



ATTENDANCE AND WELLBEING POLICY

DATE DOCUMENT PUBLISHED	1st APRIL 2019
APPROVED BY	SENIOR MANAGEMENT TEAM
APPROVAL DATE	29th MARCH 2019
DOCUMENT OWNER	EMPLOYEE RELATIONS TEAM
DATE FOR REVIEW	1st APRIL 2021

CONTENTS

SECTION	CONTENT	PAGE
1	Introduction	3
	<ul style="list-style-type: none"> • Policy Statement • Aims & Objectives • Scope of the Policy • Roles & Responsibilities 	3 3 4 4
2	Employee Wellbeing Commitment	6
3	Sickness Management Procedures	7
	<ul style="list-style-type: none"> • Key Principles • Sickness Notification Requirements • Sickness & Annual Leave • Sickness Related to 3rd Party Accidents • Resumption of Duties • Suspension/ Recovery of Sickness Absence Payments • Plastic/ Cosmetic Surgery 	7 8 10 11 11 12 12
4	Frequent/ Persistent Absence	12
	<ul style="list-style-type: none"> • Return to Work Review Meetings • Sickness Absence Triggers • Informal Support Stage • Formal Support Stage 1 • Formal Support Stage 2 • Formal Stage 3 	13 14 15 15 16 17
5	Managing Long Term Sickness	17
	<ul style="list-style-type: none"> • Long Term Sickness Options Chart • Contacting Employees on Sickness Absence • Contact Meetings 	19 20 21
6	Disabilities and Reasonable Adjustments	21
7	Medical Examinations	22
	<ul style="list-style-type: none"> • Referral to Occupational Health • Managing the Employee's Return to Work 	23 23
8	Sickness Appeal Procedure	28
9	Related Documents	29
Appendix 1	Authority Levels	29
Appendix 2	Return to Work Interview Record	30
Appendix 3	Adjustment Passport	34

SECTION 1 - INTRODUCTION

POLICY STATEMENT

- 1.1 The Council considers the health and wellbeing of its employees important, and is committed to providing a high quality working environment for all employees. The Council aims to promote a positive approach to maximising attendance through work life balance and health promotion.
- 1.2 The Council is committed to help prevent and reduce absence levels, to respond effectively to actual and potential problems with service delivery, and also provide assistance to employees with health problems at an early stage. It is recognised that high levels of attendance contribute to the planning and provision of its service. The reduction of sickness absence levels will improve service delivery, increase employee morale, ensure the organisation is more competitive and increase job security. Sickness absence is an inevitable and complex organisational issue and should not be viewed in isolation but within the broad context of the Council's obligation to ensure the health, safety and wellbeing of all employees and the organisational factors, which may affect sickness absence levels.
- 1.3 The reason for absence from work is not limited to sickness and health issues. Employees can experience non-medical issues such as domestic problems, both short and longer term that make attendance problematic. It is acknowledged that, at times, employees need to take time off work due to personal illness or injury or other unexpected domestic emergencies. The Council provides appropriate paid (or in some instances unpaid) leave in such circumstances and expects its employees to respond by ensuring they take reasonable care of their health and attend work unless they are unable to do so (refer to Leave Policy for special leave provisions). Attendance is regarded as an essential element of an employee's overall performance along with quality of work, output, attitude to the job, relationships, attention to safety and time keeping.

AIMS AND OBJECTIVES

- 1.4 The aims of this policy are to:
 - Ensure a consistent and fair approach to the application of the Council's attendance requirements, with respect, understanding and sensitivity for all employees within the Council.
 - Help and encourage all employees to achieve and maintain acceptable levels of attendance
 - Ensure that management and employees are aware of their rights, responsibilities and obligations within the Attendance and Wellbeing procedure.
 - Ensure that employees experiencing problems with attendance at work are supported wherever it is both practicable and reasonable.
 - Improve the Council's performance to deliver quality services to the citizens of Cardiff by maximising attendance and motivating employee attendance.

SCOPE OF POLICY

- 1.5 This Policy applies to all employees of the Council, irrespective of status and/ or grade, age, disability, gender identity/reassignment, marriage and civil partnership, pregnancy and maternity, (including same sex couples), race, religion or belief, sex, sexual orientation and Welsh Language except those employed directly by Schools. A separate version of this policy has been commended to school governing bodies.

ROLES AND RESPONSIBILITIES

- 1.6 It is important that everyone clearly understands and fulfils their role and responsibilities within this process.

Employee Responsibilities

- 1.7 All Council employees are responsible for:
- Attending work on a regular basis in accordance with their contract of employment
 - Ensuring they read, understand and comply with this policy and procedure including the Employee Guide.
 - Fully co-operating with the requirements of this policy, including attendance at Return to Work Interviews, Occupational Health, contact meetings, case conference and stage procedures
 - Maintaining confidentiality at all times during any sickness proceedings, with the exception of any conversations which may be necessary with their Trade Union or their family.
 - Advising their managers if they have any condition, which is substantially affecting their ability to do their work.
 - Not allowing minor ailments to negatively affect attendance.
 - Behaving and acting in a way that is consistent with the Council's values open, fair and together.

Director/Assistant Director/Chief Officer Responsibilities

- 1.8 In addition to their responsibilities as employees, senior managers are also responsible for:
- Providing good working conditions
 - Ensuring health and safety standards are maintained
 - Ensuring appropriate risk assessments including stress risk assessments are carried out
 - Ensuring all employees are aware of this policy and other relevant Council policies, e.g. [equality](#), [stress](#), etc.
 - Ensuring managers are given appropriate training and support to operate policies effectively
 - Ensuring managers monitor absence and take actions as required by the policy and procedure.
 - Designing jobs so that they provide motivation and job satisfaction
 - Encourage teamwork
 - Ensuring that there is a system within their Directorate to input sickness absence into DigiGov. Ensuring that all managers within the Directorate comply with the

policy, and that DigiGov is used fully for recording absences and actions at various stages of the policy and procedures.

- Ensuring maximum flexibility when discussing possible changes to help employees return to work within their Directorate (which may include temporarily changing their duties to facilitate a return to work).
- Chairing Hearing
- Ensuring the monitoring of absence and compliance data is an agenda item at Directorate management team meetings

Manager Responsibilities

1.9 In addition to their responsibilities as employees, managers are also responsible for:

- Ensuring employees are aware of all relevant policies and procedures by whatever means are most appropriate.
- Establishing, demonstrating and consistently upholding standards of acceptable attendance.
- Completing on-line training on the Attendance and Wellbeing Policy.
- Fully understanding and adhering to the Council's Attendance and Wellbeing policy and the Manager's Guide, and where it is implemented, applying it fairly, consistently and in a timely way
- Seeking advice from HR People Services on all matters relating to attendance.
- Minimising absence through sickness absence.
- Keeping adequate notes and records of all events and evidence to support the use of the policy and ensuring their recording on DigiGov.
- Carrying out appropriate risk assessments, including stress risk assessments.
- Ensuring that the Council's Attendance and Wellbeing policy is adhered to at all times including timescales, appeal rights, rights to representation, etc.
- Regularly access information about compliance with the policy by their direct reports via DigiGov and ensure that non-compliance is addressed
- Ensuring that actions required by the policy are carried out within the timescales set out in the policy and procedures.
- Closing down absence records in DigiGov when an employee returns to work and also record the Return Work Interview.
- Maintaining confidentiality at all times throughout the process.

1.10 HR People Services responsibilities:

- Acting as advisor to managers to ensure that the Council's Attendance and Wellbeing Policy is applied correctly.
- Providing all employees with information and advice as necessary throughout the process.
- Reviewing and monitoring sickness cases and outcomes and supporting managers to undertake any remedial action that may be necessary.
- Reviewing and collating corporate monitoring data in relation to sickness for consideration by various groups, e.g. Senior Management Team, Works Council, etc.
- Supporting managers to manage sickness cases of 4 weeks or more and cases of absence due to stress.
- Reviewing the application of the policy and procedures in the light of operational experience.

