b>				
Subject to personal harassment in the form of unkind words or behaviour?				
There is friction or anger between colleagues?				
Subject to bullying at work?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Are relationships at work strained?				
Any other relationship issues; including promoting positive working to avoid conflict and dealing with unacceptable behaviour				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>ROLE</b>				
Clear about what is expected of you at work?				
Know how to go about getting your job done?				
Are clear about what your duties and responsibilities are?				
Clear about the goals and objectives for the department?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> <b>Describe/give examples:</b>	<b>What can we do about it?</b> <small>(Employee/ Manager/other Staff/External?)</small> <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Understand how your work fits into the overall aim of the organisation?				
Any other role issues – understand your role within the organisation - do not have conflicting roles				

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>CHANGE</b>				
Sufficient opportunity to question managers about change at work?				
Consulted about changes at work?				
When changes are made at work, are you clear about how they would work out in practice?				

Cause of stress	<b>Was/is it a problem for you?</b> <b>Rate 1-5</b> Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5) <b>Describe/give examples:</b>	<b>What can we do about it?</b> (Employee/ Manager/other Staff/External?) <b>Can we make any reasonable adjustments?</b>	<b>Target date for implementation and person (s) responsible</b>	<b>Review Date</b>
Any other change issues - how organisational change (large or small) is managed and communicated in the organisation.				

**Factors outside work**

This list of questions on the return to work Risk Assessment are mainly focused on factors at work. However, there may be factors outside work, for example in the employee’s family life, which may have contributed to or added to the pressures at work. These may have made it harder for the employee to cope with demands at work that they would normally be able to cope with.

The employee may want to share these issues with you as their manager – you may be able to help at work and make adjustments, for example, being more flexible with their working hours or just being sympathetic to the pressures they are under.

Cause of stress	Was/is it a problem for you? Rate 1-5 <small>Never(1) /Seldom(2)/Sometimes(3)/Often(4)/Always(5)</small> Describe/give examples:	What can we do about it? <small>(Employee/ Manager/other Staff/External?)</small> Can we make any reasonable adjustments?	Target date for implementation and person (s) responsible	Review Date
<b>OTHER ISSUES</b>				
Is there anything else that was a source of stress for you, at work or at home, that may have contributed to you going off work with work-related stress?				

## Appendix C – Level 1 sickness meeting form (short-term)

Employee Name:

Service:

Line Manager Name:

Meeting Date:

Explain reason for meeting: (outline how triggers have been met)	
Refer to policy: Go through key points.	
Check Employee agrees with sickness dates:	
Request explanation for absence(S) – check detail is correct: Comments:	
Is there a pattern of absence:  Is there a link between sickness	



bouts:  Any underlying health issues:	
Have health issues been discussed with employees own doctor:	
Any work or personal factors exacerbating absence:	

Level 1 Sickness Meeting Review Date:	
Level 1 Review Period Triggers:	
Explain that Level 2 can be triggered by normal annual triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3 months).	

Employee Signature\_\_\_\_\_

Date\_\_\_\_\_

Line Manager Signature\_\_\_\_\_

Date\_\_\_\_\_

**Appendix D – Level 1 sickness review meeting form (short-term)**

Employee Name:

Line Manager Name:

Date of Review Meeting:

Date of L1 Sickness Meeting:

Outline any absence due to sickness during the review period:	
Does the employee agree to the sickness record?	
Have the targets/expectations been met with reference to the council policy?	
If absence is borderline re targets/expectations, is an extension of the review period necessary?	
State extension period & date as necessary	
As per policy, what is now the current level of sickness for further 12-month period?	
Date sickness level expires if level conditions not breached as per policy:	
Should absence exceed council policy within the next 12-months, state next level of sickness process:	

Employee Signature:

Line Manager Signature:

Date:

## Appendix E – Level 2 sickness meeting form (short-term)

Employee Name:

Service:

Line Manager Name:

Meeting Date:

Explain reason for meeting: (outline how triggers have been met)	
Refer to policy: Go through key points.	
Check Employee agrees with sickness dates:	
Request explanation for absence(S) – check detail is correct: Comments:	
Is the recent intermittent absence part of any pattern:	
Any underlying health issues:	
Have health issues been discussed with employees own doctor:	

<p>What action is the employee taking to improve health / ability to attend?</p> <p>What support/guidance has been given by GP or medical services.</p>	
<p>Review advice from Occupational Health and any action required</p>	
<p>Any work or personal factors exacerbating absence:</p> <p>What support is required from work?</p>	
<p>Return to work, agreed support and phased return plan if relevant.</p>	

