



ABSENCE MANAGEMENT POLICY AND PROCEDURE

This document applies to all Council employees (for Fire Staff this policy should be read in conjunction with service order 18).

The policy is advisory though recommended in schools where Governors/Heads are responsible for managing attendance.

The version of this policy for schools is available in the Schools' Personnel Handbook.

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ABSENCE MANAGEMENT POLICY

The Council aims to encourage all its employees to maximise their attendance at work while recognising that employees will, from time to time, be unable to come to work for short and sometimes long periods due to sickness.

This policy relates to short-term and long-term sickness absences from work. Short-term is defined where employees are absent for short periods of time; long-term is defined as a continuous period of absence from work.

This policy also applies to employees who are at work, but are unable to fulfil the duties and responsibilities of their substantive post in a satisfactory manner and/or fulfil their contracted working hours due to an underlying medical condition.

The Council is committed to maintaining and promoting the health and well being of all its employees. This policy provides a fair and consistent framework for supporting staff that are absent due to sickness. Whilst the Council has a supportive approach, it is aiming to achieve a balance between the needs of the individual and the needs of the organisation.

All managers will implement this policy to ensure the following policy objectives are met.

POLICY OBJECTIVES

- All employees will be treated fairly, consistently and sensitively during times of illness and are encouraged to make use of the support mechanisms available to them.
- Managers have a structured framework to assist them in managing sickness absence with the aim of supporting the employee back to work. This includes conducting return to work interviews after every period of absence, monitoring an employee's sickness in accordance with the set sickness triggers (it is the Council's right to adjust these trigger points annually so to reflect the Council's sickness absence targets), and referring to Occupational Health (OH) where appropriate.
- All employees understand their responsibilities and follow sickness reporting arrangements
- The highest levels of quality and service are maintained to allow the Council to fulfil its obligations to all service users.
- Managers will implement reasonable adjustments for employees, where applicable, to encourage attendance at work.
- The procedure aims to support an employee's return to work. Where employees are absent from work for a considerable amount of time or are no longer able to carry out the duties of their role, they will be supported throughout this time and also made aware that the outcome of this procedure could be dismissal.

RESPONSIBILITIES

MANAGERS

Recording and Monitoring

Managers are responsible for managing day to day absence management issues sensitively and compassionately and ensure they follow the procedure contained in this policy and associated documents, this includes:

- Ensuring the employee's sickness is entered on the **Online Sickness / Absence System - George Intranet** by the 7th of each month, this will inform People Services of the sickness details for recording on the payroll system. For further guidance on recording the reason for sickness please refer to: [Recording of Sickness Absence](#).
- Absences for dental / medical appointments / maternity leave or parental leave should not be recorded as sick leave. In the case of paid and unpaid leave this is entered retrospectively once the period of absence has finished and entered using the choices available for paid and unpaid absence on the **Online Sickness / Absence System - George Intranet**. Scheduled, long-term periods of unpaid or paid leave should not be recorded on the online sickness system and guidance is provided in the relevant policies, such as maternity or parental leave.
- Record and monitor all activities associated with managing employee absences on the [Action Log](#). The [Action Log](#) is a form to be used by managers to record all support and communication, related to the absence, between the employee and themselves in a chronological order.
- Explain to the employee the Occupational Health (OH) service and refer the employee, if appropriate. Seek advice from your HR Adviser if needed.
- Ensure that employees are aware of other supporting policies such as special leave, disability leave and flexible working arrangements.
- Where the absence has resulted from a work related accident or disease (see: [G4 Reporting of Work Related Injuries/incidents and Cases of Ill Health](#)) a PO3 form should be completed and the absence should be recorded as such.
- Managers should promote the confidential service of Employee, Support and Counselling to all employees when appropriate.

Trigger Points:

The Council considers the following absences as a cause for concern, these are referred to as trigger points:

- 4 or more episodes of sickness absence in a rolling 12 month period and/or
- 9 working days of sickness absence in a rolling 12 month period and/or
- Where the number of absences in a short period warrants immediate action, e.g. 3 episodes or 6 working days in 6 months
- A pattern of absence which is causing concern, for example regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays, pay day.

The trigger points for employees that work fewer than 5 days in a week will need to be pro rata to the number of days, as detailed below, but not the number of occasions:

- Anyone working 1 day = trigger point is 2 days absence
- Anyone working 2 days = trigger point is 3.5 days absence is the trigger
- Anyone working 3 days = trigger point is 5.5 days absence is the trigger

- Anyone working 4 days = trigger point is 7 days absence is the trigger
- Anyone working 5 days = trigger point is 9 days absence is the trigger

The above should be applied irrespective of the number of hours worked in a day. Where employees do not work the same amount of days each week, managers will need to pro-rotate the trigger to an average working week for these situations.

If employees are on annualised hour's contract, managers will need to apply an average working week and make adjustments during the year if needed.

Return to Work Interviews

- Conducting return to work discussions with employee after every episode of absence. The return to work discussion should be recorded on the [Return to Work Form](#).
- Identify support mechanisms that may be beneficial following a return to work.
- Identify any issues which may be affecting the member of staff's ability to attend work.
- Monitor absence levels and where an employee's absence reaches the trigger points as defined within this policy to manage them accordingly.
- Consider reasonable adjustments for employees (where applicable), including discussing with the employee advice given on a Fit Note. When the Equality Act 2010 applies managers need to ensure that they investigate any possible reasonable adjustments and to ensure a risk assessment is undertaken if appropriate. Further advice on reasonable adjustments is covered under [Disabled Employees section of the policy](#).
- Consider a phased return to work (where appropriate) following long term sickness absence. Please refer to the guidance contained within [G10.12 Rehabilitation following Long Term Ill-Health](#)

EMPLOYEES

Employees have a duty under their terms and conditions of employment to be at work and must ensure they adhere to their responsibilities, this includes:

- On the first day of absence, all employees must report sickness absence as early as possible to their line manager, preferably before but no later than, one hour of normal starting time, unless other local arrangements have been agreed.

This contact should be made personally (not a spouse/family member/friend) by telephone not by text or e-mail. A contact number must also be provided in all instances. It is recognised that there may be some instances where you are unable to contact your line manager personally (e.g. admittance to hospital), this should be in exceptional circumstances and the person who contacts your line manager must leave a contact name and number.

You must provide the following information:

- when you became ill
- the broad nature of your illness (e.g. migraine, chest infection)
- whether the illness is due to an accident or injury at work
- whether you will be seeking medical attention
- the likely date of return (if known)

If your line manager is not available to speak to you then you should leave a message with a contact phone number and ask that it is passed on to your line

manager as soon as possible. You should then expect to receive a phone call from your line manager to discuss the above points.

- Where an absence lasts four calendar days or more or your absence is going to be longer than you originally envisaged, you will need to make contact with your line manager to update them and thereafter maintain contact on at least a fortnightly basis, even when you are subject to regular reviews by Occupational Health (OH).
- On the eighth calendar day of absence you will need to obtain a Fit Note from your GP and submit this to your line manager. You will need to continue to send in Fit Notes for the duration of the absence and keep your line manager advised of your health and progress towards returning to work. When each Fit Note expires, if you do not return to work, you need to ensure that a new Fit Note is issued and sent to your line manager immediately.
- You will need to ensure that medical advice and treatment is received as quickly as possible and that you follow all recommended medical advice or treatment in order to facilitate a prompt return to work.
- We encourage all employees to attend any OH appointments, as in accordance with your conditions of service, if employees do not agree or attend these appointments any decisions regarding their absence from work will be made without the benefit of this information.
- You should ensure you are contactable and available to attend absence management meetings throughout your absence and respond in a timely manner to any communications from the Council.
- If you change any contact details during your period of absence you will need to advise your line manager of your new contact details (i.e. phone number and address).
- It is important that you raise with your line manager any concerns with your job which you feel are making you ill or contributing to your illness/absence.
- If you wish to take time off work and you are not sick, the use of annual or special leave or other approved leave should be used. All leave needs to be approved by your line manager. Other types of leave should not be used to avoid taking sick leave.
- You may request to take accrued annual leave whilst on long term sickness. However, you are not expected to go on holiday when absent due to sickness unless this is supported by your GP. If you wish to take annual leave you will be expected to seek authorisation from your line manager and have the appropriate period of annual leave deducted from your entitlement ([See Further Guidance - Annual Leave in relation to Sickness Absence](#)).
- It is expected that when you are absent from work due to sickness that you should not undertake activities that would hinder your recovery. If it is found that you are undertaking activities that would prevent your recovery this will be managed under the [Disciplinary Policy](#).
- You are encouraged to take advantage of Council initiatives to promote good health where appropriate.
- It is your responsibility to manage your sickness and to take any appropriate action as determined by any health professional to minimise any reoccurrence of the sickness.

