

Absence Management Guidance for Managers and Employees

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1. Introduction

This guidance has been developed to support, and should be read in conjunction with, the Council's absence management policy.

It aims to provide guidance to managers and employees in relation to the management of sickness absence.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in a fair way, the specific interventions used and the timing of those interventions may differ from case to case.

2. Responsibilities

2.1 Employees

Employees should make every effort to maintain acceptable levels of attendance at work. Where appropriate, employees should take advantage of any support identified (either through their own GP, the Council or another source) to ensure satisfactory attendance.

Employees have an obligation to disclose to their manager or any other relevant parties, 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 their normal working activities.

Employees who are absent due to sickness are responsible for notifying their line manager of their absence (see "Sickness Reporting Procedure") and complying with the requirements relating to self certification and medical certification (see "Recording Sickness Absence").

Employees who sustain an injury during the course of their work duties are required to inform their line manager of this as soon as practicable.

Employees who are absent due to sickness have a shared responsibility with their line manager to maintain regular contact during the period of absence.

2.2 Managers

Managers are responsible for monitoring absence within their team, conducting return to work interviews with members of their team following periods of absence and taking appropriate action to manage absence levels within their team.

Where an employee sustains an injury during the course of their work duties it is the responsibility of the manager to ensure the HR section are notified of the injury. This will allow the Council to comply with the RIDDOR requirements.

Managers have a shared responsibility with their employee(s) to maintain regular contact during periods of sickness absence.

Managers have a responsibility to retain information supplied by occupational health in accordance with the Data Protection Act.

Where the level of an employee's attendance is considered to be unsatisfactory, the manager is responsible for reviewing the situation with the employee and providing support as appropriate. Managers should also set review dates and monitor progress accordingly.

Managers are responsible, in conjunction with the HR Team, for referring employees to the Council's occupational health provider. Managers are also responsible for determining the

feasibility of any adjustments suggested by the occupational health provider in the context of their Section or Department.

Managers are responsible for implementing formal Sickness Review Meetings and may issue formal warnings through this process. Case Review Hearings, which could result in the dismissal of an employee on the grounds of ill health, must be chaired by a Chief Officer.

Managers are responsible for seeking advice and guidance from the HR team where necessary to ensure that each case is dealt with appropriately. This will also help to ensure that all employees are treated fairly and consistently.

2.3 Human Resources

The Human Resources team is responsible for ensuring that managers and staff are provided with advice and guidance in relation to the management of sickness absence.

In conjunction with managers, the HR Team is responsible for referring employees to the Council's occupational health provider.

The HR Section are responsible for reporting workplace accidents in accordance with the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

A member of the HR Team will be available to advise in all formal stages of the process ie Sickness Review Meetings, Formal Attendance Hearings and Case Review Hearings.

The Human Resources Team will be responsible for monitoring the implementation of the guidance and reviewing the Policy and associated guidance periodically to reflect changes in legislation and/or best practice.

2.4 External Services

The Council engages the services of two trained and experienced counsellors who are available to offer support to employees in relation to any issues they may be experiencing. This service is entirely confidential and no details of referrals are shared with the Council. Employees can take advantage of upto 6 sessions with a confidential counsellor which will be paid for by the Council. Contact details for the Counsellors can be found on the HR section of SharePoint.

The Council engages the services of an occupational health provider in order to obtain specialist advice and guidance in managing sickness absence cases. Advice may be sought from the occupational health provider in relation to an employee's fitness to work or adjustments required to support an employee to remain at work. It may also be used to gain advice on the eligibility of an employee to receive early payment of LGPS pension benefits due to ill health.

3. Promoting Good Health, Managing Health and Safety and Risk

All managers have a responsibility to promote good health for their staff and to identify and remove significant risks to staff from their work and their working environment.

All staff have a responsibility to follow all the guidance given to them and not to place themselves or others at risk as a result of their actions.

All managers and staff must follow the Health and Safety Policy, procedures and advice of the Council. It is the responsibility of all staff to report any risk or potential risk to their manager and/or via the incident reporting system.

4. Sickness Reporting Procedure

Each department will determine the time on the first day of sickness by which notification of sickness is required for each of the shifts that employees work. The default time (for use where a department has not set a specific time) will be 9.30am. Managers have a responsibility to communicate this information and to ensure that all their employees know and understand these rules.

It is a condition of employment that all employees, who are unable to attend work because of illness, should notify their manager within the agreed time for their particular service area by telephone (unless there is a substantial and acceptable reason preventing notification). Staff must notify their manager of the nature of their sickness and of the likely duration of their sickness. Contact with their manager should then be at regular subsequent intervals after that (see “Maintaining Contact During Sickness” for further guidance).

On the fourth day of absence, the employee should contact their manager with an update of their progress to date and their expected date of return to work.

A flowchart detailing the various stages of the sickness absence notification, recording and reporting process can be found at Appendix 3.

4.1 Sustaining Injury/Ill Health Through Work Activities

Employees have a responsibility to report all accidents or incidents at work and any work-related ill health to their manager at the earliest opportunity. The manager will share this information with the HR Section to ensure that the Council complies with its duties under RIDDOR.

4.2 Manager’s Responsibility to Advise HR of Special Cases

In some circumstances it is important that the Human Resources section is advised of an employee’s sickness absence prior to their return to work. A proforma has been developed for managers to use (see Appendix 1) and this should be completed and sent to HR in the following circumstances:

- Where the employee is absent due to a work related accident - as soon as the manager becomes aware of the absence (this will ensure that the Council meets its obligations to report certain incidents under Health and Safety legislation).
- For all other absences - on the eighth continual day of an employee’s sickness absence (this will allow HR to assess the case and provide relevant advice to the manager);

5. Employee Availability During Sickness Absence

Employees should be available and contactable during their normal contractual hours. This is in order that they can provide regular updates to their manager, attend appointments with occupational health and, if necessary, receive follow up telephone calls from occupational health.

6. Maintaining Contact During Sickness

Maintaining contact between the Council and an absent employee is a shared responsibility. It is particularly important in cases of long-term sickness.

Employees and their managers are required to keep in regular contact throughout the period of absence. This is so that the employee can report progress and confirm when they will be returning from a period of sickness absence in advance of the expected return date.