<p>Level 2 Sickness Meeting Review Date:</p>	
<p>Level 2 Review Period Triggers:</p>	<p>5 days in 6 months or 3 spells in 3 months</p>
<p>Explain that Level 2 can be re-triggered by normal annual triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3</p>	

months or by 4 weeks of continuous absence – also option at Level 2 for Line Manager to refer directly to Level 3 if appropriate e.g. redeployment needs to be considered).	
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Employee Signature\_\_\_\_\_

Date\_\_\_\_\_

Line Manager Signature\_\_\_\_\_

Date\_\_\_\_\_

**Appendix F – Level 2 sickness review meeting form (short-term)**

Employee Name:

Line Manager Name:

Date of Review Meeting:

Date of L2 Sickness Meeting:

Outline any absence due to sickness during the review period:	
Does the employee agree to the sickness record?	
Have the targets/expectations been met with reference to the council policy?	
If absence is borderline re targets/expectations, is an extension of the review period necessary?	
State extension period & date as necessary	
As per policy, what is now the current level of sickness for further 12-month period?	
Date sickness level expires if level conditions not breached as per policy:	
Should absence exceed council policy within the next 12-months, state next level of sickness process:	



Employee Signature:

Line Manager Signature:

Date:

## Appendix G – Level 1 Sickness Meeting – Long Term absence Form

Employee Name:

Service:

Line Manager Name:

Meeting Date:

<p>Explain reason for meeting: (outline how triggers have been met)</p>	
<p>Refer to policy: Go through key points.</p>	
<p>Check Employee agrees with sickness dates:</p>	
<p>Request explanation for absence(S) – check detail is correct: Comments:</p>	
<p>Is the recent long-term absence part of any pattern:</p>	
<p>Any underlying health issues:</p>	

<p>Have health issues been discussed with employees own doctor:</p> <p>What action is the employee taking to improve health / ability to attend?</p> <p>What support/guidance has been given by GP or medical services.</p>	
<p>Review advice from Occupational Health and any action required</p>	
<p>Any work or personal factors exacerbating absence:</p> <p>What support is required from work?</p>	
<p>Return to work, agreed support and phased return plan if relevant.</p>	

<p>Level 1 Sickness Review Date:</p>	
<p>Level 1 Review Period Triggers:</p>	
<p>Explain that Level 2 can be triggered by normal annual</p>	

triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3 months or by 4 weeks of continuous absence – also option at Level 2 for Line Manager to refer directly to Level 3 if appropriate e.g. redeployment needs to be considered).	
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Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Line Manager Signature \_\_\_\_\_

Date \_\_\_\_\_

**Appendix H - Level 1 Sickness Meeting - Long Term absence - but now returned**

Employee Name:

Dept:

Line Manager Name:

Meeting Date:

<p>Explain reason for meeting: (outline how triggers have been met)</p>	
<p>Refer to policy: Go through key points.</p>	
<p>Check Employee agrees with sickness dates:</p>	
<p>Request explanation for absence(S) - check detail is correct: Comments:</p>	
<p>Is the recent long-term absence part of any pattern:</p>	
<p>Any underlying health issues:</p>	

<p>Have health issues been discussed with employees own doctor:</p> <p>What action is the employee taking to improve health / ability to attend?</p> <p>What support/guidance has been given by GP or medical services.</p>	
<p>Review advice from Occupational Health and any action required</p>	
<p>Any work or personal factors exacerbating absence:</p> <p>What support is required from work?</p>	
<p>Return to work, agreed support and phased return plan if relevant.</p>	

<p>Level 1 Sickness Meeting Review Date:</p>	
<p>Level 1 Review Period Triggers:</p>	<p>3.5 days or 3-spells of absence (in 3 months) within review period of 4 months</p>

	<p>Dates:</p> <p>N.B. The review period is an isolated period and will not count to the 12 months that follow. - However if absence is borderline review can be extended e.g. 3 days.</p>
<p>Explain that Level 2 can be triggered by normal annual triggers which follow in 12 months from review period (Full-time contract = 10 days in 12 month period or 3 spells in 3 months or by 4 weeks of continuous absence - also option at Level 2 for Line Manager to refer directly to Level 3 if appropriate e.g. redeployment needs to be considered).</p>	

Employee

Signature \_\_\_\_\_

Date \_\_\_\_\_

Line Manager Signature