

Report to Employment Panel

Meeting Date: 14th September 2021
 Portfolio: Finance, Governance & Resources
 Key Decision: No
 Policy and Budget Framework: Yes
 Public / Private: Public

Title: ATTENDANCE MANAGEMENT POLICY & PROCEDURE
 Report of: The Deputy Chief Executive
 Report Number: CS 36/21

Purpose / Summary:

On 13 February 2020 the Business and Transformation Scrutiny Panel resolved that a Task and Finish (T&F) Group be established to assist the HR Manager in reviewing the Council's Attendance Management Policy with the aim of improving attendance through the provision of a more transparent and tighter policy. The Panel further requested that the report be presented to the Employment Panel for review and approval.

Recommendations:

The Employment Panel is asked to approve the adoption of the new Improving Attendance Policy, to the Council's suite of employment policies, with effect from 22 September 2021. The Improving Attendance Policy will replace the existing Attendance Management: Sickness Absence Policy & Procedure, last updated March 2019.

The process on how the new policy will be implemented is set out in section 2.5 of this report.

Tracking

Executive:	Not applicable
Scrutiny:	Business Transformation Scrutiny Panel April 2021
Council:	Not applicable

1. BACKGROUND

- 1.1. On 13 February 2020 the Business and Transformation Scrutiny Panel (BTSP) resolved that a Task and Finish (T&F) group be established to assist the HR Manager in reviewing the Council's Attendance Management Policy with the aim of improving attendance through the provision of a more transparent and tighter policy.
- 1.2. The Health and Wellbeing Scrutiny panel T&F group supported the review. The first meeting took place on July 2020. The aims of the group were to:
 - Review the existing policy, seek advice from HR team on strengths and challenges of existing policy
 - Research examples of good practice
 - Develop recommendations to share with BTSP.
- 1.3. Several T&F group meetings took place during the policy review process.
- 1.4. The Unions were supportive of increasing transparency and Member involvement in developing a new policy.
- 1.5. In April 2021 BTSP requested that a further meeting of the T&F group be convened after the staff consultation process had ended to consider the feedback and that a final report be taken to Employment Panel for its review and approval.
- 1.6. Union and staff consultation took place in March 2021.
- 1.7. A meeting of the T&F group took place on 5 May 2021 to consider feedback received through the consultation process on the new policy. The draft policy received some minor amendments in response to feedback and the final version is attached to this report at appendix 1.
- 1.8. The policy is now presented to the Employment Panel for review and approval to be adopted into the Council's suite of employment policies.

2. PROPOSALS

- 2.1. The policy has been rewritten rather than simply amending the existing policy. Further the new policy has been named the Improving Attendance Policy. The rationale behind the title change is to affirm the purpose of this policy which is to support staff to improve and sustain a good level of attendance at work.

2.2. A summary of the key changes consulted upon with staff is as follows;

- Policy title to be renamed the “Improving Attendance Policy”.
- Policy layout updated in line with the Council’s corporate policy template.
- The addition of a “Policy on a Page” has been added as a summary document.
- Flow charts for managing absences and long-term sickness have been simplified to be clearer and to align with new triggers/staging.
- New “trigger points” have been identified to ensure consistency in the management of sickness absence and to ensure supportive discussions are taking place between managers and staff at timely intervals.
- An element of discretion remains with regards to progressing staff through the stages; however, advice should be sought from HR to ensure consistency.
- Contact with management is advised to be daily where absence is predicted to be short-term (up to one week).
- “Sickness Declaration Form” renamed “Self-Certification Form”.
- “Return to Work” interviews to be completed on the first day of return following a sickness absence, except in exceptional circumstances. This is to ensure any additional requirements for support are captured on the staff member’s immediate return to work. [In response to consultation this change was amended to ‘within 3 days of returning from sickness absence’.]
- Details of sick pay entitlement based on length of service have been added to the policy.
- New information added in relation to; falling sick whilst at work, conduct whilst on sick leave, surgery, medical suspension and time off for health care appointments.
- Recommended phased return of 4 weeks maximum, except in exceptional circumstances with the advice of Occupational Health. The option to extend a phased return using annual/flexi leave etc. will still exist at the discretion of management.
- Updated information on absence support eg Employee Assistance Programme, Occupational Health, Active Care and Physiotherapy.

2.3. The Council’s auditor undertook an audit of ‘Absence management’ in March 2020 and several of the recommendations made (A1902/6.2) related to the absence management policy. The recommendations relating to the policy have been addressed through this policy review process. An update on the audit recommendations arising from the absence management audit will be presented to the Audit Committee scheduled for 24 September 2021.

2.4. The Employment Panel is asked to approve the adoption of the new Improving Attendance Policy to the Council’s suite of employment policies. The Improving

Attendance Policy will replace the existing Attendance Management: Sickness Absence Policy & Procedure last updated March 2019.

2.5. It is proposed that the new policy is implemented with effect from 22 September 2021. On the agreed implementation date employees who are on a formal stage in the absence management process will continue to be managed using the Attendance Management: Sickness Absence Policy & Procedure (now referred to as the previous policy) until such time as they are no longer in the formal process. Where appropriate and only where it is approved by the HR Manager and agreed with the employee through consultation an employee who is in a formal stage of the previous policy may be moved to an agreed stage in the new policy. Where employees may be in the informal stage of the previous policy, they will automatically move to the informal stage of the new Improving Attendance Policy.

3. RISKS

- 3.1. **LEGAL** - Attendance is a term and condition of employment and the revised policy is rightly, therefore, being brought before Employment Panel for approval. The Panel is being asked to approve adoption of the revised policy. Members are able to recommend changes to the policy although, depending on the nature of those proposed changes, further consultation may then be required.
- 3.2. **FINANCE** – Poorly managed sickness absence has a direct financial impact on an organisation. Managing attendance effectively should reduce costs to the Council's overall salary budget. Any financial costs of the revised Attendance management Policy & Procedure, including training delivery will be met from existing budgets.
- 3.3. **EQUALITY** – Employees whose sickness absence is disability-related, either in full or in part, are entitled to protection against disability discrimination under the Equality Act 2010, irrespective of their length of service. In the public sector, the incorporation of the 2006 Disability Equality Duty into the Equality Act puts even greater emphasis on improving awareness of disability and changing policies accordingly. To reduce the risk, where a disabled employee reaches an absence trigger point, the employer must first consider whether reasonable adjustments can be made before launching formal action. To dismiss, or give a warning to, a disabled employee for poor attendance may amount to discrimination arising from disability. Employers must also exclude sickness absence that is pregnancy related when tallying an employee's sickness absence record for the purposes of managing absence. The proposed revised policy and procedure takes appropriate account of the protections provided under the Equality Act 2010.

3.4. INFORMATION GOVERNANCE – a breach occurs if personal data (any data relating to an identified or identifiable natural person) is destroyed, lost, altered or if there is unauthorised disclosure of (or access to) personal data as a result of a breach of security. The UK GDPR and DPA 2018 set a maximum fine of £17.5 million or 4% of annual global turnover, whichever is greater, for infringements. The Council has controls in place and treats personal data collected during the sickness procedure in accordance with the organisation's policy on processing special categories of personal data. Information about how employee data is used and the basis for processing their data is provided in the Council's employee privacy notice.

4. CONSULTATION

4.1. The Health and Wellbeing Scrutiny Panel Task and Finish group supported the revision of the Council's Attendance Management Policy. The Unions were engaged in the process at various points throughout the process and a wider staff consultation took place in March 2021. Feedback received throughout the process has informed the final version of the policy which is now presented to the Employment panel for approval.

5. CONCLUSION AND REASONS FOR RECOMMENDATIONS

5.1. A revised policy has been designed to improve attendance through the provision of a more transparent and tighter policy.

5.2. The Employment Panel is asked to approve adoption of the new Improving Attendance Policy to the Council's suite of employment policies with effect from 22 September 2021. The Improving Attendance Policy will replace the existing Attendance Management: Sickness Absence Policy & Procedure last updated March 2019.

6. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

6.1. Absence management policy and guidance exist to provide managers and employees with a clear framework in which to handle sickness absence in a fair and consistent way. Effective policies and procedures instil confidence in the public on the process for managing high expectations and performance expected of Council employees.

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Appendices attached to report: Improving Attendance Policy V1.2021

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

CORPORATE IMPLICATIONS:

LEGAL – The relevant legal implications are outlined in section 3. #

PROPERTY SERVICES – There are no implications related to property.

FINANCE – The relevant financial implications are outlined in section 3.

EQUALITY – The relevant equality implications are outlined in section 3.

INFORMATION GOVERNANCE – The relevant information governance implications are outlined in section 3.

Improving Attendance Policy



The Council is fully committed to compliance with the requirements of the UK General Data Protection Regulations (GDPR) and the Data Protection Act (DPA) 2018. The Data Protection Legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held. The Data Protection Legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The Data Protection Legislation sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed. Further information regarding how the Council collects, shares and uses personal information can be found in the Council's Privacy Notices.

Policy on a Page

Policy Aim:

The Council is committed to improving attendance and this policy has been designed to ensure absence is effectively and consistently managed across the Council.

The overall purpose of the policy is to encourage employees to improve their attendance at work and support them to achieve an acceptable level of attendance.

Target Audience:

All Carlisle City Council employees.

Training:

Managers will be required to complete mandatory training in relation to this policy; both a practical workshop and a Skill Gate module. A comprehensive Manager's Toolkit will also be provided to support managers with the implementation of this policy and procedure.

Further support and advice with regards to application of the policy and procedure can be sought from the HR team.

Key Principles:

- This policy and procedure apply to all employees of the Council.
- No formal action will be taken without a review of the employee's attendance.
- Employees have the right to be accompanied at all meetings (informal and formal) by a recognised Trade Union representative or work colleague.
- Employees have the right to appeal against formal trigger stages and dismissal due to sickness.

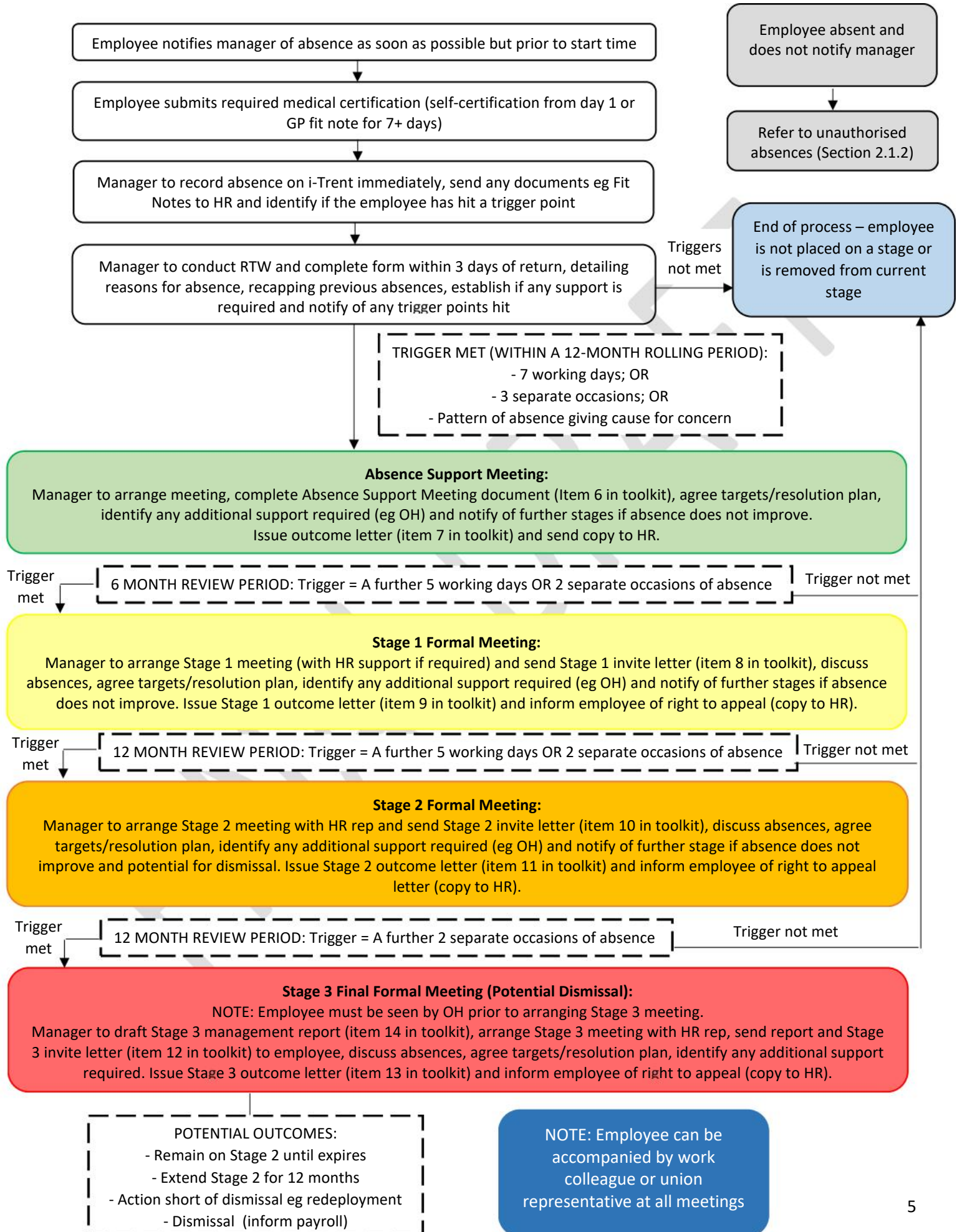
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FINAL DRAFT

MANAGEMENT OF ABSENCES FLOW CHART



GUIDANCE ON MANAGEMENT OF LONG-TERM ABSENCE

Absences likely to be one month or more

Manager to refer employee to OH immediately if absence is for Stress, Work related Injury, and or Musculoskeletal problems.

After one month of absence, following OH referral and receipt of report, manager to arrange review meeting (or home visit if appropriate) with HR and send out invite letter (item 15 in toolkit) and outcome letter (item 16 in toolkit). Subsequent meetings to be agreed (suggested every 2-4 weeks).

NOTE: Employee can be accompanied by work colleague or union representative at all meetings

During and after meeting

Complete Checklist (see managers Toolkit), discuss OH Reports, agree action plan eg stress risk assessments if appropriate, and manager to issue confirmation letter within 5 days (copy to HR).

Employee to return to contracted duties

Manager to conduct RTW and complete form within 3 days of return, detailing reasons for absence, recapping previous absences, establish if any support is required and notify of any trigger points hit

Monitor as per Management of absence flowchart

Employee to return with modifications (ie phased RTW, temporary amended duties etc.)

Agree and confirm recommended modifications prior to return (if temporary, agree timeframe / if permanent, consider any contractual changes)

Manager to conduct RTW and complete form, detailing reasons for absence, recapping previous absences, establish if any support is required and notify of any trigger points hit

Monitor as per Management of absence flowchart (consider re-referral to OH)

OH advise permanent redeployment

Manager and HR to meet employee and complete re-deployment form (item 20 in toolkit) and seek to identify a suitable post. Manager to liaise with HR. Employee is placed on the Redeployment Register for 12 weeks

Has a suitable post been identified within 12 weeks? (Informal interview to take place)

No

Yes

Confirm details with employee, training plan and complete relevant paperwork

New manager to hold regular review meetings with employee (suggest every 2 to 4 weeks) and to confirm outcome after trial period (N.B. trial period for 4 to 12 weeks dependant on role and training)

Employee will not be returning to work (in a reasonable time period)

Manager to liaise with HR for Final Formal Review Meeting (potential dismissal). See items 17-19 in toolkit for templates.

Trial period / Redeployment has been unsuccessful

1. INTRODUCTION

Carlisle City Council is committed to creating a working environment which supports employee health and wellbeing and promotes good attendance at work. It is the responsibility of all employees to ensure they are committed to attending work, as this is vital for the Council's service delivery.

A separate Improving Attendance Toolkit is available for managers to assist them in using this policy and can be found on the HR and Payroll section of the Intranet.

2. POLICY

1.1 AIM

The purpose of this policy and procedure is to support employee health and wellbeing and encourage a culture of high attendance amongst employees within the Council.

This policy also provides managers with a clear framework on how to manage absence consistently and fairly.

1.2 SCOPE

This policy applies to all Carlisle City Council employees. Application of this policy will be considered on an individual case by case basis. Where managers are considering using discretion, advice should be sought from the HR team.

1.3 RESPONSIBILITIES

Employees are responsible for:

- Attending work when fit to do so.
- Notifying their manager if they must leave work or are unable to attend work due to sickness.
- Maintaining regular two-way contact with their manager during a period of absence.
- Engaging with this policy and procedure and any supportive meetings eg absence support meetings, Occupational Health and Physiotherapy appointments etc.
- Refraining from any activities outside work that may impair their recovery.
- Taking personal responsibility for their health and wellbeing.
- Raising concerns with their manager, as soon as possible, if they believe that their work is making them ill or contributing to their illness.
- Informing their manager as soon as possible if they sustain an injury during work.
- Informing their manager or any other relevant parties, of any medical information that may pose a potential health and safety risk to themselves or others eg if they have been issued with medication that restricts their capacity to carry out normal working activities.

Managers are responsible for:

- Managing employee absence consistently in accordance with this policy and procedure.

- Maintaining regular two-way contact with employees and keeping them up to date with team developments, vacancies and any other relevant Council updates during their absence.
- Ensuring that all employees are made aware of this policy and other relevant Council policies and support available eg counselling/Employee Assistance Programme (EAP).
- Referring employees to Occupational Health in accordance with this policy and procedure.
- Carrying out informal and where necessary, formal absence meetings, in line with this policy, ensuring employees are aware of their right to be accompanied by a recognised Trade Union representative or work colleague.
- Ensuring all absence related matters are handled sensitively and confidentially.
- Updating i-Trent with relevant information in a timely manner.
- Keeping records of sickness absence for employees in line with agreed retention procedures.
- Attending and completing all necessary training in relation to this policy.
- Advising the Health and Safety Manager where an employee sustains an injury at work and carry out any investigations, as required.
- Monitoring absence within their team and taking appropriate action to support improved attendance.

Directors are responsible for:

- Determining appropriate managers to carry out various stages of the procedure.
- Ensuring that accurate and up to date records of sickness absence are kept and are available to enable early identification of individual problem areas
- Monitor and review attendance at work at individual and directorate level.
- Attending and completing all necessary training in relation to this policy.

HR and Payroll are responsible for:

- Providing regular reports to management on sickness absence in their area.
- Providing statistical data in relation to employee absence where required by managers or the Senior Management Team (SMT)
- Providing training, advice and guidance on this policy and procedure to managers and staff.
- Assisting with referral to Occupational Health and other avenues of support ie counselling, where appropriate.
- Being involved in absence support meetings, where appropriate.
- Being present at all formal meetings from Stage 2 onwards.
- Monitoring and update the policy in its application and ensure it reflects the operational needs of the Council, changing legislation and best practice.

1.4 CONFIDENTIALITY

Any absence related matters will be handled in confidence. Referrals to Occupational Health and any additional avenues of support will be made in conjunction with the employee and with their consent.

2. IMPROVING ATTENDANCE PROCEDURE

2.1. SICKNESS REPORTING PROCEDURE

2.1.1 FIRST DAY OF ABSENCE / INITIAL NOTIFICATION

Employees must contact their manager on the first day of their absence and inform them that they are unable to attend work. This should be done as soon as possible and before an employee's start time to allow managers enough time to plan for cover arrangements.

Employees should make contact with their manager by telephone. If the manager is not available, the employee should contact their manager's deputy to report their absence and provide a contact number for their manager to call them back on. It is not appropriate for employees to report their absence via text message or email, or have somebody report their absence on their behalf, unless there are exceptional circumstances.

When reporting an absence, employees are expected to provide the following information:

- The date the sickness began;
- Nature of sickness;
- Whether the sickness is related to an injury at work;
- Whether the sickness is certified or self-certified;
- Details of any commitments for the period of anticipated sickness (eg important meetings/work activity);
- Estimated return date (if known)

If an employee has not contacted their line manager on their first day of absence, the line manager must contact the employee.

For absences which are anticipated to be short term ie up to one week, employees must contact their managers daily to provide an update on how they are feeling.

For absences that are anticipated to be longer term ie more than one week or covered by a GP fit note, the employee and manager should agree the frequency of contact.

2.1.2 FAILURE TO NOTIFY / UNAUTHORISED ABSENCE

It is a condition of employment, and the Council's sick pay scheme, that employees notify their manager when they are unable to attend work. Failure to do this without good reason may impact an employee's entitlement to sick pay.

Disciplinary action may be taken against an employee where they persistently fail to follow the correct reporting arrangements for absence. Prolonged unauthorised absence could be deemed gross misconduct and may ultimately lead to dismissal.

2.1.3 ABSENCES UP TO 7 DAYS

On the first day of absence, after notifying their manager, employees must complete a Self-Certification form (Item 1 in toolkit). Managers must ensure the absence is recorded immediately on i-Trent and send any documents to the HR Advisory Service eg a GP fit note, Return to Work Forms etc.

Employees must advise their manager of their fitness to return to work at the earliest opportunity. This should be at the point when they are fit to return to work, even if this is on a non-working day, otherwise the employee will automatically be regarded as being sick up until the date they return to work.

2.1.4 ABSENCES OF 7 DAYS OR MORE

For absences greater than 7 (calendar) days a GP fit note must be forwarded to the manager. Where there is continuing sickness absence, the employee must provide consecutive fit notes to cover the whole period of the absence.

From the outset, it is important that the employee and the manager agree on the frequency and form of communication going forward. This will depend on individual circumstances such as the reason for the absence and predicted absence length.

2.1.5 RECORDING ABSENCE

When recording absence, managers must:

- Input details of sickness absence into i-Trent as soon as possible after an employee has reported their absence and send any relevant documentation eg GP Fit notes to the HR Advisory Service.
- Keep records and brief notes of all discussions and meetings with employees, to ensure that the absence is being managed effectively and to act as a record of any previous support or action taken.
- Monitor sickness absence levels within their teams and ensure employee attendance is being managed in accordance with this policy ie ensuring the appropriate meetings are held when employees reach the various trigger points laid out in Section 3 of this policy.

2.2. FALLING SICK WHILST AT WORK

Where an employee falls sick whilst at work, if they have completed more than 50% of their working day, their absence should not be recorded as sickness for that day. However, managers must keep a record of such occasions to identify any patterns of misuse of this aspect of the policy. Where an employee is sent home before they have completed 50% of their working day, they should be recorded in i-Trent as sickness.

2.3. IMMEDIATE ABSENCE SUPPORT

There are several routes to accessing direct support, as set below.

Active Care

For absences related to stress (work and/or personal), where appropriate, managers should refer the employee (with their consent) to Active Care immediately and complete the [Call Request Form](#). Active Care will carry out a telephone consultation with the employee, arrange counselling support where appropriate and will provide the, the manager, HR and Occupational Health with a report (subject to employee consent).

Employee Assistance Programme (EAP) / Counselling

Employees should be reminded that the Council has an Employee Assistance Programme, which offers employees a free and confidential counselling service. The service is provided by an external organisation and callers remain anonymous to the Council. Employees can contact Health Assured on 0800 030 5182 or visit their website at www.healthassuredeap.co.uk.

Occupational Health

The Council has an Occupational Health service that employees can be referred to, when required. Referrals to Occupational Health must be made by managers using the Management Referral Form (item 3 in toolkit) and explicit consent must be obtained from the employee. For muscular skeletal injuries, the employee should be referred to Occupational Health immediately so appropriate advice can be provided.

Physiotherapy

Employees can also be referred to Physiotherapy where required. Referrals must be made by management using the Occupational Health referral form at the earliest opportunity, following a report from an employee that they are experiencing discomfort.

2.4. RETURN TO WORK INTERVIEWS

Managers must conduct a Return-to-Work interview with all employees within three days of returning from sickness absence. A record of this discussion must be kept and a copy of the Return-to-Work Interview Form (item 2 in toolkit) (combined with the employee's Self-Certification form) should be sent to the HR Advisory Service to be stored on the employee's personnel file.

The Return-to-Work interview should cover the following areas:

- Reasons for the absence and reassurance that the employee is fit to return to work.
- Raise any concerns regarding the employee's absence levels and/or patterns of absence, specifically in relation to the absence triggers set out below.

- Discuss whether there is a need for any additional support such as possible adjustments to work patterns and flexible working.
- Enter and close the absence on i-Trent.

2.5. ANNUAL LEAVE AND SICKNESS

If an employee becomes ill during annual leave, they must follow the same notification procedures as set out above. Assuming employees have followed the appropriate reporting procedure, and have produced a GP fit note where required, annual leave days will be reinstated. Please note this does not apply to public holidays ie an employee will not be entitled to take time off at a later date if they fall sick on a bank holiday.

If an employee is off on long-term absence, they may wish to take a holiday during this time. This must be discussed and agreed with their line manager before any holiday is taken. The absence will still count as one period of sickness for the purposes of sickness monitoring and determining sick pay entitlement. If the employee has gone into half or no pay during their sickness period, they will receive full pay for the period of annual leave that they have booked.

Employees in half pay or no pay can request to use some of their annual leave to top up their pay. This should be discussed with their manager and processed via the HR and Payroll team.

The use of annual leave to cover periods of sickness to avoid a trigger is not permitted, although annual leave can be used to facilitate an extended phased return.

2.6. CONDUCT WHILE ON SICK LEAVE

It is expected that an employee will do their utmost to facilitate a return to work at the earliest opportunity. The Council is supportive of activities which can aid rehabilitation and recovery; however, it would not normally expect anyone who is absent from work due to sickness or injury to:

- Participate in any sports, hobbies, social or other activities which could aggravate the illness or injury or delay recovery;
- Undertake any other employment whether paid or unpaid (without prior discussion with your manager);
- Work additional hours for the Council in an alternative role eg as a Casual (without prior discussion with your manager);
- Engage in any activity, which is inconsistent with the nature of the illness or injuries;
- Engage in any activity which is unlikely to be conducive to their recovery.

Managers with any queries regarding an employee's conduct whilst absent from work due to sickness or injury are advised to speak to HR in the first instance and seek medical advice.

A breach of any of the above may be deemed as gross misconduct and could be subject to the Council's Disciplinary Policy.

2.7. SURGERY

2.7.1 PLANNED SURGERY

Where an employee provides notice of surgery, managers should consider making a referral to Occupational Health (OH) prior to the employee's surgery taking place, where appropriate ie where the employee is experiencing health difficulties prior to their proposed procedure.

Again, where appropriate, the manager will ensure that a meeting takes place with the employee prior to the commencement of the absence to discuss the OH report and suggested adjustments to their job, which may be incorporated into their return-to-work plan. The manager will schedule a meeting with the employee following surgery to discuss their health. Adjustments to the plan may be required where, for example, the employee's recovery is not as expected. In such circumstances, the manager will seek further advice from OH and HR.

2.7.2 COSMETIC SURGERY

Unless for a medical reason confirmed in a medical report, any absence taken for the purposes of cosmetic surgery cannot be taken as time off as sickness absence and should be covered by annual or unpaid leave. This time off must be agreed in advance with the relevant manager. Further information in relation to this can be found in the Council's Special Leave Policy.

2.8. MEDICAL SUSPENSION

Where there are significant concerns relating to the health and wellbeing of an employee, it may be necessary to consider medical suspension.

Where an employee has refused a suggestion to go home from their manager, who is concerned about their state of health and believes that the health, safety or welfare of the employee concerned or others may be at risk as a consequence, the manager may consider medical suspension. The decision to suspend rests with the appropriate manager (ie Manager with authority to suspend such as a Service Manager, Director and Chief Executive) who will consult with a member of the HR Team. In certain circumstances it may be necessary for the most senior member of the department on duty at the time to suspend an employee from duty. In these circumstances, the manager must immediately contact Occupational Health for an urgent referral, however the medical suspension meeting should not be delayed for this.

If an employee is suspended in these circumstances it is deemed to be a medical suspension and the employee will receive an allowance equivalent to their normal rate of pay until advice is received from Occupational Health, or the employee's GP, on the suitability of their return to work. If the medical advice received is that the employee is fit to return to work, the medical

suspension should end with immediate effect with a return to work agreed. The period of medical suspension will not be recorded as sickness absence but will be reviewed on a regular basis.

2.9. SICK PAY ENTITLEMENT

Sick pay entitlement provided by the Council is set out as below:

Length of service	Full Pay	Half Pay
During the 1st year of service	1 month	2 months (after completing 4 months service)
During the 2nd year of service	2 months	2 months
During the 3rd year of service	4 months	4 months
During the 4th & 5th year of service	5 months	5 months
After 5 years of service	6 months	6 months

Payment of sick pay is dependent on employees following sickness absence reporting procedures and co-operating with all action taken designed to assist their recovery.

Sick pay entitlement is made up of two parts; Occupational Sick Pay (OSP) ie what the Council pays as part of the benefits package and Statutory Sick Pay (SSP) ie what a person is entitled to by law. An employee who is absent due to sickness for longer than 28 weeks is required to claim SSP from the Department of Work and Pensions (DWP). If this period is reached, a member of the HR and Payroll team will advise the employee of this. Any OSP due to the employee will continue to be paid into the employee's bank account on the normal pay date.

For sick pay to be payable for absences of over seven days (whether or not a working day), the employee must submit a GP fit note to cover the full period of absence from the 8th day of absence.

Employees who abuse the sick pay scheme may be liable to disciplinary action, and/or immediate suspension of the occupational part of sick pay.

Where an employee is absent due to an incident where a third party is responsible eg a road traffic incident which was someone else's fault, the employee must advise their manager of this. The employee will continue to be paid as if sick pay were being paid. However, the employee will be asked to sign an agreement to claim this amount as part of their damages against the third party and, if successful, repay it to the Council. Employees will not be expected to repay any money received in sickness payment unless they are successful in claiming it back.

2.10. TIME OFF FOR HEALTH CARE APPOINTMENTS

As per the Council's Special Leave Policy, employees should use their own time to attend doctor / dentist / wellbeing appointment etc. and should, wherever possible, try to arrange appointments outside of normal working hours.

Employees required to attend hospital appointments will be allowed **up to** two hours paid leave to attend. If additional time is needed the employee will be required to take annual leave, flexitime, TOIL or unpaid leave

Where an employee is receiving a course of treatment, each case will be dealt with on an individual basis. However, managers should explore flexible working options such as different working hours/working pattern to accommodate the appointments. If such options are not feasible, flexi leave, annual leave, unpaid leave or time off in lieu should also be considered.

If an employee is required to attend an appointment relating to the investigation and management of a potentially life threatening/disabling illness and/or of a disability, managers should consider any reasonable adjustments to enable the employee to attend such appointments.

Employees who are required to attend regular appointments will be treated compassionately in accordance with the Improving Attendance Policy and based on service needs.

Employees who are pregnant have a legal entitlement to time off with pay to attend ante-natal appointments. Further details of these provisions are set out in the Maternity, Paternity, Adoption, Shared Parental and Parental Leave Policy.

2.11. PHASED RETURNS / TEMPORARY ADJUSTMENTS

In some cases, following a longer-term absence, it may be appropriate to consider temporary modifications to an employee's role. It may involve any, or all, of the following:

- Changes to working pattern or hours such as shorter hours initially following a return to work and gradually increasing them to full hours
- Reduced/lighter duties and responsibilities, via temporary redeployment if appropriate
- Working from home, or modifications to the physical working environment, where appropriate

Advice from Occupational Health (OH) should be sought in relation to a phased return. Where OH advice supports a phased return, employees will be permitted a phased return of up to four weeks, and during this period the employee will receive normal remuneration. In exceptional circumstances, this may be extended with advice from OH.

An employee can request to extend their phased return using annual leave; however, this will be at the discretion of the manager who will need to consider the needs of the service. Managers should also consider whether an employee will have enough annual leave remaining to cover the rest of the holiday year.

2.12. PERMANENT ADJUSTMENTS

2.12.1. PERMANENT ADJUSTMENTS TO ROLE

An employee should be allowed to return to their substantive post with permanent adjustments made to this role, where all parties agree this is reasonable, safe and feasible to do so.

Managers, together with the employee, should discuss with the HR team any schemes that may assist employees to remain in employment eg Access to Work.

If a return to work with permanent adjustments is not possible, the manager must give clear reasons to the employee and these should be confirmed in writing. This may be as part of the discussion in a Long-term Final Formal Review Meeting.

2.12.2. PERMANENT REDEPLOYMENT

Where Occupational Health (OH) have advised that an employee is unable to return to their current post due to health reasons, managers must meet with the employee to:

- Discuss an appropriate way forward, and to make them aware of the redeployment process; a representative from HR must be present and the individual may be accompanied (either by a trade union representative or work colleague).
- Complete the Redeployment Form (item 20 in toolkit) in order to establish skills and experience so that suitable posts can be offered to the individual.
- Place the individual on the Redeployment Register for 12 weeks, where dedicated efforts will be made to find the employee a suitable post. The outcome of this meeting will be confirmed in writing to the employee and will include the right of appeal.
- Advise the employee that they must also be responsible for identifying suitable posts and making the manager aware of the posts they are interested in.
- Confirm that they will keep in close contact with the employee throughout the process.

If an individual is placed on the Redeployment Register, they can be considered for all vacancies as long as they meet the essential criteria for the post. Individuals on the Redeployment Register are given prior consideration for posts before they are advertised more widely.

Where an employee meets the essential criteria (or is able to be trained to meet the criteria in a short space of time), they will be 'slotted in', as long as there are no other individuals seeking

redeployment. Where there is competition for the post ie other staff who are seeking redeployment (for health reasons) an interview process will take place.

When considering redeployment individuals may be invited to attend a skillscan with a member of the Organisational Development team. The skillscan will help identify transferable skills and learning, it will also identify reasonable opportunities for training in order to support colleagues.

Even where there is no competition for a redeployment post, the employee will still be subject to an informal interview by the recruiting manager to ensure they are a suitable fit for the role. HR will advise the recruiting manager prior to this meeting.

The aim will be to redeploy employees into a post where the terms and conditions are similar to their current post. However, if this is not possible, and the individual is offered a post on a lower grade/pay/hours, they will be entitled to pay protection for 12 months as per the Council's Pay Policy.

When a suitable role has been identified:

- OH will be asked to advise on suitability and fitness for the proposed post.
- The employee can agree to the redeployment on a trial basis for up to four weeks.
- The employee will be offered reasonable on the job training to assist them in taking up the suitable alternative employment.
- Suitable alternative employment may include provision of reasonable adjustments.
- If the employee accepts the alternative employment, they will commence in post on the terms and conditions appropriate to the post. Managers must explain any effect on pay and conditions, including any impact on pension, to the employee when they are considering a redeployment post.

Where no suitable redeployment opportunities are identified, the manager will arrange to meet with the employee for a subsequent Long-term Final Formal Review Meeting, to ensure all possible alternatives have been considered. Termination of employment will be the outcome based on the grounds of capability, and appropriate notice will be given, in line with the employee's contract of employment.

Employees have the right to appeal against dismissal. Appeals must be made in writing to the relevant Service Manager/Director within 14 days of receiving written notification of the outcome.

Any appeal against an outcome of dismissal will be heard by a panel of Councillors. Please refer to the Council's Disciplinary Policy for further details on this appeals process.

3. SICKNESS ABSENCE TRIGGERS

A flow chart of the short-term improving attendance procedure can be found on page 5 of this policy. Template invite letters and outcome letters for each stage of the Improving Attendance Procedure (short-term and long-term) can be found in the Manager's toolkit.

Managers reserve the right to exercise discretion at any stage of the process in particularly sensitive or complex cases; for example, considering extended trigger points for employees with chronic conditions. Managers should contact the HR team for advice when considering applying discretion.

Managers are expected to hold absence review meetings in a timely manner following a trigger being reached. Where employees are staged at any point in the process, the monitoring period will commence from the date they returned to work following their last period of absence – not from the date of the review meeting.

Employees reserve the right to be accompanied by a trade union representative or workplace colleague at every stage of this process (both informal and formal).

Please note pregnancy related absences will not be counted towards trigger points.

3.1. INFORMAL STAGE – ABSENCE SUPPORT MEETING

An employee will be placed on the Informal Stage of the Improving Attendance Procedure when they have reached one of the following triggers:

- 7 working days (in a 12-month rolling period); or
- 3 separate occasions (in a 12-month rolling period); or
- Where a pattern of absences gives cause for concern

When one of more of the above triggers has been reached, an Absence Support Meeting should be held with the aim of supporting the employee to improve their attendance. The reasons for the absences should be discussed and any appropriate support should be identified.

At this meeting, the employee will be placed on the Informal Stage of the Improving Attendance Policy for a period of 6 months, at which point a review meeting should take place. If the employee has no further absences during the review period, or if the absence is less than the trigger points for Stage 1 (formal), then the monitoring period will cease. If the employee has future episodes of absence after being taken off the Informal Stage, their overall absence rate will be considered over the last 12 months and if any of the triggers above are met again, they will be placed on the Informal Stage of the procedure again.

As this stage of the process is classed as “informal”, there is no formal right of appeal against a decision to place an employee at the Informal Stage. Any issues regarding staging at this point of the process should be dealt with using the Council’s Grievance Policy and Procedure.

3.2. FORMAL - STAGE 1

If, in the 6-month review period following the Informal Stage, an employee has the following further absence(s), they will be placed on Stage 1 of the formal procedure:

- 5 working days or more (during the 6-month monitoring period); or
- 2 separate occasions (during the 6-month monitoring period)

When one of more of the above triggers has been reached within the 6-month monitoring period, a Stage 1 meeting should be held with the aim of supporting the employee to improve their attendance. Please note: The stage 1 meeting should be held at the point in which the employee has triggered, not at the end of the 6-month monitoring period. The reasons for the absences should be discussed and any appropriate support should be identified. HR support at this stage of the procedure is optional and should be discussed with HR in advance.

At this meeting, the employee will be placed on Stage 1 of the Improving Attendance Policy for a period of 12 months, at which point a review meeting should take place. If the employee has no further absences during the review period, or if the absence is less than the trigger points for Stage 2, then the monitoring period will cease. If the employee has future episodes of absence after being taken off Stage 1 monitoring, their overall absence rate will be considered over the last 12 months and if any of the triggers above are met again, they will be placed on the Informal Stage of the procedure again.

Employees reserve the right to appeal against a Stage 1 outcome. Appeals must be made in writing to the relevant Service Manager/Director within two weeks of receiving written confirmation of the staging.

3.3. FORMAL - STAGE 2

If, in the 12-month review period following Stage 1, an employee has the following further absence(s), they will be placed on Stage 2 of the formal procedure:

- 5 working days or more (during the 12-month monitoring period); or
- 2 separate occasions (during the 12-month monitoring period)

When one of more of the above triggers has been reached within the 12-month monitoring period, a Stage 2 meeting should be held with the aim of supporting the employee to improve their attendance. Please note: The stage 2 meeting should be held at the point in which the employee has triggered, not at the end of the 12-month monitoring period. The reasons for the

absences should be discussed and any appropriate support should be identified. A Stage 2 meeting must be supported by a member of the HR team.

At this meeting, the employee will be placed on Stage 2 of the Improving Attendance Policy for a period of 12 months, at which point a review meeting should take place. If the employee has no further absences during the review period, or if the absence is less than the trigger points for Stage 3, then the monitoring period will cease. If the employee has future episodes of absence after being taken off Stage 2 monitoring, their overall absence rate will be considered over the last 12 months and if any of the triggers above are met again, they will be placed on the Informal Stage of the procedure again.

Employees reserve the right to appeal against a Stage 2 outcome. Appeals must be made in writing to the relevant Service Manager/Director within two weeks of receiving written confirmation of the staging.

3.4. STAGE 3

If, in the 12-month review period following the Stage 2 an employee has **a further 2 absences**, they will be asked to attend a Stage 3 meeting to consider their attendance record and their future contract of employment. Please note: The stage 3 meeting should be held at the point in which the employee has triggered, not at the end of the 12-month monitoring period. This meeting will be chaired by an appropriate senior manager, in line with the levels of authority detailed in the Council's Disciplinary Policy.

A manager must have a recent report from Occupational Health prior to this meeting being arranged to ensure medical advice is taken account when considering termination of the employee's contract of employment.

There are several potential outcomes following a Stage 3 meeting:

- The employee's contract of employment is terminated, and they are dismissed with immediate effect (with appropriate notice); or
- The employee remains on their Stage 2 monitoring until it expires; or
- The employee is placed on Stage 2 for a further 12 months; or
- An action short of dismissal is applied eg redeployment

Employees reserve the right to appeal against a Stage 3 outcome. Appeals must be made in writing to the relevant Director within 14 days of receiving written notification of the outcome.

A Stage 3 Appeal against dismissal will be heard by a panel of Councillors. Please refer to the Council's Disciplinary Policy for further details on this appeals process.

3.5. EXCEPTIONS

Consideration should be given to the appropriateness of moving an employee through the stages of this policy when dealing with:

- Particularly sensitive cases
- Employees who have suffered an injury or illness as a result of their work
- Employees who have a disability, or are due to have planned surgery due to a genuine medical need
- Employees who are experiencing symptoms of Long Covid.

Managers should seek advice from the HR team when considering such cases.

Please note: Absences in relation to the coronavirus pandemic, such as self-isolating and shielding, will be recorded as Special Leave and will not count as sickness absence.

4. MANAGEMENT OF LONG-TERM ABSENCES

A flow chart detailing the process for managing long-term absence is on page 6 of this policy.

For the purpose of this policy, long term is referred to where absences exceed 28 calendar days or more.

Managers should complete the Long-Term Sickness Absence Contact Log (item 5 in toolkit) as a means of documenting communication during a long-term absence.

4.1. LONG-TERM SICKNESS ABSENCE REVIEW MEETINGS

After one calendar month of absence, managers should refer employees to Occupational Health (OH) if they have not done so already. Following receipt of the OH report, where appropriate, managers are expected to arrange a review meeting (or home visit if more suitable) with HR. Subsequent meetings should be agreed and will be dependent on the nature of the absence, but every 2-4 weeks is advised, to ensure regular contact with the employee during their period of absence.

The purpose of these meetings is not only to maintain contact, but to determine whether any additional support can be provided to help facilitate a return to work. At these meetings the following issues may be considered:

- OH advice and any other medical advice available;
- Potential return to work, length of sickness and any adjustments that may be required either temporary or permanent and if this should be on a phased basis. This must always be fully considered if the employee has a disability;

- Potential for re-deployment if advised by OH;
- Any re-training, mentorship or additional support needed eg counselling, physiotherapy;
- Ill-health retirement, if applicable.

Failure to attend meetings and engage with management, without notification or without good reason, may result in occupational sick pay being withdrawn.

A sickness review meeting should take place prior to a Final Formal Review Meeting to ensure up to date information is captured and added to the management report to ensure fairness.

4.2. LONG TERM SICKNESS FINAL FORMAL REVIEW MEETING

If the above process has been followed, adjustments have been made where possible and the employee is still not able to return to work after a reasonable time period, a Final Formal Review meeting should be held with the employee, HR and an appropriate manager with the authority to potentially dismiss.

If it is not likely that the employee will return within one month of the Final Formal Review, the manager chairing the meeting will consider the information/evidence and the action taken to date. If they are satisfied that all the appropriate action has been taken, then the following options may be considered:

- Potential redeployment to another post within the Council if advised by OH (this should result in a timely return to work and an expectation that the employee will maintain good attendance in the new role).
- A further review period, which would not normally exceed 12 months from the first date of the absence although in exceptional cases and following advice from OH, this may be extended to 15 months.
- The employee is dismissed on the grounds of capability due to ill health (this will require supporting documentation and advice from OH if agreed with the employee. If the employee does not give consent to the release of OH advice, a decision will be taken in the absence of this information.)

The HR representative or note taker will record details of the meeting and actions agreed. Any decision or recommendations will be fully discussed with the employee at the review meeting. The outcome will be confirmed in writing by the manager to the employee within 7 calendar days.

Appeals must be made in writing to the relevant Service Manager/Director within 14 days of receiving written notification of an outcome.

Any appeal against an outcome of dismissal will be heard by a panel of Councillors. Please refer to the Council's Disciplinary Policy for further details on this appeals process.

In particularly sensitive case, for example terminally ill cases or life limiting prognosis cases, it is recognised that the employee may not wish to take part in the formal process, and this can be discussed with HR and the line manager.

4.3. ILL-HEALTH / PERMANENTLY UNFIT FOR WORK

At any stage of the Improving Attendance procedure, where it has been confirmed that the employee is either permanently unfit for work or the timescale for return to work is not imminent or is unknown, consideration should be given to termination of contract on the grounds of capability due to ill-health. Employees will have the right to appeal this decision as set out above.

Employees who are members of the Local Government Pension Scheme (LGPS) for a minimum of 2 years are eligible to apply for ill health retirement. Such applications will be facilitated by HR, provided the application is supported by Occupational Health (OH).

Ill-health retirement benefits are payable in three tiers.

- Tier 1 – the employee has no reasonable prospect of being capable of undertaking any gainful employment before age 65.
- Tier 2 – the employee is not capable of undertaking gainful employment within 3 years of leaving employment but is likely to be capable of undertaking gainful employment at some time thereafter and before age 65.
- Tier 3 – the employee is likely to be capable of undertaking gainful employment within 3 years of leaving. A review assessment should be arranged after 18 months.

The decision as to whether an employee qualifies for ill health retirement benefits and the tier in which they are payable is advised by an Independent Registered Medical Practitioner (IRMP) as part of an OH assessment. The final decision to award ill-health retirement benefits resides with the Council as the employer. The Corporate Director of Finance and Resources is responsible for authorising such requests.

5. INJURY AT WORK

If an employee or manager believes that an absence is related to an accident or injury at work, an Accident Report Form must be completed as soon as possible, and the Health and Safety Manager advised.

The situation must be investigated in line with the Council's Health and Safety procedures (Accident or Incident Investigation & Report).

The manager must liaise with the Health and Safety Manager and HR as part of the considerations before any formal action is taken.

The manager must also advise the Payroll team and make an immediate referral to Occupational Health as soon as possible.

Sick pay entitlement while absent with an industrial injury is separate from sick pay for other reasons. For this to be claimed employees must seek medical advice and have this supported by a GP Fit Note.

6. REFERENCES *(all will be hyperlinked in final published version of policy)*

Special Leave Policy

Pay Policy

Maternity, Paternity, Adoption, Shared Parental and Parental Leave Policy

Manager's Toolkit

7. POLICY REVIEW SCHEDULE

Policy title	Improving Attendance Policy
Policy Location	Human Resources
Policy owner (Directorate)	Community Services
Policy lead contact	Bibian McRoy, HR & Payroll Manager & Sophie Nixon, HR Adviser
Approving body (SMT)	Employment Panel
Date of approval	14 September 2021 (TBC)
Date of implementation	22 September 2021 (TBC)
Version no. (amendment date)	V1
Review interval	3 years

8. VERSION CONTROL

Revision date	Issue No.	Summary of Changes
November 2013	V1.0	New document, new format, combination of various statements and entitlements.
January 2018	V2.0	New document, new format, combination of various statements and entitlements.
September 2018	V2.1	With effect from 1 October 2018, the Time Off for Public Duties Order 2018 was extended, and these were added
October 2020 – August 2021	V1.2021	Complete policy re-write; renamed Improving Attendance Policy and replaces previous Attendance Management Policy.

EXCERPT FROM THE MINUTES OF THE BUSINESS AND TRANSFORMATION SCRUTINY PANEL HELD ON 1 APRIL 2021

BTSP.31/21 IMPROVING ATTENDANCE POLICY

The Deputy Chief Executive provided an update on the Task and Finish Group which was established to review the Council's Attendance Management Policy (CS.22/21). The Policy had been drafted and it was proposed that it be retitled the Improving Attendance Policy. The accompanying Manager's toolkit had also undergone a significant update it was also attached to the report.

The HR Advisor explained that a staff consultation on the policy had been carried out with a good level of response received. She summarised the feedback, noting that the following minor amendments would be incorporated into the policy:

- Uploading of sick notes would continue to be done via the current practice of emailing HR, as opposed to uploading via iTrent as the policy had initially proposed. This was due to concerns relating to the storage capacity of iTrent;
- Absences related to Covid 19 would be managed via the Special Leave policy and would not be subject to the same triggers and action as a 7 day period of absence within twelve months, as the requirements relating to Covid were of a longer duration;
- Training on the new Policy would be delivered both through Skillsgate and group session either in person or virtually.

In considering the Policy Members raised the following comments and questions:

- The Chair expressed concern that iTrent would not be used as the reporting mechanism for absence.

The Deputy Chief Executive advised that the Council were looking to move towards absence reporting being done via iTrent in the future and there was currently a procurement exercise being undertaken in relation to the use of self service modules in iTrent. Managers were used to the current system of absence reporting.

In terms of training, the Deputy Chief Executive was keen for the policy to be implemented and that appropriate training would be delivered to managers. In the event of iTrent being used to report absence additional training would be provided.

- How was information from Back to Work interviews collated and analysed for trends?

The HR Adviser explained that details of interview were submitted to the HR Advisory Service via email. Reports were generated on a regular basis to track reasons for absence so that trends may be identified and monitored. The interviews were an open conversation between the officer and their manager with additional support for employees being available if required. In response to a further question from a Member regarding how any issues identified at a senior management level would be addressed, the Deputy Chief Executive advised that any such matters would be dealt with in line with the Policy.

- A Member commented that the toolkit was an important part of the policy and stressed to importance of it being implemented in a consistent manner across the Council.

A number of Members praised the work of the Task and Finish Group in its development of the policy and the quality of the document. It was proposed and seconded that a further meeting of the Task and Finish Group be convened to enable it to consider the feedback received from the staff consultation, following which the final report would be submitted directly to the Employment Panel for it to review and agree the policy. The proposal was seconded and the Panel indicated its agreement.

RESOLVED – 1) That the Panel considered and commented on the new Improving Attendance Policy and accompanying Manager's toolkit.

2) A further meeting of the Task and Finish Group would be convened so that it may consider the results of the staff consultation, following which a final report would be taken to Employment Panel for its review and agreement.