

### 1.0 INTRODUCTION

- 1.1 The council is committed to providing a healthy and supportive working environment, not only through its obligations to comply with health and safety legislation, but also through a collaborative approach towards attendance management. Illness and injury resulting in absence from work, not only have a significant effect on employees, but also has an impact on the council's ability to deliver services.
- 1.2 This policy is designed to support employees who are absent from work. It describes the steps a manager must take to secure the attendance of all employees during their working week and to properly manage sickness absence. It consists of a series of stages at which employees will be encouraged through advice, guidance and support to maintain their acceptable level of attendance.
- 1.3 Employees have a personal responsibility to maintain their own wellbeing and a contractual obligation to attend work. There is no preferable level of sickness absence; however employees should not attend work whilst unfit to do so.
- 1.4 This policy applies to all employees of the council other than those appointed directly by schools with delegated powers.
- 1.5 Increasing levels of attendance is a high priority for the council and therefore managers have a responsibility to manage the absence of all employees through the diligent and consistent application of this policy.
- 1.6 Sickness absence relating to musculoskeletal and stress related problems are of particular concern and **may** be subject to referral to Occupational Health from the first day of absence as these conditions are likely to recur or develop into long term health problems.
- 1.7 Managers must be aware that work may impact negatively on an employee's health and should be alert to the signs of this. It is therefore important to promote a supportive and open workplace culture where employees feel able to discuss any

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concerns or issues affecting their health and wellbeing. This will allow support to be implemented as soon as possible and help prevent employee absence.

- 1.8 It is an employee's responsibility to alert their manager to any issues that may be contributing to their ill health, absence or ability to attend work at the earliest opportunity.
- 1.9 The council's confidential Staff Welfare and Counselling service and Human Resources (HR) are available at all times to employees and managers seeking advice and guidance.
- 1.10 Managers must apply this policy fairly and consistently to all employees. It is recognised that from time to time that there may be exceptional circumstances that merit actions being deferred. All such exceptions must be agreed in advance by the appropriate Director and the Strategic HR Lead. All such decisions must be notified to HR for recording purposes.
- 1.11 All aspects of the implementation of this policy, especially the actions taken in response to trigger points being met or exceeded will be subject to regular audit. A checklist for management action (see Appendix 3) is available to support managers.
- 1.12 Pay during periods of sickness absence is in accordance with the various national negotiating bodies. The current arrangements associated with sick pay can be found in Appendix 1.

## 2.0 ABSENCE REPORTING AND RECORDING

- 2.1 For any period of sickness absence the employee should call their manager, normally within one hour of the usual start time or in advance where operationally required on the first day of absence and provide the following information:
  - The reason for the absence (having regard to sensitivity and confidentiality);
  - its likely duration;

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- agreement for future communications if the absence is likely to last more than one day.

Once notified of the absence the manager should ensure that any work commitments are rearranged or cancelled.

- 2.2 The submission of an email or text message is not acceptable, except where a service has agreed, in advance, that this is operationally required. If so, managers will also telephone the employee at the earliest opportunity to establish contact and offer support.
- 2.3 Employees should maintain contact with their manager if the absence extends beyond the original estimate and provide updates on their condition throughout their period of absence. The employee should also notify their manager when they are fit to return.

**Note 1:** *Employees requesting the use of annual leave or flexitime, rather than sickness absence, at the manager's discretion, should be allowed this where service requirements would have allowed for leave to be granted in normal circumstances.*

**Note 2:** *Depending upon the nature of the illness/injury, employees may wish to discuss with their manager whether a form of flexible or agile working (e.g. working from home) may support them to remain in work. This will be dependent upon their role, the operational needs of the service and there being clear and measurable outputs.*

- 2.4 All employees must complete a self-certification form for all periods of sickness absence up to and including seven calendar days. A form will be provided upon return to work.
- 2.5 Where sickness lasts longer than seven calendar days, employees must obtain a fit note from a healthcare professional. This should cover all the remaining period of absence with no gaps. Fit notes must be submitted to their manager, where they will be scanned and the originals returned to the employee at the earliest opportunity. On receipt of a fit note managers should consider an early referral to occupational health, particularly if the duration of the fit note is in excess of 20 days. Guidance for

