

Absence Management Policy

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1. Introduction

This policy has been put in place to assist Managers in managing sickness absence within the general terms and conditions set out in the Red and Green Book. Nothing in this policy overrides the terms and conditions set out in either Book.

The Council considers the health, safety and well being of its employees to be of the highest importance. Our employees are our most valuable resource in providing high quality services to the public, and as such it is vital that employee's attendance at work is managed.

There will be times when employees are absent due to sickness and the Council will respond sympathetically to cases of illness. However, through careful monitoring of absences the Council will ensure that working days lost due to sickness are monitored and managed.

2. Objectives

It is the Council's Policy to:

- Manage employee sickness absence effectively, in a fair, supportive and consistent manner, and to comply with current legislation.
- Treat employees who are suffering with ill health, injury or disability with dignity and respect at all times.
- Promote employee health, safety and wellbeing and seek to prevent occupational injury and/or absence.
- Take appropriate action to reduce sickness absence levels and create a culture of good attendance, based on encouraging and helping employees.
- Ensure employees are aware of their responsibilities in regard to attendance at work and the effects and consequences of poor attendance.
- Assist Managers in managing sickness absence and return to work plans.
- Access professional occupational health support and counselling and/or other medical intervention where necessary.
- Make reasonable adjustments where the need arises for employees with regard to their working arrangements or working conditions so they can continue to work.
- Keep in contact with absent employees.
- Record measure and monitor sickness, using the ITrent System.

3. Scope of this Policy

This policy applies to all employees of the Council. It is intended to provide a fair and consistent framework of good practice which will help Managers to deal with issues related to absences at work and encourage attendance by looking at solutions to underlying problems. Managers are encouraged to look at the cause and effect of the absence.

It must be understood however that this policy is not meant to be a rigid procedure to be followed in every circumstance, nor is it envisaged that all

stages of the procedure will be followed. In some cases it may be appropriate to specify different improvement targets (for short term triggers) and/or omit certain stages all together where it is identified at an early stage that the employee will be unable to return to their role, and/or where a serious medical condition will result in a prolonged period of absence which could seriously detrimental impact on the service.

Managers should be aware that Return to work interviews must take place after every absence.

It is important to take account of the facts surrounding each individual case in deciding appropriate action and if Managers are in any doubt they should consult HR for advice and support.

Health or any other physical or mental issues which are leading to attendance problems should be dealt with under this Managing Sickness Absence Policy.

Health or any other physical or mental issues which are leading to performance problems should be dealt with under the Employee Capability Policy.

Industrial injury

The exception to this policy is where an employee suffers an accident or assault at work or develops an industrial disease. In such cases, the accident, assault or disease stands alone from the normal 12 month rolling total and the normal service related eligibilities apply.

4. Roles and Responsibilities

4.1 CMT:

- A member of CMT will attend Sickness Performance Clinic sessions to review specific cases of sickness absence to ensure that this policy is being adhered to.

4.2 Directors, Assistant Directors and Service Managers:

- Ensure that sufficient resources are available to implement this policy;
- Review/monitor and scrutinise the sickness absence data and ensure action necessary to reduce sickness is implemented;
- Ensure that service based processes and arrangements support the implementation of this policy within their area of responsibility;
- Managers must attend mandatory training on this policy;
- Undertake sickness related appeal meetings;
- Recognise those employees where 100% attendance has been achieved.

4.3 Managers:

The term “Manager” is a generic term used throughout this policy to include all those who have direct line responsibility for staff, such as Service Managers and Team Leaders.

It is a core responsibility of all Managers to be aware of sickness absence levels in their teams and the causes of sickness absence in relation to employees they manage. Managers are responsible for addressing individual cases of sickness absence, investigating and providing support as appropriate.

Managers should:

- Manage sickness absence in accordance with this Policy;
- Attend mandatory training on this and any other HR Policy;
- Making sure that significant risks are controlled in accordance with Health and Safety at Work so as to prevent/reduce cases of work-related injury and ill health absence;
- Make known to all employees to whom they should report absence if the direct line manager is not available ;
- Maintain regular and appropriate contact with employees who are absent from work due to sickness and if appropriate give them the opportunity to keep in touch with their team, if they wish;
- Follow the standard process for recording sickness absence details and certification in a timely manner and take remedial action if these procedures are not followed;
- Conduct routine return to work discussions ;
- Manage absences by considering appropriate action to be taken when sickness indicators are reached and undertaking sickness absence review meetings to facilitate and implement return-to-work plans as appropriate;
- Liaise with HR to make referrals to the Occupational Health Service, when required;
- Be familiar with, and comply with, the procedures to manage sickness absence and attend related training events as appropriate.

