

Attendance at Work Policy and Procedure



EAST RIDING
OF YORKSHIRE COUNCIL

Lead Directorate and Service:	Corporate Resources - People Services
Effective Date:	August 2018
Contact Officer/Number:	Employment Services Advice Centre / 391221
Approved By:	The Cabinet: 17.7.07, Min: 3036 The Cabinet: 26.4.11, Min: 4163 CMT: 8.6.15, Min: 16402, DR: 17156, 10.6.15 CMT: 13.3.17, Min: 17425, DR: 19279, 21.3.17 CMT: 6.8.18, Min: 18180, DR: 21074

Contents

Attendance at Work Policy	1
1. Background	1
2. Definitions for the Purpose of Policy	1
3. Policy Statement	1
4. Policy Aims	1
5. Statutory Obligations	1
6. Policy Development including Consultations	2
7. Links with other supporting Departments/Policies	2
8. Desirable Outcomes	2
9. Policy Review	2
10. General Data Protection Regulations 2018	2
11. Evaluation/Review	3
Attendance at Work Procedure	4
1. Introduction	4
2. Preventative Measures	6
3. Roles and Responsibilities	6
4. Managing Absence	8
Attendance at Work Flowchart	18
Procedure to be followed at a meeting to consider Issuing an Attendance Level Warning, or Dismissing an Employee	20
Procedure to be followed at an Appeal Meeting Against the Issuing of an Attendance Level Warning or Dismissal	21

Managers must read this Policy and Procedure in conjunction with The Guidance Notes for Managers

Attendance at Work Policy

1. Background

The Council recognises that some degree of sickness absence is inevitable and will ensure that it responds and manages this in a caring, supportive and confidential manner. The wellbeing of Council employees is paramount and the Council is committed to providing appropriate support and encouragement to employees who are ill, and to take all reasonable steps to assist them to return to work as soon as possible.

2. Definitions for the Purpose of Policy

- The Attendance at Work Policy and Procedure defines the broad principles of operation and does not seek to define every circumstance.
- Misconduct will be dealt with under the Disciplinary Policy and is separate from the Attendance Policy.
- Capability relating to skills, experience and qualifications etc to perform in the job will be dealt with under the Capability Policy.

3. Policy Statement

Investing in the wellbeing of our employees is paramount in ensuring good attendance at work which, in turn, contributes to the Council's success in meeting its objectives. East Riding of Yorkshire Council will develop its Attendance at Work Policy and Procedure in accordance with the Corporate/Schools Policy Framework. This policy applies to all employees of the Council including school-based employees

where it has been adopted by the respective school governing body.

4. Policy Aims

- To develop and implement initiatives to support the health and wellbeing of our workforce.
- To create a positive working environment that sustains high morale amongst employees.
- Managers to identify and monitor the levels of attendance and issues which impact on these and take appropriate action to improve and maintain attendance at work.
- To consistently and fairly apply the Attendance at Work Policy and Procedure.
- To provide appropriate support to employees during an absence and when returning to work.
- To consider reasonable adjustments, aids and adaptations with reference to the Equality Act 2010.
- To set and review attendance levels for the Council, Directorates, Schools, Managers and, where appropriate, individual employees to improve attendance levels.
- To regularly monitor and review action taken by Managers within this policy.
- To provide adequate support to Managers including appropriate training.

5. Statutory Obligations

Equalities in Employment - This policy recognises the requirements to comply with the Equality Act 2010 (EA) when

dealing with the attendance of disabled employees. The provisions under the EA will include assessing and implementing where possible any reasonable adjustments, aids and adaptations that can be made to the duties, workplace, provisions, criteria or practices in order to maintain attendance and performance at work and assist a disabled employee back into the workplace following absence. Throughout this policy and procedure it is expected that Managers and Headteachers will follow these principles regardless of the reasons for the absence. Sickness absence records are considered to be sensitive data and will be treated in accordance with the requirements of the Data Protection Act 1998, as amended.

6. Policy Development including Consultations

This policy was developed in consultation with Managers (including Headteachers and School Governors), Trade Union Representatives and Elected Members.

7. Links with other supporting Departments/Policies

The following services will support Managers and Headteachers in effectively implementing the Attendance at Work Policy and Procedure:

- People Services.
- Occupational Health Service.

The following policies must also be used in support of the Attendance at Work Policy and Procedure where appropriate:

- Wellbeing Policy.
- Flexible Working Policies, eg Job Share, Home Working etc.
- Special Leave Policy.
- Retraining and Redeployment Policy.
- Workplace Drug and Alcohol Testing Policy.

- HIV and Aids Policy.
- Health and Safety Policies.
- Equalities in Employment Policy (Race, Gender and Disability).
- General guidance on the Equality Act 2010.
- Personal Harassment Policy.
- Attendance at Work Policy and Procedure Guidance Notes for Managers.
- National terms and conditions for employees, eg Green Book, Burgundy Book. This policy and procedure is not intended to negate or worsen the provisions contained in these nationally agreed documents.

8. Desirable Outcomes

The desired outcome from implementation of this policy is a well-motivated and committed workforce and an increase in overall attendance rates.

9. Policy Review

The Executive Director of Corporate Resources under appropriate delegation of the Council has approved the policy. Trade Unions have been consulted.

10. General Data Protection Regulations 2018

The Council processes personal data collected during the attendance at work procedure and any subsequent action taken in accordance with its data protection policy. In particular, data collected as part of the attendance at work procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the attendance at work procedure. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt

with under the Council's Disciplinary Policy.

