

## **CITY OF YORK COUNCIL**

# **Attendance Management Policy and Procedure – Manager’s Toolkit**

## **ATTENDANCE MANAGEMENT - MANAGER'S TOOLKIT**

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## **ATTENDANCE MANAGEMENT – MANAGER’S TOOLKIT**

### **1. MANAGERS RESPONSIBILITIES**

Attendance management is an important management responsibility. As a manager you should be familiar with the Attendance Management policy and refresh your knowledge if you have to deal with an employee who is absent. In particular you have a responsibility to:

- Ensure that all your employees are aware of the Attendance Management Policy for notifying periods of sickness absence, at induction and at regular intervals thereafter.
- Maintain regular contact with employees who are absent.
- Conduct timely return to work interviews following all instances of sickness absence.
- Monitor sickness absence and take a lead in initiating the informal and formal absence procedure where triggers are met or there is concern about absence levels.
- Seek advice and guidance from Human Resources and the Council’s Occupational Health / Osteopath provider as appropriate.
- Refer employees to Occupational Health / Osteopath, if required, where an employee is absent for four weeks or more and ensure employees attend scheduled appointments.
- Keep records of all discussions, including any action taken, or not taken.
- Ensure all records of all absences, discussions, medical certificates and information relating to an employees health are kept confidential and disclosed only to people in the council who need to see it for the purpose for which it was obtained. In accordance with the requirements for special categories of personal data under the General Data Protection Regulation (2016/679 EU) (GDPR) and Access to Medical Reports Act 1988.

This toolkit is to assist you in implementing the Attendance Management Policy. It is to provide guidance only and in all cases the Policy must be referred to.

### **2. COMMENCEMENT OF ATTENDANCE MANAGEMENT**

The management of sickness absence starts when the employee notifies the City of York Council’s Absence Line on **01904 809584** that they are sick and unable to attend work. The City of York Council’s Absence Line will then notify the line manager and Business Support of the details of the employee’s absence.

Managers should ensure that all of their employees are aware of the local absence reporting procedure and how to contact you if they are unwell, especially where flexible working practices are in operation.

The City of York Council's Absence Line will:-

- Ask employees to confirm their Payroll Number, Post Title, Department and their Line Manager's name.
- If you have more than one post / contract with The City of York Council, you must provide details of each post title, department and line manager and confirm whether you are unfit for work in each of the posts.
- Clarify the reasons given for the absence and provide any initial medical advice, intervention or signposting.
- Confirm the absence is actually sickness related and does not fall under a different leave policy, for example Dependant Care Leave.
- Establish how long the employee expects to be absent.
- Ensure that the employee is aware of the Attendance Management policy & procedure.
- Agree further contact required with the employee, in line with notifying of absence policy & procedure.
- Confirm if the absence is related to an injury/incident at work and therefore needs reporting on the H&S Portal.

Line Managers and Business Support will receive an e-mail from the City of York Council's Absence Line confirming this information.

Where an employee does not make contact in accordance with the notifying of absence procedure, it is reasonable for you, as their line manager to contact them to ascertain their whereabouts and identify the reasons why they are not at work and if the reason is ill health, why they have not followed the reporting procedure.

Failure by an employee to notify the organisation of their absence without a reasonable explanation can result in the employee's absence being viewed as unauthorised. In such circumstances advice can be obtained from HR to agree the appropriate course of action (such as invoking the Disciplinary Procedure and / or the suspension of occupational sick pay).

### **Recording Sickness Absence**

To enable the Council to manage absence and to ensure employees are paid appropriately it is essential that all absences and the reasons for them are recorded accurately and in a timely manner.

As the employee's manager you need to:

- Agree the frequency and type of contact during any extended periods of absence.
- During the period of the absence, record any discussions, actions, advice or guidance provided and ensure that is placed on the employee's personal file through Business Support.

- Carry out a return to work interview with the employee completing the Self Certificate - Return to Work on-line form.
- Forward any Fit Notes to Business Support for filing on personal files.
- Where an employee returns on a phased return to work, notify Business Support by e-mail so that they can record the details on iTrent and ensure correct payments are made.

Further information and guidance on completing “Return to Work Interviews” can be found in the Attendance Management Policy and Procedure and in the supporting Guidelines for Managers.

### **3. STATEMENT OF FITNESS FOR WORK - FIT NOTES**

From the 8<sup>th</sup> calendar day of absence and onwards, an employee must obtain a ‘statement of fitness for work’, Fit Note, from their GP. Shorter periods of absence are covered by an employee ‘Self Certifying’ as being absent. The fit note allows doctors to state either that the employee is “not fit for work” or that they “may be fit for some work”.

The purpose of a Fit Note is to facilitate a return to work in circumstances where adjustments made by the council would help the employee resume work sooner than might otherwise be the case.

The fit note gives GP’s the opportunity to highlight one of the four options to help facilitate the employee’s return to work. These are:

- a phased return;
- amended job duties;
- altered hours of work; and
- workplace adaptations.

The GP may also detail any other option that they believe may be appropriate. If you have more than one post / contract with The City of York Council, your Fit Note must confirm whether you are unfit for work in each of the posts.

#### **What should I do if I receive a fit note from a member of my team?**

If an employee presents a fit note that states they are not fit for work they will remain off work. However, you still need to maintain contact throughout the period covered by the Fit Note to ensure that you can plan a return to work at the end of the Fit Note, if a phased return to work is needed, requiring advice and guidance from Occupational Health.

Where a ‘maybe fit for work’ note is received you must contact the employee to discuss their potential return to work.

You will need to:

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- Discuss the GP's suggested adjustments detailed on the fit note.
- Ask the employee if they have any other suggested adjustments to help them return.
- Agree a return to work date, if possible, confirm what 'reasonable' adjustments will be put in place and a date to review progress. The adjustments must only be made with the employee's agreement.

### **What if the 'fit note' recommendations cannot be agreed?**

In most cases you will be able to agree an adjustment which will allow your employee to return to work. Where further advice is needed to consider the adjustment you can contact the HR team and / or the Council's Occupational Health Service via an Occupational Health referral or a referral to the Osteopath for any muscular skeletal related absences.

If you are unable to accommodate the GP's recommendations you must explain to the employee the reasons. In these circumstances the employee will remain off sick until they are fit to return to work.

### **Recording the Outcomes**

Any action taken, or not taken, as a result of a 'maybe fit for work' fit note received must be recorded on the Self Certificate - Return to Work form and be sent to the Business Centre.

### **Fit for Work Certificate**

GP's no longer provide a medical statement, after a period of absence, that the employee is fit for work. You must rely on the original, or latest, 'fit note' to determine the return to work date, which can be earlier than the end of the period stipulated in the 'fit note' if you and your employee support the adjustment recommended in the 'maybe fit for work'.

## **4. SICKNESS ABSENCE TRIGGER POINTS**

Trigger points are used to instigate either an informal or formal review of an employee's attendance.

The trigger points for managing an employees' absence are:

- a) Three periods in a rolling three month period.
- b) Four periods of absence in a rolling six month period.
- c) 10 or more working days in a twelve month period or pro-rata for part-time employees and those on compressed hours or other flexible working arrangements. The 10 days is based on a full-time employee working 37 hours per week equally over 5 days from Monday to Friday. For a part-time employee

who only works Monday and Tuesday the pro-rata trigger is 4 working days, so 2/5<sup>ths</sup> of the 10 working days.

d) A trend of an unacceptable pattern of absence e.g. regular Mondays / Fridays.

e) A period of continuous absence lasting 4 weeks or more.

A rolling period refers to 'counting back' from the point of the first day of the latest absence.

Where a trigger point is reached you must consider the specific circumstances and mitigating factors of this period of absence. It is important that you do not apply an automatic sanction. There may be cases where it is inappropriate to issue a warning despite the trigger point being reached, for example pregnancy related sickness absence or where information is awaited following an Occupational Health referral. Also refer to the guidance on 'Special Considerations - Disability'.

### **Absence due to Pregnancy or Related Illness**

Pregnancy related sickness absences will be recorded as absence but should not be included towards sickness absence triggers for the purpose of the attendance management procedures. Where an employee has been absent due to a pregnancy related illness you must:

- Ensure that the return to work stages have been completed.
- Check that a workplace risk assessment has been undertaken and if not seek guidance from the Health and Safety Team.
- Ensure compliance with the risk assessment findings e.g. changes to the individuals' role or hours of work.