If you do not follow these reporting procedures please be aware that failure to do this may be managed under the [Disciplinary Policy](#).

HR ADVISERS

Advising managers in the application of all stages of this policy.

TRADE UNION REPRESENTATIVES

The same standards will apply to Trade Union Representatives as to all other employees. However, where application of formal action (this includes Stages 1, 2 and 3) is being considered against a Trade Union Official or Representative, the line manager must first discuss the case with a Senior Trade Union Representative or full time Official. This is to avoid the action being misconstrued as an attack on the union itself or on its representation and negotiating role, and is in accordance with the ACAS Code of Practice.

EMPLOYEE REPRESENTATIVES

An employee has the right to be accompanied at a Stage 1, Stage 2 and Stage 3 Absence Management Meetings/Hearings by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.

ADVICE AND SUPPORT

Please contact Human Resources

ADDITIONAL RELEVANT POLICIES

[Appeals Policy](#)

[Occupational Health – Possible Recommendations](#)

[Adoption Leave](#)

[Code of Conduct](#)

[Disability Leave Policy](#)

[Flexible Working Arrangements](#)

[Local Scheme of Conditions of Service](#)

[Managers' Guidance on Conducting a Return to Work Interview](#)

[Maternity Leave](#)

[Paternity Leave](#)

[Redeployment](#)

[Use of Volunteers](#)

[Recording of Sickness Absence](#)

[Special Leave](#)

[Social Media Policy](#)

[Supporting Disabled Employees in the Workplace](#)

[Stress Checklist for Managers](#)

[G4.2 Reporting of Injuries; Diseases; Dangerous Occurrences and Other Incidents](#)

[G10 Occupational Health Provisions](#)

[G10.5 Management Referrals](#)

[G10.12 Rehabilitation following Long Term Ill-Health](#)

[G26.1 Employees with Disabilities or Ill-Health](#)

FORMS AND LETTERS

[Standard Template Letters and Guidance Notes for Managers](#)

[Reasonable Adjustment Request Form](#)

[Return to Work Interview Form](#)

[Action Log](#)

[G32.1 Model Risk Assessment](#)

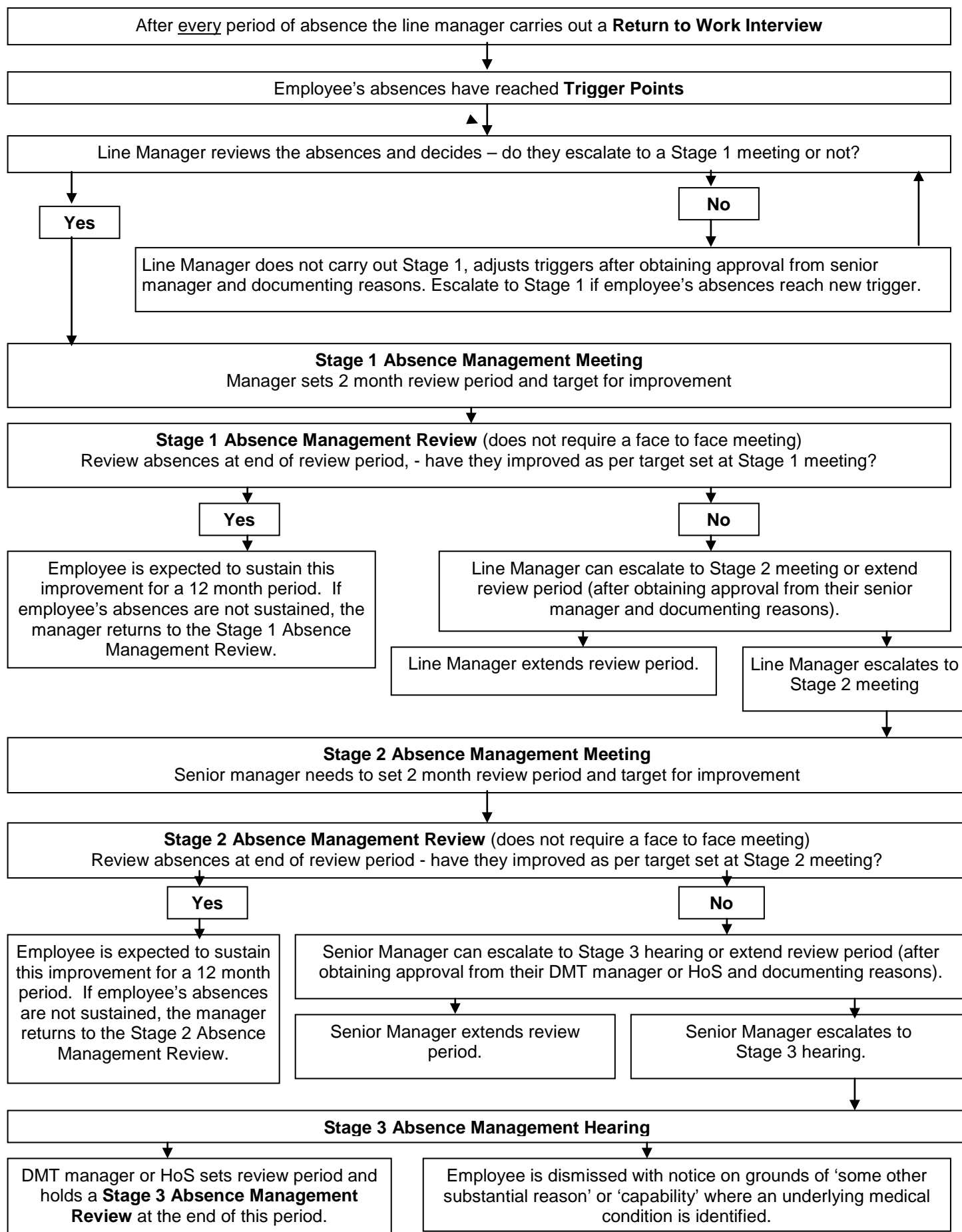
[G22.3 Model stress risk assessment](#)

SUPPORT SERVICES

[Employee Support and Counselling](#)

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Absence Management Procedure Flowchart



This is an overview of the Absence Management Policy and Procedure, please refer to the procedure.

ABSENCE MANAGEMENT PROCEDURE

ABSENCE DEFINITIONS

Definition Short Term (ST) Absence: is where the employee is absent for short periods of time.

Definition Long Term (LT) Absence: a continuous period of absence from work.

Absence Trigger Points

The Council considers the following absences as a cause for concern, these are referred to as trigger points:

- 4 or more episodes of sickness absence in a rolling 12 month period and/or
- 9 working days of sickness absence in a rolling 12 month period and/or
- Where the number of absences in a short period warrants immediate action, e.g. 3 episodes or 6 working days in 6 months
- A pattern of absence which is causing concern, for example regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, public holidays, pay day.

The trigger points for employees that work fewer than 5 days in a week will need to be pro rata to the number of days but not the number of episodes. If employees work an ad hoc working week, where they do not work the same amount of days each week, managers will pro-rotate the trigger to an average working week for these situations.

If employees are on annualised hours contract, managers will need to apply an average working week and make adjustments during the year if needed.

ABSENCE MANAGEMENT PROCEDURE – INFORMAL STAGE

INFORMAL ACTIONS

Short Term (intermittent) Absences – a return to work discussion should take place after every absence, the purpose of this is to:

- Discuss absences and identify any underlying reasons.
- See if any assistance can be offered.
- Advise employee of absence management policy and procedure of hitting trigger points.
- Maintain records of all discussions.

Long Term (continuous) Absences – the line manager and the employee should always remain in touch during the absence. Managers should ensure that:

- This is done in a non-intrusive way.
- Send copies of any key or relevant communications that are sent to staff, e.g. bulletins (unless the employee has requested they do not want to receive such items).
- Any changes in sick pay entitlement should be communicated to the employee, e.g. full pay reduces to half pay.
- Employees are aware that they can access the Employee Support and Counselling Service.

ABSENCE MANAGEMENT PROCEDURE – FORMAL STAGES

STAGE 1 - ABSENCE MANAGEMENT MEETING

In cases where an employee's attendance meets the Council trigger points (as outlined under definitions), the employee will be requested, in writing, to attend a Stage 1 Absence Management meeting with their line manager. Please use the [Stage 1 Guidance Notes for Managers](#).