4.4 Employee Responsibilities

Employees of the Council have a responsibility to:

- Attend work unless unfit to do so;
- Comply with sickness absence notification and certification procedures;
- Participate in return to work discussions and sickness absence review meetings as required;
- Co-operate with attempts to assess fitness for work, including attending referral meetings to the Occupational Health Service as required;
- Provide HR/Occupational Health access to GP and/or other medical records where considered necessary;
- Receive and follow medical advice and treatment where appropriate in order to facilitate a return to work;
- Not engage in any activity which may delay recovery;

- Maintain regular contact with their Manager when absent.

In exceptional circumstances a failure to comply with the above may lead to sick pay being suspended or withheld and formal disciplinary action being taken.

4.5 Trade Unions:

The Council welcomes the support provided by Trade Unions to their members.

Trade Unions will:

- Understand the importance of the sickness policy and procedures, how they are applied and the benefits of advising members;
- Support and advise union members at their request by attending meetings.

4.6 HR :

- To advise on the application of the policy and procedures;
- To review and maintain the policy, ensuring it complies with legal requirements and is fit for purpose;
- To advise and support Managers and employees affected by the application of this policy;
- To provide adequate training to Managers ;
- To undertake corporate monitoring as set out below.

5. Monitoring

Effective monitoring of attendance at work requires a joint approach recognising and clearly defining the responsibilities for monitoring attendance at work at the corporate, directorate and individual manager level. Such an approach however, should be underpinned by the understanding that it is the Manager who is best placed to undertake the important monitoring role.

5.1 Corporate Monitoring

HR will prepare a report on a weekly basis detailing the level of long term sickness absence of each directorate, and a member of the HR team will contact the manager to discuss appropriate action.

HR will benchmark how well the Council is performing with absence rates as compared to other Councils/Organisations within the district and identify best practice to highlight areas for improvement.

Managers will be expected to monitor an employee's sickness record and identify when an absence trigger has been reached.

Admin. Officers will provide Managers with an additional notification when a short-term absence trigger is reached to ensure that the relevant documentation is completed.

CMT will attend Sickness Performance Clinic sessions to review specific cases of sickness absence to ensure that this policy is being adhered to.

5.2 Directorate Monitoring

The Directorate Administrator should also monitor and make regular checks that the appropriate action e.g. return to work interviews and completion of appropriate documentation are being carried out by the Manager.

6. Employee Notification of Absence Procedure

6.1 Absence day 1 to day 7

Employees who are prevented from attending work due to ill health must contact their Manager as soon as possible on the first day of absence. The Manager must notify their Admin Officer so that a record is created on Itrent.

Notification should be made by the employee directly, by telephone, to their Line Manager before the employees scheduled start time. There may be some very exceptional circumstances where an employee cannot report the absence.

On these very rare occasions someone may report the absence on their behalf and the employee should then phone their Manager at the first available opportunity. The Manager will then notify the Admin Officer of the absence so that a record is created on ITrent.

Green Book Apprentices should telephone the Work Based Learning Team Leader before their scheduled start time to report their absence. The Work Based Learning Team Leader will notify the placement as soon as possible and then create a record on ITrent.

Red Book Apprentices should telephone their assigned Team Leader before 8:30 to report their absence. The Team Leader will then notify the Admin Officer of the absence so that a record is created on ITrent.

Notification of sickness should include the reason for absence, and when the employee first became unfit for work, (including rest days, Saturdays, Sundays, during annual leave and Public Holidays). If possible, an indication should be given of how long the employee anticipates they may be absent.

The employee must maintain daily contact with their Manager for the first seven days, unless a longer period is agreed with the Manager, to advise on progress of their condition. The employee should also notify the Manager of any work commitments which may need reorganising, rearranging or cancelling.

What level of contact is required is a matter of discretion for the Manager, taking into account the employee's views. Managers should consider the need to keep up to date with the employee's condition and to ensure they do not feel isolated versus an employee feeling badgered to contact the Manager on a regular basis

6.2 Absence day eight

The Manager must receive a medical certificate from a Doctor, note the contents and pass it to the designated administrator for recording on I-Trent. The administrator will then scan the certificate onto I-Trent and return the original to the employee. Employees should also telephone their Manager and give an update on their continued absence.