## **5. RETURN TO WORK**

When an employee returns to work after any period of sickness absence you must meet with them and hold a return to work interview. This should be on the employee's first day back or at least within three days of them returning to work.

Before the meeting:

- Collate the employee's absence record for the past two years. All sickness absence is recorded in the HR and Payroll system, which can be obtained via your ITrent People Manager login (please note there may be occasions if you are a new manager of the employee, where you are unable to view all the absence history. If you need to check the total absence contact Business Support)
- Establish if any trigger points have been met.
- Be prepared to discuss the absence in detail e.g. have there been any patterns.
- Establish if the employee has already had an informal or live formal warning for any previous sickness absence.

### **What should I cover in the return to work interview?**

Depending upon the employee's sickness absence history, the details covered in the return to work interview will vary. The following is a guide of what may be appropriate to include, although the list is not exhaustive:

- Welcome the employee back and establish reason for absence.
- Check they are fit to return to work.
- Check that all the necessary certification has been completed and provided.
- Update them on anything they may have missed whilst they were absent.
- Discuss the employee's level of absence, ensuring that the employee is clear about the expected standards of attendance, including absence triggers and possible consequence should they fall short of this standard.
- Confirm or discuss any adjustments needed to support the return to work (see Statement of Fitness guidance).
- Discuss any pattern or common causes of absence. Where the employee, or pattern of absence, indicates there maybe an underlying health problem or disability the manager should refer them to Occupational Health.
- If the absence is identified as work-related establish if there are any health and safety issues or work related factors that need to be addressed and ensure that the accident/incident is recorded on the H&S portal.

### **What action should be taken if a sickness absence trigger point is reached?**

If the employee has hit a trigger point you should:

- Inform the employee what trigger has been reached and that possible action may therefore be required under the Attendance Management Policy.
- Consider the specific circumstances of this period of sickness absence and decide whether it is appropriate to count this absence towards their trigger or whether there are mitigating factors that need to be taken into consideration (see guidance on pregnancy related absence and special considerations).
- Where the absence is counted towards a trigger point you should either issue:
  - An **informal warning**. This is a compulsory stage for a first trigger point for short term sickness absence and you should apply discretion as to whether to issue an informal warning again in the future if triggers are hit after the review period has expired. The discretion is based on the overall attendance history of the employee and the individual circumstances of the absence.



- Where an informal warning is issued you must explain the required standards of attendance and the implications of failure to meet those standards, which in most cases includes three formal review stages with a potential consequence of the third being dismissal.
- Inform the employee that a formal absence review meeting will be arranged at the next appropriate opportunity.
- If the absence is not counted towards the trigger you should inform the employee of the reasons and ensure the details are recorded.

### **Recording the meeting**

The return to work conversation and any informal warning should be recorded on the Self Certificate - Return to Work on-line form.

Attached below is a checklist which you may find a useful prompt to aid discussion where trigger points have been met.

Checklist of areas to be discussed, where Trigger Points have been hit:

- Ensure that the employee is aware of and understands the Attendance Management Policy.
- Ensure that the employee understands the trigger points hit in relation to their absence.
- Explore whether an OH referral is required. If required any formal review meeting may need to be delayed.
- Confirm whether an informal warning has been issued or a formal review is being arranged in accordance with the attendance management policy.
- Clarify future attendance expectations and implications of failure to improve and sustain good attendance record.

## **6. OCCUPATIONAL HEALTH REFERRAL**

It is appropriate to refer an employee to the Council's Occupational Health provider when information and advice about an employee's health is necessary for you to make a decision about that employee.

Typical reasons for referral include:

- the employee has been continuously absent or will be for at least four weeks.
- the absence is related to stress and in such cases it maybe appropriate to make a referral to OH sooner for early intervention.
- the employee has reached a short term trigger point and there may be an underlying health problem.
- short periods of absences become frequent and a trend appears.

- the employee has a period of ill health that they do not wish to disclose to you (e.g. gender specific ailments).
- the employee's performance or behaviour may be adversely affected by their health.
- where work may be a cause or contributory factor to ill health.
- as an agreed action following a formal or informal review meeting or prior to a formal review meeting.
- the employee makes you aware of concerns they have about their health and work.
- to obtain information on a planned operation and support requirements.

Where the absence is related to a musculoskeletal problem it maybe appropriate to make a referral to the Osteopath.

Employees must be referred to Occupational Health prior to any meeting to consider termination of employment.

### **How do I make a referral to Occupational Health?**

All referrals to occupational health are completed electronically by you as the line manager, using the OH icon on your computer.

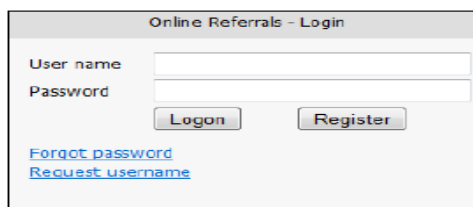
### **Online Referral Process**

Before using the system you must register for an account.

To register for an account, open Internet Explorer and type the following address into the address bar at the top of the screen.

<https://portal.healthmanagement.org.uk>

Press Enter – you will be taken to the log in screen below. If you don't see this screen then please check the address carefully, it must be typed into the address bar at the top of your web browser exactly as it appears here.



Online Referrals - Login

User name

Password

[Forgot password](#)  
[Request username](#)

Click the Register button. You will be taken to the registration screen shown below. Please complete the registration using your own details and corporate email address. Enter the validation code that you have been provided with and then tab or click out of the validation codes box.

Verification code [CofYC1932719](#)

Select from the drop down menus

Fill in your personal details and password.

**Note :** Your password should be at least 6 characters long and contain a mixture of upper & lower case letters and at least one number. For example *L3tMe1n* (do not use this!!)

Once you have completed the form click the Register Now button. You will receive an email from [online@healthmanltd.com](mailto:online@healthmanltd.com). This contains a link which you must click to activate your account.

Once your account is activated visit <https://portal.healthmanagement.org.uk> to log on.

It is essential that the referral is fully completed and the requested information attached, including a copy of the employees job description, the employees absence record and any relevant previous Occupational Health reports. Particular consideration has to be given to the assessment of work demands so that Occupational Health can relate the employee's health to their work tasks and environment. Investing time in producing a clear and detailed referral should facilitate an effective assessment and report.

Please note:

- The referral must be discussed between you and the employee before it is sent, including possible outcomes following the assessment as you will be asked to confirm this prior to submitting the referral form;
- Ensure you are aware of any dates/times your employee is not available for a consultation (e.g if they have a hospital appointment) so you can note these on the referral;
- Notify your employee of their appointment time as all appointments for face to face consultations will be notified to you, not the employee.

If you lock yourself out of the system contact [occhealthmanagement@york.gov.uk](mailto:occhealthmanagement@york.gov.uk) to unlock.

It is important that as an organisation we ensure maximum attendance at Occupational Health appointments and keep costs down. As a manager it is your responsibility to ensure that there are no reasons that might prevent your employee from attending the referral. Where your team member provides reasons that they are unable to attend, you should ensure all avenues are used to understand why this is the case and work with OH to rearrange the appointment to prevent any missed appointments.

Noted below are the response timeframes you should expect from your referrals:

<b>Service</b>	<b>Average clearance time from receipt of referral/request to receipt of report/conclusion of the case in working days.</b>
Attendance Management Referrals - Telephone Consultation (OH Advisor)	3
Attendance Management Referrals - Telephone Consultation (OH Physician)	7
Attendance Management Referrals – Face to Face OHA/OHP (including any preliminary consultation e.g. by telephone)	10
OHA/OHP file opinion	5
Further Medical Evidence, incorporating any time the employee requires to see reports	20

If you need any assistance with understanding or interpreting the content of the Occupational Health report, please speak to your HR Advisor.

You should discuss the findings and recommendations in the report with the employee before coming to a decision about support, adjustments or issuing a warning.

In rare cases the employee may not agree to you as their manager having sight of the OH report and in such cases further advice should be sought from HR.

Where OH recommends a rehabilitation plan or adjustments, including possible temporary or permanent redeployment, it is up to you to decide whether these can be reasonably supported for the period suggested. There may be a cost implication that will have to be borne by your budget.

The decision to implement the recommendations should balance best rehabilitation practice against service requirements and or constraints. You may wish to contact your HR Advisor for further advice. If you do not feel able to implement some or all of OH recommendations, you should discuss your reason for this with the employee and record on the "Reasonable Adjustments Monitoring Form" which should be retained in the relevant employee file. The law does not require you to create or invent a new post, it asks that you consider making 'reasonable' adjustments to an employees existing role or a vacant role where you are able to.