11. Evaluation/Review

This policy will be monitored by Managers, Directors and Executive Directors to ensure that each case is managed appropriately and within reasonable timescales.

Absence information is available to managers from the Council's iTrent system. Reports will be presented to CMT/SMT detailing absence statistics across services/directorates.

Attendance at Work Procedure

I. Introduction

Background

The aim of this procedure is to provide a framework within which employee and Manager can work together in a supportive and co-operative manner to pro-actively manage periods of sickness absence.

The Council values the contribution of its employees in the delivery and maintenance of high-quality services to the community and accepts that there will be occasions when employees will be unable to attend work due to illness. In addition, it also acknowledges that some employees will attend work when they are ill and make a valid, but reduced, contribution and in these circumstances the Council will make every effort to support those employees. Absence through illness will be treated as genuine, but any abuse of this policy and procedure will be dealt with under the Council's Disciplinary Procedure.

Employees must be aware that all sickness absence has an impact on the services the Council provides. As an employer we will ensure that sickness absence records are kept and attendance levels monitored to ensure that employees are supported whenever they are absent, or upon return to work following an absence.

Where the procedure outlined below has been followed and the level of attendance has not improved despite all the support provided, the employee will be informed that their employment could ultimately be at risk.

A warning under this procedure is completely separate to warnings given under the Council's Disciplinary Procedure.

Employees should be reassured that the Council will do all it reasonably can to assist with a sustained return to work. However, sometimes it will become clear that a sustained return to work is not possible following considerations of reasonable adjustments, aids and adaptations and in those cases the Council must take decisions based on the circumstances of each case, which may include the possibility of ill health retirement and/or dismissal (see case conference section).

Supporting Framework

In managing attendance before, during and after any period of absence due to sickness, Managers should consider the wider range of tools and options available to them. In discussion with the employee(s) these may include as positive considerations:

- **Reasonable Adjustments, Aids and Adaptations**
Changes to workplace, workloads, working practices, duties and working patterns, providing training and modifying or supplying assistive equipment to aid carrying out an employee's role can be considered if they are 'reasonable' and will assist an employee in maintaining attendance at work. This includes consideration of suitable alternative employment (ie redeployment) as medical advice deems appropriate and if by not doing so would place an employee with a disability related absence at a substantial disadvantage.
- **Flexible working options to assist an employee in undertaking their role**
This could be temporary or permanent changes to working patterns or methods of working and could be considered as part of a short or long term strategy for either the prevention of an absence or to

support a sustained return to work following a longer period of absence.

- **Phased return to work**

This will be time limited and could take the form of a reduction in the number of days or hours worked initially, gradually increasing up to the normal working hours or pattern of work. Depending on the nature of the absence and the type of work undertaken there may also be an opportunity to combine attendance in the workplace with an element of working from home until the employee is able to return to normal working. The duration of any phased return to work will vary on a case by case basis. A further case review must be held after six weeks if the initial planned phased return to work period exceeds this timescale.

- **Physiotherapy**

Where an employee has either seen their GP and been referred to physiotherapy, or self-referred to the NHS physiotherapist, and there is a long wait to start the physiotherapy (ie over three to four weeks) which may result in absence from work or adjustments to their substantive duties, it is possible to make a management referral to the Occupational Health Service for assessment and if appropriate access to physiotherapy.

- **Counselling**

The Council provide an external Employee Assistance Programme (EAP) which is a 24/7 confidential helpline designed to support individuals through difficult situations that may be affecting home or work life. Contact details can be found on the intranet.

Where an employee has self-referred to the NHS counselling service and there is a waiting time of over four

weeks to be seen, and where the issue is appropriate to address with a short course of counselling, a management referral to the Occupational Health Service for assessment, and if assessed by them as appropriate, access to Counselling.

- **Wellbeing**

The aim of wellbeing is to develop and maintain a culture where all parties work together to manage workloads effectively.

Exclusions

The following types of absence are not classed as sickness for the purposes of this policy and procedure:

- (a) GP appointments.
- (b) Dental appointments.
- (c) Hospital appointments including ante natal and cancer screening clinics.
- (d) Blood Donor sessions.
- (e) Any form of absence that is not sickness related.

NB Reasonable time off is allowed to attend these appointments. It is expected that these will be arranged to minimise disruption to the workplace, eg where possible in the employee's own time or at the start or end of their working day/shift.

The following types of absence **will be recorded as sickness** but will not be included in calculating absence for the purpose of the attendance level warning stage:

- Sickness absence where it is connected with a condition that is likely to require a pre or post course of treatment, a maximum of up to one day's absence may be allowed. It must be demonstrated clearly that the absence is directly attributable to the course of treatment. This is not applicable to the first day of absence

linked to hospitalisation or surgery.

NB Please refer to the Attendance at Work Guidance Notes (K2a) for further guidance and a worked example of the application of this point.

- Absences which are as a direct consequence of pregnancy. All absences whilst pregnant should be reviewed separately by the Manager.
- Absence through an industrial disease, accident or assault, arising out of or in the course of undertaking the duties of the post. Please refer to section 4 for more information about this and the process.

2. Preventative Measures

A key element of maintaining attendance levels and reducing sickness/absence is to focus on preventative measures.

The Council strongly believes that proactive initiatives put in place to assist employees in maintaining a healthy work/life balance, proactively addressing minor ailments to prevent them deteriorating further will help to reduce the length of an absence and in some cases prevent an absence altogether. Management time and effort spent in preventing absences, making reasonable adjustments and/or modifications to the work or working environment will outweigh the time and effort required to manage on going absences.