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managers and employees in respect of fit notes can be found at: [Getting the most out of the fit note: guidance for employers and line managers - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/getting-the-most-out-of-the-fit-note-guidance-for-employers-and-line-managers)

- 2.6 Employees who fail to comply with the above reporting requirements without good reason will have their pay suspended and disciplinary action may be taken. Pay will only be reinstated upon receipt of a self-certification and/or fit note for the period in question.
- 2.7 Where a healthcare professional has indicated that an employee 'may be fit for work' a discussion between the employee and their manager should take account of the medical advice provided and the manager should give reasonable consideration to any suggested changes or more detailed comments which may facilitate an earlier return to work. This will include:
- A phased return to work;
  - altered hours;
  - amended duties; and/or
  - workplace adaptations.
- 2.8 Managers should determine whether adjustments are reasonably practicable but, where it is not possible to accommodate recommendations they should obtain advice and guidance from HR. Managers should contact the council's Safety Solutions team for any advice regarding undertaking a risk assessment.
- 2.9 If the recommendations cannot reasonably be accommodated or either party wishes to discuss the above in person, a meeting will be arranged as soon as possible at a mutually convenient location. The meeting should follow the process outlined at paragraphs 5.2 and 5.3. HR will be available to support if required.
- 2.10 Where it is not possible for the suggested changes to be made or support to be provided, the fit note should be used as if the healthcare professional had advised 'not fit for work' for the remaining duration of the note. Employees will not be required to visit their practitioner again until the original note expires.

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- 2.11 Employees will be informed that where the absence is related to musculoskeletal or stress related problems they **may** be referred to occupational health from the first day of absence. This is a positive measure to identify and implement any support required to assist the employee back to work at the earliest opportunity.
- 2.12 Managers must record the sickness via the iTrent Manager Portal as soon as possible and update the record with any subsequent returns to work. Managers should also ensure copies of any documents are attached to the absence record via the Manager Portal.

#### **Other leave**

- 2.13 Employees who become sick during a period of annual leave will not lose their allocation of annual leave during that leave year (subject to the provisions of the Annual Leave procedure B.3), provided that they comply with the council's Attendance Management policy at all times.
- 2.14 If a manager believes an employee's health represents a risk to the employee, colleagues or clients and decides to send the employee home from work, the day will be considered as authorised absence with full pay.
- 2.15 If food hygiene or other workplace regulations require the absence of the employee for at least 48 hours after their symptoms have stopped, this 48 hour period will be considered as authorised absence with full pay. Any period where the employee is still experiencing symptoms should be recorded as sickness absence and reported in accordance with the Attendance Management policy at all times.
- 2.16 Employees who are required to attend outpatients appointments (supported by evidence of the appointment) will be granted paid leave for this purpose if the length of absence required is less than 50% of their normal working day. Where a longer absence is required, either this should be recorded as sickness absence or annual leave, flexi-leave or unpaid leave should be requested. The appropriate special leave form must be completed.

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- 2.17 For time off for elective surgery (not prescribed by a doctor) or consultation associated with such procedures, employees must use annual leave or flexitime, but may be unpaid leave if the other two options are not available to them.
- 2.18 With reference to 2.14, 2.16 and 2.17 above, if the employee subsequently remains absent because of sickness, normal reporting arrangements **must** apply and ensuing days will be recorded as sickness absence.

### 3.0 RETURN TO WORK DISCUSSION

3.1 A return to work discussion must take place, ideally between the immediate line manager and employee, after any period of sickness absence, even if this is for a single day. Preferably it should be held on the day the employee returns to work. The discussion should be on a face-to-face basis wherever possible. Failing this, a telephone conversation is an acceptable alternative. Whichever approach is adopted the discussion must be supportive in nature, be confidential and be conducted with the purpose of:

1. Acknowledging the employee's return to work and showing that it is valued.
2. Confirming that the employee is fit to return.
3. Allowing the employee to voice any concerns they may have.
4. Providing advice and support.
5. Checking if any help or workplace adjustments are needed.
6. Arranging an appointment with occupational health if additional advice is needed.
7. Ensuring that the absence is properly certified.
8. Alerting the employee if they have exceeded or is in danger of reaching an absence trigger point.