If at anytime the Manager is unavailable then a message should be left for the Manager to return the call or the employee must speak to the nominated substitute.

Employees should also ensure that subsequent medical certificates are submitted to cover the total period of absence. Managers should ensure that regular contact with the employee is maintained throughout the absence period.

7. Sickness during pre-booked Annual Leave

The Green and Red Book (National Agreed Terms and Conditions) states:

'An employee who falls sick during the course of annual leave shall be regarded as being on sick leave from the date of a Doctor's statement'

Therefore where an employee wishes to reclaim a proportion of their annual leave entitlement due to them being sick prior to or while on annual leave, the employee will be required to comply with the sickness reporting procedures and provide a medical certificate to cover them for the days which they wish to reclaim.

A failure to comply with these procedures will result in the employee being unable to reclaim the time as annual leave.

If the employee became fit for work whilst still on leave, they should confirm the date on which they would have been fit to work on their return from leave.

8. Medical Suspension

The Council retains the right to medically suspend an employee on full pay if it believes their health and wellbeing may be detrimentally affected by their attendance at work.

The period of suspension will be to give the Council time to obtain medical advice as to the employee's condition, fitness for work and reasonable adjustments that should be considered prior to the return of an employee and to implement any such adjustments.

Medical suspension is a not a disciplinary sanction and is in place for the protection of the Council and its employees.

Medical Suspension cannot be implemented without the permission of a Director or Assistant Director and HR Manager or, in the HR Manager's absence, an HR Associate.

9. Disability / Pregnancy Related Absences

The Council is aware of its duties under the Equality Act and issues relating to attendance and disability will take into account the Council's commitment to retaining staff through making reasonable adjustments to jobs, equipment and processes and accessing medical advice through occupational health and/or other relevant medical experts. To ensure that an employee with a disability is protected it may be necessary to undertake a risk assessment, including completion of a Personal Evacuation Plan.

Although disability related absences will count towards the employee's sickness absence record, where appropriate the council will look to implement reasonable adjustments to aid the employee's attendance at work.

Managers should refer to HR for advice and guidance on the complex issues around sickness and disability.

Pregnancy related absences must not result in any formal attendance management action being taken.

10. Phased Return Programme

The purpose of a phased return programme is to rehabilitate the employee to their full duties and/or to enable the employee to gradually progress to undertake their full normal working hours and duties.

The Council is committed to providing a safe and healthy working environment for its employees. It recognises that employees who have experienced a prolonged period of absence from work due to illness or injury may require a phased return plan to support them in returning to work.

A phased return programme may consist of the following adjustments being implemented:

- Reduced hours
- Amended duties
- Workplace adaptations
- Alternative duties

A phased return programme can be used in the following circumstances:

- To assist an employee's rehabilitation and return to work following an absence.
- To assist an employee in remaining at work and subsequently avoiding a sickness absence.

The Council recognises that the circumstances of each phased return programme will differ and will deal with arrangements in a sensitive and flexible manner, however when considering a phased return programme the manager must seek advice from either OH/a medical expert or a member of the HR team before agreeing to a programme. In addition all phased return programmes must be reasonable (taking into account the needs of the service), and in the event that the adjustments needed would result in a programme being deemed unreasonable the employee will be considered as unfit for work and will be required to cover their absences via a GP fit note where that absence is likely to exceed one calendar week.

All phased return programmes will be time-limited and will normally not exceed a period of four weeks. In exceptional circumstances with a recommendation from OH/a medical expert, a Chief Officer may extend this programme at the request of a Manager. The Manager must submit to the Assistant Director written information advising as to what continued adjustments are required, for how long those adjustments will be required and why it is believed the adjustments will assist the employee to return within a reasonable period of time to full time hours and duties.

During the first four weeks of a phased return programme the employee will receive their full pay entitlement. If the phased return programme is extended beyond the four weeks the Chief Officer will have the discretion on whether this will be at full pay or whether the employee will only be paid for the hours which they work. In these circumstances the manager will be required to complete an employee change form to temporarily reduce the employee's hours of work.

During the period of a phased return programme, the employee's line manager must regularly meet with the employee to discuss their progress and to identify any problems/issues.