Preventative measures can take many forms as shown below:

- (a) Communication needs to be open and two-way, between the Manager and their employees. This can be on an individual basis through methods listed above or via team briefings, away days etc. Regular communication will foster good relationships and trust between the

Manager and employee enabling frank discussions regarding work and personal issues that may affect performance including attendance levels. Positive action should be taken to prevent/reduce absence.

- (b) Management Awareness of Employee Issues - These will take the form of regular workload reviews, performance monitoring and effective management, wellbeing assessments and performance reviews to promote two-way communication and highlight any issues that need proactive intervention.
- (c) Employee Wellbeing Policy and appropriate Initiatives/Programmes available at the time should be followed or considered.

3. Roles and Responsibilities

Role of the Manager

The Council has a responsibility as an employer, through its Managers or designated supervisors, to provide a safe and healthy working environment for all its employees.

Managers are responsible for managing absence under this policy by proactively:

- (a) inputting all absences directly via MSS entry by the Manager as soon as notification is received from the employee;
- (b) monitoring all absences;
- (c) maintaining regular and effective communication with absent employees;
- (d) seeking advice from People Services and the Occupational Health Service at appropriate stages;
- (e) considering the wider range of

options and initiatives for managing attendance;

- (f) ensuring that employees are aware of the policy and their responsibilities within it;
- (g) act on prompts for action relating to absence levels in accordance with the policy.
- (h) considering or actioning reasonable adjustments, aids and adaptations, particularly in relation to disability related absences prior to entering the attendance level warning stage;
- (i) reviewing an employee's entire absence record throughout their employment with East Riding of Yorkshire Council when considering entering the attendance level warning stage. Modification of the consideration point when dealing with a disability related absence may be considered at this time as a reasonable adjustment (see attendance level warning stage below);
- (j) seeking Directors approval to not issue an attendance level warning in line with the policy discretion via a K2e before convening the attendance level warning meeting;
- (k) completing sickness absence action plans.

It is also essential in managing any increased workloads that regular communication is maintained with the existing workforce throughout any period of absence due to sickness within the team.

Role of the Employee

Within the workplace attendance management is a shared responsibility and employees are required to play an active

role in managing their own attendance, such as entering details of their last date of absence into iTrent following the period of sickness absence, by being aware of and complying with the policy and procedure, maintaining contact with their Manager when absent, updating their Manager on any change of circumstances and anticipated date for a return to work, particularly following GP or Consultant/ hospital appointments.

Within the context of the reasons for their current ill-health, the employee has a responsibility to take part in any discussions with their Manager concerning their level of attendance and reasons for any absence, attending any review meetings as required and also complying with any referral to Occupational Health or request for access to medical reports via Occupational Health, to assist with managing their absence. Where the employee has more than one job they must report their absence and maintain contact with each individual Manager.

Under the requirements of Health and Safety legislation, all employees have a duty to act responsibly at work and to provide and maintain a safe working environment for themselves and their colleagues.

All employees have received, as part of their contract of employment, information regarding absence reporting and sick pay. Additionally, the Manager, as part of the induction process, will have explained the importance of attendance and confirmed that the employee has a copy of the Attendance at Work Policy and Procedure and reporting procedure. Employees are required to comply with these provisions.

Where an employee is absent from work due to injury or illness which is as a result of a third party, the employee may pursue a claim for costs against the third party. The period of absence will be managed in

accordance with the Attendance at Work Policy and Procedure and will not be excluded for the purpose of the attendance level warning stage. The employee's legal representative will write to the Council about the earnings element of the claim, including any additional expense incurred. Employment Services will check with the Occupational Health Service about any additional expense incurred as a result of the accident (eg Physiotherapy, Counselling etc) and will provide the pay, expenses and absence information requested by the employee's legal representative and raise an invoice to the employee's legal representative for the associated costs. The employee's legal representative will pay the invoice to the Council if the claim is successful. Each case is different and employees should seek advice from their legal representative. Guidance on the process is available from Employment Services.

Role of People Services

People Services are responsible for providing timely and up-to-date professional advice, guidance and support to Managers and employees to effectively manage attendance. This will include:

- Supporting Managers at appropriate stages throughout the policy.
- Reviewing the policy and procedure in line with changes in legislation or best practice.

Role of Occupational Health Service

The Occupational Health Service will provide advice to Managers through a number of means.

The unit will:

- Obtain factual medical information, from GPs and Consultants, etc, where appropriate.

- Following receipt of a management referral and subsequent discussion with an employee and their Line Manager as appropriate, OHU will provide a report containing the necessary facts, interpretation, specialist professional opinion and recommendations to enable management decision making.

4. Managing Absence

Reporting Requirements and Maintaining Contact

When employees are unable to attend work, they are required to follow the reporting procedure set out below. Failure to do so without reasonable cause could result in loss of pay. Where more than one post is held the reporting procedure must be followed for each post, and contact maintained with individual Managers.

Employees' responsibilities include:

- For unplanned absences, notifying their Manager as soon as possible of the absence but normally no later than one hour after the time they are expected to start work (earlier where possible). Notification to the Manager should be made by the employee or, in exceptional circumstances where the employee cannot make contact, a relative or friend and must be made by the quickest practical means, normally by telephone. Where it has previously been agreed by the Manager that the use of text or email is the preferred method of initial notification this must always be followed up with a telephone call to the Manager by the employee as soon as is reasonably practical. Because of service delivery requirements some jobs require earlier notification, which will be confirmed by the Manager.