Managers will need to maintain a reasonable level of contact with the employee during absence to discuss return to work arrangements and to talk through any occupational health recommendations.

Where an employee is experiencing a period of sickness absence, they and their manager should agree the method and frequency of contact to reduce uncertainty and manage the expectations of both parties.

The method and frequency of contact may vary from case to case and be dependent on issues such as the nature of the illness and key dates such as specialist appointments. As a general guide it is suggested that contact be maintained on a minimum frequency of two weeks.

7. Recording Sickness Absence

Accurate records are not only mandatory for statutory sick pay but are essential for monitoring sickness absence.

On returning to work, the employee must complete a sickness absence certification form (see Appendix 2) and send it to their Chief Officer's secretary.

For absences of more than 7 calendar days, employees are required to obtain a Statement of Fitness to Work detailing the reason for absence and signed by a registered medical practitioner. These certificates must be signed by the employee and medical practitioner at the time of the sickness and include the date when seen by the GP, as well as the period of time the employee needs to refrain from work. The certificate should be forwarded to the Secretary of the employee's Chief Officer. All certificates will be treated as confidential.

A flowchart detailing the various stages of the sickness absence notification, recording and reporting process can be found at Appendix 3.

Where appropriate, the manager should conduct a return to work meeting with the employee (see section titled "Return to Work Interview for more details) and keep documentary evidence of this (see Appendix 4).

7.1 Statement of Fitness to Work

To help both employers and employees have more informed back to work discussions, the Government introduced the 'Statement of Fitness to Work' to replace the sick note from April 2010. The Statement allows GPs to advise the Council that an employee is 'unfit for work' or 'may be fit for work'. The aim of the statement is to give employees and the Council more useful back-to-work advice to assist in managing sickness absence. A GP may be able to suggest ways of helping an employee get back to work. This could include a phased return to work, adjustments to hours of work or duties, or workplace adaptations. The GP can also provide written comments such as how the employee's medical condition is likely to affect different aspects of their work.

Eden District Council will use the information provided on a Statement of Fitness to Work in order to manage the sickness absence of an employee. Where more detailed advice is required, a referral to the Council's occupational health provider should be considered. See the section titled "Occupational Health Interventions" for more details.

8. Unauthorised Absence and Failure to Follow Sickness Reporting Procedures

Unauthorised absence is when an employee is absent from work for no apparent reason and fails to explain this absence and the reason for it within a reasonable period of time, ie on the first day of absence. It includes situations where staff are absent from the normal workplace during working hours without the prior permission of their manager.

Failure to supply either a self certificate and/or a medical certificate covering the entire period of absence or complying with the reporting procedures may lead to the withholding of pay. The Council will not accept backdated certificates from GPs unless there are substantial and acceptable reasons why certificates could not have been obtained at the time of sickness.

Failure to notify the relevant manager of any period of absence will be regarded as potential misconduct and the manager will decide whether to suspend pay immediately. The matter will be investigated in line with the Disciplinary Procedure.

Failure to comply with sickness reporting procedures will be viewed as unauthorised absence and therefore treated as misconduct. All such matters will be investigated in line with the Disciplinary Procedure.

Managers have a responsibility to investigate self certified absence where they doubt the reason for the absence. Human Resources can provide advice and support about how to manage this situation.

9. Sickness Absence and Holiday Entitlement

Where an employee becomes ill during a period of annual leave, the Council will re-imburse the affected period of leave providing the employee submits a medical certificate to cover their illness.

During periods of long term sickness absence employees will be entitled to continue to accrue holiday entitlement. Having returned from a period of long-term sickness absence, the employee and their manager should discuss when the leave will be taken. If an employee is unable to use their accrued annual leave before the end of the annual leave year, they may be permitted to carry the leave over to the next year and should seek permission for this from their manager at the earliest opportunity. Further discussions as to how the annual leave will be managed should also take place between the employee and their manager.

10. Return to Work Interviews

Where the employee's absence levels fall within the trigger ranges detailed later in this guidance it is mandatory for the manager to carry out a return to work interview. Where the employee's absence levels fall outside the trigger ranges detailed later in this guidance, return to work interviews will be carried out at the discretion of the employee's manager.

A return to work interview should be undertaken with the employee as early as possible on the day they return from sickness absence. The aim is to be supportive and helpful, and show that sickness absence is taken seriously. The meeting should cover the following points:

- a welcome back and check on how the employee is feeling/coping;

- discuss the absence - confirm the reason, check the employee has recovered, identify whether there are likely to be any relapses in future etc;
- discuss any actions needed on the part of the employee or the manager to support the employee in maintaining regular attendance at work. If there is an underlying absence pattern, a sensitive discussion about what might be causing this;
- to bring them up to date on what has happened while they have been away.

In discussing issues with the employee the manager should always be prepared to listen and take remedial action if poor working practices or environments are believed to be contributing to sickness absence. Managers should also keep in mind that medical information is a personal matter and staff may not wish to discuss it in detail.

Notes of the return to work interview should be taken by the manager and retained for future reference.

Employees who have been absent for a reason which they are uncomfortable about speaking to their manager about should contact the HR Section for advice.

Further guidance for managers in relation to preparing for a return to work interview can be found at Appendix 4.

A proforma return to work interview record can be found at Appendix 5.

11. Monitoring Sickness Absence

Managers have a responsibility to consider all the possible factors which may influence the level of sickness absence and, acting on advice and support from HR and occupational health, take actions to improve sickness absence rates.

Managers have a responsibility to monitor the sickness absence levels of their staff. As part of this, they should review the sickness absence records of their staff on a regular basis and identify where there appear to be patterns of sickness absence that reaches one of the trigger points as detailed below.

A flowchart detailing the various stages of the sickness absence notification, recording and reporting process can be found at Appendix 3.

12. Key Trigger Points for Management Action

The Council has agreed the following trigger points which, when reached by an employee, require managers to take an appropriate management response:

- 4 episodes of absence in a 12-month period;
- 2 working weeks' absence in a 12-month period;
- any levels of absence, which show a trend or pattern of absence or cause for concern.