11. Absence Trigger Points

11.1 Short Term Absence / Trigger point

The trigger point for short term absence is where an employee has:

3 spells of absence in a rolling 6 month period

In order to monitor short-term sickness absence it is essential that accurate records are kept and reviewed regularly to ensure that all cases are considered. Concern may be caused by such factors as the number of occasions, the pattern or the total number of days.

Where intermittent absenteeism due to ill-health is involved, the emphasis is on undertaking a fair review of the level of absence and the reasons for it.

On each occasion when an employee returns from sickness he/she will be seen by their line manager informally on a one to one basis. This meeting should ideally take place at the start of the day the employee returns to work

and should not be delegated to the nominated officer/another officer except in exceptional circumstances. The purpose of the meeting is to:

- see the employee on his/her return to work to show a genuine interest in their wellbeing and to ask how they are;
- check that they are feeling sufficiently fit to carry out their duties;
- explain what actions/events have taken place in their absence which have had an impact on their work/workload to “bring them up to speed”;
- offer assistance if required. In particular, managers should promote the take up of Carer Leave or other authorised time off facilities by staff whose absence may be linked to personal/domestic problems;
- If there is any suggestion of a work related absence, the causes of this must be discussed and solutions sought.

These discussions will be recorded in writing. A copy of the outcome of the discussion will be given to the employee.

Where the manager is becoming concerned about the level or pattern of absence or has concerns about the health/welfare of an employee, he/she should advise the employee of this concern and discuss ways to improve the situation, which may include encouragement to seek medical attention either through their own GP or the Council’s Occupational Health Service. Similarly if there is an underlying work problem the manager should encourage the employee to discuss his/her concerns so that they can be addressed.

Frequent spells of short term sickness absence can quickly result in an employee building a poor attendance record. Managers should monitor this type of absence and to assist in this process the manager will receive formal notification from their admin. officer in the form of a sickness absence report showing cause of absence, start and finish dates where an employee hits the trigger point

Where an employee has returned to work after a period of sickness absence and it becomes apparent within the next 3 calendar days that they are still unfit to be at work the manager can link the sickness absences together when considering sickness absence trigger points as long as both sickness absences are related to each other.

In every case where the manager identifies or receives notification that an employee has hit the trigger point, the Absence Review procedure as set out below in section 12 must be followed.

11.2 Sporadic Absence / Trigger points

The Sporadic sickness absence trigger point is where an employees has lost **ten or more working days in a rolling year period (in 2 or more separate absences).**

In some instances sporadic sickness absences can be a cause for concern and these sickness absences should be tackled at an early stage to ensure there is no underlying issue which could be affecting the employee’s attendance.

Where the manager identifies or receives notification from HR that an employee has hit the trigger point, the Absence Review procedure as set out below in section 12 must be followed.

12. Short Term/ Sporadic Absence Reviews

These reviews should be carried out separate to return to work interviews.

12.1 Counselling and Support Interview

Regardless of the nature, length or features of any absence, a Counselling and Support Interview must be conducted by the line manager with every employee who hits short term/ sporadic trigger point. Apart from the role a Counselling and Support Interview plays in managing absence, they are an essential part of employee management. The nature of the absence interview will vary depending on the length of the absences, the nature or cause of the absences, the likelihood of any further absences (for further treatment for example), and the employee's previous absence record.

In conducting the Counselling and Support interview, managers should have regard to the following general points:

- do not avoid the problem;
- keep alert to catch any absence problem early;
- do not conduct an Absence review without records of absence;
- arrange to use a private room where there will be no interruptions;
- welcome the employee and put them at their ease;
- ask how they are;
- go through their absence record with them;
- establish if there is any pattern to their spells of absence;
- ask if they are receiving any medical treatment;
- consider whether any medical condition may fall within the definition of a disability under the terms of the Equality Act;
- ask if there is anything wrong at work which is contributing to their absence record;
- ask what support they need;
- give them an opportunity to state anything else which they feel is of relevance;
- consider whether referral to the Council's Occupational Health Service may be appropriate at this stage;
- advise them that, should they exceed the trigger point again within the next 12 months, they may become subject to a Formal Absence Review Meeting, Stage 1 of this policy.

As this meeting is an informal absence interview, the employee is not entitled to be accompanied by a trade union or work colleague.

The Counselling and Support Interview should in all instances be formally recorded. A pro-forma is available for this purpose and there is a check-box on the Sickness Absence Report form for managers to confirm the interview

has taken place. The form should also include what steps are to be put in place to assist the employee to achieve a better standard of attendance. Reasonable targets should be set taking into account the employee's reasons for sickness and their sickness record. A copy of the completed Interview form must be sent to HR for monitoring purposes. A copy should also be given to the employee and be counter signed by the employee.