### **When an Occupational Health referral may not be required**

There maybe some circumstances where it may be unnecessary to refer an employee to OH and a formal review can take place without an OH report for example. Except for a Final Formal Review which could result in dismissal:

- If the employee is in hospital or seriously ill

- It is obvious that the employee will return to normal employment in the not too distant future and no details of their condition are required
- The periods of absence are short and unrelated

## **7. SPECIAL CONSIDERATIONS - DISABILITY**

### **Establishing a Disability**

If a pattern of either short or long term sickness absence has been identified which may have a common medical cause and a trigger point has been reached you will need to consider whether the employee has an underlying health problem and potential disability.

Referrals can be made to Occupational Health to establish if the employee has a health problem which is classed as a disability under the Equalities Act 2010 and obtain advice and guidance on any reasonable adjustments that need to be considered. (For additional reading and examples [EHRC Equalities Act Code of Practice](#))

### **What counts as a disability in law?**

Disability is not always obvious. The Equality Act 2010 defines a person as disabled if they have a physical or mental impairment that has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities.

- 'Normal day-to-day' means things that people do on a regular or daily basis, such as reading, writing, using the telephone, having a conversation and travelling by public transport .
- 'Long-term' usually means the impairment should have lasted or be expected to last at least a year.
- 'Substantial' means not minor or trivial.

The key thing is not the impairment but its effect. Some impairment's such as migraines, dyslexia, asthma and back pain can count as a disability if the adverse effect on the individual is substantial and long-term. Some conditions automatically count as disabilities for the purposes of The Equality Act 2010 from the point of first diagnosis - these are cancer, HIV and multiple sclerosis (MS).

### **Treating Disabled People Fairly: Avoiding Discrimination**

It is discrimination to treat a disabled person unfavourably because of something connected with their disability. This type of discrimination is unlawful where the employer knows, or could reasonably be expected to know, that the person has a disability.

### **Reasonable Adjustments**

Where an employee is diagnosed with a disability you must provide any 'reasonable adjustments' to assist the employee either to support their return to work and / or enable them to attend work. If there are seen to be difficulties in doing so, further advice can be sought from HR or OH.

From a process perspective, Occupational Health will provide advice and guidance on the types of adjustments that could be made for an individual, based on their specific condition and the employees post. It is then for the Council to make a judgement as to whether those adjustments are 'reasonable' in law and ultimately that would be the decision of the courts, if challenged at an Employment Tribunal.

Reasonable adjustments may include:

- a) Adjustments to equipment
- b) Permanent or temporary adjustments to working hours / duties / work environment e.g. offering part time work if someone is finding full-time working difficult or allowing someone to move their working hours to later in the day where they feel worse in the morning / better in the afternoon.
- c) Transfer to more suitable work and / or different work place
- d) Retraining
- e) Discounting disability related absence

Things to consider when making a reasonable adjustment:

- Don't assume what reasonable adjustments the disabled employee needs. Ask the employee how the disability impacts on their duties and what adjustments would support them.
- You can treat disabled people better or 'more favourably' than non-disabled people and sometimes this may be part of the solution.
- The adjustment must be effective in helping to remove or reduce any disadvantage the disabled worker is facing. If it doesn't have any impact then there is no point.
- In reality it may take several different adjustments to deal with that disadvantage but each change must contribute towards this.
- The easier an adjustment is, the more likely it is to be reasonable. However, just because something is difficult doesn't mean it can't also be reasonable. You need to balance this against other factors such as size and resources of the area and impact on the Council.
- Where an adjustment is made it must be reviewed to ensure it is working effectively e.g. every 3 months.

Where an adjustment is not deemed reasonable the council can refuse an adjustment, however such decisions should be capable of withstanding external scrutiny for example an employment tribunal .

## **Managing Disability Related Absence**

Sickness which is a direct consequence of a disability is still recorded as sickness absence and you should still follow the Attendance Management procedure. However there will be occasions where a possible 'reasonable adjustment' will be to make adjustments to procedural practices for example:

- a) Allowing the employee to be absent from work for rehabilitation, assessment or treatment e.g. time off to attend a medical appointment
- b) Extending absence trigger points for those with disability related sickness absence e.g. an employee with an auto-immune disease has taken several short periods of absence during the year because of the condition. When the manager is taking absences into account in relation to the absence trigger points, they allow a greater amount of days absence before a trigger is reached.
- c) Excluding disability related absence where an employee is adjusting to a new or worsened disability or medical condition e.g. a manager allows a disabled employee who has recently developed a condition, to have more time off work than would be allowed to non-disabled workers to enable them to have rehabilitation for a temporary period. A similar adjustment would be appropriate if a disability worsens or if a disabled worker needs occasional treatment anyway.

Where such an adjustment is being considered you may wish to seek guidance from your HR Advisor and the Council's Occupational Health provider. The employee must be made aware of the details of the adjustment and this should be recorded. Where an adjustment is made for example to exclude disability related absence it is important for you, as their manager to establish the reasons for any absence so that it can be recorded and managed correctly.

Many factors will be involved in deciding what adjustments to make and they will depend on individual circumstances. Different people will need different changes, even if they appear to have similar impairments.

### **Issues to consider regarding 'Reasonable Adjustments'**

The Equality Act 2010 requires employers to make reasonable adjustments where the application of a provision, criterion or practice or access to premises puts people with a disability at a substantial disadvantage to people who are not disabled. This legislation covers all staff working for or applying to work for City of York Council.

Reasonable adjustments are modifications that ensure that disabled applicants and staff are not placed at a disadvantage and to provide equal access to opportunities in the workplace.

Making reasonable adjustments in the workplace is a simple management function. It makes good business sense to ensure that all our staff have everything they may reasonably need to do their jobs well.

This guidance aims to support managers and staff when considering reasonable adjustments to enable an employee to carry out their role, both in the long and short term, to ensure consistency across the Authority.

Whilst reasonable adjustments are generally considered where a disability comes under the Equality Act 2010 there may be occasions when adjustments are required that fall outside the scope of the Act.

These protocols should be read alongside the Attendance Management Policy and Procedure and the Attendance Management Manager's Toolkit, Employment of Disabled People Policy, and the Equalities Policy.

Reasonable adjustments can be identified via a number of sources, including:

Employee  
Manager  
Occupational Health (both through pre-employment checks and referrals due to absence or health issues)  
Access to Work  
HR  
IT  
Facilities Management

### **Who pays?**

Where the implementation of a reasonable adjustment incurs cost, the Equality Act 2010 expects that employers will cover this.

Most reasonable adjustments are very simple, cost effective and can be charged to the relevant internal budget. For example, if an employee with a learning difficulty requires blue paper to print and read from, this would come under the same budget as any other office stationery.

Funding assistance is also available from your local Jobcentre Plus through the 'Access to Work' scheme. This allows the Council to identify what an individual requires, with the assistance of a Disability Employment Advisor, who then seeks approval for funding assistance. If Jobcentre Plus agrees to provide funding assistance, you can procure the required products and then claim back the agreed level of funding.

Things to consider when making a reasonable adjustment:-

- Don't assume what reasonable adjustments the disabled employee needs. Ask the employee how the disability impacts on their duties and what adjustments would support them.
- You can treat disabled people better or 'more favourably' than non-disabled people and sometimes this may be part of the solution.



- The adjustment must be effective in helping to remove or reduce any disadvantage the disabled worker is facing. If it doesn't have any impact then there is no point.
- In reality it may take several different adjustments to deal with the disadvantage but each change must contribute towards this.
- The easier an adjustment is, the more likely it is to be reasonable. However, just because something is difficult doesn't mean it can't also be reasonable. You need to balance this against other factors such as size and resources of the area and impact on the council.
- Where an adjustment is made it must be reviewed to ensure it is working effectively e.g. every 3 months.

Where an adjustment is not deemed reasonable the Council can refuse an adjustment, however such decisions should be capable of withstanding external scrutiny, for example from an employment tribunal.