SECTION 2 – EMPLOYEE WELLBEING COMMITMENT

- 2.1 The Council aims to promote and encourage wellbeing at work. Wellbeing produces positive attitudes, engagement, motivation and innovative thinking. Wellbeing is an important factor in building employee engagement and is therefore a key management issue for the Council. The Council has an ongoing agenda in this area and is committed to continuing to address barriers to wellbeing as well as proactively identifying ways in which it can enhance employee wellbeing. This commitment is endorsed and fully supported by elected members, senior management teams and trade unions.
- 2.2 The Council has in place a number of policies, services and initiatives designed to support employee wellbeing such as the Work Life policies to support work life balance, Employee Assistance Programme (CareFirst), in-house Occupational Health Service, Employee Counselling Service etc. In addition a range of health and wellbeing initiatives are implemented throughout the year to support employees.
- 2.3 Commitment to employee wellbeing is supported by elected members, trade unions and senior management teams and has been demonstrated through the development and implementation of an Employee Health and Wellbeing Strategy. This sets out the ways in which the Council will respond to employee's physical, mental and psychological wellbeing needs. This commitment outlines the role of senior managers, HR People Services, trade unions and employees in this agenda. It also identifies the ways in which the Council and its officers continues to develop a culture that supports employee wellbeing, where employee wellbeing can flourish through the removal/reduction of barriers to wellbeing and implementation of systems and initiatives to proactively address employee wellbeing.
- 2.4 The Council will:
- continue to promote health and wellbeing through management policies, support services, information networks and health promotions, including initiatives such as smoking cessation, alcohol awareness, diet, exercise, self-management, and by liaising with external agencies.
 - prevent, so far as is practicable, those circumstances detrimental to employee wellbeing or where such outcomes are for whatever reason unavoidable, respond with early support and intervention to limit the effects and promote recovery.
- 2.5 The Council recognises that a proactive approach to health and wellbeing is the best mechanism for improving the attendance and performance of employees. It therefore is committed to developing such programmes on an on-going basis.

SECTION 3 – SICKNESS MANAGEMENT PROCEDURES

KEY PRINCIPLES

- 3.1 This procedure deals with sickness absence and the effects it has on employees and the organisation. Any form of abuse of this procedure will be dealt with under the [Council's Disciplinary Policy](#).
- 3.2 It is the responsibility of managers to minimise absence through sickness, not only to ensure and maintain best quality service delivery but also to avoid disproportionate stress impact on remaining employees. The management of sickness absence is a key element in the Personal Review process for managers. Failure of managers to properly manage sickness absence could lead to disciplinary action under the Council's Discipline Policy and Procedure. There is a mandatory e-learning module for all employees with line management responsibility in order to develop their knowledge and skills in managing sickness absence
- 3.3 Work related factors, including the job itself, should be monitored by managers as part of this process to assess any impact on attendance. Employees should raise concerns with their manager or HR People Services if they believe their job, or any circumstances connected with their employment, is making them ill or contributing to illness.
- 3.4 Employees should also advise their managers if they have any condition, which is substantially affecting their ability to do their work. In such cases an early referral to Occupational Health may be appropriate.
- 3.5 Employees must not attend work if their condition means that they could compromise the health and safety of themselves or others.
- 3.6 A referral to Occupational Health for a medical opinion can be made at any time in this procedure, regardless of sickness absence duration. Managers should make the referral through consultation with HR People Services and the employee must be informed.
- 3.7 Referrals may also be made where the employee expresses concerns about their health even when they are not absent from work.
- 3.8 Each sickness case must be judged on its merits, and the individual circumstances of each case must be considered with understanding and sympathy. The importance of the operational effect of the absence **must** also be taken into account.
- 3.9 Return to work interviews **must** be carried out by the relevant manager after **every** incidence of sickness, preferably on the day of return but no later than 3 days after the return to work, unless work patterns dictate otherwise. The return to work interview must be recorded on DigiGov.
- 3.10 Any stages issued under this procedure will not be taken into account when a disciplinary penalty is being determined.

- 3.11 At all stages of the procedure, appropriate information should be gathered into the circumstances of the absence
- 3.12 Employees must be advised by their managers of their right to be represented at all formal stages of this procedure by a Trade Union representative or a work colleague and that they have a right of appeal in relation to any formal action taken as a result of this procedure. Sufficient notice must be given to employees prior to any formal interview being convened. At the informal support stage an employee would not normally need to be represented but they may request it if they feel that the circumstances require it. However, **the routine return to work interview is excluded from these provisions.**
- 3.13 Appropriate training will be provided to managers to achieve consistent and sympathetic treatment of all employees under this procedure. All employees must be made aware of the sickness procedures and their responsibilities.
- 3.14 This Policy will link in with other associated Council policies in relation to health and wellbeing. Whilst the Council will manage cases in accordance with the provision of these policies, the fact that sickness absence is as a result of a disability, work related issue or caused by substance misuse does not mean that appropriate action cannot be taken in these circumstances.
- 3.15 Communication with employees throughout any period of absence **must** be maintained by managers. The absence is managed by the manager. Support from HR People Services is provided for cases of stress or absences of 4 weeks or more. Communication should also be maintained with employees who are suspended and are also sick.
- 3.16 Employees who have more than one job with the Council and are absent from one job may only remain working in another job if the nature of illness does not impact on their capability to carry out the duties of that job. Advice from HR People Services **must** be obtained in all sickness cases where an employee has more than one job with the Council and this includes where one post is a school based post.
- 3.17 Employees must not engage in any external work (paid or unpaid) whilst on sickness absence from the Council, without prior approval from their Operational Manager.

SICKNESS NOTIFICATION REQUIREMENTS

- 3.18 Service Areas will ensure that all employees are aware of this policy, and the specific sickness notification requirements relating to their particular workplace. Reporting arrangements for employees who have varied work patterns is a matter for local determination but all elements of this process will continue to apply.
- 3.19 Employees need to fully comply with the procedure and any local reporting arrangements to be eligible to receive sick pay (calculated over a rolling 12 months) and this includes attendance at any occupational health appointments or contact meetings.

3.20 The provisions in relation to payment during sickness absence (except teachers) are:

Length of Local Government Continuous Service	Full pay	Half pay
During 1 st year of service	1 months full pay (26 days)	and after completing 4 months' continuous service 2 months half pay (52 days)
During 2 nd year of service	2 months full pay (52 days)	and 2 months half pay (52 days)
During 3 rd year of service	4 months full pay (104 days)	and 4 months half pay (104 days)
During 4 th and 5 th year of service	5 months full pay (130 days)	and 5 months half pay (130 days)
After 5 years of service	6 months full pay (156 days)	and 6 months half pay (156 days)

3.21 For teachers the provisions in relation to payment during sickness absence are:

Length of Local Government Continuous Service	Full pay	Half pay
During 1 st year of service	25 working days' full pay	and after completing four calendar months' service 50 working days' half pay
During 2 nd year of service	50 working days' full pay	and 50 working days' half pay
During 3 rd year of service	75 working days' full pay	and 75 working days' half pay
During 4 th and successive years	100 working days' full pay	and 100 working days' half pay

3.22 In recognition of the anxiety that a reduction in sick pay causes for employees on long term sick a service to provide signposting to relevant benefits and advice is available at the Council's Hubs. These will be communicated to employees in general but also specifically to employees before they are likely to go into half or nil pay.

FIRST DAY OF ABSENCE

3.23 On the first day of absence, the employee (or, in exceptional circumstances, someone acting on their behalf) must contact the relevant manager or nominated representative by telephone as soon as possible. This will be at least before the time stipulated by the manager which will usually be before the scheduled start time for the employee. **Unless there is a good reason, text or email notifications are not acceptable.** If any employee has concerns about this process in relation to their access to a telephone or difficulty in using a telephone they should discuss these concerns with their manager and agree alternative methods of communication.

3.24 The manager must be advised of the start date of illness, nature of illness, likely duration, and any outstanding work commitments. Refer to Manager's guide for the First Call Checklist. If the manager is not available when the employee calls in sick, the manager will return the employee's call as soon as possible.

- 3.25 If the employee believes that their absence may have been caused by an accident or incident that happened at work, including alleged work related ill health, they should inform their manager who will arrange for an Accident at Work Form to be sent to them for completion. Where the reason for their sickness absence is work related stress the manager must gather more information about the situation and where possible seek to resolve the issue straight away (Refer to Manager Guide) in order to facilitate a return to work.
- 3.26 If an employee is taken ill at work and continues to be absent the next day, the manager must be notified of the continuation of the absence, by the employee, by the time stipulated previously.