12.1.2 Improvement in sickness record in line with the action plan

If an employee meets the agreed actions and targets as set out in the agreed action plan developed at this stage, the Manager should acknowledge this with the employee, verbally and confirm that in writing ensuring the employee understands that their absence will continue to be monitored and that this improvement must be sustained for a 12 month period. That 12 month period will run as from the date of the initial Counselling and Support Interview meeting taking place. The employee should be informed that if during that 12 month period the absence level deteriorates then the Manager may recommence sickness monitoring procedures at Stage 1 of this policy, depending upon the level of absences and the reasons for such.

12.2 Stage 1 – Formal Short Term/ Sporadic Absence Review Meeting

If a Counselling and Support Interview has been held and there has been no improvement in line with the agreed action plan timescales, a Stage 1 formal absence review meeting should be held.

A Stage 1 meeting could result in a First Improvement Target being issued, depending upon level of absenteeism and/or failure to comply with this Sickness policy.

This formal meeting will be conducted by the employee's Manager. A representative from HR will also be in attendance as adviser and the employee will have the right to be accompanied to this meeting by either a trade union representative or work colleague.

The Manager must give at least 5 working days notice of the meeting, confirming to the employee, in writing, the following:

- The date, time and venue of the meeting;
- Details of the absence;
- Provide the employee with copies of all relevant documents, such as up to date sickness absence record, notes and any correspondence arising from any previous meetings held under this policy if applicable and notes from any back to work interviews and/or medical reports if appropriate;
- The purpose of the meeting and its possible consequences;
- His/her right to representation from either a trade union representative or work colleague;
- The procedural arrangements for the meeting;
- Provide a copy of this sickness policy;
- Confirmation that any requests to submit additional evidence by the employee must be made at least 48 hours prior to the meeting. Requests for later submissions will be entirely at the discretion of the manager.

12.2.1 Purpose of the meeting:

The purpose of the meeting is to consider and review:

- The employee's sickness record;
- The reasons why the employee has failed to meet the required levels of attendance;
- What action should be taken to assist the employee to improve his/her attendance;
- Whether a First Stage Improvement target should be given;
- Set targets for what level of attendance is required moving forward;
- Warn the employee of what action may be taken if he/she fails to reach or sustain any targets set

12.2.2 Medical Evidence

In cases of sporadic sickness absences, the Manager should consider whether an Occupational Health referral and/or other appropriate medical evidence should be obtained in order to assess whether or not there is any underlying medical reason for the absences.

In cases of long-term absence, medical evidence must be available prior to the meeting taking place. Medical evidence should be as up to date as possible. Unless there are exceptional circumstances, an up to date Occupational Health report should be obtained prior to any meeting taking place. The Occupational Health report should not be older than 3 months at the time a meeting takes place

Within five working days of the meeting taking place, the Manager must confirm to the employee, in writing, the outcome of the meeting. The employee should be informed that a failure to improve their attendance could ultimately lead to dismissal under this policy.

It is essential that an employee's progress is continually monitored. If the employee's record continues to worsen following any review meeting the manager should consider whether or not it is appropriate to move to Stage 2 of this Policy.

12.2.3 Improvement in sickness record in line with the action plan

If a formal absence review meeting has been held and there has been significant improvement in line with the agreed action and timescales, the Manager should acknowledge this with the

employee, verbally and confirmed in writing, ensuring the employee understands that their absence will continue to be closely monitored and that this improvement must be sustained for a 12 month period running from the date of the initial Stage 1 meeting. The employee should be informed that if during that 12 month period the absence level deteriorates then the Manager may begin sickness monitoring procedures at Stage 2 of this policy.

12.3 Stage 2 – Formal Short Term/ Sporadic Absence Review Meeting

If a formal meeting has been held under Stage 1 and there has been no improvement in line with the agreed action plan and timescales, a Stage 2 formal absence review meeting should be held.

The procedure for the meeting is as per the Stage 1 meeting.

12.3.1 Improvement in sickness record in line with the action plan

If a formal absence review meeting has been held and there has been significant improvement in line with the agreed action and timescales, the Manager should acknowledge this with the employee, verbally and confirmed in writing, ensuring the employee understands that their absence will continue to be closely monitored and that this improvement must be sustained for a 12 month period running from the date of the initial Stage 2 meeting. The employee should be informed that if during that 12 month period the absence level deteriorates then the Manager may begin sickness monitoring procedures at Stage 3 of this policy.