The process that a manager should undertake when reviewing requirements for reasonable adjustments is as follows,

**Step 1** Requirement for reasonable adjustment identified, eg:

- Employee advises of disability
- Recommendations from OH/GP/Specialists
- Recommendations from Access to Work

**Step 2** Meeting between Manager and/or HR (?) and Employee

- To review required adjustments and agree next steps
- Examples of reasonable adjustments can be found at Appendix A

This meeting should take place in a confidential setting and is an opportunity to share information:

- On how the disability/health issue affects the employee at work
- any disadvantage the employee may experience in the workplace as a result of their disability/health issue
- possible adjustments which might remove or mitigate this disadvantage
- advice received regarding possible appropriate adjustments (ie OH, GP/Specialist)
- How effective the adjustment is likely to be in addressing the disadvantage

**Step 3** Case Conference (as appropriate)

- For all parties to discuss adjustments and costs – ie H&S, IT, Facilities Management, etc

**Step 4** Adjustments Agreed/Not Agreed

To formally note all adjustments agreed and any that are not agreed, including reasons why the adjustment could not be agreed.

**Step 5** Complete Monitoring Form (Appendix B)

Monitoring form to be completed and shared with the employee and placed on their personnel file.

**Step 6** Hold Review(s)

To ensure the adjustments put in place are meeting the needs of the employee and the Council, regular review meetings should take place, the frequency of these to be agreed between the manager and employee, but should be at least quarterly.

The purpose of the review is:

- To discuss adjustments in place – are they addressing the disadvantage?
- Are further adjustments required
- Re-submit monitoring form as appropriate

If you wish to speak to someone about this process please contact your HR Advisor

**Examples of adjustments that could be considered in the workplace:**

**Premises / workplace -**

Providing tactile indicators on stair rails, switches, buttons, etc for a visually impaired worker.

Installing a telephone with controllable amplification for a worker with a hearing impairment.

Providing a 'reading machine' (optical character recognition system) which scans and reads aloud text for a visually impaired worker or a worker with a learning difficulty.

Installing soundproofing or visual barriers to minimise distractions for a worker with a learning disability.

Supplying matt pastel coloured paper and colour coded filing systems for a worker with dyslexia.

Installing a hands free keyboard for a worker with upper limb disorder.

Providing ergonomic furniture/equipment for a worker with tendonitis.

Providing a refrigerator (either in an office or in a vehicle) for storage of insulin for a diabetic worker.

Providing a place for a worker with HIV to store medication safely and confidentially.

Installing hand rails to enable a worker with a mobility impairment to use walkways, especially ramps.

Relocating light switches and shelves for someone who has difficulty in reaching.

Providing appropriate contrast in décor to help the safe mobility of a worker with a visual impairment.

Providing an accessible disabled parking bay for someone with restricted mobility.

Training colleagues in first aid procedures to support a co-worker who experiences epileptic seizures (with the individual's permission).

Providing extra support during induction training for a worker with a disability which affects their confidence and memory skills.

#### **Communication -**

Providing a trained lip speaker to assist in lip reading for a worker who is deaf.

Providing reference manuals/policies, etc in large print, tape or Braille.

Producing written summaries of detailed verbal information for a dyslexic colleague.

Giving aide-memoirs or demonstrations to consolidate verbal instructions given to a team member with a learning disability.

Adjusting the way instructions are given to a worker with a mental health problem.

Allowing time for reflection and response to verbal information given to workers with learning difficulties.

Having regular meetings to review how reasonable adjustments are working and to ensure that team members are supportive.

#### **Working hours or place of work -**

Agreeing a flexible pattern of working and meal breaks for a worker with diabetes.

Scheduling duties around the effects of someone's medication.

Agreeing working hours to accommodate travel requirements.

Agreeing a transfer to more suitable or accessible premises for a worker to undertake their role.

Considering occasional home-working.

**Providing training -**

Training someone how to use any equipment that has been provided as a reasonable adjustment.

Providing training materials in large print, tape, Braille, etc.

Making reasonable adjustments to training such as extra time, e-learning access and training techniques tailored to individual needs.

**Support -**

Providing a support worker to assist a worker with restricted manual dexterity to undertake filing duties.

Allocating a mentor for a worker whose disability leads to uncertainty or lack of confidence in the workplace.

Re-alignment of duties among a team, making use of each member's ability.

Regular meetings to ensure that reasonable adjustments are still meeting the individual's needs and to ensure that colleagues are also being supportive.

Holding an awareness session on a specific disability for colleagues (only with the individual's consent).

**Changing roles -**

Re-aligning duties within a team to utilise each member's abilities.

Allocating an aspect of the job to another colleague.

Where it is not possible for a disabled employee to continue in their role, you must consider re-deployment to a suitable role. Consideration should also be given to providing training to increase re-deployment options.

**Creating a disability-friendly workplace**

There are simple things that we can all do to improve the quality of the working environment for staff with disabilities:

Disabled parking bays dedicated for use by staff and visitors who have a disabled parking permit.

Planning meetings / events – ask all attendees whether they have any specific requirements to attend or participate in the meeting.

Coaching or training – ask individuals if they have any specific requirements to assist them in gaining the most from their learning.

Communication methods – make use of a wide range of communication methods. When you give your contact details out, do you include e-mail and fax number? Could you learn British Sign Language?

Raise awareness – managers and employees can raise their awareness of disability issues to prevent unwitting prejudice and harassment of disabled staff and to ensure that disability-friendly practices are adopted.

**REASONABLE ADJUSTMENTS MONITORING FORM**

**SECTION 1 – EMPLOYEE DETAILS**

EMPLOYEE NAME:	POST TITLE:	DIRECTORATE:
MANAGER'S NAME		

Reason for Adjustment:

**SECTION 2 – ADJUSTMENTS REQUIRED/REQUESTED**

OCCUPATION HEALTH ADVICE	
ACCESS TO WORK	
EMPLOYEE REQUESTS	

### **SECTION 3 – CONSULTATION/CASE CONFERENCE**

SECTION	ADJUSTMENT/EQUIPMENT	COSTS	AGREED Y/N
EMPLOYEE DEPARTMENT (Budget Holder)			
HR			
FACILITIES MANAGEMENT			
HEALTH AND SAFETY			
IT			
PROPERTY SERVICES			
Total Costs Approved:			

If an adjustment is not approved/agreed, please give reasons below:

Employee Signature:  
Manager Signature:

Date:  
Date:



## **SECTION 4 – REVIEW**

DATE OF REVIEW	ADJUSTMENT	COMMENTS	FURTHER ADJUSTMENTS REQUIRED

Employee Signature:  
Manager Signature:

Date:  
Date:

### **Stress / Mental Health**

Where stress or other mental health problems appears to be the cause of an absence, it is important you act promptly. You should ensure that:

- A Team/Group stress risk assessment (using form F22A which can be found on the intranet) is carried out proactively for each team where stress is a hazard identified through standard risk assessments.
  - Individual risk assessments (using form F22B which can be found on the intranet) are undertaken for identified cases of stress.
  - The risk assessment process is used to identify potential/actual workplace stressors and control measures implemented to reduce/minimise the effect of the stressors.
  - The employee is referred to Occupational Health as soon as evident that there is a potential mental health issue.
- You should make the employee aware of counselling provided through The **Employee Assistance Programme**. The service can be contacted on **Tel: 08001116387** or by the EAP Website [www.my-eap.com](http://www.my-eap.com) The user name is CYC

Further guidance can be found on the Intranet

### **REHABILITATION OPTIONS FOR LONG TERM SICK**

It is important when dealing with long term sickness that employees are fully consulted about their illness and what can be done to retain them in employment. The purpose of a review meeting is to explore the employee's prospects for a return to work, or if that is not foreseeable what other action should be taken. The potential options and considerations include:

- a) **Phased return to work** – This includes a temporary reduction in hours or atemporary adjustment of duties for a set period of time. See phased return to work guidance notes.
- b) **Rehabilitation** - Occupational Health may advise that your employee should undertake therapy, such as use of the Osteopath, which may aid a speedier recovery and an earlier return to work. You should contact your HR Advisor to establish how this support may be provided.
- c) **A permanent reduction in contractual hours** – You should contact your HR Advisor to identify any contractual implications.
- d) **Adjustments to the job**
- e) **Provision of adaptations/aids**
- f) **Modification of information** for example supplying documents in large font or providing a larger PC Monitor where an employee is visually impaired.
- g) **Transfer to a different workplace** for example moving someone with limited mobility to the ground floor for location or allowing partial home working.
- h) **Adjustments to procedural requirements** for example allowing an employee who has returned after a period of sickness absence to paid time off to attend the Osteopath or other forms of rehabilitation.
- i) **Additional support** e.g. counselling.
- j) **Alternative employment.** Where Occupational Health is of the opinion that an employee is permanently unfit to carry out their duties the employee may wish to be considered for redeployment to other work in the council.