3.2 The information obtained must be recorded on the appropriate form (see Appendix 2) and utilised where appropriate as a basis for future actions. The employee must be provided with a copy of the return to work form at the earliest opportunity. Completed forms must be attached to the absence record in the iTrent Manager Portal.

### 4.0 SHORT-TERM ABSENCE

4.1 There are three potential phases in the management of short-term sickness absence:

- Attendance review meeting
- Referral to occupational health
- Capability hearing

4.2 An employee's 3<sup>rd</sup> absence or 6<sup>th</sup> working day of absence in any six month period will trigger an attendance review meeting.

4.3 The number of days (although not the number of absences) will be calculated on a pro-rata basis for employees working more or less than the standard five days per week.

4.4 When calculating what counts towards the short-term absence trigger points for:

- Absences which are disability related or maternity related, the number of days and the occasions of absence should be halved.
- Absences that are due to reportable industrial injury (as per RIDDOR), the number of days (although not the occasion of absence) should be halved.
- Absences which are pregnancy related or related to gender reassignment will be discounted.

If necessary, the council's occupational health provider should be consulted for clarification on whether or not an absence may be related to any of the above.

**Note 3:** *Under the Equality Act 2010 a person has a disability if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. People with HIV, cancer and multiple sclerosis are covered from the point of diagnosis rather than from the stage when the condition has an adverse effect on their ability to carry out day-to-day activities. For more information about the duty to make reasonable adjustments please contact the HR Advisory Service.*

**Note 4:** *Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave. An employee's absence due to pregnancy related illness*

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*should be recorded separately and should not be taken into account when making decisions about employment.*

- 4.5 Normal support mechanisms will remain available to all employees regardless of the reason for absence.

#### **Attendance review meeting**

- 4.6 When an employee reaches an absence trigger point (i.e. on the 3<sup>rd</sup> absence or 6<sup>th</sup> working day of absence within any six month period) the manager will inform the employee during the return to work discussion that they have reached/exceeded the absence trigger point and an attendance review meeting will be arranged as soon as possible.
- 4.7 The manager will write to the employee to request their attendance at the meeting, enclosing the employee's record of sickness absence. The manager should emphasise the supportive nature of the meeting and remind the employee that they may be represented/accompanied by a trade union representative or fellow worker of the council. HR will assist in the process if required.
- 4.8 The review meeting is an opportunity for the manager and employee to confirm the periods of and the reasons for absence and discuss any other issues or concerns. The manager should offer any advice or guidance where appropriate and encourage the employee to access any additional support through their own GP or for mental health issues, the council's Staff Welfare and Counselling Service. The employee should also be advised of their responsibility to regularly attend work and maintain their own wellbeing. To support this, the employee should formulate an action plan to demonstrate how they intend to improve their attendance. The plan must be agreed with the manager who will consider any reasonable adjustments requested. The manager will explain that further action will be taken on the 2<sup>nd</sup> period of absence or 4<sup>th</sup> working day (subject to paragraph 4.4) during the six months following the meeting and a referral to occupational health will be made if one has not already been requested.

*The number of days (although not the number of absences) will be calculated on a pro-rata basis for employees working more or less than the standard five days per week.*



- 4.9 The manager will confirm the outcomes of the meeting and the action plan in writing.
- 4.10 If at the end of the review period the employee has achieved and maintained the required standard this should be acknowledged. No further action will be taken provided the required standard is maintained.

### ***Referral to occupational health***

- 4.11 If the required standard is not achieved the employee must be referred to the council's occupational health provider. The employee should have been informed of this at the preceding return to work discussion.
- 4.12 If it is clear from the medical advice received that there is an underlying medical reason for the absences that should respond to treatment a meeting will be held with the employee to discuss this.
- 4.13 It should be made clear that a further attendance review meeting (in accordance with paragraph 4.7) will take place at the end of the course of treatment or in three months' time (whichever is the sooner). It should be noted that any unrelated sickness absence during this time will count towards a further trigger point and the matter will be referred to a capability hearing.
- 4.14 If the occupational health report advises that there is no underlying medical reason for the absence(s), or there is an underlying medical reason but no realistic prospect of recovery and achievement of the required standard within three months, the matter will be referred to a capability hearing and the employee will be advised accordingly.