- Notifying their Manager, as soon as possible of any planned absences (eg where confirmation of an appointment has already been received) so that discussions can take place concerning workloads, anticipated length of absence and return to work issues.
 - Regular communication is essential and the Manager and employee should agree the frequency and method of keeping in touch. This will vary depending on the reason and length of the absence and may include home visits by mutual agreement. The purpose of the contact is to enable the Manager to enquire of the employee's health, explore what additional support may be provided and, as appropriate, keep the employee up to date with developments at work and consider arrangements and timescales for an effective return to work.
 - For absences exceeding seven calendar days submitting fit notes (Med3) at appropriate intervals. Fit notes must be submitted to the Manager as soon as possible after they have been issued. For periods of between one and seven calendar days a Manager reserves the right to request that a fit note is provided if this is deemed appropriate in managing the employee's attendance. The Council will pay any fees associated with such requests.
 - Working with the Manager to implement, where appropriate any reasonable adjustments suggested by the doctor or other healthcare professional (nurse, occupational therapist, pharmacist and physiotherapist) on the fit note or the return to work plan from the Fit for Work service to facilitate a prompt return to work.
 - Within the context of the reasons for their current ill-health, participating in discussions/meetings with the Manager as appropriate to discuss the reason for absence, record details of the sickness absence, establish any underlying reasons for absence and to ascertain if there is anything the Council can do to support the employee.
 - Not undertaking any activity which might be detrimental to their recovery and return to work.
 - Co-operating with the Manager in maintaining a good level of attendance.
- If an employee's absence is attributed to an industrial disease, accident or assault arising out of or in the course of undertaking the duties of their post, they must report this to their Line Manager as soon as practicable. The Manager must undertake an investigation in accordance with the guidance on Reporting Accidents and Incidents and they must complete the appropriate Achieve, Accident/Incident form. The completed form is then submitted to Safety Services and referred to the relevant Directors for sign off. Although any period of absence will be managed in accordance with the Attendance at Work Policy and Procedure, should it be found to have been sustained whilst undertaking the duties of the post, they will not be included for the purpose of the attendance level warning stage. It must however be confirmed by Safety Services that the accident is attributed to a work activity and falls under the RIDDOR definition and signed off by the Director.
- Please note an 'accident' as defined by RIDDOR is a separate, identifiable, unintended incident, which causes physical injury, which specifically includes acts of non-consensual violence to people at work. An injury itself, is not an accident.

There must be an identifiable external event that causes the injury eg a falling object striking someone. Cumulative exposures to hazards, which eventually cause injury, eg repetitive lifting, are not classed as accidents under RIDDOR.

The fact that there is an accident at a work premises does not in itself mean it is work related - the work activity itself must contribute towards the accident and any of the following must have played a significant role in the accident:

- The way the work was carried out.
- Any machinery, plant, substances or equipment used for the work.
- The condition of the site or premises where the accident happened.

Where appropriate please refer to the Council's Injury Allowance Scheme (D9). An assessment by an Independent Registered Medical Practitioner will be required for the purpose of certifying that the injury or disease was sustained during the course of the employee's work.

Where an employee is absent from work and they have not notified their Manager of their absence as outlined above it is acceptable practice for the Manager to make contact with the employee to ascertain their whereabouts and health status. It is expected that employees will co-operate fully with a Manager's attempts to make contact.

Sickness Benefit and How You Qualify

Should you become ill and are unable to work; the Council has a sickness payment scheme which is calculated as follows:

During first year of service	One month's full pay and (after completing four months' service)
------------------------------	--

	two months' half pay
During second year of service	Two months full pay and two months half pay
During third year of service	Four months full pay and four months half pay
During fourth and fifth years of service	Five months full pay and five months half pay
After five years' service	Six months full pay and six months half pay

Full pay is the amount which when added to Statutory Sick Pay (SSP), Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable will secure the equivalent of normal pay.

Half pay is half the earnings that would be paid during a period of normal working plus an amount equivalent to SSP allowance, Incapacity Benefit, Employment and Support Allowance or equivalent social security benefit receivable, so long as the total sum does not exceed normal pay.

You cannot receive more than the amount of your normal earnings. 'Normal earnings' always excludes standby payments and all overtime unless it is conditional or contractual.

Sickness entitlement is calculated on a rolling year basis. A rolling year is the year immediately preceding the start of a period of sickness. For example, if sickness absence commenced on 01/06/2020 then sickness entitlement is calculated on the amount of sickness absence taken since 01/06/2019.

Return to Work Contact and/or Discussion

When an employee returns to work

following any period of sickness absence it is good management practice for the Manager to make contact with the employee. In the main this will be a brief chat, or telephone conversation where the employee's work base is remote and held in the spirit of concern for the wellbeing of the employee. Where possible this contact should occur on the day the employee returns to work. The purpose of this contact is to be supportive and aimed at providing assistance to the employee's effective return to work.

The initial contact may be followed by a more structured return to work discussion if necessary at the instigation of either the employee or the Manager under the following circumstances:

- To ascertain whether any aids, adaptations or modifications to the work or working practices are required or, where aids, adaptations or modifications have been previously agreed, that they continue to be suitable/appropriate.
- There is a need for the Manager to be updated on the employee's medical condition, or its causes.
- The employee needs to be brought up to date with developments at work, particularly where the absence has been lengthy and continuous.
- To identify any work-related factor which may have caused the sickness absence.
- A clear pattern of absence over a period of time is identified, eg either side of a weekend or annual leave.
- Any other circumstances where the Manager or employee feels that a more detailed discussion is required.

Where a more formal return to work discussion has taken place, a Sickness

Absence - Action Record and Plan should be started and the iTrent system updated accordingly to state that the return to work meeting has been held. More detailed information should be recorded on the Sickness Absence Action Record and Plan, this form should be commenced as soon as possible after the meeting and maintained as a record of any subsequent management discussion and action and will be used by the Manager at any subsequent Case Review and Case Conference.