Once Occupational Health confirm this you should meet with the employee to discuss the report and to confirm the next steps. You should then immediately place the employee on the redeployment register and set up a Final Formal Review meeting. If the decision is taken to dismiss the employee at that review, the employee is issued with contractual notice of dismissal, during which time redeployment will be considered. Employees should be placed back on full pay for their period of notice, if their pay has reduced.

- k) **A further review period.** In circumstances where a return to work is not imminent but the employee is not permanently unfit for employment and other courses of action are not pertinent, the employee may be given a further period to recover. Having considered all the circumstances of the case it may be decided that this would be a reasonable course of action to take and a period should therefore be agreed with the employee subject to ongoing review. If the employee returns to work within the newly agreed timescale then no further action will be required.

Adjustments may be agreed on a temporary or permanent basis. There may be other options that can be considered since this list is not exhaustive.

### **PHASED RETURN TO WORK**

A phased return to work is where an employee returns to work on reduced hours, gradually increasing the hours they work until they fulfil their contractual hours. Such arrangements may also cover a gradual increase in the range of duties undertaken, or a combination of both.

A phased return to work is time limited, typically lasting from between two to four weeks. You should agree the details of the phased return to work in conjunction with the employee.

Examples for a full time employee:

Week 1 – 2 days    Week 2 – 3 days    Week 3 – 4 days    Week 4 – Full-time.  
Week 1 – 4 hrs per day    Week 2 – 6 hrs per day    Week 3 – Full-time.

Only in exceptional circumstances and supported by Occupational Health can this period of phasing be extended and by only a short period as the principal is that the employee is fit for work but requires a period of adjustment back into work. Phased returns are not an opportunity to assess an employee's fitness for work. Advice can be sought from your HR Advisor.

### **Payment during a Phased Return to Work**

During a phased return to work the employee is only paid for the hours worked and is considered sick for the remaining period and will receive the appropriate amount of OSP and SSP. Where sick pay has been reduced or exhausted there are a number of options that can be considered to avoid loss of pay.

### **Recording a Return to Work**

To ensure the employee is paid appropriately during a phase return to work, it is essential that HR Business Support are notified of the details, so they can be recorded on the employee file in iTrent.

### **Annual leave**

Employees continue to accrue annual leave during periods of sickness and they can choose to use annual leave for the remainder of their working hours during a phased return, to ensure that they receive full pay.

In agreeing such arrangements managers should take into account the amount of annual leave outstanding and the period of the leave year remaining. Employees should ideally retain some annual leave where a phased return to work occurs early in a leave year.

## **Flexi leave**

Employee's to whom a flexi-time scheme applies, can be allowed to work up an agreeable debit time whilst on a phased return and be allowed to clear the flexi debit over an appropriate period of time.

## **Paid special leave**

This should be considered after the above two options have been utilised or are inappropriate. In exceptional cases where a short period of phasing has been agreed Directors have the discretion to grant special paid leave in consultation with the Head of HR.

## **Paid special leave for staff employed on Teachers pay and conditions**

Where an employee is employed under Teachers' pay and conditions or works term time only and does not have an annual leave entitlement (which can be taken during school term time) or where the above options have been utilised or are inappropriate they should be granted special paid leave for the time when the employee is not at work during the phased return period (providing the provisions of paragraph 5 above have been met). This would generally equate to the employee receiving normal contractual pay.

When all the above options have been exhausted and the employee is still not working their full hours then they should only be paid for the hours worked.

During a phased return to work all sickness absence incurred must be notified and recorded as normal and self certificates or Fit Notes provided as required.

The employee's progress must be closely monitored during the phasing period with further advice being sought from the Occupational Health on amendments to the programme where anticipated recovery times are not being met.

## **SUPPORT FOR A RETURNING EMPLOYEE**

An employee who has had a lengthy period of absence is likely to be worried about the prospect of returning to work. As the line manager you should therefore:-

- Agree with the employee what support will be available during the first weeks or months after their return and how progress will be monitored.
- If possible, arrange a social visit for the employee shortly before their return.
- Make sure that the employee is not overloaded with work.
- Consider arranging a work colleague to act as a "buddy", to help the employee with any difficulties in the first few weeks after their return.
- Actively monitor the situation to make sure that the employee is coping adequately with the day-to-day work and its associated pressures.

## **MANAGING TERMINAL ILLNESS**

Where an employee is diagnosed with having a terminal illness, you should ensure that the employee is referred to Occupational Health to establish the prognosis and expected timescales for the illness.

The aim would always be to get the employee to return to work where possible, supported by reasonable adjustments. There will however, be occasions where Occupational Health advises that even with reasonable adjustments the employee will not be able to return to work at all or in the foreseeable future.

Depending on the prognosis of when the illness is likely to conclude it is suggested you explore the following options:

<b>Potential Options</b>	<b>When the option may be considered</b>
Ill health retirement	Where the employee is a member of the LGPS pension scheme / Teacher pension and OH advise that the employee is not going to be able or well enough to return to work in a reasonable timeframe, (e.g. the illness is likely to conclude beyond 12 - 18 months). See guidance on Ill Health Retirement.
Termination of employment on the grounds of permanent incapacity	Where the employee is not a member of a pension scheme and OH advise that the employee is not going to be able or well enough to return to work in a reasonable timeframe (e.g. the illness is likely to conclude beyond 12 -18 months). See guidance on Final Review Meeting.
Death in service benefits (where death is imminent)	Where the employee is a member of the LGPS pension scheme / Teacher pension and the illness is likely to conclude within 12 – 18 months from commencement of the sickness absence. In this situation it may be appropriate for the employee to remain in employment until the illness concludes. During this time the manager must maintain contact and provide appropriate support.

Please note this table is only a guide and each case must be assessed on an individual basis, following guidance obtained from HR and Occupational Health.

It is not necessary for an employee to have exhausted their sick pay entitlement in order for one of the above options to be progressed.

In order to explore the three options you should obtain the following information about the employee:

- Remaining sick pay entitlement.

- Establish if the employee is in the LGPS or teachers pension scheme and has pension / death in service benefits.

Advice in obtaining this information and support in managing a terminally ill employee can be accessed by contacting Human Resources and Occupational Health.

Following receipt of this information you must arrange to meet with the employee to discuss the possible options. Where an ill health retirement or termination of employment is considered a final formal review meeting must be held. An employee can waive their right to the meeting where they agree with the proposed action and have confirmed this and their wish to waive the hearing in writing.

### **III Health Retirement**

Where an ill health retirement is being considered for an employee who is a member of the North Yorkshire Pension Fund you, as their manager, should complete the attached III Health Certificate form and send this to Occupational Health.



III-Health-Cert\_Ac  
tive\_Member...

A registered OH medical practitioner will advise if the employee meets or does not meet the criteria for ill health retirement. Where an ill health retirement is recommended, information will be provided on which of the three tiers they qualify.

Where Occupational Health recommends retirement on the grounds of permanent ill health and the employee is a member of the LGPS or the Teacher's Pension Scheme and fulfils the criteria to access the pension scheme, a formal review meeting should be held with the employee to discuss the OH recommendations.

As ill health retirement is regarded as a dismissal in law the employee has a statutory right to a formal final review meeting. Where, however, the employee is in agreement to ill health retirement and wishes to waive the right of a hearing they are required to put this in writing.

### **Termination of Employment**

There are two reasons for ending someone's employment as a result of their sickness absence, either:

- ill health retirement due to permanent incapacity or
- dismissal on the grounds of capability (i.e. the employee is unable, due to their absence, to fulfil their contract of employment). See notes on dismissal as part of a Final Review Meeting.

Where Occupational Health is of the opinion that an employee is permanently unfit to carry out their substantive duties, they may be fit enough to be considered for other employment work in the Council.

Once Occupational Health confirm this you should meet with the employee to discuss the report and to confirm the next steps. You should then immediately place the employee on the redeployment register and set up a Final Formal Review meeting. If the decision is taken to dismiss the employee at that review, the employee is issued with contractual notice of dismissal, during which time redeployment will be considered. Employees should be placed back on full pay for their period of notice, if their pay has reduced.

If the Final Formal Review Meeting is considering short term sickness triggers and the decision is taken to dismiss the employee, the dismissal is enacted with immediate effect and notice paid in lieu, based on their contractual notice.

If the Final Formal Review Meeting is considering long term sickness absence and the employee is permanently unfit for their substantive post and any other post in the Council and the decision is taken to dismiss the employee, the dismissal is enacted with immediate effect and notice paid in lieu, based on their contractual notice.