12.4 Stage 3 – Formal Short Term/ Sporadic Absence Review Meeting

A Stage 3 Formal Short Term/ Sporadic Absence Review Meeting will be held when:

- a formal meeting has been held under Stage 2 and there has been insufficient improvement in line with the agreed action and timescales;

A Stage 3 Meeting could lead to a dismissal and no employee will be dismissed from the Council on grounds of ill health without up to date medical evidence first being obtained to assess the employee's fitness for work or redeployment to another role and/or to assess the employee's eligibility for ill-health retirement.

HR must be notified regarding the need for a Stage 3 Meeting and any relevant medical evidence must be obtained prior to the Meeting. HR will appoint an Assistant Director or Director as presiding officer.

The Assistant Director/Director must give at least 10 working days notice of the Meeting, confirming to the employee, in writing, the following:

- The date, time and venue of the meeting;
- The reason for the meeting;
- That the meeting could result in dismissal on grounds of ill-health;
- Provide the employee with copies of all documents to be relied up on at the meeting;
- Copies of up to date medical evidence must be given to the employee;
- His/her right to representation from either a trade union representative or work colleague ;
- Provide a copy sickness absence policy;

- Confirmation that any requests to submit additional evidence by the employee must be made at least 48 hours prior to the meeting. Requests for later submissions will be entirely at the discretion of the Presiding Officer.

12.4.1 If it is established that an individual could return to their full duties, and/ or due to ill health they could return but with amended duties/ hours, the following measures will be considered:

- Reversion back to Stage 2 of this policy for further monitoring against an agreed action plan with timescales in addition to:
 - A return to full duties with regular monitoring and/or other recommendations
 - a return to duty on reduced hours and/or lighter duties for an agreed period (where this is feasible and where the employee agrees such);
 - redeployment within the department or elsewhere within the Council (where opportunities exist at the time of the meeting and where the employee agrees such);

12.4.2 If it is established that an individual is unable to fulfil the terms of their contract of employment because of ill health, the following measures will be considered:

- early access to pension on the grounds of ill health;
- termination of employment (if early access to pension or redeployment is not available).

12.4.3 Improvement of attendance following a Stage 3 meeting

If a formal absence meeting has been held and the targets have been reached in line with the agreed action and timescales, the Manager should acknowledge this with the employee, verbally and confirmed in writing, ensuring that the employee understands that their absence will continue to be closely monitored and that this improvement must be sustained over a 12 month period as from the date of the Stage 3 meeting. The employee should be notified that a failure to improve to a satisfactory standard will result in Stage 3 of the procedure being re-invoked, which could result in dismissal.

13. Long-Term Absence

Long-term absence reviews differ from those for short term absence.

Long term sickness absences is any period lasting 15 days or more (3 working weeks).

It is important that when carrying out long term review meetings each case should be reviewed on a case by case basis. In addition Managers must maintain regular and appropriate contact with employees who are absent from work due to sickness and if appropriate give them the opportunity to keep in touch with their team if they wish to.

Long-Term - Counselling and Support Interview

If an employee's absence has reached 15 days, the manager will arrange an informal long term absence review meeting as soon as possible.

The purpose of the meeting is to discuss and review:

- A. The employee's current absence , and any health update from the employee
- B. Whether an occupational health report is necessary (as a general rule any absence lasting longer than 3 months should be referred to OH)
- C. The anticipated period of the absence / projected return to work date (if possible)
- D. Any adjustments which could facilitate the employees return to work;
- E. What action could be taken to assist the employee to improve his/her attendance (ie Support, Counselling, Physio etc)

Depending on the employees' health prognosis, it may be possible to discuss and agree a return to work plan. If however the employee remains unfit to work regular contact between the employee and managers should be maintained throughout the absence.

Long-Term – Stage 1 Formal Absence Review Meeting

After 6 weeks of absence the employees manager will have the option to move to a stage 1 long term formal review meeting, and a further discussion will take place regarding their fitness to work, possible return, and ways the Council can support the employee (further exploring points A-E as outlined above)

Long-Term – Stage 2 Formal Absence Review Meeting

After 3 months absence the employees manager will have the option to move to a stage 2 long term formal review meeting, and a further discussion will take place regarding their fitness to work, possible return, and ways the Council can support the employee (further exploring points A-E as outlined above)

Consideration of the impact of the employee's absence on the service will be considered and whether the absence can be sustained.