Case Review Meetings

The purpose of the Case Review meeting is for the Manager to meet with the employee in order to:

- Agree with the employee that the recorded absence is correct and seek to establish the reasons for the absence/length of absence.
- Discuss and agree what assistance can be given by the Manager to support the employee's attendance at work, eg consideration of workplace adjustments etc.
- Identify if the employee could do anything further to improve their level of attendance.
- Explore any possible underlying cause for the sickness absence.
- Agree what action is to be taken by the employee and Manager following the meeting. Where this involves the Occupational Health Service the Manager must explain to the employee why they have been involved prior to their referral.
- Explain the procedure and timescales in respect of further Case Review meetings/Case Conferences and the possibility of an attendance level warning if the level of attendance does

not improve in the case of cumulative absences, or dismissal in the case of continuous absence.

- In circumstances that an absence relates to a life threatening or terminal illness, consideration of dismissal may be concluded earlier than six months by mutual agreement with the employee and/or a person(s) legally authorised to act for the employee in the absence of the employee's capacity.

Review meetings should take place as set out in the prompts for action section. Depending on the circumstances of the individual case it may also be appropriate for the Manager to arrange to meet with the employee for case reviews in between the timeframes outlined below.

A record of the Case Review Meeting and outcomes will be made on the Sickness Absence - Action Record and Plan by the Manager, all considerations and the agreed outcomes confirmed in writing to the employee. A copy of the Council's Attendance at Work Policy and Procedure will be given to the employee if they have not already been issued with one.

Case Conferences

It is expected that information gathered as part of the regular communication between the Manager and the employee will enable the Manager to form judgements, make decisions and take appropriate actions. However, where a Manager needs to discuss the case management in more detail a Case Conference will be arranged by the Manager.

Case Conferences will involve a meeting between the Manager and a representative from People Services and will be to review the case history to date and enable the Manager to obtain

structured advice and guidance on what further steps may be required to support the employee's attendance at work. A record of the discussions and agreed actions will be made on the Sickness Absence - Action Record and Plan and, where the employee is to be seen by the Occupational Health Service, the necessary referral form will be completed following the meeting once the Manager has informed the employee of the contents of the referral form.

Following the Case Conference, and depending on the agreed actions, it may be necessary for the Manager to meet with the employee to discuss their absence further.

For continuous absence, a Case Conference must be held when an employee has been continuously absent for six months. At the six-month Case Conference Occupational Health will be in attendance and consideration of unresolving ill-health or permanent incapacity must be considered. In all other cases Case Conferences are optional depending on the nature of the absence and the outcomes of the agreed action record and plan. Employees must be made aware of the possible implications of their continued absence.

At the six month case conference if it becomes clear that the individual will not be able to return to work before nine months, Managers may then request a medical report as to whether the individual is likely to be able to return to work within the following three months. While dismissal will not normally take place before nine months, if medical opinion confirms that the individual will not be able to return to work in a reasonable timescale the Manager can arrange meetings with the individual to discuss the possibility of dismissal. The possibility of ill health retirement will be reviewed at this stage also.

Prompts for Action

Action will need to be taken when certain prompts are reached. Prompts for action are referenced in sections below. All prompts will be pro rata for workers working more or less than 37 hours per week and will take into account the various work patterns across the Council.

Continuous Absence

When the following levels of continuous absence have been reached action will be taken in the form of a Case Review Meeting and where applicable a Case Conference, to be arranged by the Manager.

Period of Continuous Absence	Action		Percentage Threshold	Action	
	Case Review Meeting (Manager and Employee)	Case Conference (Manager, People Services*)		Case Review Meeting	Case Conference
1 month	Yes	Optional	6.1538% 5.0000% 7.6923%	Optional	Optional
3 months	Yes	Optional		Yes	Optional
6 months	Yes	Yes (unless a return to work date has been agreed/ notified)		Yes	Optional

* Occupational Health will be in attendance for the mandatory six-month case conference

Cumulative Absence

When the following levels of cumulative absence have been reached, consisting of more than one occasion within the rolling period as stated below, action will be taken in the form of a Case Review Meeting and where applicable a Case

Conference, to be arranged by the Manager:

Period of Cumulative Absence (based on standard 37 hour working week)		Description
Hours (FT)	Days (FT)	
59 hours in 6 months	8 days in 6 months	Level 1
96 hours in 12 months	13 days in 12 months	Level 2
223 hours in 18 months	30 days in 18 months	Level 3

Percentage Threshold	Action	
	Case Review Meeting	Case Conference
6.1538%	Optional	Optional
5.0000%	Yes	Optional
7.6923%	Yes	Optional

The representation of the action prompts as percentage thresholds ensures that the attendance management case event report action prompts are pro-rated and applied consistently to all employees irrespective of their working arrangements.

An iTrent automated report will be sent to advise Managers when the above action prompts have been reached.

Before entering the attendance level warning stage, reference should be made to considerations detailed at the attendance level warning stage.

Attendance Level Warning Stage

The attendance level warning stage will normally be entered into where cumulative absences total 260 or more working hours, made up of three or more periods in an 18-month rolling period. Please also refer to the prompts for actions section above.

However, before deciding whether or not to enter into the attendance level warning stage, the Manager must first give careful consideration to the employees overall record of absence in their current role and their entire absence throughout their employment, the reason for absence and the likelihood of a sustained return to work along with any discussions held as part of return to work contact or discussion together with any actions previously recorded on the Sickness Absence - Action Record and Plan.