Where an employee's absence is long term (continuous) the Stage 1 Meeting should take place after one calendar month. If the employee returns to work prior to one calendar month the Stage 1 Meeting should be undertaken following their return to work.

Preparation before the meeting:

- Line manager requests attendance of the employee to the meeting to discuss their absences and issues a letter to confirm this ([Stage 1 Invite Letter](#)).
- The line manager advises the employee that they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- Prior to meeting, the line manager should ensure that the employee receives a copy of this policy, full list of their absences, copies of any return to work discussions, any relevant supervision or 121 notes, and any advice from OH where this has been requested.

NB: HR Adviser may also be in attendance (in exceptional circumstances).

What needs to be discussed during the meeting:

- Line manager refers to list of absences, with reasons and advises the employee that their level of attendance has reached a trigger point within the Absence Management Policy.
- Line manager will discuss the level of absences and explore other areas possibly associated with the absences e.g. are the absences caused by a disability or personal, family or work related problems. Where appropriate reference should be made to other supporting policies such as [Disability Leave](#) and [Special Leave](#).
- Line manager will discuss the nature of the employee's ill health and likely return to work date (if the employee is absent from work).
- Line manager will seek to establish whether there is any underlying cause for the absences and what, if any, action/support is required to alleviate the situation. Discuss any reasonable adjustments for employees when needed. Refer to the Disabled Employees section of this policy if the adjustment is for an employee with a disability. If a reasonable adjustment is agreed, the manager will need to complete a [Reasonable Adjustment Request Form](#).
- Line manager should consider the employee's role in a different capacity until fully fit to resume normal duties (this advice may be given by Occupational Health or the GP on the Fit Note).
- Line manager can consider referring to OH for advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health. Please note: a referral to OH does not always need to be carried out at this early stage. It is the discretion of managers as to whether they think it is appropriate or not taking into account all the circumstances of the absence. (Guidance on referring to OH [G10.5 Management Referrals](#)). The line manager will need to advise that if they go ahead with a referral that they will arrange a separate meeting to discuss the OH report once it is received.
- Line manager will discuss the pay status if the employee has had a considerable amount of time off work, i.e. when the employee's pay reduces to half/nil sick pay.

- Line manager needs to explain the Absence Management Policy and Procedure and the possible outcomes of the meeting, these could be:
 - Reasonable adjustments are considered.
 - OH referral is carried out.
 - Redeployment is investigated (if appropriate due to an underlying medical condition and it has been recommended by OH).
 - Set a review period for 2 months, or in certain circumstances this can be extended to a maximum of 4 months. For employees who are absent from work then return to work prior to the end of the review period, the review period will end and the review discussion should take place. For employees that are at work when the Stage 1 Absence Management meeting takes place a new trigger will be set for the length of the review period. This will be pro rata'd to the length of the review period, e.g. this could be no absences for a 2 month review. For those employees who have reached the target set prior to the review period ending, the line manager has the option of bringing the review period forward.

Please Note: The line manager will need to make the employee aware of the Absence Management Policy and Procedure and ensure the employee is fully aware of the ultimate outcome of the procedure (this is a legal duty that the Council has towards its employees). The employee should be aware that if their attendance does not improve, then they will be subject to a Stage 2 Absence Management Meeting with their senior manager, if after a Stage 2 meeting there is still no improvement in the employee's absences, a Stage 3 Hearing will be arranged and a possible outcome of this could be dismissal. The manager should explain that the aim of this policy is to help them return to work and that we hope that dismissal will not be the outcome, but explain that it is important that we advise you what could be considered at the Stage 3 Absence Hearing.

For guidance on managers using their discretion for trigger points, please refer to further guidance.

The outcome of the Stage 1 Absence Management meeting will be discussed with the employee at the meeting and also confirmed in writing to the employee ([Stage 1 Outcome Letter](#)).

STAGE 1 – ABSENCE MANAGEMENT REVIEW

(does not require a face to face meeting)

At the end of the review period the line manager needs to review the employee's absence levels. To be able to do this the line manager needs to demonstrate that they have gathered the following information:

- The attendance of the employee during the review period, plus sickness reasons.
- Any supervision/121 notes discussing the employee's absences or medical condition and any RTW interview records.
- The line manager is required to have a discussion with the employee at the end of the review period, either face to face or via telephone (please ensure that it is a convenient and appropriate place for the employee to take the call) to gain information from them regarding any improvement in the employee's health and attendance. **Please note:** if the employee requests that they would like this meeting to be face to face and would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. This is not a formal meeting and therefore not a requirement, although we want to ensure employees feel supported and comfortable with the process if needed. The conversation either face to face or via telephone needs to be documented on the [Action Log](#), outlining the feedback given and any questions asked by the employee. The line manager will need to make the employee aware that they

are at the end of the review period and a decision will be made whether they are escalated to Stage 2.

- The line manager reviews whether the employee's absences have met the target set at the Stage 1 meeting.

Once the line manager has gathered all the supporting information they will need to speak to their senior manager regarding making a decision on whether to escalate to Stage 2 or not. Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 2.

If the line manager with the senior manager's approval decides not to escalate to Stage 2 then they have the option of extending the review period, which they will need to advise the employee verbally and in writing ([Extension of Review Letter](#)). The extension would be for 2 months however, there may be circumstances where it is appropriate for this to be either reduced or extended (to a maximum of 4 months).

If the employee's absences have improved to the expected level then the line manager will need to encourage the employee to sustain this. If the employee has further absences within a 12 month period from the end of the review and the absences have reached the Council's trigger points (as outlined under definitions) the line manager may escalate them to a Stage 2 meeting at this point e.g. employee reaches trigger point which led to Stage 1 meeting and within 6 months of this meeting the employee has further absences. The manager would review all absences over the last rolling 12 months (this may include any absences prior to the Stage 1 meeting) and if the absences are still reaching the trigger point then the options for the manager at this point would be to extend another review period (with permission from senior manager) or escalate to Stage 2 meeting.

STAGE 2 - ABSENCE MANAGEMENT MEETING

If following on from the Stage 1 Absence Management Meeting the employee's attendance has not improved to a satisfactory level they will be requested to attend, in writing, a Stage 2 Absence Management meeting with their line manager and senior manager to discuss the way forward. Please use the [Stage 2 Guidance Notes for Managers](#).

Please Note: The senior manager is the chair and decision maker of this meeting.

Preparation before the meeting:

- The line manager requests attendance of the employee to the meeting and issues a letter to confirm this ([Stage 2 Invite Letter](#)). Also in attendance will be the senior manager.
- The line manager advises the employee that they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- Prior to meeting, the line manager should ensure that the employee receives a full list of their absences, copies of any return to work discussions, any relevant supervision notes or 121 notes, Stage 1 meeting invite and outcome letters and any advice from OH where this has been requested.
- If a referral to OH has not taken place yet, then you are advised to complete a management referral at this time in order to seek advice regarding the employee absences. (Guidance on referring to OH [G10.5 Management Referrals](#)). If you decide that a management referral is needed, do not delay the Stage 2 meeting going ahead, you can go ahead with the Stage 2 meeting and have a separate meeting with the employee once you receive the report to discuss any recommendations from the report.

NB: HR Adviser may also be in attendance at this meeting.

What needs to be discussed during the meeting:

- Line manager refers to list of absences, with reasons and advises the employee that their level of attendance has reached a trigger point within the Absence Management Policy.
- Line manager will discuss any progress or improvements in the employee's health and explore with them any reasons as to why they have not improved. The line manager will be required to demonstrate what action and discussion has taken place with the employee.
- During the meeting, the senior manager can suggest other options or reasonable adjustments to try and improve the employee's attendance. Refer to Disabled Employees section of this policy if the adjustment is for an employee with a disability. If a reasonable adjustment is agreed, the manager will need to complete a [Reasonable Adjustment Request Form](#).
- Senior manager should consider the employee's role in a different capacity until fully fit to resume normal duties (this advice maybe on the GPs advice on the Fit Note).
- Senior manager reviews whether referring to OH for advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health is needed. (Guidance on referring to OH [G10.5 Management Referrals](#)). The manager will need to advise the employee that they will arrange a separate meeting to discuss the OH report once it is received.
- This next option would normally apply to employees who are unlikely to be able to return to work and are a member of the pension scheme. The senior manager will need to make the employee aware that permanent ill health retirement could be considered. If the senior manager thinks this is appropriate the senior managers will be required to complete a PIH referral on the online health portal.
- Senior manager will discuss pay status if the employee has had a considerable amount of time off work, i.e. when the employee's pay reduces to half/nil sick pay.
- Senior manager needs to explain the Absence Management Policy and Procedure and confirm the outcomes of the meeting, these are:

- Reasonable adjustments are considered.
- OH referral is carried out.
- Redeployment is investigated (if appropriate due to an underlying medical condition and it has been recommended by OH).
- Set a review period for 2 months, or in certain circumstances this can be extended to a maximum of 4 months. For employees who are absent from work then return to work prior to the end of the review period, the review period will end and the review discussion should take place. For employees that are at work when the Stage 2 Absence Management meeting takes place a new trigger will be set for the length of the review period. This will be pro rata'd to the length of the review period, e.g. this could be no absences for a 2 month review. For those employees who have reached the target set prior to the review period ending, the senior manager has the option of bringing the review period forward.