A possible outcome of a Stage 2 long term absence meeting is that the employee will be invited to a Stage 3 long term absence meeting.

Long-Term – Stage 3 Formal Absence Review Meeting

A Long term Stage 3 Formal Absence Review Meeting will be held in the event that following a long term sickness absence, medical advice is that there is doubt about the potential for the employee to return to work within a reasonable time period.

The stage 3 meeting will be the last opportunity to consider the likely length of your ongoing absence and whether or not any steps can be taken to assist the employee in returning to work (such as a phased return, amended job duties, altered hours of work, workplace adaptations or temporary or permanent redeployment).

HR must be notified regarding the need for a Stage 3 Meeting and any relevant medical evidence must be obtained prior to the Meeting. HR will appoint an Assistant Director or Director as presiding officer.

The Assistant Director/Director must give at least 10 working days notice of the Meeting, confirming to the employee, in writing, the following:

- The date, time and venue of the Meeting;
- The reason for the Meeting;
- That the Meeting could result in dismissal on grounds of ill-health;
- Provide the employee with copies of all documents to be relied upon at the Meeting;
- Copies of up to date medical evidence must be given to the employee;
- His/her right to representation from either a trade union representative or work colleague ;
- Provide a copy sickness absence policy;
- Confirmation that any requests to submit additional evidence by the employee must be made at least 48 hours prior to the Meeting. Requests for later submissions will be entirely at the discretion of the Presiding Officer.

If it is established that an individual is unable to fulfil the terms of their contract of employment because of ill health, the following measures will be considered:

- early access to pension on the grounds of ill health;
- Dismissal / termination of employment (if early access to pension or redeployment is not available).

No employee will be dismissed from the Council on grounds of ill health without up to date medical evidence first being obtained to assess the employee's fitness for work or redeployment to another role and/or to assess the employee's eligibility for ill-health retirement.

III-Health Retirement

An employee who has completed at least 2 year's membership of the Local Government Pensions Scheme (or has brought a transfer value in the Local Government Pension Scheme) may be eligible for ill health retirement.

In accordance with the Council's Pension Policy Statement, the Council will investigate whether the reasons for retirement is on ill health grounds as laid out in the LGPS regulations and obtain a certified opinion from a registered independent medical practitioner. The decision as to which if any award will be

made will be made by the Chief Executive and Town Clerk or Director of Resources.

14. Appeal Procedure

An employee who wishes to appeal against a decision to dismiss should inform the HR Manager, in writing, within five working days of the date of the letter notifying them of the sanction. The employee must state in the letter the reason for the appeal.

The HR Manager will arrange for the appeal to be heard and this will normally take place within 28 days of the date of receipt of the reasons for the appeal.

Appeals against a dismissal will be heard by a Members Appeal's Panel. A representative from Legal or HR will be present to support the Appeal's Panel.

The Appeal Panel may overturn the decision but do not have the authority to re-instate. This decision will rest with the Director who will have the option to:

- Re-instate; or,
- Re-engage in an alternative capacity.

In making this decision the Director should take into consideration the likelihood of industrial strife and any distrust between parties which may make re-integration into the workforce impossible. Where this is believed to be the case the matter must be referred to HR or Legal to determine a way forward.

15. Sick Pay

The Council applies the sickness pay scheme contained in the National Agreement on Pay and Conditions of Service (Green and Red Book).

15.1 Notification of Sick Pay Entitlement

The Payroll Section will advise employees in writing of the dates entitlements will expire.

15.2 With-holding Sick Pay

The Council will not unreasonably refuse sick pay and before any decision is made to refuse such, the Manager must investigate the facts and take advice from HR. Sick Pay will not be withheld without the Manager investigating directly with the employee their reasons for any alleged breach. The Council may however refuse to pay Green or Red Book sick pay entitlement in the following circumstances:

- Where the employee fails to comply with the reporting in procedure;
- Where the employee unreasonably refuses to allow the Council access to medical records;
- Where sickness is due to, or attributable to, deliberate conduct by the employee prejudicial to recovery;
- Where sickness is due to the misconduct or neglect by the employee;

- Where the injury was incurred whilst working in the employee's own time and on their own account for private gain or where working for another employer.

Employees may request consideration from their Director for their full or half pay entitlement to be extended in accordance with the Council's Discretionary Sick Pay Policy (appendix 1).

16. Annual Leave Entitlement

If an employee is unable to take annual leave as a result of sickness absence either:

- Because they have been away from work on sick leave, or
- Because on return to work it was not possible to authorise the employee to take all their leave.

The employees will accrue holiday entitlement at 5.6 weeks in accordance with the working time regulations, less any leave already that the employee has taken during their leave year.

Entitlement can be carried on to the next year with the agreement of their line manager in conjunction with advice from HR. Managers should not unreasonably refuse employees the opportunity to reschedule their leave or carry over the balance of such.

17. Confidentiality

Managers will need to maintain confidentiality in relation to employee's and their reasons for sickness absence. Reasons for sickness absence should not be discussed with other employees unless there is a specific need for that employee to be made aware of such, e.g. a Team Leader who may need to make reasonable adjustments for the employee upon their return to work.

All documents in relation to an employee's sickness absence should not be left out in the open for other employees to see but must be maintained in a safe and confidential location.

18. Policy Review

The content of this Policy and associated document, and its effectiveness will be subject to a review every 3 years or earlier if required.

**Human Resources
June 2017**

Approving Body & Date
2018

Discretionary Extension of Sick Pay (Appendix 1)

1. Introduction

The National Agreements on Pay and Conditions of Service for both Single Status and Craft Employees include a provision for Authorities to exercise discretion to extend the period of sick pay in exceptional circumstances.

2. Sick Pay Entitlement

Employees are entitled to receive sick pay when unable to work through illness, starting from one month's full pay in the first four months of service and rising to six months' full pay and six months' half pay after 5 years of service. Sick pay is paid on a rolling 12 month basis, i.e. any absence in the previous 12 months is deducted from the entitlement.

There is a separate entitlement for payments if the absence is the result of industrial disease, accident or assault arising out of work.

3 Discretion

3.1 Chief Officers will have discretion to grant extensions of sick pay in the following circumstances:

a) There will be no extension of full pay where an employee has received the full 6 month entitlement at full pay.

b) There is a presumption that there will be no extension where an employee has received 6 months at half pay unless:

- there is an agreed date of return and return to work programme in place at the time that the request is considered
- they are on a waiting list for or undergoing hospital treatment, which in the opinion of the Council's Medical Adviser, will result in a definite return to work within a reasonable timescale
- the employee has submitted and is awaiting a decision on an application for access to their pension on the grounds of ill health
- the employee is in the final stages of a terminal illness and it is agreed with the employee that an extension would be in his/her best interests financially.

The extension in this case will be up to a maximum of three months at half pay which could be decided on a month by month basis, or the actual end of the sick leave period, i.e. the employee returns to work or their employment with the Authority ends.

c) Employees whose entitlement to full pay is less than 6 months, either because they have insufficient service or because they have had previous occurrences of sickness absence in the previous 12 months may be considered for an extension to their sick pay if:

- there is an agreed date of return and return to work programme in place at the time that the request is considered

or

- they are on a waiting list for or undergoing hospital treatment, which in the opinion of the Council's Medical Adviser, will result in a definite return to work within a reasonable timescale

In this case, the extension may be granted up to a maximum of 6 months full pay, which may be determined on a month by month basis. This would be followed by their actual entitlement to half pay, if required e.g. an employee in their third year of service would normally have an entitlement to 4 months full pay and 4 months half pay - the discretion would be to increase this to 6 months full pay and 4 months half pay.

d) Where an employee has been diagnosed as being terminally ill, there could be an extension of sick pay up to the maximum permitted under the scheme, but the employee would not be dismissed following expiry of paid sick leave unless by mutual agreement, e.g. a decision taken to access pension entitlement because of ill health, as an employee on unpaid sick leave would still be entitled to death in service benefits, pension etc.

However, it is suggested that employment be sympathetically terminated if the employee is not in the Pension Scheme as there would be no financial reason for employment to continue.

e) It is not recommended that discretion should be exercised on the basis of hardship, since this would effectively mean that the employee should be means tested in relation to their family income and would require a definition of what constitutes 'hardship', which could be highly contentious. The requirement for evidence could also be seen as intruding into personal and confidential matters.

As the provision is discretionary, there would be no right of appeal against a decision.

Human Resources
April 2015
Reviewed March 2017

Approving Body & Date
JCC

Executive