When dealing with disability related absences the consideration point for these absences may be subject to modification as a reasonable adjustment. Any modifications should only be made following discussions with People Services.

Any decision not to enter into the attendance level warning stage must be authorised by the Manager's Director by the completion of the K2e form and a record kept of the rationale and reason for not progressing to a meeting. This authorisation of the decision must be entered into iTrent by the Manager via MSS and also on the Sickness Absence - Action Record and Plan.

Absences which are as a direct consequence of pregnancy, or through an industrial disease, accident or assault arising out of or in the course of undertaking the duties of the post, will not be included in calculating absence within the attendance level warning stage. Please refer to the managing absence section for the definition of an accident at

work and the reporting process to be completed in respect of absences arising out of an accident, assault or disease.

If the attendance level warning stage is entered into, the Manager must have previously explained to the employee that their poor attendance level, if not improved, may lead to the issuing of an attendance level warning.

Notification of the meeting to consider the issuing of an attendance level warning, that their employment is at risk should be issued within 21 calendar days of the employee's return to work. The employee will be given seven calendar days written notice of the date, time, and location of the meeting. The letter will also state the reason for the meeting and must advise the employee of their right to be accompanied at the meeting by a trade union representative or work colleague. The procedure to be followed at the meeting is outlined at Appendix 3.

At the end of the attendance level warning meeting, the Manager must give careful consideration to all the circumstances surrounding the situation, including any representations made by the employee, their overall attendance level and the likelihood of a sustained return to work before deciding whether or not to issue an attendance level warning. The Manager must fully document the reason for their decision. If required, advice and guidance regarding the appropriateness of the decision can be obtained from the People Services Department.

If an attendance level warning is issued, it will take effect from the date of the meeting. Any decision to not issue an attendance level warning must be authorised by the Manager's Director and a record kept of the rationale and reason for not issuing an attendance level warning. This information must be entered into iTrent by the Manager via

MSS and also on the Sickness Absence - Action Record and Plan.

If a decision is taken to not enter the attendance level warning stage or not to issue a warning, the record of the reason for the decision must be reviewed after each subsequent period of absence until the number of hours absence in the 18-month rolling period has fallen below 260 working hours in line with the prompts for action.

Actions required at and following the attendance level warning stage can be summarised as follows:

Period of Cumulative Absence		Percentage Threshold	Action Required
Hours (FT)	Days (FT)		
260 hours in 18 months	35 days in 18 months	8.9744%	An attendance level warning should be issued subject to consideration of all circumstances
59 hours in 12 months following warning	8 days in 12 months following warning	3.0769%	Case review meeting must be held
89 hours in 12 months following warning	12 days in 12 months following warning	4.6154%	A dismissal hearing should be convened

During the 12 month period following the date the attendance level warning was issued, the Manager must continue to take appropriate supportive action for any subsequent absences, and must hold at least one case review meeting after 59 further working hours absence. This review meeting must still take place if the employee remains absent from work due to sickness after the 59th hour. If at the end of the 12-month period cumulative absence has not exceeded 89 working hours, the attendance level warning will be regarded as having expired and the employee's attendance will continue to be

managed in accordance with the provisions of this Policy and Procedure.

Each Executive Director will determine the level of Manager authorised to take action under this procedure, and this should be reviewed on an annual basis, or following any changes to the staffing structure.

Dismissal

A meeting will be arranged to consider the future employment of the employee where:

- (a) during the 12-month period following the attendance level warning being issued further sickness absence has exceeded 89 working hours;
- or**
- (b) during a period of continuous absence there is no reasonable prospect of the employee returning to work.

However, before deciding whether or not to enter into the dismissal hearing stage, the Manager must first give careful consideration to the employees overall record of absence in their current role and their entire absence throughout their employment, the reason for absence and the likelihood of a sustained return to work along with any discussions held as part of a return to work contact or discussion together with any actions previously recorded on the Sickness Absence - Action Record and Plan.

Any decision not to enter into the dismissal stage must be authorised by the Manager's Director by completion of the K2e form and a record be kept of the rationale and reason for not progressing to a meeting. This authorisation of the decision must be entered into iTrent and also on the Sickness Absence - Action Record and Plan.

When dealing with disability related absences the consideration point for these absences may be subject to modification as a reasonable adjustment. Any modifications should only be made following discussions with People Services.

If after considering the above, the Manager decides to enter the dismissal hearing stage they must give the employee seven calendar days written notice of the date, time, and location of the meeting. The letter will also state the reason for the meeting and must advise the employee of their right to be accompanied at the meeting by a trade union representative or work colleague. The procedure to be followed at the meeting is outlined at Appendix 2.

The Manager must consider all the circumstances of the case including any representations made by the employee or their representative prior to making a decision to dismiss. Such considerations may include:

- (a) whether or not medical and other evidence indicates that acceptable progress is being made towards a return to work, or a reduction in absence in the case of frequent periods of absence;
- (b) in the case of continuous absences, whether a return to work date is agreed, which may be on a structured, phased or flexible basis and can be maintained, with or without on-going support;
- (c) whether reasonable adjustments have been considered and/or made in relation to a disability related absence;
- (d) whether it might be possible for the employee to achieve a return to work in another suitable post under the Council's Redeployment Policy. If this is the case, the employee will be

given notice to terminate their current contract of employment and remain on the Redeployment Register with efforts being made to find them alternative employment during their contractual notice period.