SECOND TO FIFTH DAY

- 3.27 The employee (or in exceptional circumstances, someone acting on their behalf) must maintain the contact stated in paragraph 3.23 and 3.24 each day thereafter for the next four calendar days or until a Statement of Fitness for Work from the General Practitioner is submitted. This reporting requirement may be varied by the manager depending on the information received on Day One. Examples of this can be found in the Manager Guide.

MORE THAN 7 DAYS ABSENCE

- 3.28 A Statement of Fitness for Work (previously known as a medical certificate) will be required on the **eighth day** of absence and should be forwarded to the manager or nominated representative. For continuing absences, further statements will be required. If a private Statement of Fitness for Work is requested at any time by the manager the cost will be reimbursed to the employee on provision of a receipt. **Failure to provide these statements despite two reminders will result in the absence being treated as leave without pay rather than sickness.**

SICKNESS AND ANNUAL LEAVE

- 3.29 Employees who are taken ill on annual leave must follow the normal sickness notification procedure, including the requirement to make contact with their manager on the first day of sickness absence and submit a Statement of Fitness for Work to cover the absence dated from the first day of illness, if they wish to reclaim the leave.
- 3.30 Where an employee is on long-term certified sickness and wishes to travel on holidays, they must inform their manager in writing of their intentions at least two weeks in advance. They should also provide written confirmation from their GP that they are fit to travel (ideally with an explanation of why they are fit for travel and not work) and that the holiday will not be detrimental to their recovery.
- 3.31 The European Working Time Directive allows employees to carry forward any annual leave which cannot be taken due to long term sickness absence. In this instance the calculation of outstanding leave will be based on the Statutory Entitlement to annual leave and bank holidays stated within the European Working Time Directive and not the Council's annual leave entitlements. Any annual leave and bank holidays already taken will be deducted from the statutory amount to determine the amount of leave to be carried forward. Where an employee returns before the leave year ends, any outstanding

annual leave, wherever possible should be taken before the end of that leave year. However, where this is not possible, the leave must be taken within a period of 18 months of the end of the leave year in which the annual leave originally accrued.

- 3.32 An employee on sickness absence can request to take leave whilst they are sick. This may occur where an employee is in half or nil pay. If a request is made then the employee will receive normal holiday pay (if they are in receipt of Statutory Sick Pay (SSP) the Council will offset the SSP against the holiday pay). This will not break the period of sickness for reporting purposes and will not lead to the absence being counted as 2 separate absences. There is no requirement for an employee to get a Statement of Fitness for Work to say they are fit as they are not being required to work.

SICKNESS RELATED TO THIRD PARTY ACCIDENTS

- 3.33 Where an employee is absent as a result of an accident where damages may be receivable from a third party, the Council will pay the relevant sick pay entitlement, subject to the employee undertaking to refund the total amount paid, or a proportion (dependent on the damages received) should the claim be successful. In such circumstances the employee **must** take all reasonable steps to pursue the claim, which must include the sick pay received from the Council.
- 3.34 Where a full refund of the sick pay is made, the absence shall not be recorded for the purpose of calculating sickness entitlement or for trigger purposes. This will only happen once the refund has been received. If the refund is paid in part only, then the manager will decide to what extent the absence should be recorded against the occupational sick pay scheme. Advice on this issue is available from HR People Services.

RESUMPTION OF DUTIES

- 3.35 An employee who is sick may return to work at any time (including before the end of the Statement of Fitness for Work) without going back to see their doctor – even if the doctor has indicated that they need to assess them again. If the employee confirms they are fit to return to work, they **must** be allowed to return to their full duties.
- 3.36 Should an employee not be able to return to their full duties, a suitable risk assessment **must** be carried out in consultation with the employee to establish if there are any changes which could help the employee return to work. The focus should be based on practical ways to support the employee's return, rather than on their health condition. Where there is a potential conflict of opinion over the risk assessment, an urgent referral to Occupational Health may be requested to determine if the employee is able to carry out the full range of their duties or if reasonable adjustments are required to support a sustained return to work.
- 3.37 In order to assist in the organisation of work, employees must give the maximum possible notice to their manager of their intention to return to work. This is particularly important when temporary cover has been arranged or shift patterns are involved. Where specific rota schedules may be affected a period of notice may be agreed as a specific requirement.

SUSPENSION/ RECOVERY OF SICKNESS ABSENCE PAYMENTS

3.38 Sick pay may be suspended if an employee abuses the Sickness Absence Policy and Procedure by:

- failing to provide relevant certification
- failing to report on the days/ times stipulated by the manager
- refusal to attend/ non-attendance at contact meetings
- refusal to attend/ non-attendance at Occupational Health appointments (reasonable costs associated with travelling to occupational health can be reimbursed upon production of receipts)
- failing to attend 1 or more appointments with Occupational Health without giving prior notice.

Or is absent on account of sickness due to:

- deliberate conduct prejudicial to recovery
- misconduct or neglect
- active participation in sport as a (semi) professional
- working on their own account for private gain
- working for another employer (paid or unpaid) where they are able to access sick pay/ compensation from that employer

3.39 Where sick pay is suspended, employees shall have a right of appeal, through the [Resolution Policy](#).

PLASTIC OR COSMETIC SURGERY

3.40 Where the surgery is not essential to the employee's health or wellbeing, occupational sick pay will not be paid. Where plastic or cosmetic surgery is certified by a Medical Adviser indicating that such surgery is essential to the employee's health or wellbeing the employee will receive occupational sick pay.

3.41 If surgery is to be carried out without this certification then occupational sick pay will not be paid and arrangements for annual leave or unpaid leave must be made in advance. Statutory Sick Pay (SSP) would be payable and where annual leave is taken then pay will be offset against the SSP.

SECTION 4 - FREQUENT/ PERSISTENT ABSENCE

4.1 Frequent/ persistent absences are often attributable to unconnected, minor ailments. Absences of one day or less caused by pre-arranged appointments for doctors, dentists, hospital or physiotherapist etc., which are validated by an appointment card are not included, as these are covered by the special leave provisions (see Leave Policy). However, wherever possible employees should arrange such appointments outside their working hours. **Sickness absences of less than a full day will count as a full day's absence for the purpose of this Policy.**

- 4.2 Managers will be required to take action in line with the sickness absence trigger stages when there is a pattern of absence or the frequency/ quantity of absence gives cause for concern. Managers must specify why the absences are causing concern.

Examples of patterns of absences are:

- Always returning to work when going into half pay/ nil pay
- Sickness absence during School Holidays/ Christmas period
- Sickness absence immediately before or after Bank Hols/ Annual Leave
- Sickness absence on the same days/months i.e. Fridays/Mondays/October/ November
- Sickness absence at other times of year (e.g. around deadlines, Inspections)
- Sickness Absences that always last 5 days or are of a similar duration
- Sickness Absences that just miss out on stages and /or the frequency/ quantity of absence gives cause for concern
- Repeatedly hitting stage
- Sickness absence resulting from frequent/ regular industrial accidents.
- Recurring dates
- Sporting events

This list is neither prescriptive nor exhaustive and there is no set number of times that absences have to occur before it becomes a pattern. Where a pattern is observed this must be dealt with in a timely manner. Although some patterns may take time to become evident a manager should not normally need to look further than 2/3 years for a pattern to be identified. **In relevant cases, managers should consider whether it is appropriate to escalate the employee to the next trigger stage as set out in the Sickness Absence Triggers procedure.**

RETURN TO WORK INTERVIEWS

- 4.3 The Return to Work interview is a key measure in supporting employees who have been unwell, controlling sickness absence, and identifying any underlying work related issues. It is therefore **essential** that managers undertake Return to Work interviews as soon as possible after employees return to work, and within working hours.
- 4.4 Irrespective of the length of absence, all employees, on their return to work, must report to their manager and their manager will complete a Return to Work interview.
- 4.5 Ideally the Return to Work interview should be on the day of return. However, if that is not possible, it should be held **no later than 3 days** following the return to work unless work patterns dictate otherwise.
- 4.6 The Return to Work Interview Form, including the discussion notes on the back of the form, should be completed at the Return to Work interview. The form is available in Appendix 2, on DigiGov or HR People Services A to Z to print off prior to the interview.
- 4.7 The purpose of the interview is for the manager to have a constructive and supportive conversation to discuss and raise any concerns about the employee's health, well-being, recovery and overall attendance as well as highlight any effect the absence has had upon the work of the section/ unit and consider reasonable adjustments under the Equality Act.