## **8. FORMAL REVIEWS**

### **Preparation**

As the Formal Review Hearing Manager, you are responsible for arranging and conducting the formal review meetings.

You should have:

- An up to date Occupational Health report obtained through an Occupational Health referral, where appropriate.
- Collated the employee's absence record with copies of any relevant correspondence.
- Considered the employee's length of service, previous record of absence and possible underlying ill health / disability.

### **Convening a Formal Review**

It is useful to speak to the employee and their chosen representative to establish a suitable date for all parties to attend the review meeting to prevent any delays in holding the meeting.

When convening a formal review remember:

- The Employee must be invited to the review meeting in writing;
- The following must be included in or with the letter:

- Date, Time & Venue
  - reasons why the meeting is taking place
  - the right to be accompanied by trade union representative or work colleague
  - any supporting documentation (include any documents that will be referred to, such as a copy of the occupational health report, absence record, relevant correspondence etc)
  - note if a member of the HR Department will be present
- Give at least 7 calendar days notice of a meeting for a first or second formal review and 14 calendar days notice for a final review meeting.

### **Conducting a Formal Review**

- Check that the employee understands the purpose of the meeting, i.e. to discuss their sickness absence and any action which may be required under the council's attendance management policy.
- Introduce those present and outline their roles.
- Remind the employee of any previous live warnings for absence which they may have.
- Explain the trigger point that has been reached and absence record to date.
- Summarise targets that have been set, actions that have been taken to manage the absence so far and any help, support and reasonable adjustments that have been given.
- Give the employee the opportunity to put their view forward and provide any additional reasons or factors which have contributed to their absence.
- Consider any medical advice and any adjustments that may support the employee.
- During a final review meeting others involved in the employees case, such as the line manager, may also be asked to provide information on what action has been taken.

Adjourn the meeting to consider the decision.

### **Making a decision**

As the Review Hearing manager you are responsible for making the decision as to what action is appropriate. In coming to a decision you should consider:

- Any mitigating factors, are there any special circumstances which influence the outcome of the review meeting e.g. not issue a warning where the absence was linked to domestic abuse at home;
- What actions have been taken to enable the employee to continue in employment;
- The warnings / action plans received and performance against them;
- Medical advice received;
- The impact of the employees' absence and ill health on service delivery;



- Recommendations for ill health retirement, does the employee fulfil the criteria to access their pension scheme.

### **Reconvene the Meeting**

Communicate your decision covering the following:

- Explain the outcome of the meeting and the reasons for coming to the decision.
- If the decision is to issue a warning inform the employee the warning level, how long it will remain live on their file and set review periods where absence will be monitored.
- Ensure the employee understands the possible consequences if the standard is not met.
- If the employee is issued with a warning or dismissed explain that they have the right to appeal, the timeframe and mechanism by which they must lodge any appeal.

### **Warning periods**

A formal warning includes a specified review period, during which the employees absence will be monitored. If the employee hits another trigger point during the warning period you should progress the employee to the next stage in the absence management procedure. You do not have to wait until the end of the warning period to take action. A warning will cease to be 'live' following the specified period.

### **Dismissal**

If as a consequence of a final formal review meeting you are satisfied that the employee is unable to maintain an acceptable attendance level, that all reasonable measures have been taken to assist the employee and you reach the decision to dismiss remember the employee should receive:

- the appropriate period of notice, to be paid in lieu.
- written notification of the reasons for their dismissal.
- the right of appeal.

If the circumstances of the case are such that dismissal is not an appropriate sanction remember a 'final formal warning' period can be extended.

### **Recording the Formal Review**

This 'record of meeting form' should be completed for all attendance management meetings.

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### Record of Formal Review Meeting form

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#### Meeting type

please tick

Informal absence review meeting  
 Formal absence review meeting<sup>1<sup>st</sup></sup>, 2<sup>nd</sup>  
 Appeal against review decision  
 Final Review Meeting


---

Date of meeting:

---

Hearing Manager:

---

Management Representatives:

---

Employee:

---

Trade Union/colleague:

---

Human Resources Adviser:

---

#### Issues discussed (list)

(For example: purpose of meeting, reasons for absence, consequences of absence, support that is available, referral to OHS, work related problems)

---

In all cases a letter should be sent to the employee detailing the outcome of the formal review within 5 days of the meeting, confirming the following:

- Points discussed, targets identified.
- Support / adjustments to be investigated or implemented.
- Details of any warning issued and an explanation of possible consequences if targets are not achieved within the set timescales.
- The right to appeal against any warning plus any other decision made including the decision to terminate employment.

A copy of this letter and all documentation should be sent to the HR Business Centre to be placed on the employees personnel file.

## **Dismissal Letter**

Where the decision is to dismiss, the letter must inform the employee of notice of termination of employment and their right of appeal. The employee will receive appropriate notice or pay in lieu of notice.

## **9. APPEALS**

An employee may appeal against any formal warning including dismissal, by submitting an appeal letter detailing their grounds for appeal to the manager who made the decision, within 7 calendar days of receipt of the outcome letter.

The appeal will be heard by a manager or committee who has not been involved in the previous process. The details of who can hold an appeal are detailed in the Attendance Management procedure.

### **What will an appeal consider?**

In addition to the grounds stated by the employee, the appeal should consider the following:

- a) Whether there is new or additional evidence not available at the original formal review meeting.
- b) Whether an error was made in deciding whether the employee's absences were sufficient to instigate the Attendance Management procedures.
- c) The action taken was out of proportion to the circumstances of the case. This includes a failure to take sufficient account of mitigating factors.
- d) There is evidence to show that the procedure was wrongly applied and that if applied properly would have made a material difference to the outcome.

The appeal will not be a re-hearing of the entire case unless there has been a wrongful application of the procedure (see d) above) in which case the Appeal Manager can hear the whole case including witnesses.

### **Convening an appeal**

The appeal manager must invite the employee to the appeal meeting, giving at least 7 calendar days notice or 14 calendar days for an appeal against dismissal, confirming the right to be accompanied and including any supporting documentation. The invitation must be in writing.

Where an appeal against dismissal is to be heard, the manager receiving the appeal will liaise with Democratic Services to arrange for the appeal to be heard at the next available meeting of the Corporate Appeals Committee.

## **Preparation**

Both parties are required to submit a written case statement to the appeal manager 4 calendar days before the appeal hearing. The appeal hearing manager must arrange for these statements to be circulated to both parties at least 2 calendar days before the appeal hearing.

### **Conducting an appeal hearing**

The following procedure will normally be observed:

- The appeal manager will introduce those present, confirm the nature of the appeal and outline the procedure to be followed.
- The appeal manager will ask the employee to confirm the reason for the appeal.
- The management representative will present the management case and will call and question any supporting witnesses considered to be necessary.
- The employee and their representative will be invited to put questions to the management representative.
- The employee and their representative will present their case and will call and question any supporting witnesses considered to be necessary.
- The management representative will be invited to put questions to the management representative.
- The appeal manager or committee can ask questions to either party at any time during the appeal.
- The management representative will be invited to make a closing statement, noting that no new evidence can be introduced at this stage.
- The management representative will be invited to make a closing statement, noting that no new evidence can be introduced at this stage.
- The meeting will be adjourned while the appeal manager considers their decision.

### **Making a Decision**

In deciding the outcome of the appeal, the appeal manager will review the reasonableness of the decision made by the hearing manager i.e. was the original decision within a band of reasonable responses.

In most cases there will be three possible outcomes:

- 1) The appeal is turned down and the original decision will remain
- 2) The appeal will be allowed with conditions
- 3) The appeal will be allowed without conditions

The Appeal Manager will consider and reach a decision. Both parties will be notified of the decision in writing within 7 calendar days.

## **10. SUPPORT SERVICES**

There are a number of support services to assist you in managing the attendance of your employees and these include:

### **Human Resources**

Human Resources can provide information on individual employees' absence records, advice on dealing with specific sickness absence cases and how to implement the Attendance Management Policy and Procedure in a fair and consistent way.