A suitable post under the Council's Redeployment Policy must be considered if by not doing so would result in an employee with a disability related absence being placed at a substantial disadvantage

In exceptional circumstances a decision may be considered to extend the attendance level warning as an alternative to dismissal, however monitoring will continue and it should be made clear to the employee that any further absence will result in a return to another meeting to consider their future employment

People Services must always be involved where any decision is taken to dismiss an employee. The employee may be accompanied by a trade union representative or work colleague at any time where their continued employment with the Council is being considered.

Appeals

Any appeal against an **attendance level warning** given under the recognised notification procedure must be on the grounds of misapplication of the procedure, eg incorrect periods of absence taken into account in reaching the decision.

Any appeal against **dismissal** must be on grounds of misapplication of the procedure (examples as above) or that the person making the decision to dismiss failed to adequately take into account any extenuating circumstances.

The notice of appeal must be in writing, addressed to the appropriate Executive Director and made within 14 calendar

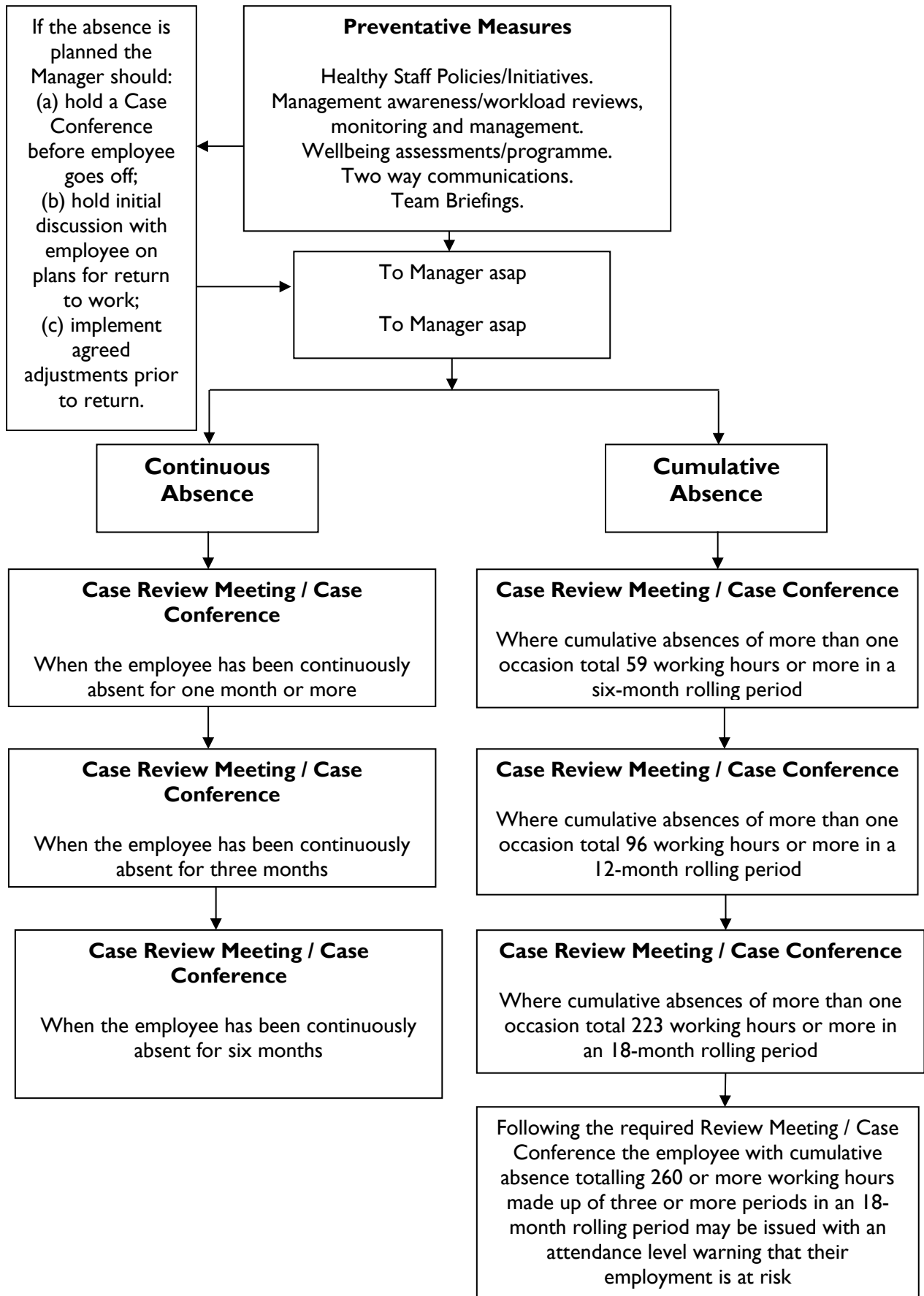
days of the date of the letter confirming the notification or dismissal. The letter **must** include the grounds on which the appeal is being made. The appeal will be heard by the Executive Director, or their representative.