- 4.8 The manager **must** take action where support has failed to result in an improvement in the employee's attendance. Should an employee have another absence before the Return to Work interview has taken place, a contact meeting will take place to determine what action and support should be taken. HR People Services may attend the contact meeting.

SICKNESS ABSENCE TRIGGERS

- 4.9 The employee's line manager will carry out the informal support stage. The formal stages **must** be carried out by the next level of manager.
- 4.10 It is paramount that employees should be informed of their rights of representation at **all formal stages** by a trade union representative or a work colleague. At the informal support stage an employee would not normally need to be represented but they may request it if they feel that the circumstances require it. At each formal stage there is a right of appeal, which is detailed in the Employee and Manager Guide.
- 4.11 There is no automatic entitlement to have any adjustments to the trigger stages for absences related to disability. Where an employee is disabled their absences will be counted for the purposes of the "triggers" for the stages below. However, whether absence triggers should subsequently be adjusted will be determined at the formal sickness absence trigger interview and on receipt of medical evidence and HR advice (see [Manager Guide - Section 11 Disabilities and Reasonable Adjustments](#)).
- 4.12 A diagnosed terminal illness, which has been confirmed and evidenced by Occupational Health and/or pregnancy related illnesses will not be counted towards the trigger process. Where an employee is going through IVF any absences linked to this **after** their eggs have been collected will not be counted towards the trigger process.
- 4.13 In order to calculate whether absences have automatically "triggered" a stage in this procedure, the relevant dates are the first day of the most recent absence back to the end date of the oldest absence in the time period, e.g. for the Initial Support Stage this would be the first day of the **second** absence in the six month period and the last day of the **first** absence. DigiGov will notify managers when employees hit stages.
- 4.14 Each stage issued to the employee will confirm the action to be taken and should make it absolutely clear that failure to improve the unsatisfactory absence record could lead to a further stage and that their future employment is at risk.
- 4.15 Employees must have been allowed a period of time for improvement where appropriate, before moving on to the next stage of the policy.
- 4.16 HR People Services must be consulted and involved from Formal Support Stage 1 onwards.
- 4.17 The manager will place the employee under "Case Management" from the Formal Support Stage 1, which will involve close monitoring of the situation. Each subsequent absence will be reported to the manager who will discuss the appropriate action to be taken with HR People Services to ensure that all options have been considered.

- 4.18 Where attendance levels have improved and been sustained as previously agreed, the manager in conjunction with HR People Services will consider ending “Case Management”. Monitoring of attendance will then recommence under the trigger point arrangements previously outlined, from a date to be determined by the manager and HR People Services.
- 4.19 If it has not already taken place, a medical opinion **must** be sought from the Council's Occupational Health Adviser in respect of whether there are any underlying medical conditions that should be taken into consideration before arranging a Formal Stage 3 hearing.
- 4.20 Should a caution not be issued due to considerations under the Equality Act, the employee will revert to the previous stage of the procedure and the sickness workflow will reset accordingly.

INFORMAL SUPPORT STAGE - IMPROVEMENT TARGET

- 4.21 Managers are required to meet with employees to discuss their attendance where:
- (a) there are 2 absences within a **6 month** rolling period
 - Or*
 - (b) It is considered that the employee's **pattern of absence** is likely to lead to or is already causing difficulties (see paragraph 4.2).
- 4.22 Managers must advise the employee that the next step in this procedure will be the formal stages and that would be a Written Caution should there be further absences within a rolling 8 month period or the pattern of absence causes concern.

FORMAL SUPPORT STAGE 1 – WRITTEN CAUTION

- 4.23 Managers are required to take action where following the Informal Support Stage
- (a) there are 4 absences within an **8 month** rolling period
 - Or*
 - (b) 1 additional absence of 6 calendar days or more within the **8 month** period
 - Or*
 - (c) It is considered that the employee's **pattern of absence** is likely to lead to or is already causing difficulties (see paragraph 4.2).
- 4.24 The Stage 1 meeting will be organised and chaired by the next level of management and will also involve HR People Services, the employee and their companion, where appropriate. The aim of this meeting is to ensure that all options have been considered.

- 4.25 Unless there are reasons under the Equality Act why it would be inappropriate, the employee concerned must be issued with a Written Caution (available via DigiGov) and managers will advise the employee that the next step in this procedure will be the Final Written Caution should there be further absences within a period of 12 months or the pattern of absence causes concern.
- 4.26 The manager will place the employee under "Case Management" which will involve close monitoring of the situation. Each subsequent absence will be reported to the manager who will discuss the appropriate action to be taken with HR People Services.
- 4.27 To allow an assessment of sustained improvement over a more realistic timescale, the Written Caution will remain valid for a period of 12 months.

FORMAL SUPPORT STAGE 2 – FINAL WRITTEN CAUTION

4.28 Managers are required to take action where following Formal Support Stage 1:

(a) there have been 6 absences within a 10 rolling month period;

Or

(b) 1 additional absence of 6 calendar days or more within the period of the Formal Support Stage 1 - Written Caution i.e. 12 months

Or

(c) an absence pattern emerges which causes concern (see paragraph 4.2).

Or

(d) the employee fails to achieve and sustain the required improvement during the period of the Written Caution, i.e. they have 2 further absences.

4.29 The Stage 2 meeting will be organised and chaired by the next level of management and will also involve HR People Services, the employee and their companion, where appropriate. The aim of this meeting is to ensure that all options have been considered and to review the employee's future employment position.

4.30 The employee should be issued with a Final Written Caution valid for 18 months. The employee concerned must be left in no doubt that they have been given **a final opportunity** to substantially improve and sustain their attendance, or there will be no alternative but to move to Formal Stage 3 for potential terminal of employment in accordance with the Council's procedures.

FORMAL STAGE 3 – POTENTIAL TERMINATION OF EMPLOYMENT

4.31 Managers are required to take action if, following Stage 2, the employee has:

- (a) 8 absences in any rolling 14 month period

Or

- (b) 1 additional absence of 6 days calendar or more within the period of the stage 2 Final Written Caution, i.e. 18 months

Or

- (c) fails to achieve and sustain the required improvement during the period of the caution, i.e. they have 2 further absences in a six month period.

Or

- (d) an absence pattern emerges which causes concern (see paragraph 4.2).

4.32 The employee will be required to attend a formal absence review hearing to consider their future employment once they have triggered the Stage 3 (refer to Manager Guide - paragraphs 15.23 to 15.46).

4.33 The Council's aim is to proceed with all formal absence review matters with the minimum of delay. The manager must arrange a Stage 3 meeting even if the employee has reported sick again before the opportunity to hold the formal absence review hearing has taken place.