**Note 5:** *Following receipt of an occupational health report at any stage in the policy, the employee should be requested in writing to attend a meeting and be reminded that they may be accompanied by a trade union representative or fellow worker of the council. A copy of the medical report will be provided to the employee in advance of the meeting. The outcome of the meeting should be confirmed to the employee in writing.*

### 5.0 LONG-TERM ABSENCE

5.1 Any absence of 20 working days or four calendar weeks or more is considered long-term and will fall into one of the following categories:

- Absence to cover health conditions where length of absence may be reasonably predicted e.g. broken bones, in patient operative procedures that require rehabilitation or
- absence where it is more difficult to predict the likely duration of the sickness absence period e.g. glandular fever, musculoskeletal, stress or mental health related etc.

5.2 It is important that managers maintain regular contact with the employee during the period of absence, especially if the absence is stress or mental health related. The purpose of the contact will be to:

- Enquire after the employee's health,
- consider possible support strategies,
- establish the likely length of absence
- consider the advice provided in any 'fit note',
- consider if a temporary change in duties might facilitate an early return to work,
- identify any possible long-term effect on their employment,
- bring the employee up to date with developments at work and remind the employee of the availability of confidential counselling.

**Note 6:** Where a 'fit note' with recommendations which may facilitate an early return to work is obtained by an employee the above matters should be discussed immediately.

**Note 7:** The council's confidential Staff Welfare and Counselling service will be advised of any employee whose period of sickness absence exceeds 20 days or four calendar weeks.

5.3 Discussions at 5.2 should reflect the individual case but the primary objective should be the employee's return to work. The contact may establish a prospective return to work date or a 'fit note' may recommend a phased return to work which in the particular circumstances can simply be agreed.

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5.4 However, if the recommendations in a 'fit note' cannot reasonably be accommodated or either party wishes to discuss the above in person a meeting will be arranged as soon as possible at a mutually convenient location. HR will be available to support if required.

5.5 If the discussions conclude:

- There is no likelihood of an imminent return to work after the initial 20 working days or four calendar weeks (three months for disability related absence or maternity related absence - see notes 3 and 4 above), or
- medical advice is required in order to assist the employee's return to work, or
- there is a need to establish the employee's capability for returning to work at any time.

The employee must be referred to occupational health. (A referral may only be deferred in exceptional circumstances with approval from the Director and Strategic HR Lead). Monthly reviews must take place for deferred referrals in order to determine the employee's ongoing state of health and whether a referral to occupational health would be beneficial or to request a further deferment.

5.6 The employee will be advised of their rights under the Access to Medical Reports Act 1988.

### **6.0 RECEIPT OF OCCUPATIONAL HEALTH ADVICE**

6.1 Following the receipt of occupational health advice a meeting will be arranged at a mutually convenient location. The employee will be given at least five working days' notice in writing of the time and place of the meeting. The employee should be advised that the purpose of the meeting is to discuss the medical advice and its implications. The employee should also be advised of the right to be represented/accompanied in accordance with paragraph 4.7.

### ***Prospect of return within a reasonable period***

6.2 The medical opinion will be discussed with the employee and depending upon the circumstances and the medical advice, outcomes could include:

- Phased return to work; (see note 8 below)
- reasonable adjustments of either a temporary or permanent nature;
- homeworking;
- continued sick leave.

In each case all practical steps will be taken to assist the employee to return to work (see Note 9 below).

6.3 If having considered the options at 6.2 above, there is a reasonable prospect of the employee returning to work within three months of the medical advice (four months for disability related absence or maternity related absence) then contact should be maintained and support should continue to be given up to the point of return and beyond as necessary.