Each time an employee reaches a trigger point, the manager should discuss the case with an HR Advisor and agree the management response to maintain consistency. In some cases a short discussion with the employee to explore the reasons for their absence may be sufficient, or a referral to the Council's occupational health provider might be appropriate. In other cases, the manager may inform the employee that they will monitor their absence over a specified period and, if the pattern continues, they will seek further advice from occupational health and Human Resources.

13. Occupational Health Interventions

The following circumstances require the manager to contact the Human Resources section to review whether a referral to Occupational Health is appropriate:

- 28 days continuous absence (includes weekends), with no immediate or known prospects of return to work;
- where a serious and potentially long-term illness or injury is reported (eg back injury, clinical depression, stress etc);
- where it has been reported that the absence is due to identifiable work-related issues.

13.1 The Role of Occupational Health

The role of the occupational health provider is to provide a professional assessment of the physical and psychological health of employees in order to enable managers to make decisions about operational service delivery and the ability of any employee to undertake the tasks required of their job. It is the manager's role to consider the advice from occupational health and to decide on and implement the appropriate actions, with advice from HR. The occupational health provider will not disclose any medical information without the express permission of the member of staff concerned. However all employees have an obligation to disclose to their manager or any other relevant parties, 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 their normal working activities.

In situations where there are concerns with attendance and/or performance due to an underlying health issue, the manager will refer the employee to the occupational health provider via Human Resources. The employee's consent to the process is required and so the referral must be discussed with her/him beforehand to ensure that s/he understands the reasons for it and is willing to provide her/his consent.

The occupational health provider will respond to questions posed on the referral form by the employee's manager. This could include advice on whether there is an underlying health problem which relates to the sickness absence for which the employee was referred. They can also advise the manager on fitness to return to work and whether the employee is likely to be able to maintain sustained attendance at work or the likely timescale for sustained attendance to be achieved. If appropriate they will also advise on any working restrictions on the employee and suggest any reasonable adjustments or modifications (in line with the Equalities Act 2010), either temporary or permanent, that would enable the employee to return to work and sustain an acceptable level of attendance.

It is not the role of the occupational health provider to agree and implement a resolution to the non-attendance whether health-related or not. The occupational health provider simply provides a professional medical opinion. It is the responsibility of the manager (with advice and support from HR) to ensure that the appropriate steps are taken in the light of the occupational health advice and in consultation with the employee and their representative.

13.2 Referring an Employee to Occupational Health

The most common type of referral is related to an employee's fitness to work. This type of referral is often made when an employee is absent and is used to assess whether s/he has an underlying medical condition and to seek advice on his/her ability to return to work and/or maintain an acceptable level of attendance in the workplace.

Referrals can also be made to support staff who are attending work. An example of this could be a referral relating to an ergonomics issue that the Council's internal DSE assessor has been unable to resolve.

It is also possible to use a referral to gain advice on whether an employee meets the requirements of the Local Government Pension Scheme to be awarded early retirement on the grounds of ill health.

Managers who believe an occupational health referral may assist them in managing the sickness absence of a member of their team should discuss their thoughts with a member of the HR team in order to agree whether a referral is appropriate.

In order to refer an employee to the occupational health provider, the manager (with advice and guidance from HR) will complete the appropriate proforma with details of the employee including their sickness absence history, background information to their case and details of the advice being sought from the occupational health provider. It is usual practice to send a copy of the employee's job description with the referral.

Having completed the referral form, the manager should meet with the employee on a one-to-one basis to explain the referral. Where a meeting is not possible (eg where the employee is absent and is unable to meet with their manager), this discussion should take place by telephone. If this is not possible, the referral form should be sent to the employee with a covering letter to explain the referral process and offer an opportunity for him/her to raise any questions or concerns with his/her manager by phone or in a meeting. The employee should be provided with a copy of the referral form and asked to sign it to confirm his/her consent to the process. The manager should also take the opportunity to make the employee aware of what may happen once the occupational health advice has been obtained eg that they may consider setting up a formal meeting to review their case. The type of review meeting will depend on whether the employee is experiencing short-term or long-term sickness. Further details of these meetings are contained in later sections of the guidance titled "Managing Persistent Short Term Sickness Absence" and "Managing Long Term Sickness Absence".

Once completed, the referral form should be sent via Human Resources to the occupational health provider, who will then contact the employee in order to make an appointment for them to be seen by an occupational health nurse or doctor. Following this appointment, the occupational health provider will send a report to the manager of the employee to answer the questions raised in the referral. The manager will then be required to decide what further action, if any, is necessary. This decision should be taken after seeking guidance from Human Resources.

13.3 Employee Consent

A referral to the Council's occupational health provider requires the consent of the employee being referred. The Council encourages employees to co-operate with the occupational health process.

In order to reassure the employee of the supportive role of the occupational health process, it is important for the manager to explain the reason for the referral and provide the employee with a copy of the referral form. If the employee has questions that the manager cannot answer, further guidance from the HR Section should be obtained.

An employee has a right to see any occupational health report prior to it being released to the Council and the occupational health provider will discuss this with the employee as part of the referral process.

If the employee refuses to co-operate with the occupational health process, the Council will be forced to base any decisions regarding their future employment on the information available. If the refusal is deemed to be unreasonable it could also be viewed by the Council as misconduct and dealt with through the Disciplinary procedure.

14. Managing Persistent Short Term Sickness Absence

This is where an employee has a pattern of short-term sickness absence which has met one of the Council's trigger points. There may or may not be an underlying medical reason.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in a fair way, the specific interventions used and the timing of those interventions may differ from case to case. The following procedure is provided for guidance purposes.

14.1 Informal Process

Wherever possible, an informal approach will be the first step to help, guide or advise an employee about improving their attendance. This may take place in return to work interviews or in separate informal meetings arranged by the employee's manager.

The purpose of any informal meeting is to identify and examine any areas of concern, and to make sure that the employee clearly understands the future expectations of the Council in relation to their attendance at work.

Managers should keep a note of any meetings and retain them for future reference.

Ongoing monitoring should be undertaken by the manager to establish whether the required improvement has been achieved. If not, it may be appropriate to enter into a formal process.

14.2 Gaining Occupational Health Advice and Considering Reasonable Adjustments

Prior to taking formal action it would be usual for a manager to seek advice from the Council's occupational health provider in order to establish whether the employee has an underlying medical issue that is contributing to their levels of absence. Where an employee is found to have a medical condition which could constitute a disability as defined by the Equalities Act 2010, reasonable adjustments should be considered to ensure that the Council acts in a non-discriminatory way. Further information can be found in the Council's Guidance on Disability in the Workplace.