### **Occupational Health**

Occupational Health can provide information about an employee's health when it is necessary to make management decisions about the employee. See guidance on Occupational Health referrals. On line referral can be made through <https://portal.healthmanagement.org.uk>

All queries regarding the on-line system and Employee Assistance Programme (EAP) should be made via [occhealthmanagement@york.gov.uk](mailto:occhealthmanagement@york.gov.uk)

### **Employee Assistance Programme**

This service can be contacted on **Tel: 0800 222 6387** or by the EAP Website: [www.my-eap.com](http://www.my-eap.com)

### **The Osteopath Service**

The Osteopath Service can provide both advice and guidance on an employees fitness for work and any associated restrictions and also provide treatments to manage conditions and to facilitate an early return to work. The Osteopath referral form is attached to this Toolkit

### **Attendance Management Training**

Training on the Attendance Management policy and procedure is available through MyLO. To discuss any aspect of the staff training process contact the Workforce Development Unit at [wdu@york.gov.uk](mailto:wdu@york.gov.uk) or on 553017.

The session offers practical advice on implementing the policy and gives managers the opportunity to explore ways of dealing with a variety of cases.

### **Health, Safety and Wellbeing**

Health and Safety provide guidance and support across a wide range of Health and Safety issues. The CYC Safety Management System (SMS) contains policy documents, compliance notes on topics ranging from Stress, Incident Reporting and Investigation, Risk Assessment, Wellbeing initiatives. If an employee has an injury or accident at work, a CYC Incident Reporting Form must be completed and returned to

the Health and Safety team. A referral to the Occupational Health must be made if there is any concern about the impact of the injury or accident on the employee's ability to work. You can contact the H&S team at [healthandsafety@york.gov](mailto:healthandsafety@york.gov) Health and Safety training is available by contacting the Workforce Development Unit.

## **Health and Wellbeing**

Guidance for employees on various health related topics for example Stress management, Alcohol and Substance Misuse, Domestic Violence, Menopause can be found on the Health and Wellbeing portion of the intranet.

\*This list is not exhaustive, for more information visit the Health and Wellbeing section of the intranet.

**Local Government Pension Scheme** – [www.lgps.org.uk](http://www.lgps.org.uk)

<https://www.lgpsmember.org/> or

North Yorkshire Pension Administrator 01609 780780.

## **11. SAMPLE TEMPLATE LETTERS**

APPENDIX 1	Outcome of Informal Warning
APPENDIX 2	Invite to First / Second Formal Review Meeting
APPENDIX 3	Outcome of First / Second Formal Review Meeting
APPENDIX 4	Invite to Final Formal Review Meeting
APPENDIX 5	Outcome of Final Formal Review Meeting - Termination
APPENDIX 6	Outcome of Final Formal Review Meeting – Extension to Final Warning
APPENDIX 7	Invitation to Appeal Hearing
APPENDIX 8	Outcome of Appeal Hearing
APPENDIX 9	Letter Confirming Ill Health Retirement



## Employee Address

Dear **insert name**

### **Informal Warning**

I am writing to confirm our discussion on **insert date** where we discussed your recent absence(s) from work and the report received from occupational health (Where relevant).

As you are aware, due to the number of occasions you have been absent from work due to sickness, you have met a trigger in the Council's absence management procedure. I note from our discussions and the Occupational Health report that your absences appear to be unrelated. Whilst we recognise that you may, on occasions, need time off work due to sickness, your current level of absence of ..... is causing some concern.

Whilst we discussed ways that we could support you in terms of improving your attendance, I confirm having issued you with an informal warning in line with our attendance management procedure. The informal warning is just that, a reminder of the Council's expectations around attendance. I do need to make you aware, however, that we will continue to monitor any absences from work and should there be no improvement in your attendance or you hit a further trigger, we will need to discuss this further in line with the procedure.

We agreed that the following support would be provided to assist you in achieving the required levels of attendance:-

Insert support agreed

If you need any clarification on the above or If I can provide any further assistance with supporting an improved attendance then please let me know.

The Council treats personal data collected during the sickness procedure in accordance with the General Data Protection Regulations. Information about how your data is used and the basis for processing your data is provided in council's employee privacy notice.

Yours sincerely

Manager **include name**/

CC HR Business Centre  
Encl: Copy of this letter

**CONFIDENTIAL**  
**Employee Name**

**Appendix 2**

## Employee Address

Dear **insert name**

### **Invitation to First/Second Formal Review Meeting**

I am writing to confirm our conversation on **insert date** where we discussed your recent absence(s) from work. As you will be aware, the Council has a policy to monitor the attendance of all its employees, a copy of which is enclosed for information/reference.

Our records indicate that you have been absent on the following dates **and have not yet returned to work:-**

**Insert dates of absence/s**

Your level of absence has now reached the following sickness absence trigger set by the Council: *(insert the appropriate trigger – from those noted below)*

- **Three periods of absence in a three month rolling period**
- **Four periods of absence in a rolling six month rolling period**
- **10 or more days in a twelve month rolling period**
- **An unacceptable level of absence**
- **A period of absence lasting four weeks or more**

This means that you have reached the criteria for a formal absence review meeting. I've scheduled this review, to be held by **...myself/name....** for **insert date and time** which will be held in **insert location**. Please note **.(name & Job title)....will also be present.**

At the meeting we will discuss: your absence/s, **any occupational health advice we have received, (a copy(s) of which is/are enclosed)**, any support you may need from us to help improve your absence from work as well as, clarify the standards of attendance required of you.

You have the right to be accompanied by a Trade Union Representative or work colleague to this meeting and you will need to make the arrangements for this. If you or your representative/colleague is unable to attend, please contact me as soon as possible. An additional copy of this letter is attached for you to give to your representative/colleague.

If you need any clarification on the above or if I can provide any further assistance with supporting an improved attendance then please let me know.

Yours sincerely



Manager **include name**/

CC HR Business Centre

Encl: Copy of this letter

Attendance Management Policy and Procedure

**CONFIDENTIAL**

Employee Name

Employee Address

Dear **insert name**

**Outcome of First/Second Formal Review – level of warning**

I am writing to confirm the outcome of the formal absence review meeting on **insert date**. This meeting was also attended by **insert name** as your chosen representative/colleague **and.....from Human Resources**.

The meeting was called to discuss and review your current absence level as you have been absent from work for **insert number** days over **insert number** periods of absence.

During our discussion we.....

***Insert key items covered in the meeting including any consideration given the Occupational Health report and any issues covered by the Equality Act and reasonable adjustments required.***

Having reviewed the medical information available and taking into account your comments, I remain concerned about your ability to meet the Council's required attendance level and confirm having:

**Extended your current warning**

**Issued you with a first/second formal warning**

**Take other action instead of or in addition to warnings (please list)**

**Taken no further action**

We agreed that the following support would be provided to assist you in achieving the required levels of attendance:-

**Insert support agreed**

In accordance with the attendance management procedure this warning will remain in place for **12 months**, during which time we will continue to monitor your attendance and will expect to see an improvement in your attendance to a reasonable level. I do need to make you aware, however, that should the improvement not be made or any further triggers met, we will need to meet again to discuss this in line with Council procedure which could result in further action being taken under the attendance management policy, **including the possibility of you being dismissed from the Council**.

An additional copy of this letter is attached for you to give to your representative/colleague. You have the right to appeal against this decision. To do so, you must inform me in writing within 7 calendar days of receipt of this letter. Your written notice of appeal should clearly state the grounds for your appeal.



The Council treats personal data collected during the sickness procedure in accordance with the General Data Protection Regulations. Information about how your data is used and the basis for processing your data is provided in council's employee privacy notice.

If you need any clarification on the above or if I can provide any further assistance with supporting an improved attendance then please let me know.

Yours sincerely

Manager **include name**

CC HR Business Centre  
Encl: copy of this letter

**CONFIDENTIAL**

Employee Name

Employee Address

Dear **insert name**

**Invitation to Final Formal Review Meeting**

Following our absence review meeting on **insert date and time**, where I issued you with a second formal warning, your records show that you have been absent on the following occasions:

**Insert dates of absence/s**

This means that you have reached a further trigger point and/or not made the appropriate improvements in your attendance and are required to attend a further absence review meeting on **insert date and time**. The meeting will be held in **insert location** and will be heard by **insert name and job title**. **insert name and job title** will also be present.

As this is a final formal review meeting, as per the Council's Attendance Management Procedure (copy enclosed), you need to be aware that one of the possible outcomes of this meeting could be the ending of your employment with the City of York Council.

At the meeting you have the right to be accompanied by a Trade Union Representative or a work colleague of your choice. Whilst this is for you to organise if I can help facilitate this or their attendance please let me know. If you or your representative/colleague is unable to attend the meeting, please contact me as soon as possible.

I have also enclosed the following documents for your information which will form part of the discussions and considerations.