**Note 8:** *A phased return to work may be agreed at the manager's discretion, giving full consideration to any occupational health advice that may have been received. The phasing will normally be over a period of up to one month. The employee will receive full pay during the first month of phased return. This can be extended in exceptional circumstances if recommended by occupational health or the welfare officers. Any extended period will be covered by the use of the employee's annual leave, flexitime or unpaid leave.*

**Note 9:** *The above list of options in 6.2 above may not be exhaustive and they need not be mutually exclusive. Two or more of the options may be used either in sequence or in tandem. Managers are encouraged to be constructive and creative in finding solutions. Advice will be available from HR throughout.*

### ***No prospect of return or return within a reasonable period***

6.4 Where medical advice indicates there is no prospect of the employee returning to their substantive post at all or within three months of that advice (four months for disability related absence or maternity related absence) the following options must be considered:

- Attempted redeployment under the council's Redeployment procedure A.9.

- Career break.

- 6.5 If the options outlined above are explored but are not suitable, the matter will be referred to an ill-health capability hearing (see C.8 Capability Hearing procedure) where dismissal may be an outcome.
- 6.6 Early retirement on the grounds of ill-health may be explored as an option with the relevant pension scheme, and if ill-health retirement is supported, a hearing should still be held to make a decision on the employee's potential dismissal (see C.8 Capability Hearing procedure).

### **Six months absence**

- 6.7 If none of the options outlined in 6.2 above will facilitate an imminent return to work all employees who remain absent from work for six months (eight months for disability related absence or maternity related absence), will be referred to a capability hearing.
- 6.8 If the medical situation has changed since the last referral or is likely to prior to a capability hearing taking place a further referral must be made and the subsequent medical opinion should be made available for consideration at the capability hearing.

## **7.0 RETURN TO WORK FOLLOWING LONG-TERM ABSENCE**

- 7.1 Where an employee returns to work following a period of long-term absence the support and assistance given should be similar to that provided to a new employee during induction. Every effort should be made to allay the potential fears and anxiety of a return. The opportunity for an informal pre-return visit to the workplace may be offered to the employee if considered beneficial.
- 7.2 The manager should hold a return to work discussion with the employee on the first day of return to work to ensure that any adjustments to duties, equipment or hours of work are in place and are suitable. The opportunity should also be taken to sympathetically reintroduce the employee to their team and in particular to any new colleagues.

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- 7.3 Any changes to domestic arrangements and/or health and safety issues should be clearly explained and highlighted to the employee.
- 7.4 Where service specific policies, procedures and or working practices have changed these should be communicated to the returning employee at the earliest opportunity. Where necessary, appropriate training should be organised to supplement and reinforce the employee's understanding. Returning employees should also be provided with copies of relevant new or revised councilwide policies and associated documentation.
- 7.5 Where the nature of the job allows, a realistic work plan should be devised in conjunction with the employee. The plan should identify any areas of outstanding work, timescales for completion of tasks and should also gently introduce the broad range of the job description. The manager should schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.
- 7.6 In all cases the employee should be reminded of the availability of the confidential Staff Welfare and Counselling service. Where required, further advice and guidance should be obtained from occupational health.
- 7.7 Where the employee returns to work following a period of long-term absence they will also have exceeded the trigger points under the short-term absence procedure and will need to be clearly advised at the return to work discussion that further absence will be managed accordingly and reminded of the need for a satisfactory level of attendance to be maintained.
- 7.8 Whilst managers will need to ensure that this is handled with particular sensitivity to avoid being counter-productive it should be made clear to the employee that further action (in accordance with paragraph 4.8) will be taken on the 2<sup>nd</sup> period of absence or 4<sup>th</sup> working day of absence during the six months following the return to work discussion.

**8.0 CAPABILITY HEARING**

8.1 Where a capability hearing is required at any stage, the hearing will be arranged and conducted in accordance with the Capability Hearing procedure C.8.

**9.0 ADDITIONAL SUPPORT AND GUIDANCE**

9.1 The council has a range of policies to support the work life balance of employees including where appropriate the provision of paid special leave. Employees should consider the various policies available to them and make a request in accordance with these schemes where appropriate, rather than take sick leave inappropriately.

9.2 In addition there are a number of tools to assist employees and managers alike in the prevention and management of stress. Information can be found on TOPdesk or by contacting the council's Safety Solutions team.