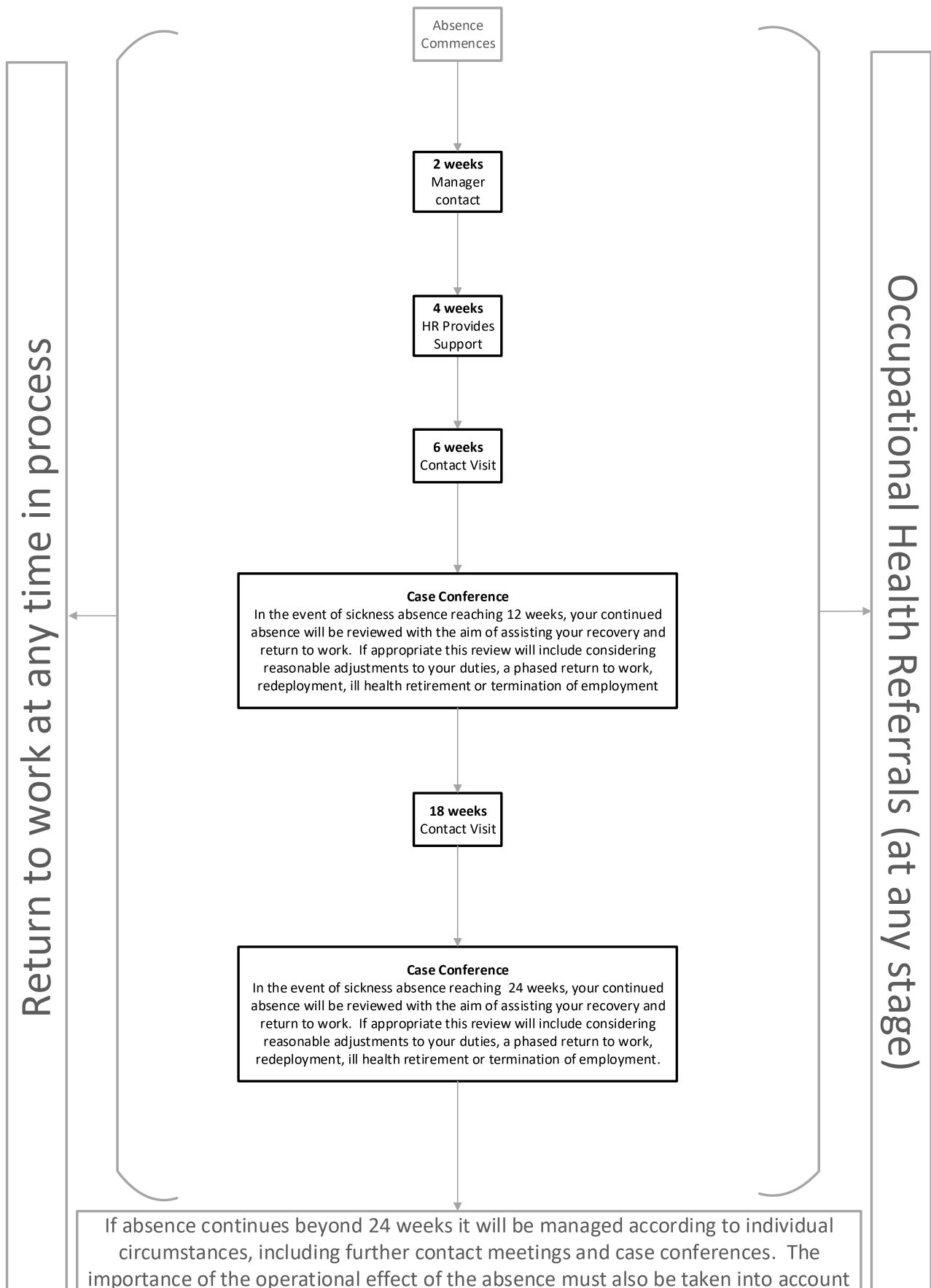
SECTION 5 - MANAGING LONG TERM SICKNESS

5.1 Long-term sickness absence is defined as continuous sickness of **four weeks** or more and can usually be traced to a particular medical condition. Management responses to long-term absence are determined on the basis of much firmer medical evidence with advice and support from HR People Services and Occupational Health. A central sickness team in HR People Services will support the management of any sickness cases that go beyond 4 weeks. The manager is an integral part of the process and will continue to lead on the management of the case but with management support from HR People Services.

5.2 It is possible that long-term absence, by its nature, will stem from a disability within the meaning of the Equality Act. (Refer to Section 6 of the policy and Section 11 of the Manager Guide). If this is the case specific advice should be sought from HR People Services.

- 5.3 Each case, particularly of long-term absence, must be assessed on its own merits with advice and support from HR People Services and Occupational Health. However, the Council cannot keep jobs open indefinitely and the underlying principle in dealing with long-term absence must be to balance the Council's needs against the circumstances of the employee concerned.
- 5.4 Employees may be referred for a medical examination at any stage in this procedure. The decision to refer will be made when information is discussed at the contact meeting. A number of factors should be taken into account before a referral is made. This will include whether the sickness is due to continue and whether a referral will add any value to a manager's decision process.
- 5.5 No two long-term absence cases are the same. Managers will be supported by an officer from HR People Services who will advise on the appropriate course of action, given the individual circumstances.
- 5.6 Managers cannot accommodate indefinitely an employee's long-term absence and an assessment will need to take place following consultation with the employee concerned, HR People Services, Occupational Health and consideration of the service needs e.g. impact on the continuing sickness absence on colleagues' workload and flexibility on the service area's ability to ensure service delivery.
- 5.7. When an employee is on long-term sickness absence the case will be reviewed and consideration given to the most appropriate future action. Clarification can be sought at any time in this process from Occupational Health.
- 5.8 Where employees are on long-term sickness and their condition and work is such that they would be able to effectively undertake their duties from home, this may be considered. The arrangement would be subject to the agreement of all parties and a risk assessment at the employee's home must be carried out (see refer to Flexible Working Policy and Toolkit). Where employees carry out work from home under this provision, they will not be regarded as sick.
- 5.9 Where an employee is waiting to be seen by a consultant in relation to a medical problem and the appointment is unlikely to be within a reasonable timescale, Occupational Health may make arrangements for a consultant to examine the employee concerned and provide a report to the Occupational Health. Occupational Health may request details from the employee's GP or the consultant. In such instances, the fee payable will be met by the Directorate.

Long Term Sickness Absence Flow Chart



CONTACTING EMPLOYEES ON SICKNESS ABSENCE

- 5.10 Appropriate contact with employees on long-term sickness absence is particularly important. Effective dialogue should continue throughout the absence to enable managers to have a clear understanding of the individual's present health and future employment prospects, at all stages of the absence. Throughout this process, employees must always be informed that their employment is at risk. **After 4 weeks absence HR People Services will provide management support with this process.** It is important that managers maintain contact during the first 4 weeks of absence and continue to maintain contact throughout the employee's absence.

CONTACT MEETINGS

- 5.11 As soon as it becomes clear that an employee's absence will be long-term, the manager must arrange a contact meeting (normally at the place of work). It is known that early support can lead to an earlier return to work. Therefore the first contact meeting usually takes place when the employee reaches 2 weeks of sickness absence. The aim of the meeting is to have a supportive conversation with the employee to identify the steps the manager could take to facilitate the employee's return to work. Thereafter, meetings must be undertaken by the manager on a regular basis (at least every 6 weeks). The arrangements, should as far as possible, be mutually agreed.
- 5.12 The employee may wish to be represented by a Trade Union representative or work colleague during contact meetings. Normally, the meetings should be undertaken by the manager who will be accompanied by a representative from HR People Services. In addition, if it is felt that a visit by an Occupational Health Adviser may be advantageous, this could also be arranged.
- 5.13 Additional contact can be maintained by telephone and is encouraged. However, telephone contact should be additional, not a replacement for contact meetings unless in exceptional circumstances.
- 5.14 If, due to exceptional circumstances, a contact meeting between the employee and the manager is not feasible, then regular contact should be maintained through other means e.g. telephone, letter, e-mail, contact with relatives, etc.
- 5.15 If employees are not able to attend a contact meeting at their place of work then alternative arrangements should be made which could include meeting at the employee's home or a neutral venue.
- 5.16 The aim of maintaining contact/ undertaking contact meetings is to be constructive and positive and to:-
- keep in touch with employees who are absent
 - establish the length of time the employee is expected to be absent and inform them if and when a referral to Occupational Health would be appropriate
 - ensure the employee is aware of the Employee Assistance Programme (CareFirst) and the Employee Counselling Service and how they can access it
 - ensure that the employee is kept acquainted with developments at work and that they do not feel isolated (see Section 6 of Manager Guide for work related stress)

- enable managers to establish if the cause of absence is job-related
- ensure that the employee is aware of the position of their future employment and has received a copy of this policy

5.17 Managers conducting contact meetings should do so with sensitivity and take into account the possible stressful nature of the meeting. However contact with the employee is maintained, a record of the outcomes, information sought/ provided and other associated actions should be made on the contact meeting form.

5.18 An employee may request that the contact meeting takes place with someone other than their own manager, where this is the case a manager within the same service should be nominated.

CASE CONFERENCE

5.19 A case conference is an informal, private and transparent meeting with the purpose of discussing whether the employee and the Council can reach agreement on how best to maximise the employee's attendance at work and, if not, to ensure all options have been considered before proceeding to a formal absence review meeting.

5.20 A case conference will be arranged in the event of sickness absence reaching 12 weeks and 24 weeks. The employee's continued employment will be reviewed with the aim of assisting their recovery and return to work. If appropriate this review will include considering adjustments to the substantive post or temporary alternative duties, including a phased return to work, ill-health retirement, redeployment or termination of employment (see Employee and Manager Guides).