**Previous warning letters issues**

**Support identified**

**OH reports etc**

An additional copy of this letter is attached for you to give to your representative/colleague.

If you need any clarification on the above please let me know.

Yours sincerely

Manager **include name include name**

CC HR Business Centre

Encl: copy of this letter

**CONFIDENTIAL**

Employee Name

Employee Address

Dear **insert name**

**Outcome of Final Formal Review – Termination of Employment**

I am writing to confirm the outcome of your final formal review meeting in accordance with the Council's Attendance Management Procedure on **insert date**. This meeting was also attended by **insert name** as your chosen representative/companion. **Insert name and job title** was also present.

At the meeting we discussed your current and historic absence levels and noted that you have been absent from work for **insert number** days over **insert number** periods as follows:-

List

**Consideration was given to:-**

**The report(s) from Occupational Health dated..... which stated that there was no underlying medical reason why you should not be able to attend work on regular and sustained basis.....**

**The support /adjustments put in place / offered to help you improve the levels of your attendance in relation to.....**

However, having reviewed the medical information available and taking into account your comments, I believe that you will not be able to attend work on a regular basis. This letter therefore confirms my decision to terminate your employment with the City of York Council on the grounds of capability due to ill health and poor attendance.

You are accordingly given **insert number of weeks or months** notice of the termination of your employment, beginning on **insert date** and ending on **insert date**, for which you will receive pay in lieu of notice (unless seeking redeployment for long term sickness – See Toolkit)..

You have the right to appeal against this decision. Should you wish to exercise that right, you must inform me in writing within 7 calendar days of receipt of this letter. Your written notice of appeal should clearly state the grounds for your appeal.

An additional copy of this letter is attached for you to give to your representative/companion

The Council treats personal data collected during the sickness procedure in accordance with the General Data Protection Regulations. Information about how your data is used and the basis for processing your data is provided in council's employee privacy notice.

Yours sincerely

Chief Officer **include name**/

CC HR Business Centre

Encl: copy of this letter

**CONFIDENTIAL**

Employee name

Employee address

Dear insert name

**Outcome of Final Formal Review - Extension to Final Warning**

I am writing to confirm the outcome of your final formal review meeting in accordance with the Council's Attendance Management Procedure on insert date. This meeting was also attended by insert name as your chosen representative/companion. Insert name and job title was also present.

At the meeting we discussed your current and historic absence levels and noted that you have been absent from work for insert number days over insert number periods as follows:-

List

Consideration was given to:-

The report(s) from Occupational Health dated..... which stated that there was no underlying medical reason why you should not be able to attend work on regular and sustained basis.....

The support /adjustments put in place / offered to help you improve the levels of your attendance in relation to.....

In light of your explanations / comments on your current illness and record that were discussed I am of the opinion that you are making some progress towards returning to work on a regular basis. (insert any other comments regarding support and assistance that is being given, etc)

I am therefore extending your existing final warning for a further 12 months during which time you must demonstrate that you are able to attend work on a regular and sustainable basis.

You have the right to appeal against this decision. To do so, you must inform me in writing within 7 calendar days of receipt of this letter. Your written notice of appeal should clearly state the grounds for your appeal.

An additional copy of this letter is attached for you to give to your representative/colleague.

If you need any clarification on the above or if I can provide any further assistance with supporting an improved attendance then please let me know.

The Council treats personal data collected during the sickness procedure in accordance with the General Data Protection Regulations. Information about how your



data is used and the basis for processing your data is provided in council's employee privacy notice.

Yours sincerely

Chief Officer /

Cc HR Business Centre

Enc: Copy of this letter



**CONFIDENTIAL**

Employee name

Employee address

Dear **insert name**

**Invitation to Appeal Hearing**

Following the **Dismissal / Formal Review** letter **insert date** and your letter of appeal received on **insert date** I would like to invite you to an appeal hearing at **location** on **insert date and time**.

The purpose of the appeal hearing will be to review the decision to .....issue ..... warning as per the council's attendance management procedure / end your employment on the grounds of .....

The appeal will consider the following four appeal criteria:

- a) Whether there is new or additional information not available at the original formal review hearing.
- b) Whether an error was made in deciding whether the employee's absences were sufficient to instigate the Attendance Management procedures.
- c) Whether the action taken was out of proportion to the circumstances of the case. This includes a failure to take sufficient account of mitigating factors.
- d) Whether there is evidence to show that the procedure was wrongly applied and that if applied properly would have made a material difference to the outcome.

The Hearing Manager or Elected members will be given a copy of all the information considered at the .....formal review meeting. .. *Both yourself and the manager who issued you with ...../or .....who took the decision to end your employment on the grounds of ...* are required to submit a written case statement to **Name of Appeal Manager**, at the above address, by **insert time** on **insert date**. These statements will then be circulated to both parties at least **number** calendar days before the appeal hearing.

In most cases there will be three possible outcomes to an appeal:

- a) The appeal will be turned down and the original decision will remain (e.g. dismissal).
- b) The appeal will be allowed with conditions.
- c) The appeal will be allowed without conditions.

You have the right to be accompanied by a trade union representative or fellow employee of your choice at this meeting and you should make the necessary arrangements. If for any reason you or your chosen representative cannot attend the meeting please contact me as soon as possible. An additional copy of this letter is

attached for you to pass on to your representative / companion. I also attach a copy of the Attendance Management Policy and Procedure

Please let me know if you have any special requirements such as access, signer, or interpreter.

Finally, if you could confirm your attendance at this hearing by signing and returning the enclosed copy letter to me by **insert date**. In the meantime if you have any questions or are unable to attend on this date please telephone me on **insert telephone number(s)**

Yours sincerely

**Manager/Democratic Services**

Cc: HR Business Centre  
Enc: Copy of this letter  
Copy of Attendance Management Procedure

**CONFIDENTIAL**

Employee name

Employee address

Dear **insert name**

**Outcome of Appeal Hearing**

Following your Appeal Hearing on **insert date** at which you were accompanied by **insert name** I write to confirm the decision taken.

The Hearing Officer/Appeals Committee carefully considered the evidence put to them and reached the following decision.

**(insert decision of Hearing Officer/Appeals Committee)**

An additional copy of this letter is attached for you to pass on to your representative / colleague

Yours sincerely

**Chief Officer / Head teacher / Chair of Governors**

Cc    HR Business Centre

**CONFIDENTIAL**

Employee name

Employee address

Dear **insert name****Confirmation of Ill Health Retirement due to Permanent Incapacity**

I refer to your recent letter indicating that you do not wish to have a final formal review meeting since you are in agreement with the Occupational Health's recommendation for you to retire from the Council on the grounds of permanent incapacity.

As you have waived your right to the dismissal meeting and are not contesting the reason for the dismissal I am therefore giving you **insert number** weeks/months notice of the termination of your employment commencing on **insert date** and ending on **insert date**.

*(insert any references that need to be made to:*

- *Pay*
- *Sick pay*
- *Outstanding leave*
- *Pension*
- *Etc.)*

I am sorry that this course of action has been necessary but I hope that your medical condition will enable you to have a long and happy retirement. *I think we need to consider this depending on condition and reasons.*

On behalf of your colleagues and friends at the **Council** / I would like to take this opportunity to thank you for the valuable work you have undertaken and best wishes for the future.

Yours sincerely

**Manager /**

Cc HR Business Centre

## Attendance Management for Employees

### Sickness absence Quick Guide

#### What is expected of you?

On your first day of absence and when you have agreed a return to work date with your manager, you will:

- **Contact The City of York Council Attendance Management Phone-line.**
- **before your usual start time**
- **by a phone call, not by text**

#### If your absence continues:

You will:

- **Notify your manager on the 4<sup>th</sup> day of absence**
- **Obtain a fit note from your GP on the 8<sup>th</sup> day of absence and send it to your manager**
- **Maintain regular contact with your manager (agreeing when and how)**

#### What to expect from your manager?

Your manager will support you in accordance with the attendance management policy and ensure that they:

- **Keep in regular contact with you**
- **Offer appropriate support to help you return to work**
- **Conduct a return to work meeting**
- **Conduct a formal review meeting when your absence hits a trigger mentioned within the attendance**

#### What else to expect from CYC:

Where appropriate CYC will offer:

**Occupational health support**

**Employee Assistance Programme (EAP)**

**Relevant Health and Safety support**

**You can access support via the Health and Wellbeing Area of the Intranet**

**Training and development through the Workforce Development Unit (WDU) via MyLO**

**[york.learningpool.com](http://york.learningpool.com)**