Please Note: The senior manager will need to make the employee aware of the Absence Management Policy and Procedure and ensure that the employee is fully aware of the ultimate outcome of the procedure (this is a legal duty that the Council has towards its employees). The employee should be aware that if their attendance does not improve, then they will be subject to a Stage 3 Hearing and a possible outcome of this could be dismissal. The manager should explain that the aim of this policy is to help them return to work and that we hope that dismissal will not be the outcome, but explain that it is important that we advise you what could be considered at the Stage 3 Absence Hearing.

For guidance on managers using their discretion for trigger points, please refer to further guidance.

The outcome of the Stage 2 Absence Management meeting must be discussed with the employee at the meeting and also confirmed in writing to the employee ([Stage 2 Outcome Letter](#)).

STAGE 2 – ABSENCE MANAGEMENT REVIEW

(does not require a face to face meeting)

At the end of the review period the line manager and senior manager needs to review the employee's absence levels. To be able to do this the line manager needs to demonstrate that they have gathered the following information:

- The attendance of the employee during the review period, plus sickness reasons.
- Any supervision/121 notes discussing the employee's absences or medical condition and any RTW interview records.
- The line manager is required to have a discussion with the employee at the end of the review period, either face to face or via telephone (please ensure that it is a convenient and appropriate place for the employee to take the call) to gain information from them regarding any improvement in the employee's health and attendance. This conversation needs to be documented on the [Action Log](#), outlining the feedback given and any questions asked by the employee. The line manager will need to make the employee aware that they are at the end of the review period and a decision will be made whether they are escalated to Stage 3.
- The line manager reviews whether the employee's absences have met the target set at the Stage 2 meeting.

Once the senior manager and line manager have gathered all the supporting information they will need to provide this to the DMT manager or HoS for them to make a decision on whether to escalate to Stage 3 or not. Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 3.

If the senior manager with the DMT manager or HoS approval decides not to escalate to Stage 3 then they have the option of extending the review period, which they will need to advise the employee verbally of and in writing using ([Extension of Review Letter](#)). The extension would be for 2 months however, there may be circumstances where it is appropriate for this to be either reduced or extended (to a maximum of 4 months).

If the employee's absences have improved to the expected level then the line manager will need to encourage the employee to sustain this. If the employee has further absences within a 12 month period from the end of the review and the absences have reached the Council's trigger points (as outlined under definitions) the Senior Manager may escalate them to a Stage 3 Hearing at this point e.g. employee reaches trigger point which led to Stage 2 meeting and within 6 months of this meeting the employee has further absences. The line manager would review all absences over the last rolling 12 months (this may include any absences prior to the Stage 1 and Stage 2 meeting) and if the absences are still reaching the trigger point then the options for the senior manager at this point would be to extend the review period (with permission from DMT manager or HoS) or escalate to Stage 3 Hearing.

STAGE 3 - ABSENCE MANAGEMENT HEARING

If following a Stage 2 Meeting, the employee's attendance has not improved to a satisfactory level; they will be requested to attend in writing a Stage 3 Absence Management Hearing with their Senior Manager and a DMT manager or HoS (who has the authority to dismiss). Please use the [Stage 3 Guidance Notes for Managers](#).

Please note: The DMT manager or HoS is the chair and decision maker at the hearing.

Please note – If the employee's absences have changed from short term to long term or vice versa the manager needs to ensure that reasonable time has been given to consider the employee's absence and seek further OH advice if needed.

Preparation before the hearing:

- The senior manager requests attendance of the employee to the hearing and issues a letter to confirm this ([Stage 3 Invite Letter](#)). Also in attendance will be the DMT Manager or HoS.
- The senior manager advises the employee that they have the right to be accompanied by a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative.
- 7 calendar days prior to the hearing, the senior manager should ensure that the employee receives a full list of their absences, copies of any return to work discussions, any relevant supervision notes or 121 notes, Stage 1 and 2 meeting invite and outcome letters and any advice from OH.
- The senior manager advises the employee if they wish to provide any additional documentation which is not included within the pack, it must be received no less than 5 calendar days prior to the hearing in order to avoid unnecessary delays.
- The senior manager must ensure they have obtained recent advice from OH.
- The employee will be advised that a possible outcome of the hearing is dismissal on the grounds of 'Some Other Substantial Reason' or 'Capability' (if underlying medical condition).
- When preparing for a Stage 3 hearing the DMT Manager or HoS should consider the questions below:
 - Has recent advice been sought from OH about the employee's condition/prognosis?
 - Does the advice from OH indicate that the employee is likely to return to work in the near future?
 - Are we satisfied that advice/reasonable adjustments have been considered/made and given an opportunity to have an impact on the employee's level of attendance, bearing in mind the length of absence, impact on the Director Area and the position the employee holds?
 - Where there is an underlying medical condition and the OH report mentions suitability for alternative employment, have we considered/offered/discussed the option of alternative employment with the employee?

NB: HR Adviser will also be in attendance at the hearing.

What needs to be discussed during the hearing:

- Senior Manager refers to list of absences, with reasons and advises the employee that their level of attendance has reached a trigger point within the Absence Management Policy.
- Senior Manager will discuss any progress or improvements in the employee's health and explore any reasons as to why their attendance has not improved. The senior manager will be required to demonstrate what action and discussion has taken place with the employee.
- DMT Manager or HoS will discuss the level of absences and explore other areas possibly associated with the absences e.g. are the absences caused by a disability or personal, family or work related problems. Where appropriate reference should be made to other supporting policies such as [Disability Leave](#) and [Special Leave](#).

- During this meeting, the DMT Manager or HoS can suggest other options or reasonable adjustments to try and improve the employee's attendance, including: the need for further involvement of OH. [Refer to Disabled Employees section of this policy](#) if the adjustment is for an employee with a disability. If a reasonable adjustment is agreed, the manager will need to complete a [Reasonable Adjustment Request Form](#).
- DMT Manager or HoS refers to the OH advice received, particularly in relation to any adjustments, changes in hours or duties, or specialist equipment which have been recommended.
- DMT Manager or HoS will discuss whether temporary or permanent redeployment should be considered if there is an underlying medical condition and OH have recommended (see Medical Redeployment).
- This next option would normally apply to employees who have been on long term absence and it is unlikely that they will be able to return to work and are a member of the pension scheme; the DMT Manager or HoS will need to make them aware that permanent ill health retirement could be considered. The senior manager or HoS should seek advice from their HR Adviser for further information on this.
- Consideration to whether there is the need to refer the employee to OH for further advice on fitness to undertake duties, any reasonable adjustments or advice on ongoing health. The DMT Manager or HoS will need to advise the employee that they will arrange a separate meeting to discuss the OH report once it is received. (Guidance on referring to OH [G10.5 Management Referrals](#)).
- DMT Manager or HoS should discuss pay status if the employee has had a considerable amount of time off work, i.e. when the employees pay reduces to half/nil sick pay.
- DMT Manager or HoS should explain the Absence Management Policy and Procedure.

Adjournment

An adjournment at a Stage 3 Hearing should take place to provide consideration regarding the employee's attendance and medical condition in relation to the outcomes of the hearing.

- If the DMT manager or HoS decides to dismiss the employee on the grounds of 'Some Other Substantial Reason' or 'Capability' (if underlying medical condition), they will outline the reasons why, provide information on the employee's notice period and if appropriate any information on redeployment that they can seek during their notice period.
- If the employee is not dismissed the DMT manager or HoS can consider the following outcomes:
 - Reasonable adjustments are considered.
 - OH referral is carried out.
 - Redeployment is investigated (if appropriate due to an underlying medical condition and it has been recommended by OH).
 - Set a review period for 2 months, or in certain circumstances this can be either reduced or extended to a maximum of 4 months. For employees who are absent from work then return to work prior to the end of the review period, the review period will end and the review discussion should take place. For employees that are at work when the Stage 3 Absence Management Hearing takes place a new trigger will be set for the length of the review period. This will be pro rota down to the length of the review period, e.g. this could be no absences for a 2 month review. For those employees who have reached the target set prior to the review period ending, the DMT manager or HOS has the option of bringing the review period forward.