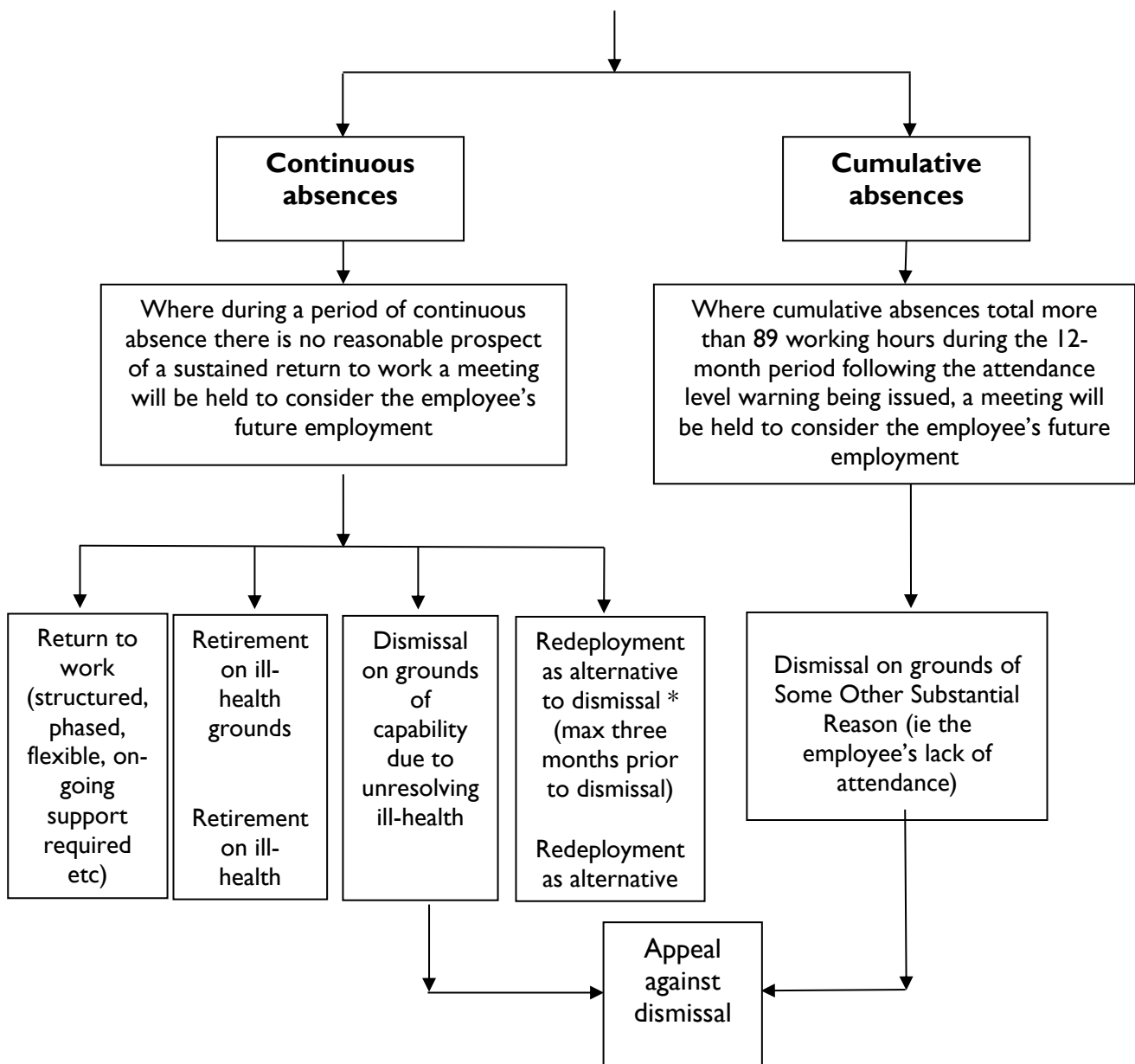
The employee will have a right to be accompanied at an appeal hearing by a trade union representative or work colleague. The procedure to be followed at the meeting is outlined at Appendix 3.

APPENDIX I

Attendance at Work Flowchart

This Flowchart must be read in conjunction with the Policy and Procedure





* If by not doing so would result in an employee with a disability related absence being placed at a substantial disadvantage.

NB: Management of sickness absence is not a linear process and this flowchart does not show the discretions and alternatives which can be used at each stage within the policy and procedure.

APPENDIX 2

Procedure to be followed at a meeting to consider Issuing an Attendance Level Warning, or Dismissing an Employee

- (a) The Manager who took action under the procedure will present the facts of the case. The Executive Director (or their representative) hearing the case, and the employee and/or their representative will have the opportunity to question the Manager.
- (b) The employee and/or their representative will state the facts of their case. The Executive Director (or their representative) and the Manager will have the opportunity to question the employee.
- (c) If, as a result of questioning, new information is disclosed, both sides shall have the opportunity to comment.
- (d) The Manager and the employee or their representative shall sum up their cases.
- (e) The Manager and the employee and their representative will withdraw from the meeting if necessary.
- (f) The Executive Director (or their representative) and any People Services representative present will deliberate in private only recalling the Manager and employee and their representative to clear points of uncertainty. If recall is necessary both parties must return.
- (g) The Executive Director (or their representative) will recall all parties to give the decision, which will be confirmed in writing.

APPENDIX 3

Procedure to be followed at an Appeal Meeting Against the Issuing of an Attendance Level Warning or Dismissal

- (a) The employee and/or their representative will state the grounds of appeal. The Executive Director (or their representative) and the Manager will have the opportunity to question the employee.
- (b) The Manager who took action under the procedure will present the facts of the case and explain the reasons for their decision. The Executive Director (or their representative) hearing the appeal, and the employee and/or their representative will have the opportunity to question the Manager.
- (c) If, as a result of questioning, new information is disclosed, both sides shall have the opportunity to comment.
- (d) The Manager and the employee or their representative shall sum up their cases.
- (e) The Manager and the employee and their representative will withdraw from the meeting if necessary.
- (f) The Executive Director (or their representative), and any People Services representative present will deliberate in private only recalling the Manager and employee and their representative to clear points of uncertainty. If recall is necessary both parties must return.
- (g) The Executive Director (or their representative) will recall all parties to give the decision, which will be final and confirmed in writing.