SECTION 6 - DISABILITIES AND REASONABLE ADJUSTMENTS



(Please read in conjunction with the Employee and/ or Manager Guide)

- 6.1 The Council is an accredited Disability Confident Employer and subscribes to the Social Model of Disability, which makes an important difference between 'impairment' and 'disability'. With the Social Model, the disability is understood to be the result of the barriers preventing the inclusion of people with impairments and not the impairment itself. This includes people's attitudes to disability.
- 6.2 The Equality Act 2010 defines disability as 'a physical or mental impairment that has a substantial and long term adverse effect on that person's ability to carry out normal day to day activities'.
- 6.3 The Council is fully committed to meeting its duties under the Equality Act and creating a working environment which encourages and facilitates the full participation of disabled employees. This may involve, where reasonable and practicable, making adjustments to an employee's working environment and/or working practices to overcome disadvantage as a result of an employee's disability. The legislation refers to any adaptations to working practices and the working environment as "reasonable adjustments".

- 6.4 It is essential that all employees who may require a reasonable adjustment receive a full assessment of their needs. Requests for workstation assessments / adjustments should be made by the employee by logging a call with the Service Desk by telephone (02920 873333) or through the Service Desk intranet site and make a 'New Business Administration Call (DSE Equipment / Reasonable Adjustment).
- 6.5 Managers should determine if any adjustment is reasonable and proportionate, by considering:
- How effective the adjustment would be in preventing disadvantage
 - The practicality of the adjustment
 - Health and Safety implications
 - The cost of the adjustment and disruption of any Council activities
- 6.6 The reasonableness of any adjustment may also require consideration of issues surrounding health and safety and to this end the Equality Act does not over rule other legislation. Whilst the Council has responsibilities under the Equality Act, it also has responsibilities to reduce risk to health and safety as far as is reasonably practicable under the Health and Safety at Work etc. Act 1974. The Council cannot make an adjustment which contravenes health and safety legislation.
- 6.7 The decision on the 'reasonableness' of any adjustment rests with management, taking account of advice provided by HR People Services, Health and Safety and or Occupational Health. Ultimately, with due consideration to advice, a manager should reach a balanced organisational perspective to the circumstance.
- 6.8 Wherever possible alternative arrangements should be made to accommodate the employee with alternative reasonable adjustments.
- 6.9 Employees should request resolution following an assessment outcome through the Service Desk if they are not satisfied with the outcome of their DSE assessment /Reasonable Adjustment.

SECTION 7 - MEDICAL EXAMINATIONS

- 7.1 The Council has the right to require an employee who gives cause for concern as a consequence of illness to undergo a medical examination at any stage with Occupational Health. Occupational Health can provide advice as follows:-
- The likely duration of sickness absence
 - Where absence seems excessive in relation to the nature of the illness/ injury
 - Where there is concern about recovery
 - Whether there is a underlying reason for absence
 - Whether the absence is due to a work related cause
 - Adaptations to work activities or the working environment to enable an employee to continue to work in their substantive post.

- Suitable alternative employment where the employee cannot return to their substantive post.
- Rehabilitation after a period of absence
- When referral to an Occupational Health Physician is appropriate

7.2 Reasonable costs associated with travelling to Occupational Health appointments will be reimbursed to employees upon provision of a receipt. Employees should discuss with their manager whether travel can be organised via the service area.

7.3 Occupational Health reports will be sent directly to the manager via DigiGov for them to liaise with HR People Services.

REFERRAL TO OCCUPATIONAL HEALTH

7.5 Managers should only refer employees for medical examination where appropriate e.g.:

- the manager wants to ask the Occupational Health Adviser if the employee is fit to undertake a specific range of duties, this may be if the employee has been absent or while the employee remains at work.
- The employee has requested ill health retirement
- The employee reports continuing underlying health problems.

7.6 **Please note:** It may not always be appropriate to refer an employee for a medical examination, for example if an employee has a physical injury there would be little more information that the Occupational Health Adviser could provide. Managers should carefully consider whether there is anything to be gained by carrying out a medical examination. If unsure, the manager can refer details of the case to the Occupational Health Advisor and ask that the case be reviewed to determine whether a medical examination will add any information. If a medical examination is required the manager must inform the employee and explain the reasons for the decision to refer the employee to Occupational Health.

7.7 **The referral must be discussed with the employee.** Managers need to provide as much information as possible to accompany the Occupational Health referral and detail any specific issues they would like a medical opinion on. The referral should be made with the employee's informed consent. **Employees are able to request a copy of the referral form.** If the employee refuses consent for an assessment or for the report to be sent, the manager is entitled to make a decision without it, which could of course be to the detriment of the employee.

MANAGING THE EMPLOYEE'S RETURN TO WORK

7.8 The Council will need to assess future employment capability taking into account at least:

- the medical advice received
- the likelihood of the current level of absence occurring or some other illness arising
- the length of the various absences and periods of good health in between
- the impact on those who work with the employee and the overall effect of the organisation

- the likelihood of suitable alternative employment being found or accepted.

- 7.9 The Council's Occupational Health Adviser can give an opinion on the employee's fitness for work. When an Occupational Health report has been received, the manager and HR People Services should at the earliest opportunity meet with the employee to discuss the report. The manager must contact the employee within **7 calendar days** of receiving the report to arrange this meeting. The meeting should be confirmed in writing with a copy of the report enclosed. Employees have the right to be accompanied at this meeting by a trade union representative or work colleague.
- 7.10 There will usually be one of **5 options** that follow receipt of an Occupational Health report, which might include:

Option 1 - Fully fit to resume Duties

- 7.11 Where the Occupational Health report states that the employee is fully fit to resume duties, when the manager and HR People Services meet with the employee they will request that the employee return to work. This can happen even where they are still covered by a Statement of Fitness for Work.
- 7.12 If the employee confirms they are fit to return to work, they **must** be allowed to return to their full duties.
- 7.13 After a long-term period of sickness absence, employees should give as much notice as possible of their intention to return to work. This is particularly important when temporary cover has been arranged or shift patterns are involved.
- 7.14 It is reasonable for the Council to rely on the opinions and recommendations of Occupational Health regarding whether an employee is fit to return to work. Where there is a potential conflict of opinion then each case will be considered on its merits. If necessary this may mean a further urgent referral back to Occupational Health to determine whether any additional measures are required.

Option 2 - Fit to return to substantive post with adjustments

(Please read in conjunction with Manager or Employee Guide: Disabilities and Reasonable Adjustments)

- 7.15 Where employees are deemed fit to return to work but with adjustments, either on a temporary or permanent basis, consideration must be given to the options listed below. While the options are being explored, the sickness absence must be kept under constant review, with regular support continuing. At appropriate intervals, further medical referrals may be required to re-consider the options.

(i) Adjustment within their Substantive Post

Adjustment within their post may take the following forms:

- A phased return to work recommended by Occupational Health

- Part time working either shorter hours or limited days per week on a long term basis, with subsequent reduction in pay
- Changes to work practices i.e. start/finish times

- 7.16 Phased returns can be implemented to help facilitate an employee's return to work after long-term sickness absence. The principle of a phased return is that the employee is well enough to carry out some work, and is likely, given time, to recover sufficiently to undertake their full duties (possibly with some adjustments). A phased return to work, may help employees successfully return to work rather than remaining on sick leave until they are fully fit to return.
- 7.17 It is important to note that a phased return to work will not be suitable in every situation. Many employees are able to return to their contracted hours without needing for a phased return and managers should therefore consider each case on its own merits.
- 7.18 To enable employees to return to work at the earliest opportunity it may be appropriate to consider adjustments to their current duties. This may include lighter or less demanding duties for a specified period. In some cases, it may mean that an employee will not be able to carry out a particular part of their job, or certain duties will only be able to be carried out for a maximum time in any day. Alternative duties will then need to be allocated for the remaining times if this is possible (see Section 11 of Manager Guide).
- 7.19 If it is considered justified for therapeutic reasons, the employee may return on a phased return to work for up to 4 weeks with the actual working arrangements agreed between the manager and employee, with advice from HR People Services.
- 7.20 The phased return will be reviewed after the 4 weeks and if the manager, after consultation with HR People Services and Occupational Health considers it necessary, the period may be extended up to a further 4 weeks.
- 7.21 Where an employee is undergoing a phased return, they will receive normal pay during the period in question.
- 7.22 The maximum period for any phased return will be 8 weeks. If, following medical advice the period needs to be extended further, annual leave or unpaid leave must be used to cover the days/hours.
- 7.23 Any adjustment to the substantive duties must be done in conjunction with any medical advice received and HR People Services. Each adjustment request must be considered on an individual basis depending on the nature of the case.
- 7.24 If managers are able to easily and informally implement or accommodate an adjustment, without having to seek further advice from Health and Safety or Occupational Health, they should do so. Where a formal approach may be required, the **Adjustment Passport** (see Appendix 3) should be used and reviewed on a regular basis until such time as the employee and manager do not feel it is necessary.
- 7.25 There may be a need to seek external specialist help e.g. Disability Advisers from Access to Work, for help, advice and guidance (see Section 18 of the Employee Guide).