14.3 Formal Process

It is essential that the Council deals with frequent and persistent short term absence promptly, fairly and consistently to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where informal approaches have failed to achieve the desired improvements in attendance, or where informal action is deemed not to be appropriate in the circumstances of the case.

It would be usual for the formal process to be followed in the order detailed below. However, where an employee has reached the desired improvement in attendance following one of the three formal meetings but whose level of sickness absence becomes unacceptable again within 3 months of the formal meeting, the Council reserves the right to enter the formal management process at the point it ended previously. For example where the employee has attended a second formal sickness review meeting and maintains the required level of attendance for the 3 months following the meeting, but then experiences sickness absence

shortly after the end of the review period, they could be called to attend a second formal sickness review meeting again, rather than going back to the start of the process.

14.3.1 Formal Process - Stage 1 Sickness Review Meeting

The purpose of the meeting is to review the level of sickness absence with the employee and seek ways to achieve more acceptable levels of attendance.

The employee has the right to be accompanied to the meeting by an accredited trade union representative or a colleague.

The manager should try to identify the cause of the absence and discuss ways to reduce further absence with the employee. This would normally include:

- A review of the employee's attendance record over the last 12 months and the reasons for their sickness absence;
- An opportunity to discuss whether the absences are linked to an underlying medical issue;
- Discussion about whether the employee has asked for or received any support eg from their GP, hospital doctor, counsellors;
- Discussion about whether any sickness problems may be work-related and, if so, any adjustments that would help the employee to achieve an acceptable level of attendance at work.

It may be that the absences are not related to ill health. Examples of non-health related issues that may cause poor attendance can include bullying, domestic abuse, stress, caring responsibilities and relationship problems. The issue may be short or long term in nature and this may dictate the level of discussion eg a short-term childcare issue arising from the breakdown of a formal arrangement may be identified and the employee may advise the manager that the issue will be resolved within a short period of time once a new childcare provider has been found. In this situation, little further discussion is needed. The manager needs to be constructive in looking at ways in which they and the Council can assist the employee to deal with their issues whilst at the same time making it clear that the employee has a contractual obligation to attend work on a regular basis.

Where occupational health advice has suggested that the absences are linked to an underlying medical problem that meets the definition of a disability under the Equalities Act 2010, the manager and employee should discuss any reasonable adjustments that could be put in place to support the employee to achieve an acceptable level of future attendance at work. The Council's Guidance on Disability the Workplace provides more information in relation to reasonable adjustment. Advice can also be obtained from the HR Section.

If an employee suggests their absences are linked to an underlying medical condition and advice from the Council's occupational health adviser has not already been sought, the manager should make a referral as soon as possible. It may be appropriate to adjourn the meeting and re-convene it once the occupational health advice has been obtained.

During the meeting, the manager will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable timescale (usually 3 months) will be set and regular review meetings will be scheduled to assess progress against the required improvements. The manager may also consider the following actions:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence;
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support;
- The employee may be issued with a written warning. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not considered to be genuine.

The manager will send written confirmation of the outcome of the review meeting and a copy will be placed on the employee's personal file.

Where a written warning has been issued, this will be 'live' for a period of 6 months and may be taken into consideration at a further stage in this process during that time.

The employee has the right of appeal against the written warning. Please see the section titled "Appeals" for further information.

14.3.2 Formal Process - Stage 2 Sickness Review Meeting

A second meeting should be set up if the employee's sickness absence level continues to be unacceptable despite the earlier formal meeting. In convening a second meeting it is not necessary to wait until the end of the timescale set in the first meeting to elapse, providing there is evidence to show that absence levels have failed to improve.

The second review meeting will re-confirm the issues discussed at the first review meeting and seek to identify the reasons for the employee's failure to achieve the required level of attendance.

The employee has the right to be accompanied to the meeting by an accredited trade union representative or a colleague.

The manager will advise the employee of the improvements required in relation to their attendance and the consequences of failing to achieve these. A reasonable timescale (usually 3 months) will be set and regular review meetings will be scheduled to assess progress against the required improvements. The manager may also consider the following actions:

- Requesting the employee to submit a medical certificate from their GP for every instance of absence;
- Other support mechanisms as identified in the meeting such as reasonable adjustments or other forms of support;
- The employee may be issued with a final written warning. This reflects the fact that the employee has an unacceptably high level of sickness absence and in no way implies that the periods of absence are not considered to be genuine.

At this stage the manager must also advise the employee that no significant improvement in their level of absence will result in a Case Review Hearing that may lead to their dismissal.

The manager will send written confirmation of the outcome of the review meeting and a copy will be placed on the employee's personal file.

Where a final written warning has been issued, this will be 'live' for a period of 12 months and may be taken into consideration at a further stage in this process during that time. The

employee has the right of appeal against the written warning. Please see the section titled “Appeals” for further information.

14.3.3 Formal Process - Case Review Hearing

If, having been through the stages 1 and 2 of the formal process and associated improvement plans, the sickness absence of the employee remains at an unacceptable level, a case review hearing will be convened. This hearing will be chaired by the relevant Chief Officer.

The employee may be accompanied to the meeting by an accredited trade union representative or a colleague. The manager who has managed the employee through the earlier stages of the process should also attend this meeting to present their case. An HR adviser may attend the meeting in order to provide advice to the Chief Officer.

The purpose of the case review hearing is to consider whether there are further actions that can be taken by the Council to assist the employee in continuing their employment.

If the Chief Officer concludes that the employee and the process have been managed fairly, that the required level of attendance is fair and achievable and that the employee has been given all reasonable opportunity to improve to an acceptable standard but failed to do so, s/he will be able to consider action including the ability to terminate the employee’s employment, with the appropriate contractual notice, for failure to meet an acceptable level of attendance.

If the Chief Officer concludes that sufficient reasonable opportunity has not been given to the employee, s/he can agree one further and final review period during which the employee will be required to achieve the required acceptable level of attendance. Failure to achieve the required improvement would result in a further case review being held.

In reaching his/her decision, the Chief Officer will consider such issues as:

- The impact of the employee’s absence on service delivery;
- The employee’s absence record;
- The actions that have been taken to support the employee in trying to improve their attendance;
- Advice received from occupational health and, where applicable, the employee’s own GP or specialist.

The employee will be informed of the decision and their right of appeal in writing within 5 working days of the hearing. Please see the section titled “Appeals” for further information.

15. Managing Long Term Sickness Absence

Long term sickness absence is absence which lasts for a period of 28 calendar days or more. Long term sickness cases are often linked to an underlying medical reason, however this may not always apply.

It should be noted that sickness absence issues are often complex and unique. Whilst it is important that issues are dealt with in a fair way, the specific interventions used and the timing of those interventions may differ from case to case. The following procedure is provided for guidance purposes.

15.1 Maintaining Contact

During a period of long term absence it is important for contact to be maintained between the manager and the employee. See the section titled "Maintaining Contact During Sickness".

15.2 Gaining Occupational Health Advice

It would be usual for a manager to refer an employee to the Council's occupational health provider once the employee has had a continuous absence (includes weekends) of 28 days with no immediate or known prospects of return to work.

The occupational health referral can be used to identify whether the employee's absence is related to an underlying medical condition and the likely length of the employee's absence. Where an employee is found to have a medical condition which could constitute a disability as defined by the Equalities Act 2010, reasonable adjustments should be considered to ensure that the Council acts in a non-discriminatory way. Further information can be found in the Council's Guidance on Disability in the Workplace.

Where the occupational health advice suggests that a return to work is likely within the foreseeable future, it may be appropriate for the manager and employee to meet to plan for the return to work, rather than entering into the formal process.

15.3 Formal Process

It is essential that the Council deals with long-term absence in a fair and consistent way to demonstrate to all employees that it regards absence as a serious matter. It is appropriate to use the formal process where there is evidence to suggest that the employee is unlikely to return to work in the foreseeable future.

15.3.1 Formal Process - Stage 1 Sickness Review Meeting

Having gained advice from occupational health the manager should arrange a formal meeting with the employee. The employee has the right to be accompanied to the meeting by an accredited trade union representative or a colleague.

The purpose of the meeting is to discuss the occupational health advice and from this, the prospects and timescale for employee's return to work and/or ability to maintain an acceptable attendance level in the future. This will include, if appropriate, the consideration of which of the options below are most appropriate for the employee in the light of the occupational health advice. A reasonable timescale should be set to explore the appropriate options and sufficient time should be given for the employee to consider the options. The employee should be informed in writing of the actions to be pursued and the timescale over which they would be considered.

Normally the following options would be considered in the order that they are listed below:

- a) return to/continuation in existing post;
- b) return to/continuation in existing post with reasonable adjustments;
- c) redeployment to another post within the Council;
- d) phased return to work (which could be used in conjunction with a, b or c above);
- e) dismissal on health grounds.

More detailed advice on these options is contained below. Advice and support in pursuing these options is available from the HR Section.

If options a - d above are not feasible and dismissal on the grounds of ill health may be the only option left to the Council, the manager should ensure that the employee is made aware of this fact at the earliest possible opportunity.

Given the time that it may take for a clear diagnosis of the employee's condition, or for a review of the effectiveness of any treatment, it may be that a number of formal stage 1 meetings will need to occur before final advice is given by occupational health and before a final set of actions in line with the options above can be implemented. Whilst the Council will take all reasonable steps to assist employees to return to work, it is not possible to wait indefinitely for an employee's condition to improve. These meetings should therefore set a date for return, subject to an employee's fitness to do so. Whilst each case will be judged on its particular circumstances, managers should endeavour to ensure that appropriate action in line with the options above is actioned as soon as possible.

15.3.1.1 Return to Existing Post

This may be with a phased return to work - see below. In these circumstances, a manager may consider setting a monitoring period and have a formal meeting with the employee and their representative to consider this.

15.3.1.2 Return to Existing Post with Reasonable Adjustments

Adjustments may include changes to the hours, duties or location of the role, the use of particular equipment or improving access or facilities. Such adjustments can be made on a temporary or permanent basis.

The manager will need to assess whether these changes can reasonably be accommodated without having a detrimental effect on the service.

As part of the consideration of such adjustments, further specialist advice may be sought from the Occupational Health Service or outside organisations such as the disability advisory service offered by Job Centre Plus, the RNIB or the Shaw Trust. This additional advice may be referred from occupational health or approached directly by the manager.

Managers may wish to take advice from HR on what adjustments would be reasonable in a given situation.

As above, in these circumstances, a manager can set a monitoring period, and arrange a formal meeting with the employee and their representative to consider this.

15.3.1.3 Redeployment

If it is not possible for the employee to return to their post either with or without adjustments, the manager should consider redeploying them into another post where it is mutually agreed. This would relate to existing posts within the Council which become vacant but would not require the Council to create a post specifically for the purposes of redeployment.

When considering redeployment, advice from the occupational health provider can be obtained in relation to the tasks the employee is capable of undertaking and on the type of posts that the employee would be fit to be redeployed into. It is also important to consult the employee on such matters.

The manager would then set a timescale (usually up to 12 weeks) during which redeployment would be sought for the employee. During the redeployment search period the employee would have priority status and be considered before other applicants for a post (other than other candidates with priority status for either health or redundancy reasons).

If a suitable redeployment opportunity is identified, it may be appropriate to offer a trial period of upto 4 weeks. This will allow both the employee and the Council to see if the post is suitable.

Employees who refuse to consider or accept a suitable redeployment opportunity should note that this may limit the Council's ability to continue their employment.

15.3.1.4 Phased Return to Work

Where an employee is returning to their own post (with or without reasonable adjustments) or is being redeployed into another post, the occupational health provider may advise that they should return on a phased return to work, where their hours are increased week by week until they reach the level of their usual contractual hours. Advice from the HR Section should be obtained in order to ensure fair and consistent treatment of all employees.

The phased return to work arrangements can be agreed to be in place for anytime between 2 - 6 weeks. It would be unusual for a phased return programme to exceed 6 weeks.

During formal 'phased return to work' arrangements (up to 6 weeks) the employee will suffer no financial detriment by returning to work on this basis, providing that they adhere to the agreed arrangements and remain at work for the duration of the programme.

If the employee has pre booked annual leave during a phased return programme, the phased return arrangement will be reviewed on the employee's return from annual leave and may be extended by a period of time equal to the period of annual leave.

If sickness absence occurs during a phased return programme sick pay entitlements will be triggered. On the employee's return to work the phased return arrangement will be reviewed and continued, extended or ended as appropriate.

In exceptional circumstances, where a phased return of more than 6 weeks is agreed, for the additional weeks (ie above 6) the level of payment that the employee receives will be adjusted depending on the number of hours that they work during those weeks and the sickness entitlement that they had reached prior to returning to work. For example, a full time employee was in receipt of half sick pay prior to returning to work. On week 7 of a phased return s/he works 17 hours but would receive pay for 18.5 hours (equivalent to the half sick pay that s/he would have received if off sick). If however that same employee had exhausted their sick pay prior to returning to work and worked 17 hours in week 7 of their phased return, they would be paid for 17 hours. (Please note that pay adjustments, including any deductions may need to be made in the next available pay period).

In the event of an unsuccessful phased return, or the necessity of a second phased return arrangement in a rolling 12 month period it will be up to the employee's manager in discussion with HR to consider how any further phased return to work programmes are supported in terms of paid/unpaid time. In using their discretion they will take into account the following factors:

- an employee's service and previous attendance record;
- the length, success/failure of a previous phased return programme during the last 12 months;
- the level of occupational sick pay that they are receiving;
- the particular circumstances and nature of the case;
- whether longer term adjustments are required rather than a further phased return.

15.3.2 Formal Process - Attendance Hearing

The Council will only consider dismissing an employee on the grounds of capability due to ill health when it has considered all the available facts and medical reports, and where the appropriate options of returning to their post (with or without adjustments), redeployment and a phased return to work have been examined and found not to be possible or applicable.

In these circumstances an employee will be required to attend a formal Attendance Hearing. The employee will be given ten working days' written notice of the meeting, advised of the right to be accompanied by an accredited trade union representative or colleague, notified of the nature of the concerns and possible outcome, and provided with all relevant documentation that will be discussed at the hearing.

The meeting will be chaired by a Chief Officer and an HR Adviser may attend to provide support and advice. The manager who oversaw the earlier stage of the formal process will also attend to present his/her case.

The Chief Officer will consider the following information:

- The steps taken to manage the employee's sickness absence to date;
- The needs and resources of the Council in relation to the work which the employee is employed to undertake;
- The effect of the employee's absence upon other employees and in particular those who are engaged in the same section;
- The likely duration of the employee's illness;
- Redeployment opportunities.

Having considered the situation the Chief Officer may decide there is no alternative but to terminate the employee's contract on the basis of ill health.

A letter confirming this decision must be sent to the employee within five working days of the meeting. The letter will set out the employee's contractual entitlement to notice pay and details of the right of appeal against dismissal.

It is possible for an employee to be dismissed (on the grounds of capability) prior to the exhaustion of any contractual sick pay entitlement.

16. Appeals

Employees who receive a penalty through the procedures outlined above have a right of appeal against the penalty.

16.1 Appeal Against a Written or Final Written Warning

An employee wishing to appeal against a written or final written warning should do so in writing. This must be sent to the manager who heard the case within 10 working days of receipt of the outcome letter.

Wherever possible, appeals will be heard within 15 working days of receipt of appeal.

The appeal will be heard by a different manager to the manager who issued the warning. Wherever possible, the appeal will be heard by a manager who is more senior to the manager who issued the warning.

16.2 Appeal Against Dismissal

An employee wishing to appeal against dismissal on the grounds of capability should do so in writing. This must be sent to the Chief Officer who heard the case within 10 working days of receipt of the outcome letter.

Wherever possible, appeals will be heard within 15 working days of receipt of appeal.

The appeal will be heard by an appeals panel which will consist of a sub-committee of the Human Resources and Appeals Committee. A sub-committee is made up of three members of the full committee. A member of the HR and Appeals committee would not normally be selected if they have any prior involvement with the case.

17. Applications for Ill Health Retirement

In accordance with The Local Government Pension Regulations 2013, an active member of the Local Government Pension Scheme who has the required qualifying service, and whose employment is terminated by the Council on the grounds of ill health, may be eligible for early payment of a retirement pension.

Applications for ill health retirement should be addressed to the Human Resources Manager.

18. Representation

As confirmed throughout the guidance, employees may be accompanied to formal hearings and appeals by a certified trade union representative or a colleague.

19. Interpretation

Any questions as to the interpretation of this guidance shall be referred to the Human Resources Manager.

Notification of Sickness Absence - Special Cases

The following form should be used by a manager to notify the Human Resources section of the sickness absence of one of their employees in the following circumstances:

- On the eighth continual day of an employee’s sickness absence (this will allow HR to assess the case and provide relevant advice to the manager);
- where the employee is absent due to a work related accident (this will ensure that the Council meets its obligations to report certain incidents under Health and Safety legislation).

About the Employee	
Name of employee	
Department	

About the Sickness Absence	
First day of sickness absence	
Reason for absence	
Is the absence related to a work-related injury	
What is the expected duration of the absence	

Other Information	
On what date did you last speak to the employee	
Is there any other information you feel is relevant to this matter	

Signed _____ Print _____

Date _____

Once complete, please return this form to the Human Resources Section.

Sickness Absence Certification Form

(To be completed for all absences)

Name

Post.....

Payroll No Department/Section.....

Previous Absence

Please record your sickness absence for the 12 months prior to the absence you are reporting on this form:

Number of occasions Total number of hours

This Absence

First date of absence Last date of absence.....

Please record the number of hours lost to sickness for each day you were absent:

Week No	Mon	Tue	Wed	Thur	Fri	Sat	Sun

Total hours of sickness absence to be recorded on Timesheet (Code 9902).....

	Yes	No	
Is the absence due to an incident or accident at work?			
If Yes, was the accident reported?			To Whom:
Have you consulted your doctor?			

If you received a doctor's statement/certificate it should be submitted to your manager, together with this form.

If the absence has lasted for more than 7 calendar days you must obtain a Doctor's Statement.

Declaration - I declare that the details given above are true and accurate.

Signed..... Date

Any person who deliberately makes a false statement renders themselves liable to disciplinary action and possibly action for fraud.

Signature of Supervisor Date

This form should be completed and given to your supervisor on your return. Any delay in the completion of the form may result in a delay in the payment of salary.

Sickness Absence Notification, Recording and Reporting Process

Appendix 3

Start of Absence

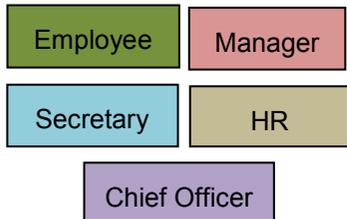
Employee is sick - informs Manager

Manager informs Secretary

Manager informs HR/H&S Officer immediately if it is an accident/ incident at work.

RTWI Triggers:
 4 episodes or
 2 working weeks absence in a 12 month period or
 any level or pattern of absence which causes concern.

Key:



During Absence

Manager maintains regular contact during absence

If employee absent more than 7 days:

Secretary prompts Manager to inform HR

Manager informs HR

Employee submits Fit Note from GP to Manager once received

Manager forwards Fit Note to Secretary

Secretary forwards a copy of the Fit Note to Payroll

Return to Work

Employee returns to work - completes SACF and (if necessary) provides Fit Note

Secretary can provide previous sickness data on request

Manager certifies SACF and conducts RTWI with employee if appropriate

Manager submits SACF, Fit Note and RTWI notes to Secretary

Secretary:

- Reconciles the absence against SAFC/Fit Note and resolves any discrepancies;
- Logs the absence on the individual and departmental log;
- Verifies if a RTWI is required and, if so, if it has been completed;
- Retains the paperwork on file;
- Submits a copy of the SACF and Fit Note to Payroll

Monthly

HR:

- Reconciles Monthly Dept reports to TOTAL.
- Provides support to Managers and Chief Officers;
- Records departmental data on Council-wide log

Secretary:

- Sends Dept log to Chief Officer and HR
- Supports HR with reconciliation between Monthly Dept report and TOTAL

Manager:

- Reviews individual logs for his/her staff to identify patterns or trends;
- Seeks support from HR as required

Chief Officers:

- Reviews the departmental log in detail with Section Head and at high level with DMT
- Seeks support from HR as required

Quarterly

HR:

- Reports absence statistics for the full Council to Management Team;
- Provides a strategic overview of trends and benchmarking;
- Undertakes an audit of a sample of absence cases to monitor procedural compliance and seek continuous improvements to the process

Chief Officers:

Considers audit results and action as appropriate.

Management Team:

Considers report on absence including statistics, benchmark, trends, results of audit and Chief Officer recommendations in response to audit results.

Preparing for a Return to Work Interview - Guidance for Managers

Prior to the meeting, think about:

- The employee's sickness records - look for any patterns or trends and have the records to hand in the meeting;
- If the employee is returning from a period of long-term sickness, plan a return to work programme. Advice can be obtained from the Council's occupational health provider and the HR Section;
- Any discussions you have already had with the employee following advice from their GP on previous Statements of Fitness to Work. If a phased return to work has been suggested you might want to consider how this will work in practice - for example, what arrangements need to be put in place, what will you tell the employee's colleagues etc;
- What kind of questions you will ask during the meeting. Open questions that give the employee the chance to talk freely are best - for example "how do you feel about being back at work" may be better than a closed question like "are you happy being back at work";
- Familiarise yourself with the Council's Sickness Absence Policy and Guidance for Managers and Employees;
- Remind yourself about the employee - are there any issues that might crop up during the meeting. For example, if you know that the employee has been having childcare issues, it might be worth familiarising yourself with the Council's approach to flexible working requests so that you can discuss this with the employee if appropriate;
- Options for the future - think through what you expect of the employee in terms of future attendance levels, what support you can offer etc.

During the meeting:

- Think about how the employee feels - be ready to pick up on clues by actively listening to what they say, making connections between the various points they make and seeking clarification where necessary. Also, be positive about the employee's value to the organisation;
- Consider your body language - show interest with appropriate nods, smiles and reassurance;
- Be prepared to discuss the employee's absence in detail. Have there been any patterns? What does the Council's guidance on absence say?
- Update the employee on any changes since they have been away eg changes to the team, progress on major projects, new pieces of work etc;
- Take notes of the meeting (a proforma can be found in the Council's Guidance for Managers and Employees) and hold them securely for future reference.

Return to Work Interview Record

Employee Name _____ Section/Dept _____

Dates of Period of Sickness: _____ to _____

Preparation Check-list

- Review the employee’s sickness record:
 - Check the total number of occasions of sickness absence in last 12 months: _____
 - Check the total number of hours’ sickness absence during last 12 months: _____
 - Is there a pattern
 - next to rest days? Yes/No
 - same day for each occurrence? Yes/No
 - Check total number of day's absence this occurrence. If more than 7 calendar days:
 - was a medical certificate supplied? Yes/No
 - Adherence to absence procedure on this occasion
 - Made contact on the first day of absence by the required time? Yes/No
 - Spoke to a supervisor? Yes/No
 - Is the employee on managed return to work? Yes/No
 - Is the employee in the formal sickness review process? Yes/No
-

Interview (to take place within 7 days of return to work)

- Preparation
- Welcome the employee back to work
- Discuss the absence
- Agree actions
- Move on

Notes:

Signed:
Employee _____ Manager _____

Date _____

Original form to be held confidentially by the manager, with a copy given to the employee.

MANAGEMENT REFERRAL FORM - Version 12

OH19

SECTION 1 Company Details			
Company Name:			
Referring Manager: Mr/Mrs/Miss/Ms [delete as appropriate]		Email Address:	
Line Manager: Mr/Mrs/Miss/Ms [delete as appropriate]		Email Address:	
Company Address & Postcode:			
Contact Telephone Number:		Fax Number:	
Person to receive report:		Preferred means of receiving report (X)	Email Post
SECTION 2 Employee Details			
Mr/Mrs/Miss/Ms [delete as appropriate]	Surname:	Forename(s):	
Date of Birth:		Employee Number:	
Home Address:		Job Title & Department:	
Post Code:			
Contact Telephone Number:		Date commenced employment:	
Contact Email:		Date commenced present job if different:	
Total Contracted hours:		Provide details of working pattern.	
SECTION 3 Absence History (provide details of all absences in last 6 months)			
Is the employee currently absent from work?			Yes No
From:	To:	Number of Days	Reason for absence
SECTION 4 Reason for this referral			Please indicate ✓
Short Term (STA):			
Long term (LTA):			
Fitness assessment due to change in Job Requirements/Role:			
Wellbeing support (mental health and counselling):			
Other:			

Employee Name		DoB	
Assessment Date		QID	

SECTION 5 Referrer Information – the referral cannot progress if this section is not completed

Describe the employee’s impairment and how it affects their ability to carry out their role.	
How long have you been aware of the issue?	
Has the employees job or conditions changed? Please provide details	
Is there conflict with colleagues or management?	
Is the employee subject to any formal management process?	
Are you aware of any personal issues?	
Is there any other information you consider to be relevant?	

SECTION 6 Referrer’s Questions – please indicate in the right hand column the questions required

	✓
Is there an underlying medical condition that is adversely affecting the employee’s health?	
Is the employee’s impairment consistent with this underlying medical condition?	
Is the impairment likely to affect the employee’s ability to carry out normal day to day activities temporarily or permanently?	
Is the impairment likely to affect the employee’s ability to carry out their role temporarily or permanently?	
If the employee is not fit to carry out their contractual tasks can they work in an alternative role?	
What adjustments should be considered in relation to the employee’s impairment?	
When is the employee likely to be able to return to work?	
Is a phased return to work recommended?	
Is their medical condition work related?	
Is their medical condition likely to recur?	
Is a review indicated and if so when?	
Do you have any other questions not addressed above? (please add in the space provided)	

SECTION 7 Employer Declaration – must be completed

Have you explained the reason for this referral and discussed its contents with the employee in detail as well as providing them with a copy? (If the answer is NO the referral CANNOT progress)	Yes	No
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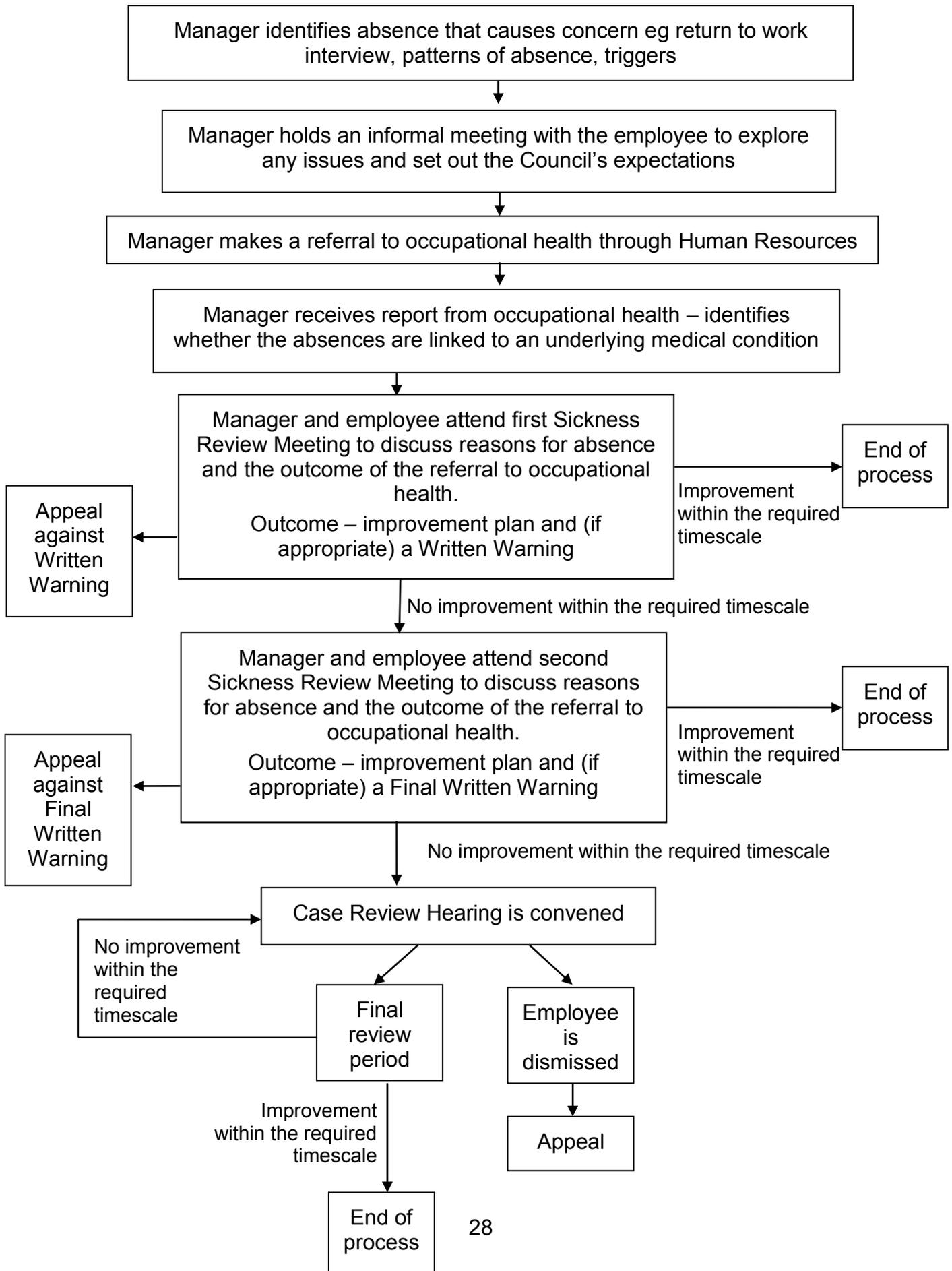
Signed: Date Completed:
 Print Name:..... Job Title:.....
 Date sent to OH:

This form is confidential to **Choose Occupational Health**.
 It should be completed by the Line Manager or HR Manager/Officer.

Return Address - Please return the completed form to the address or e-mail in the footer below.



Managing Persistent Short Term Sickness Absence



Managing Long Term Sickness Absence