Please Note: the DMT manager or HoS will need to make the employee aware of the Absence Management Policy and Procedure and ensure that the employee is fully aware of the ultimate outcome of the procedure (this is a legal duty that the Council has towards its employees). The employee should be aware that if their attendance does not improve, they could return to a Stage 3 Hearing and a possible outcome of this meeting could be dismissal. The manager should

explain that the aim of this policy is to help them return to work and that we hope that dismissal will not be the outcome, but explain that it is important that we advise you what could be considered at the Stage 3 Absence Hearing.

For guidance on managers using their discretion for trigger points, please refer to [Further Guidance](#).

The outcome of the Stage 3 Absence Management Hearing will be discussed with the employee at the meeting and also confirmed in writing to the employee ([Stage 3 Outcome Letter](#)).

STAGE 3 – ABSENCE MANAGEMENT REVIEW

(does not require a face to face meeting)

If the employee was not dismissed at the Stage 3 Hearing and a review period was set, at the end of this review period the senior manager and DMT manager or HoS needs to review the employee's absence levels. To be able to do this the senior manager needs to demonstrate that they have gathered the following information:

- The attendance of the employee during the review period, plus sickness reasons.
- Any supervision notes or 121 notes discussing the employee's absences or medical condition and any RTW interview records.
- The senior manager is required to have a discussion with the employee at the end of the review period, either face to face or via telephone (please ensure that it is a convenient and appropriate place for the employee to take the call) to gain information from them regarding any improvement in the employee's health and attendance. This conversation needs to be documented on the [Action Log](#), outlining the feedback given and any questions asked by the employee. The senior manager will need to make the employee aware that they are at the end of the review period and a decision will be made whether another Stage 3 Hearing takes place.
- The senior manager reviews whether the employee's absences have met the target set at the Stage 3 Hearing.
 - Once the senior manager has gathered all the supporting information they will need to provide this to the DMT manager or HoS for them to make a decision on whether to escalate to a further Stage 3 Hearing. Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases have another Stage 3 Hearing arranged.
 - If the DMT manager or HoS decides not to escalate to Stage 3 then they have the option of extending the review period, which they will need to advise the employee verbally of and in writing using ([Extension of Review Letter](#)). The extension would be for 2 months however, there may be circumstances where it is appropriate for this to be either reduced or extended (to a maximum of 4 months).
 - If the employee's absences have improved to the expected level then the senior manager will need to encourage the employee to sustain this level of improved attendance. If the employee has further absences within a 12 month period from the end of the review and the absences have reached the Council's trigger points (as outlined under definitions) the senior manager may need to arrange another Stage 3 Hearing at this point e.g. employee reaches trigger point which led to Stage 3 Hearing and within 6 months of this meeting the employee has further absences. The manager would review all absences over the last rolling 12 months (this may include any absences prior to the Stage 1, Stage 2 and Stage 3 meeting) and if the absences are still reaching the trigger point then this would return the employee back to the Stage 3 Absence Management review. The options for the DMT manager or HoS at this point would be to extend another review period or to arrange another Stage 3 Hearing.

STAGE 4 - APPEAL

Stage 4 Appeal

If at the Stage 3 Hearing the employee is dismissed the employee has the right to appeal against their dismissal under this procedure and the [Appeals Policy](#) will apply. If the employee wishes to appeal they must do so in writing, outlining their grounds of appeal within 10 working days of the date on which the decision is confirmed in writing.

When: Following dismissal

Once the decision to dismiss has been made and notice has been issued, the line manager may advertise to recruit to the post, once it has been confirmed by HR that the employee has not submitted a written notification of an appeal against the decision. The line manager should follow normal recruitment procedures.

FURTHER GUIDANCE FOR MANAGERS AND EMPLOYEES

Return to Work Interviews

Return to work interviews must be conducted after every period of absence and where possible managers should carry this out on the day an individual returns (or as soon as practicable); this does not necessarily have to take place on a face to face basis and can be conducted by telephone where managers/employees cover a wide geographical area or where a face to face meeting is not possible within a reasonable timeframe.

Return to work interviews are an important part of absence management and can help identify short and long term absence problems at an early stage; they also provide a manager with an opportunity to start a dialogue with staff about underlying issues which may be causing the absence and allow them to make any changes to support the employee.

The return to work interview needs to be separate to any Stage 1, Stage 2 Meetings and Stage 3 Hearing, you cannot combine these meetings. Please use the [Return to Work Interview Form](#) to record the discussion and if you need some guidance please refer to the [Managers' Guidance on Conducting a Return to Work Interview](#).

Stage 1, Stage 2 Meetings and Stage 3 Hearings

The purpose of the absence management meetings/hearing is to provide assistance and support to the employee to improve his/her attendance to a satisfactory level. Absence management meetings are not disciplinary meetings. The aims of the absence management meeting are to:

- Establish the reasons for the absence; is it medical or non medical?
- Discuss possible ways of reducing absence in the future.
- Explore and consider any reasonable adjustments.
- Discuss the possibility of requiring additional information from OH.
- Explain to the employee about the absence management procedure and inform them of the possible actions if their level of absence is not improved.

Where an employee's absence is long term (continuous) the Stage 1 meeting should take place after one calendar month. If the employee returns to work prior to one calendar month the Stage 1 Meeting should be undertaken following their return to work.

Managers should treat individuals in a sensitive manner. Discussions between an employee and the manager will be kept confidential so far as reasonably possible. The meetings will be arranged at a suitable venue which will normally be the employee's place of work. However, in some circumstances (depending on the employee's health and well-being) this may be held at the employee's home with their consent.

A referral to OH should not be used as an alternative to carrying out an absence management meeting. A referral to OH is a separate process.

If, because of the nature of their illness the employee is unable to attend the absence management meeting/hearing, advice will be sought from OH on their fitness to attend and any reasonable adjustments which may enable the employee to attend. Upon receipt of advice from OH and also considering all of the circumstances of the case, management will make a decision as to whether the meeting/hearing should proceed in the employee's absence.

If the employee is unable to attend the meeting/hearing for some other reason or their representative is unable to attend the meeting may be postponed and will be rearranged within 7 calendar days or as soon as is practicable. The employee should be notified of the date in writing and informed that if they are not able to attend on the revised date the meeting/hearing will proceed on this occasion in their absence.

If employees cannot attend a meeting/hearing personally they can put their case either through their representative (Council work colleague or Recognised Trade Union Representative) or if that person is not available, an alternative representative (Council work colleague or Recognised Trade Union Representative), or submit their case in writing in advance by no later than 5 calendar days in advance of reconvened meeting/hearing.

Managers' Discretion on Trigger Points

When reviewing absences against the trigger points it may be necessary in exceptional circumstances for managers to use their discretion on what the trigger points are. This particularly applies when an employee has an underlying medical condition that is covered under the Equality Act 2010.

Any extensions to the trigger points as a reasonable adjustment resulting from occupational health advice should be regularly reviewed. Please refer to the additional guidance provided within the Disabled Employees | [Review of Reasonable Adjustments](#) section of the Policy.

If you wish to apply your discretion and change an employee's trigger point for absences then this should only be applied in exceptional circumstances. The manager must be able to justify, discuss, record and seek approval with their senior manager and HR Adviser.

Unfit for a Prolonged Period / Ill Health Retirement

Advice may be received from OH that the employee is eligible for permanent ill health retirement or alternatively that they are deemed unfit to return to their substantive role for a prolonged period due to an underlying medical condition and redeployment is not recommended. In these scenarios it may be appropriate to escalate to a Stage 3 Absence Management Hearing, without the Stage 1 and Stage 2 meetings taking place.

If OH recommend redeployment, the employee will be offered a formal period to find an alternative role. This process is described within the Redeployment Policy. It may be appropriate to escalate to a Stage 2 or 3 meeting, without the Stage 1 or 2 meeting taking place. Managers should be aware that an employee who has been found unfit to continue in their substantive post and who fails to secure alternative employment will face dismissal from the County Council. A positive approach should be taken to redeploy the employee. Managers should be aware of the requirements of the Equality Act 2010 and the need to make reasonable adjustments to assist an employee to continue in work. Additionally, under the Positive about Disability Scheme, the Council is committed to retaining employees who become disabled. (See the Positive about Disability Scheme).

- The above would need to be discussed with your HR Adviser and DMT Manager or HoS. At the Stage 3 hearing the DMT Manager or HOS will give consideration to dismissing the employee with notice on the grounds of capability (where an underlying medical condition is identified).

Employee's Continued Failure to Maintain Contact

It is the employee's responsibility to respond in a timely manner to any communications from the Council and attend absence management meetings as required. This would also

include failing to submit medical fit notes. If the line manager is receiving no correspondence from the employee, i.e. via telephone or in writing, then the line manager should seek advice from their HR Adviser. Employees need to be aware that if they continually fail to respond to communication from their line manager, this may result in an escalation to a Stage 3 Absence Management Hearing, without the Stage 1 / 2 meetings taking place.

This would need to be discussed with your HR Adviser and DMT Manager or HoS. At the Stage 3 hearing the DMT Manager or HOS will give consideration to dismissing the employee with notice on the grounds of capability (where an underlying medical condition is identified).

Review Periods

A default review period is normally 2 months, it is recognised that there might be certain circumstances where a longer review period is needed, such as 3 or 4 months. Please speak to your HR Adviser if you are unsure of how long the review period should be.

Where a decision is taken to extend a Stage 1/2/3 review period the above timeframes will also apply. However, for the purpose of extended review periods managers also have the discretion, where appropriate, to set an extended review for a period of less than 2 months.

Managing Combined Absences of Short Term and Long Term

When managing an employee's absences the manager needs to ensure that reasonable time has been given to consider the employee's absence, especially if the length of the absence changes. This might be especially relevant when an employee is at Stage 3 of the procedure and the employee's absence change from short term to long term, the DMT manager or HoS should give consideration to the change in length of absence and the reason for the absence, a further time period to allow for medical advice might be appropriate in some cases.

Where an employee's absence is long term (continuous) the Stage 1 Meeting should take place after one calendar month. If the employee returns to work prior to one calendar month then the Stage 1 meeting should be undertaken following their return to work.

In addition if an employee has reached the absence trigger and a meeting is to be arranged, (even if the employee goes off long term sick), you do not need to wait until the absence has been continuous for one calendar month for the meeting to go ahead, you can arrange the meeting as the employee has already reached the trigger prior to the recent period of continuous absence. This meeting can then discuss the short term absences as well as refer to the current long term absence.

Abuse of Sickness Scheme

In cases where abuse of the sickness policy is suspected, which may include failure to report sickness absence at the appropriate time; non-attendance at an OH appointment without reasonable cause; failure to submit a doctor's Fit Note at the appropriate time; submission of forged or false Fit Notes; deliberate conduct prejudicial to the employee's own recovery; or due to the employee's misconduct or neglect, sick pay may be suspended and consideration may be given to disciplinary action. Advice from your HR Adviser must be sought in these cases.

Guidance to Managers on Dual Employment

Employees must make their manager aware if they have more than one job with the Council. Their manager will then liaise and share information regarding the employees absence with the other manager(s) to identify the most appropriate course of action and to ensure that that an employee is not putting their health and safety at risk by continuing to attend work in their other post. It is important to recognise that jobs may have different responsibilities and therefore different impacts on an employee's health and any reasonable adjustments which may be required.

For example, if the employee is being referred to OH, both roles should be described so that OH can provide advice regarding both jobs. If a description of the both jobs has not been given to OH and the two jobs have different responsibilities, then the referral cannot be used to manage the absence for the role that the description has not been given.

The absence management meetings can take place to cover both roles, although managers from each service area need to be present to allow a consistent approach within the procedure.

Annual Leave Entitlement in Relation to Sickness Absence

Employees who are absent due to long term sickness accrue their annual leave entitlement and may request to take annual leave during a period of long term absence. However, employees are not expected to go on holiday when absent due to sickness unless this is supported by their GP. Employees who go on holiday during sick leave and have not requested annual leave with their line manager will automatically have the period of time taken off their annual leave entitlement.

Any employee wishing to take leave during long term absence should request this in writing via their line manager. The period of annual leave will be deducted from an employee's leave entitlement and the employee's sickness will still be recorded on the payroll system as being absent. If an employee's sick pay entitlement has decreased to half or nil pay and the employees wishes to use annual leave to continue to receive payment, this needs to be agreed with their line manager. For managers to action this they must complete the **Payment and Deduction Form** available via George.

In circumstances where an employee is advising that they are not contactable or available to attend meetings whilst they are absent, then an agreement should be made that this is annual leave and should be deducted from the employee's leave entitlement.

Where an employee returns to work in the current leave year, every effort should be made to encourage them to take their remaining contractual annual leave entitlement to assist with their rehabilitation back to work. Should they be unable to take all of the leave, they are allowed to carry it forward into the new leave year.

Where an employee returns to work in a new leave year, they still have the right to the contractual annual leave they accrued whilst off sick during the previous leave year and should therefore carry this forward into the new leave year. However, it is recommended that the employee be encouraged to take most or all of this leave in a block in the first month after their official return to work date or to assist with extending a phased return to work.

Any employee who falls sick prior to commencing pre-booked annual/flexi leave will be able to reclaim their annual/flexi leave, as long as they comply with sickness reporting

procedures, are still available for contact or meetings when absent and supply a Fit Note to cover the period they wish to reclaim.

If the employee falls sick whilst on annual/flexi leave and returns wishing to reclaim a proportion of that leave will be required to comply with sickness reporting procedures (where practical) and provide a Fit Note to cover the period they wish to reclaim. If the employee becomes fit for work whilst still on leave, they should also confirm the date on which they would have been fit to work on their return from leave.

Sickness during the Working Day

Employees who leave work during the working day due to illness (need to report this to their manager) will be classed as absent on that day for sick pay and recording purposes and will be required to self certify and attend a return to work interview. Line managers should determine what proportion of the employee's normal working hours have been worked and decide whether a full or half days sickness absence should be recorded. Where such schemes are used, employees will be credited with the time actually worked for flex purposes. Such absences of ½ a day or more should be recorded on the sickness system and will count towards trigger points.

Accident or Injury at Work

If an employee considers their illness arises from an accident at work they must notify their line manager immediately so that the Accident Reporting Form PO3 can be completed. An employee who is absent from work due to an accident or injury at work should be treated in the same way as if their absence was due to sickness and therefore the Absence Management Procedure should be followed.

In accordance with the Local Scheme of Conditions of Service an employee who is absent from work as a result of an accident is not entitled to a sick pay allowance if damages may be receivable from a third party. The Council may at its discretion advance the allowance provided the employee agrees to refund the amount from any damages awarded.

Fit Notes

The Fit Note is a form that the employee will receive from their doctor; the GP will say whether the employee is either: (a) not fit for work or (b) maybe fit for work. If the GP chooses option (b) the GP will make recommendations for reasonable adjustments to help the return to work, it is for the line manager to determine whether they can be implemented. It has been acknowledged that GPs are not Occupational Health experts and they do not have a detailed knowledge of either the work undertaken or the workplace of their patients. Where the changes cannot reasonably be made, and the employee cannot return to work, the Fit Note can be used to cover their sickness absence. Where the GP has stated they do not need to assess the employee again, this means that the employee should be able to return to work at the end of the period stated.

If an employee wants to return to work prior to the Fit Note expiring, the manager will need to ask the employee to return to their GP to seek a new Fit Note which reflects the timescales in which the employee feels they wish to return to work on. GPs no longer issue Fit to Return Notes. If the manager has concerns regarding an employee's return to work due to their health or with the recommendations that are on the Fit Note, it is recommended that the manager carry out a risk assessment ([G32.1 Model Risk Assessment](#)) to assess their concerns. Employers Liability Insurance does not require employees to be 100% fit for work but there is an expectation by our insurers that we will manage the risks of those returning to work effectively, both for their wellbeing and safety and that of other employees and members of the public who may come into contact with

them during their duties. Further advice may also be sought from your HR or Health and Safety Adviser or Occupational Health as appropriate.

Medical/Hospital Appointments

Wherever possible, employees should make medical/dental appointments outside of their normal working hours. However, where this is not practical, they must be made to cause minimal disruption to the working day, i.e. lunchtime, early, late appointments and may be required to make up the time, either by the employee staying late or by using flexi time where this scheme is operated.

Hospital / Consultant / Specialist Clinic appointments are considered authorised absence and time off will be paid; managers will use their discretion to how much time is allowed and if unsure seek advice from their HR Adviser. Employees should provide their manager with proof of their appointment (e.g. an appointment card or copy of the appointment letter) when requesting time off to attend hospital appointments.

Time off to undertake IVF treatment is considered authorised absence and time off will be paid; managers will use their discretion to how much time is allowed and if unsure seek advice from their HR Adviser. Employees undertaking IVF treatment should provide their manager with proof of their appointment for treatment (e.g. an appointment card or copy of the appointment letter) as required.

If the employee is unwell and not able to work as a result of the IVF treatment it should be recorded as sickness absence.

Time off to accompany dependants is not sickness absence and should normally be taken as annual leave or flexi time unless there are exceptional circumstances where paid time off is appropriate.

Time off for cosmetic surgery should be taken from employees own leave entitlement or flexi time unless the GP states that an employee is unfit and should refrain from work. If the cosmetic surgery is linked to a disability related condition, please speak to your HR Adviser.

Planned Operations

When an employee is absent due to a planned operation they may reach the Council's trigger point. Managers should discuss contact arrangements with the employee before the start of their absence and make employees aware that they should still expect the line manager to contact them at the appropriate time to arrange the Stage 1 meeting. This is likely to take place after one month's continuous absence unless the employee returns to work at an earlier date in which case, if the trigger has been met, the Stage 1 meeting would take place following their return. Managers will need to use discretion as to the timing of this meeting to ensure that the employee is well enough to attend.

Managers should use this meeting to discuss with the employee how they might best be supported (e.g. referral to OH, any reasonable adjustments) to enable them to return to work when they are well enough. An appropriate review period should also be set following this meeting as set out in the procedure.

Time off for being a Donor (Egg/Bone Marrow/Organ Donor)

Consistency needs to be applied to advice in relation to staff who have to take time off to undertake treatment which may be supporting others. Any pre-testing relating to being a donor should be treated as a hospital appointment. Special leave for the procedure could

be applied if it is an emergency and requires only one day but if the treatment means that the employee is unwell and not able to work due to a result of the treatment it should be recorded as sickness absence.

Pregnancy Related Sickness

Please be aware that pregnancy related sickness should be recorded on the online sickness system but should not be counted towards the trigger points.

OH Appointments – When the Employee is Absent

It is expected that employees who are absent from work due to sickness are available to attend any OH appointments made for them as required. Where the employee declines to attend an OH appointment, the referring manager needs to explain that without such a report management decisions will be made using the information available to them.

Redeployment

There will be occasions when the Council will need to redeploy staff. Please refer to [Redeployment Policy and Procedure](#) which outlines the process for redeployment when an employee has an underlying medical condition and the employee has been deemed unfit to return to their substantive post for a prolonged period and/or no reasonable adjustments can be put in place, following medical advice. Advice should always be sought from Occupational Health regarding whether redeployment should be considered.

Redeployment is a positive act which can enable the Council to maintain the skills and experience of valued employees, as well as meeting its legal obligations.

Medical Suspension

In certain circumstances it may be appropriate to medically suspend an employee, for example:

- Where the employee and their GP consider they are fit to return to work, without any adjustments/modifications and the manager in conjunction with HR believe they are not and therefore would like further clarification from OH before allowing the employee to return back to work. If the GP recommends any adjustments which, having undertaken the necessary risk assessment, the manager cannot accommodate, employees will remain off sick for the period specified on the [Fit Note](#).
- Medical suspension could also apply where the manager believes the employee is not fit to attend work but the employee refuses to go on sick leave and therefore the manager may medically suspend the employee until OH advice is received.

Wherever possible, prior to initiating medical suspension, alternatives such as temporarily adjusting the employee's substantive duties or temporary redeployment to another role/location or working from home should be carefully considered using any advice from the GP contained on the Fit Note where appropriate. In such circumstances it would be appropriate to undertake a risk assessment, Workplace Assessment and/or DSE Assessment.

Any decisions to medically suspend need to be based on sound health and safety justification and the manager should be able to demonstrate this through a risk assessment. Having considered the views of the employee the manager should be able to clearly explain the reasons for their decision.

If it is considered that there are sufficient grounds to suspend, written approval must be given by a Head of Service. The line manager should convene a suspension interview as soon as possible after the decision has been made, which should be followed up in writing using the suggested [Medical Suspension Letter](#). The employee has a right of representation at the suspension interview. However, the unavailability of a representative must not delay convening the suspension interview or the suspension itself. If the need to medically suspend the individual is urgent and it is not possible to convene a face to face meeting the manager may telephone the employee to inform them of the medical suspension and follow up the discussion in writing.

Medical suspension will be on contractual pay and does not impact on sick pay.

Review of medical suspension should take place once the required medical information is provided by OH. If the required information is received from OH is that the employee is able to return to work, the medical suspension will be lifted.

If the employee is still unable to perform their duties, once the medical suspension is lifted you will need to clarify if this is due to a medical condition that the employee has and if it is please follow the guidance in this policy under the title: Underlying Medical Condition – Employee still at Work. If it is not due to a medical condition the manager may decide to invoke the capability procedure, HR advice must be sought in these cases.

Terminal Illness

Managers should deal with such situations compassionately taking into account the wishes of the employee and their financial situation as well as the needs of the organisation. Each case will be considered on its own circumstances and advice must be sought from Pensions, OH and HR.

There are occasions where an employee with a terminal illness wishes to be dismissed and may be eligible for early release of pension benefits, if they are a member of the local government pension scheme. Factors taken into consideration include the medical condition and how long the employee is expected to live, as this maybe critical in establishing the most beneficial course of action.

In extreme cases, the employee will be kept on the payroll, even though they have exhausted their entitlement to sick pay. This removes the need to add further distress by formally dismissing someone who is dying where it is to the employee's advantage to remain in service due to their entitlement to benefits such as death in service.

Underlying Medical Condition – Employee still at Work

Some employees will have an underlying medical condition which affects how they carry out their substantive role. This may not mean that they are absent from work but could mean that they fail to carry out the responsibilities or duties of their substantive role in a satisfactory manner and/or fail to fulfil their contractual working hours due to the underlying medical condition.

If this is the case the manager needs to refer them to OH to seek advice about the underlying medical condition, and if it is confirmed that their performance and/or ability to undertake the full duties/hours of their substantive post could be affected by their underlying medical condition, the manager is advised to organise a Stage 1 meeting, as per the Absence Management Procedure.

If an employee has previously been managed under the Absence Management Procedure (and it is still active, i.e. in the last 12 months) due to sickness absence then the manager can return to the same point in the procedure once confirmation has been received as detailed above. Managers will need to ensure that reasonable time has been given to consider the employee's underlying medical condition and how it affects how they carry out their role and give consideration to the reason for the absence, whether further time period might be appropriate to provide any reasonable adjustments prior to escalating to the next stage of the procedure. It is recommended in these cases that advice from your HR Adviser is sought.

At the absence management meeting you can discuss the OH report in more detail and look at what if any reasonable adjustments have been recommended. Please follow the Absence Management Procedure although it is recognised that not all of the points will need to be discussed, as the aim of the Absence Management Procedure is to focus on the employee's absences from work. Please seek support from your HR Adviser for these cases including obtaining appropriate template letters.

Reasonable adjustments can assist the employee to carry out their role, please ensure the [Reasonable Adjustment Request Form](#) is completed. These adjustments need to be reviewed on a regular basis to assess the effectiveness. Please refer to [Guidance on Supporting Disabled Employees and the Workplace](#).

If the reasonable adjustments are not sustainable or helping the employee fulfil their responsibilities/duties of their role, then alternative reasonable adjustments might need to be considered or redeployment may need to be explored. Please follow the [Redeployment Policy and Procedure](#).

If an employee is absent due to a stress-related illness, anxiety or depression, as determined on the medical certificate, it is essential that support is provided to the employee, if appropriate, for guidance please refer to the [Stress Checklist](#) and [G22.3 Model Stress Risk Assessment](#). If any work-related issue is felt to be contributing to ill health, it is essential that this is discussed with your HR Adviser so that appropriate and reasonable action can be taken swiftly.

Managers have a duty of care to employees to take reasonable steps to avoid putting them in situation that might impair their health. Managers also have a responsibility to the Council to protect it from litigation. (Please follow the [Stress Checklist for Managers](#) for advice with absences relating to Stress).

OCCUPATIONAL HEALTH (OH) ADVICE – POSSIBLE RECOMMENDATIONS

This guidance is intended to guide you on the potential responses that you may receive from an Occupational Health referral report:

Reasonable Adjustments

OH may suggest some reasonable adjustments to help employees remain at work. Consideration as to whether reasonable adjustments are required for an employee should be given and if the manager does not feel that they can be accommodated, a discussion with their HR Adviser would be advisable. For more information on reasonable adjustments, including regular review, please refer to the [Disabled Employees](#) section of this Policy.

Phased Return

It might be recommended by OH that the employee returns to work on a phased return basis, if this is possible, a phased return is usually no more than 4 weeks, during which time the employee is paid on full pay but with reduced hours. The aim of a phased return is to help deliver a gradual successful return to work.

If OH recommends a phased return of more than 4 weeks the manager should consider whether this can be accommodated and paid on full pay or alternatively there are options such as the use of the employees annual leave, flexi time, time off in lieu or disability leave (if applicable).

Further information on phased returns can be found in the document G10.12 Rehabilitation following Long Term Ill Health).

Temporary Alternative Work within Department/Service

OH may suggest as a reasonable adjustment alternative work for the employee. This may be considered in cases where an employee is unable to perform the full range of his/her duties but is able to attend work and undertake restricted duties or alternative duties for a temporary period, with the expectation that they will be able to resume full duties in the near future.

Temporary alternative work of this nature will normally be part of a return to work plan, incorporating the advice from OH or it could be from a Fit Note. A temporary change to a contract for the duration of the GP's fit note does not constitute a variation of terms and conditions.

Change of Hours

It may be suggested from OH or a Fit Note that the employees reduces their hours for a period of time, usually more than the 4 week phased return duration. The manager will need to review whether this can be accommodated and consideration should be about whether the employee's duties can be carried out part time, how long the adjustment is recommended for and how the service will be provided.

If this reasonable adjustment can be accommodated and the employee is in agreement to reducing their hours and they are aware that this will impact on their salary then the manager will need to notify People Services, specifying how long this temporary reduction in hours is for.

Medical Intervention

OH may advise the use of additional medical intervention for the employee to either assist the employee with a return to work sooner or help the employee remain at work.

Examples of this could be recommending physiotherapist or Cognitive Behavioural Therapy (CBT) which are provided by the council's OH provider (see document for further information and OH process G10.5 Management Referral and G10.11 Physiotherapy Referral) or they may recommend that the council make enquires about making payment for a certain hospital diagnostic procedure. If OH do recommend any medical intervention that is not carried out by the councils OH provider it is advisable for the manager to speak to their HR Adviser.

Further OH Review

Where OH recommends a further assessment, they may state a time frame when this should take place or instead state it should take place when a particular treatment has ended or when they have received advice from the employees GP/Specialist. In these cases the manager will need to continue to progress through the absence management procedure and at the specified time make a new referral refer to OH. Please note: If a review is an absolute requirement Health Management Ltd will arrange this and put the date of review appointment in the report. If a manager would like a review they will need to re-refer – however they can do this by going to the case in the system under closed cases and click the re-refer button. They will then need to add any new information before it is submitted.

Risk Assessments

There maybe times when OH recommend that the manager undertake a risk assessment to establish the potential risks for the employee associated with their health condition and being at work. This will help the manager evaluate what the potential risks are and whether enough has been done to manage the risk or whether more needs to be done.

The council have the following risk assessments for managers to use:

- [G32.1 Model Risk Assessment](#)
- [G22.3 Model Stress Risk Assessment](#)

Both of these risk assessments can be found within the Health and Safety Manual. If you need any guidance regarding completing a risk assessment, please use the following guidance note for help: [G1.2 Risk Assessment](#). If you need help with carrying out a risk assessment, please contact your Health and Safety Adviser.

DISABLED EMPLOYEES

The Equality Act 2010 prohibits discrimination because of disability and places a duty on employers to make reasonable adjustments to working practices and premises in order to accommodate the needs of individual employees and job applicants who have a disability. This means that an employee with a disability must not be treated less favourably than any other employee without justification.

The Equality Act 2010 defines the protected characteristic of disability as applying to a person who has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

If there are problems with an employee's attendance and an underlying medical condition or disability is identified, the Line manager must have an open discussion with the employee and if appropriate seek advice from OH. OH may be able to suggest reasonable adjustments that could be made to either the physical place of work, or the work itself.

Please be aware that in some cases a short term absence pattern could be related to a disability or a long term condition or become a disability in the long term.

Reasonable Adjustments

When supporting a disabled person in the workplace, the Equality Act requires the organisation to consider and make 'reasonable adjustments' to ensure the disabled employee is not put at a substantial disadvantage, and is able to perform in their role and ensure their safety in the workplace. A number of factors influence whether it is reasonable for an employer to make changes, including:

- The effectiveness of the adjustment – will it remove or reduce the difficulties the employee is experiencing?
- Any health and safety implications – is there an impact in regards to health and safety of the individual or colleagues?
- What (if any) impact will this have on other employees/team members/colleagues?
- The practicalities of the adjustment – what effects will it have on the organisation?
- The cost – funding options may be available such as through Access to Work.
- Other help available – can you source other methods of support for the individual?

Examples of Reasonable Adjustments

- Re-arranging seating or furniture in the office space.
- Amendments to the role – the individual completes the parts of the job they are able to and takes on other responsibilities whilst their colleagues will pick up the work they cannot complete.
- Flexibility in working practice – the consideration of flexibility in working times, the provision of additional breaks, the ability to work from home. See [Flexible Working Policy](#).
- Allowing extra time for reading or written work or travel time between meetings.
- Use of the [Disability Leave Policy](#).
- Additional/modified equipment - to support in the workplace. Examples of this include specialised seating, ergonomic mouse, large screen, anti glare screen filter, or specialised software.
- Provision of a reader, interpreter or signer.
- Adjustments to systems/processes in place e.g. colour coding a filing system.
- Appropriate communication methods (i.e. large print manuals).

- Holding an awareness session on a specific disability for colleagues (where the individual consents to this).
- Adjustments to absence triggers.

Further information and examples of reasonable adjustments are available on [Lincs2learn](#).

Managers should complete the [Reasonable Adjustment Request Form](#) to ensure that all issues are considered and reasonable adjustments are recorded to provide an accurate source of information on what has been agreed. All reasonable adjustments should be recorded on the reasonable adjustment form to provide an accurate source of information on what has been agreed.

It is difficult to specify the amount of variation required for reasonable adjustments as each individual's disability is different. Making the same adjustment for all may not remove the disadvantage. Where adjustments are made, the employee should be given time to readjust (usually 3 months). However if after this period they are unable to meet the levels of attendance expected and further adjustments are deemed unreasonable, refer to the [Redeployment Policy](#).

Review of Reasonable Adjustments

- Regular review should take place between the employee and manager to ensure that the adjustments put in place, which includes extension of trigger points resulting from occupational health advice, continue to be effective.
- Specialist advice from third parties, such as OH advisers, Access to Work or IT specialists may be needed before changes can be agreed and implemented.
- Reasonable adjustments may be reviewed:
 - At any regular one-to-one meeting, supervision, or appraisal.
 - At a return to work meeting following a period of sickness absence or treatment.
 - Before a change of job or duties or introduction of new technology or ways of working.
 - Before or after any change in circumstances for either party including a change in the nature of the disability.

Reasonable adjustments must be reviewed formally on an annual basis as a minimum.

For further information on reasonable adjustments please refer to the guidance for [Supporting Disabled Employees in the Workplace](#).

Absences relating to an Employee's Disability

The Equality Act 2010 does not require absence relating to the employee's disability to be automatically discounted for trigger points; nor does it require an employer to retain someone indefinitely if they are frequently absent due to a disability. However, when counting disability-related absences towards trigger points for unacceptable attendance procedures, line managers must be able to demonstrate that:

- All reasonable adjustments have been considered to the number of day's absence which trigger a review under the procedure.
- All reasonable adjustments have been made to reorganise a job around functions that the employee can perform, and that
- All reasonable adjustments have been made to working practices, the workplace and its location that place the disabled person at a significant disadvantage.

Where the combination of both disability-related and general sickness absence exceed the trigger points, the line manager should seek advice from OH on any reasonable adjustments that should be considered.

Disability Leave

Disability Leave is to enable paid time away from work for pre-planned appointments or treatments, related to an employee's disability, that help maintain health and wellness.

For further details [see Disability Leave Policy](#).

Disability Related Sickness Absence

Disability related sickness absence should be recorded by line managers using the same method they use to record other types of sickness i.e. the electronic absence recording system available on George under Corporate and E-Forms using the appropriate Disability Related illness absence fields. Disability related sickness absence arises where the employee's sickness absence is related to their disability. Further details on disability related illness can be found in the Council's [Recording of Sickness Absence Policy](#).