7.26 Adjustments may be agreed on a temporary or permanent basis. Where it is on a temporary basis, the time constraints should be clearly communicated to all parties. Ultimately, it is for the manager to determine whether a recommended adjustment is 'reasonable'. Advice is available from HR People Services.

Option 3 - Fit to return to alternative duties

7.27 Rehabilitation may take the following forms:

- Alternative duties on a temporary basis to facilitate a return to full duties
- Medical redeployment

7.28 The Council will consider all enabling options and will implement appropriate adjustments where reasonable. It should be noted that what may be reasonable in one part of the Council may not be reasonable in another area and each case should be considered on its own merit. In these circumstances, Directors / Assistant Directors / Chief Officers will ensure maximum flexibility within their Directorate when exploring alternative duties that can be undertaken on a temporary basis (usually no more than 8 weeks).

7.29 The Council is unable to support a change to temporary alternative duties indefinitely. If the employee is unable to return to their substantive post, the manager will need to consider the potential for medical redeployment or termination of employment.

7.30 Recommendations for redeployment must be based on medical grounds as advised by Occupational Health.

7.32 If medical redeployment needs to be sought, the employee must apply for inclusion on the Redeployment Register in accordance with the Redeployment Policy. This gives an employee 12 weeks to find suitable alternative employment. Where the employee is suffering from an illness that falls under the provisions of the Equality Act, consideration should also be given to redeployment to higher graded jobs ([refer to Redeployment Policy & Procedure](#)). Where a post is identified as a possible redeployment opportunity HR People Services will discuss the suitability of the post for the employee with Occupational Health. **Prior to commencement on the Redeployment Register a dismissal process must have been concluded with regard to employment in the employee's substantive post.** This will ensure that an employee is clear that should they be unsuccessful in finding an alternative post whilst on the Redeployment Register, their employment with the Council will end at the end of the redeployment period.

7.31 Where an employee is not eligible for redeployment on medical grounds, the manager may contact HR People Services to discuss redeployment on other grounds as per paragraph 2.1c of the Redeployment Policy, which states: 'Employees need to be moved from one work environment to another either for service essential reasons or other exceptional circumstances'.

Option 4 - Possible Ill Health Retirement

- 7.32 Where an employee is declared unfit to resume duties in the long term, if they are a member of the Local Government Pension Scheme, they can request that their case is reviewed to see whether they would be eligible for ill health retirement. There are 3 tiers of ill health retirement and if an Occupational Health Physician, deems that the employee is permanently medically unfit, they will determine which tier of ill health retirement is applicable. Where an employee is in the Teachers' Pension Scheme the employee will need to apply for ill health retirement.
- 7.33 Where ill health retirement has not been requested and such an opinion is received, HR People Services and the manager must meet with the employee and inform them of the position. If the employee decides that they wish to retire, their request should be confirmed in writing, and the procedure outlined in paragraph 7.32 should be followed. However, if the employee wishes to be considered for alternative employment, then the Council's Redeployment Policy should be utilised to seek the type of suitable alternative employment where possible. Where necessary there should be a referral to Occupational Health to ascertain what work would be suitable.
- 7.34 If a search for alternative employment is unsuccessful and the employee still does not wish to retire but it is decided that dismissal is the only option, the correct dismissal procedure must be followed i.e. Absence Review Hearing (see Section 15 - Option 4 of Manager Guide). Employees found permanently unfit on medical grounds will be given a payment in lieu of notice.
- 7.35 Where ill health retirement has not been approved by an Occupation Health Physician, the employee will have a right of appeal. However, before an employee can invoke the appeal process they must have been given notice of termination in accordance with the Pension Regulations. If the employee is successful at appeal, their pension will be backdated to the date of dismissal.

Option 5 – Unfit to Return to Work for the Foreseeable Future

- 7.36 The Council cannot keep jobs open indefinitely and if appropriate, the manager, in consultation with HR People Services, will initiate proceedings to consider dismissal on the grounds of long-term ill health. Before proceeding, given the sensitivity of the situation, to ensure all other options have been fully considered, the manager will review the case with advice from HR People Services.
- 7.37 The dismissal of an employee on the grounds of long-term ill-health should be a last resort only after all other options have been fully considered and discussed with the employee, and after all possible adjustments have been made to support the employee's continuing employment.
- 7.38 Prior to dismissal, the Council should seek to redeploy and offer suitable alternative employment where available. This will be important where the cause of the employee's absence is disability related. Under the Equality Act this could mean either making significant alterations to a disabled person's original job to prevent "substantial disadvantage" or redeployment to a more suitable position.

- 7.39 Dismissal on the grounds of long term but not permanent ill health is distressing for both employer and employee. However, the Council has a duty to efficiently maintain its services and cannot therefore sustain indefinite long-term absences.
- 7.40 To contemplate dismissal, the manager with support from HR People Services must have provided the employee with previous specific cautions that their employment is at risk. The first such caution, where appropriate, should take place after the Occupational Health Service referral and report.
- 7.41 The employee will be invited to a formal absence review meeting which will take the form of a hearing and be conducted by a manager in accordance with the Authority Levels in Appendix 1 with a member of HR People Services present. (Refer to Manager Guide - Option 5).

SECTION 8 – SICKNESS APPEAL PROCEDURE

- 8.1 Employees have the right of appeal against any action taken under the stages of the sickness absence procedure, either short-term or long-term. Appeals must be made within **7 calendar days** from receipt of the stage being issued. The grounds and reasons for appeal need to be identified as either:
- a) **A PROCEDURAL FLAW** clearly indicating what the flaw was and how the policy was not correctly followed / applied; and / or
 - b) The **STAGE ISSUED** was inappropriate, providing written reasons for this, and/or
 - c) **NEW EVIDENCE** has come to light either since, or not considered at the reviewing meeting, which could have a bearing on the original stage issued, providing written reasons how this could have a bearing on the case.
- 8.2 Appeals against a Stage 1 or Stage 2 will take the form of a review hearing by the next level of management with a member of HR People Services present. Appeals against dismissal will take the form of a complete rehearing and must be chaired in accordance with the authority levels (see Appendix 1 in the policy and refer to the Manager Guide).
- 8.3 The line manager must arrange the appeal hearing (i.e. date/ time/ venue) within **7 calendar days** of receipt of the appeal. Any delays to this should be notified to the employee and their companion (where applicable). If the employee or their companion is unable to attend on the proposed date, they can propose an alternative date/time providing that it is reasonable and is no more than **7 calendar days** after the date originally proposed for the hearing.
- 8.4 The decision of the Chair of the Appeal will be final and there are no further appeal rights within the Council.

SECTION 9 – RELATED DOCUMENTS

- [DigiGov How to Guide - Sickness Absence](#)
- [Alcohol and Drug Misuse Policy](#)
- [Carers Policy](#)
- [Flexible Working Policy](#)
- [Health and Wellbeing Directory](#)
- [Menopause in the Workplace](#)
- [Mental Health Policy](#)
- [Redeployment Policy](#)
- [Stress Management Policy](#)
- [Violence Against Women and Domestic Abuse Policy](#)

APPENDIX 1 – AUTHORITY LEVELS

Formal Stages for sickness will be carried out by the next level of management. Where this is not practicable, formal stages may be carried out by a manager of an equivalent grade to the manager who carried out the informal stage.

GRADE OF EMPLOYEE	INFORMAL SUPPORT STAGE	FORMAL STAGE 1 & STAGE 2	APPEAL AGAINST FORMAL STAGE 1 & STAGE 2	FORMAL STAGE 3 / ABSENCE REVIEW MEETING*	APPEAL AGAINST FORMAL STAGE 3 / ABSENCE REVIEW MEETING *
All employees up to and including Grade 10	Line Manager	Next level of management	Next level of management	Next level of management	Director / Assistant Director / Chief Officer
Operational Manager	Line Manager	Next level of management	Next level of management	Director / Assistant Director / Chief Officer	Corporate Director
Director/Assistant Director/ Chief Officer	Line Manager	Next level of management	Next level of management	Chief Executive	Panel of Elected Members
Corporate Director	Line Manager	Next level of management	Next level of management	Panel of Elected Members	Panel of Elected Members
Chief Executive	Elected Member	Elected Member	Elected Member	Panel of Elected Members**	Panel of Elected Members**

*Stage 3 / Absence Review Meetings/Appeals must be chaired by a manager who has not had any direct involvement in the circumstances giving rise to the convened hearing.

** Where Elected Members are involved the Monitoring Officer, in consultation with the Chief HR Services Officer, will organise a meeting of a panel of elected members appointed to consider potential termination of employment at the earliest opportunity. The Panel will contain no more than 5 and not less than 3 Members.

APPENDIX 2 – RETURN TO WORK INTERVIEW RECORD

EMPLOYEE DETAILS

Name:	Employee Number	Directorate/ School:
Post Title:		

ABSENCE DETAILS

Absence start date: _____ Absence end date: _____.			
<p>N.B The Absence End Date is the last day that the employee is sick before they are required to return to duty. For part time / job share employees e.g. working Monday / Tuesday who report sick Monday and return on the following Monday the end date of absence will be the previous Tuesday. Absences of one day will start and end on the same date.</p>			
Reason for Absence:			
Further details :			
Pregnancy Related Absence:	YES / NO No	Equality Act Absence	YES / NO No
Equality Act Condition confirmed by Occupational Health?	YES / NO No	Date report received from Occupational Health	Date: No
Assault outside Work	YES / NO No	Road Traffic Accident (See note * below)	YES / NO No
Other Accident	YES / NO No	Absence as a result of active participation in professional sport	YES / NO No
<p>NOTE Where accidents involved 3rd Parties, and a claim is being made, please advise on the need to recover loss of earnings as part of the claim and request a 3rd Party Undertaking form is completed. (Please see section 3.33 of the Attendance and Wellbeing Policy and provide the Accident/Third Party undertaking form to the employee for signature (4.C.292))</p>			
Date 3 rd Party Undertaking Form received Date: _____			
Potential Work Related Ill Health	YES / NO No	If yes, please state date HR People Services were requested to refer the employee to the Occupational Health Service	Date:
*Work Related Accident:	YES / NO No	*Violent Incident	YES / NO No
*If yes, please confirm that the Incident has been investigated			YES / NO No

Please give date the incident was recorded on DigiGOV using the 'Health & Safety – Record Incident' application Date_____

Details of recent sickness absences for trigger purposes are as follows:

Amount of Absence	Date Absence Commenced	End Date of Absence	Working Days Lost	Reason
1				
2				

RETURN TO WORK INTERVIEW CHECKLIST - To be completed by Manager

During the return to work interview the manager should discuss, as **appropriate to the circumstances**, the areas below. The interview should be held no later than 3 days after the return to work. Please include any comments or agreed actions (continue on another page if necessary).

The following points should be discussed as part of the Return to Work meeting:

1. Enquire on the wellbeing of the employee and ascertain whether the employee has made a full recovery.

2. Enquire whether there are any work related problems which are connected to the absence.

3. Enquire as to whether the employee's health is affecting their ability to carry out job.

4. Enquire whether the absence is due to a pregnancy related condition?

5. Enquire whether this absence is due Work Related Accident? <i>If the absence is a Work Related Accident involving 3rd party such as a vehicle accident then they need to ensure that the employee makes attempts to reclaim any sick pay and that the absence will be discounted on receipt of full refund of sick pay.</i>
6. Consider whether the employee's illness could be regarded as a disability under the Equality Act 2010 following consultation with Occupational Health.
7. Consider whether a referral to the Occupational Health Service is appropriate at this time.
8. Discuss whether any adjustments are required to enable the employee to carry out the duties of the post.
9. Advise the employee of the help available e.g. through the following: CareFirst Employee Assistance programme, Employee Counselling Service, Stress Management Policy, Carers Policy, Critical Illness Policy, Teacher Support Line Cymru.
10. Advise of the possibility of the employee hitting an absence trigger.
11. Remind the employee of the need for good attendance in order to maintain service provision, and the financial effect that absence has on the Directorate.
12. Advise on work related issues / developments during absence.

Please tick appropriate box if any other supporting information has been provided:

Attendance & Wellbeing Policy

☐

Care First/Employee Counselling Service

☐

Agreed Actions:

SICKNESS REPORTING RECORD

Has the employee fully complied with the Attendance and Wellbeing policy/local reporting arrangements?

Yes / No No

1. If absence continues beyond the 7th day, a Statement for Fitness for Work Certificate is required
2. If work related sickness is as a result of an accident and is likely to be more than 7 days this must be reported to the HSE under RIDDOR.

DATA PROTECTION

Any data supplied by you on this form will be processed in accordance with Data Protection Act requirements and in supplying it you consent to the Council processing the data for the purpose for which it is supplied. All personal information provided will be treated in the strictest confidence and will only be used by the Council or disclosed to others for a purpose permitted by law.

MANAGER'S DECLARATION

I certify that I have today discussed this absence with the above employee in accordance with the Council's Attendance and Wellbeing Policy and Guidance, and have recorded the details above and overleaf.

Signed: _____ Date: _____

Print Name: _____ Contact No: _____

EMPLOYEE'S DECLARATION

I agree the information recorded on this form to be correct and have read the data protection statement. I have not engaged in any work whatsoever during the period of absence for which I am claiming sickness allowance and agree to notify any changes in circumstances to my manager.

Signed: _____ Date: _____

The employee should be provided with a copy of this form

APPENDIX 3 – ADJUSTMENT PASSPORT

Adjustment Passport - (Refer to Employee or Manager Guide)

An 'adjustment passport' is a live record of adjustments agreed between a disabled employee and their manager to support them at work because of a health condition, impairment or disability.

The purpose of the adjustment passport agreement is to

- Ensure that both parties are clear and have an accurate record of what adjustments have been agreed.
- Minimise the need to re-negotiate adjustments every time the employee change jobs, is relocated or assigned a new manager within the Council.
- Provide employees and their line managers with the basis for future conversations about adjustments.

ADJUSTMENT PASSPORT

Employee's Name:			
Job Title:			
Team and Location:			
Manager's Name:			
Date Agreed:		Date Implemented:	

This is a live record of the adjustments agreed between [*employee's name*] and [*manager name*]. This agreement may be reviewed and amended as necessary with the agreement of both parties:

- At any regular one-to-one meeting.
- At a return to work interview following a period of sickness absence.
- At six monthly and/or annual performance reviews.
- 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

Employee

My disability has the following impact on me at work:
The following adjustments have been agreed between me and my manager:

Has any additional advice been given or requested? If so from whom and what date was it required/provided? (please attached supporting evidence to the back of this document)
<u>Review Date:</u>

Wellness at work – employees who have fluctuating mental or physical disabilities

On a ‘good day’ my disability has the following impact on me at work:
When things are ‘breaking down’, the following symptoms are indications that I may not be well enough to be at work:

Emergency Contacts

If I am not well or there are concerns about my wellbeing, I am happy for my manager to contact any of the following emergency contacts in the order of preference indicated below.

Please add, amend or delete types of contacts as appropriate

Relative (preference no.)	Specialist/support worker /GP (preference no.)
Name: Relation to me: Telephone: Mobile:	Name: Relationship to me: Telephone: Mobile:
Friend (preference no.)	Other - please specify (preference no.)
Name: Telephone: Mobile:	Name: Relationship to me: Telephone: Mobile:

I agree that I will let you know if there are changes to my situation or condition, which have an effect on my wellbeing at work, and/or if the agreed adjustments are not working. We will then meet privately to discuss any further adjustments or changes that should be made.

If you notice a change in my performance, are concerned about my wellbeing at work or feel these adjustments are not working, I would be happy to meet you privately to discuss what needs to be done.

I consent for a copy of my adjustment passport be saved in my DigiGov file. I agree to hold an up to date copy of the passport and provide it as and when requested to by my manager. I also agree that a copy of this form may be given to a new or prospective manager, but that it is my responsibility to ensure that any new manager, or anyone I think would need to know about the adjustments is informed about the adjustment passport by me.

Employee signature:

Date:

Manager signature:

Date: