

ATTENDANCE AT WORK PROCEDURE

Attendance at Work Process Flowchart

Employee Actions - calls in sick

Employees should expect to speak with manager, if not available when call in expect manager to call back. There will also be a two way conversation / dialogue between manager and employee on the regularity of contact depending upon the expected length of the absence. Employees must phone their line manager as early as possible, and definitely within the first hour of expected usual attendance at work (where reasonably practical). Texts and emails are not permitted unless it is a reasonable adjustment. If the employee's line manager is unavailable then a message must be left with a phone number on which they can be contacted on that same day. The employee will be expected to answer the phone and have that discussion with their line manager. If the employee's line manager is on holiday or absent from the workplace then the employee must contact their manager's manager/ senior manager.



Managers Actions – Employee calls in sick:

Reporting Absence Form

Manager to enter the absence on iTrent

Refer to Occupational Health Unit if required Occupational Health Unit Referral Form

Establish Duration of absence

Over 7 days – Fit note required from a medical practitioner

Under 7 days – Self Certification



Employees Responsibilities:

Employees should expect to maintain regular contact with their manager through the period of absence

Should the absence period or reason alter it is the employees' responsibility to inform the manager ASAP.

Employees are expected to provide consecutive fit notes on or as soon as possible on expiry of a previous certificate.



Managers Responsibilities - Return to Work

Managing return to work process – this is to be completed for all absences

Review of individuals absence data – have any absence trigger levels been reached – refer to trigger levels

Managers to undertake a Return to Work Interview and utilise the Return to Work Form

Guidance on the format of the return to work interview meeting can be found in

Return to Work completion to be recorded on Trent, under stages

Absence to be ended on Trent

Conduct informal capability meeting if necessary

ROLES AND RESPONSIBILITIES

EMPLOYEES

- Manage health and wellbeing to support their ability to attend work.
- Attend work unless unfit to do so.
- Expect managers to make and maintain contact during period of absence.
- Ensure they are familiar with the Attendance at work procedure.
- **Make contact within the first hour of expected usual attendance (where reasonable practical) at the earliest opportunity to confirm absence and maintain regular contact with their line manager, keeping them updated throughout the period of absence.**
- Provide reasons and outcomes of consultations with medical practitioners to managers through updates.
- Co-operate and attend meetings.
- **Provision of certification or information in a timely manner and ensure that any Drs notes (Fit notes) cover the full period of absence.**
- Not undertake any out of work activities which might delay recovery and return to work.
- **Be expected to discuss alternative work opportunities whilst absent from work should the condition absent with support such actions to enable a return to work or prevent an absence, if applicable.**
- Raise concerns with manager, trade union, Occupational Health Unit (OHU) or other person if there are aspects of a job which are believed to be having an impact on their health.

SUPERVISOR / MANAGER / HEAD OF SERVICE

- To review and ensure all absence from work is appropriately reviewed, recorded and discussed with employee.
- Ensure employee is aware and has access to Attendance at work procedure.
- To ensure, as far as possible, their employees' health, safety and wellbeing at work. Taking action to alleviate situations causing concern.
- To maintain accurate iTrent absence records.
- To appropriately and accurately refer to Occupational Health Unit (OHU).
- To maintain contact with employee during period of absence.
- To review opportunities for alternative work and discuss these with employee and seeking OHU input as appropriate.
- **To input Fit Notes in iTrent and send to HR for the employee file.**
- Conduct return to work meeting **for each period of absence regardless of the length**, ensuring employees suitability to return to work – fully or reduced in some way, impact absence has had on role, team, service, and employee's position concerning absence review triggers.

- Manager to input Return to Work completion date into Trent, under stages and send an electronic copy to HR Direct for filing.
- To send copies of all letters (which have been sent to employees) to HR Direct for their employee file.

OCCUPATIONAL HEALTH AND HR

- To provide support to managers and employee to facilitate return to work, access to support needed or ongoing interventions which prioritise the wellbeing of the individual and their return to work in the shortest timescale.
- Provide advice and guidance to managers for discussion and review concerning the impact of an employee's health on their ability to carry out their role.
- Support managers in identifying and understanding interventions and options available to support their teams' ability to maintain their attendance in work.
- Assess employees' health status for roles with particular health requirements.
- Obtain employee medical records (with the employees written permission) in order to provide more support to the employee and manager.
- Facilitate access to interventions that can support employees such as physiotherapy, counselling (refer to Physio-therapy and Counselling Policy), healthy you initiatives such as stop smoking etc.
- HR support managers in reviewing and managing absence in line with the process.
- HR Business Partner to review any decisions to dismiss an employee with Head of Service to ensure consistency of decision making.

TRADE UNIONS

- Support and advise their members at work
- Advise members of their responsibilities regarding the policy

WORK COLLEAGUE SUPPORT

- Support work colleagues (cannot advise)
- Cannot answer questions on their behalf

Equality Act 2010

Consideration when managing absence must be given to the Equality Act 2010. This defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day

activities. Long-term means that the effect of the impairment has lasted or is likely to last for at least **twelve** months. Where an employee has a disability or medical condition that is considered under the Equality Act 2010, the council will make reasonable adjustments to help such employees carry out their job, and to have the same opportunities to perform well and develop during their employment as any other employee.

* Please note that throughout the procedure, where there lists of options, these lists may not be exhaustive.

Length of Absence

1 -7 days - short term absences

8-27 days - mid-term absence

28 days or longer – long term absence.

1. Initial contact:

- ~~If an employee calls to notify their absence from work and they do not speak with their manager, they should expect that their manager returns the call to seek further understanding of the absence.~~

- ~~Employees are expected to call in to report their absence from work as early as possible, and definitely within the first hour of expected attendance at work.~~
- If an employee is unable to attend work due to illness, they must phone and speak to their line manager as soon as possible, and within the first hour of expected usual attendance at work (where reasonable practical). Please note that texts and emails are not permitted unless this is a reasonable adjustment and has been pre-authorised.
- If the line manager is unable to take the call from the employee, then the employee must leave a message with a contact phone number on which they can be contacted on, the same day. The employee will be expected to answer the phone and have a discussion with their line manager.
- Employees should expect their managers to ask them a number of questions when they are reporting an absence from work. These questions may be revisited by the managers on all calls that follow the initial absence reporting.

2. Reporting and recording sickness absence

- All absence is to be recorded on ITrent. It must be entered on notification of absence, updated as received and at the end of the absence period. Please see the intranet for ITrent People Manager Guidance on Recording and Managing Absence.
- It is important that the correct reason for the absence is captured in the system.
- Fit notes are to be held securely by the manager in line with the DCC and data protection act rules on holding information.
[See Fit Notes \(4\)](#)

3. Occupational health unit referrals

Criteria for referring an employee to Occupational Health:

- Employees reporting an absence from work due to:
 1. Musculo skeletal condition - In order to access physiotherapy treatment to prevent a sickness absence from occurring or to aid an earlier return to work.
 2. Stress, depression, anxiety – Employee to complete a stress questionnaire. The stress questionnaire should be used as a tool to identify which issues can be dealt with *without* the need for a referral to occupational health; ie when there are issues for management to address. Where a referral to occupational health is required, that referral will be made.
- 2. ~~Back related condition~~

3. Employees who have been absent from work on a long term basis (28 days or more). If an absence begins as short term and subsequently progresses into a long term absence, an employee will then need to be referred.

How to refer to the Occupational Health Unit (OHU)

The [Management Referral for Occupational Health Sickness Absence Assessment Form](#) is located on the HR Direct and Occupational Health Intranet pages.

For employees with a condition or duration of absence that requires immediate referral the form can be activated in iTrent at the same time as recording the absence. Guidance for completing this can be found on the intranet pages under occupational health.

Managers need to provide enough information to the OHU team concerning the employee's reason for absence and any other relevant wider circumstances that are applicable.

To facilitate the OHU teams review of the employee's absence, Managers should make it clear what they would like the OHU intervention to involve, for example:

- Establish detailed understanding of absence type and cause so OHU and Manager can review the next steps as appropriate
- Manager can gain a full (as appropriate) understanding of the condition and duration to support them in exploring opportunities such as:
 - Supported return to work options, including restricted/light duties/phased hours
 - Alternative duties (within team, service or organisation)
 - Home working

OHU are required to work with Managers to ensure there is a full understanding of what an employee can undertake so Managers can make informed recommendations based on business practicalities.

In order to help support the employee and line manager, occupational health can also request written copies of medical reports or records (with the employees written consent).

OHU and Managers are expected to professionally seek clarification and challenge views based on each parties understanding of the situation. This is to ensure employees are fully supported within the context of their health and wellbeing and ability to attend work.

Occupational Health Appointments – Non Attendance

Should an employee refuse to attend OHU appointments or interact with the OHU team, it will be considered that the employee is being obstructive to the overall ability for a Manager to support the employee and consider all aspects of the absence in a fully informed way. Any decisions concerning the employee's future employment will be made considering the information available at that time. In addition should the information be vital to the Manager being able to review the employee's absence and situation, then removal of enhanced (occupational) sick pay can be considered at this point.

If an employee repeatedly does not attend scheduled OHU appointments after two non-attendances the employee can be charged for their non-attendance for any future appointments unless a reasonable notice or explanation can be provided. Repeated non-attendance can also result in the removal of enhanced (occupational) sick pay.

If an employee does not attend scheduled OHU appointments the manager will be notified. Non-attendance and the reasons will be taken into account when deciding the course of action regarding the management of the employee's sickness absences at any formal attendance meetings.

4. Fit notes

Employees must provide a fit note from their GP on the 8th day of absence and from then on until they return to work. There must be no gaps in dates between fit notes i.e. if a term time only employee is absent over half term, the fit note should cover this week as well.

Failure to supply fit notes will result in enhanced (occupational) sick pay being stopped as the absence will be deemed as unauthorised absence, which can ultimately result in disciplinary action.

It should be noted that fit notes are considered guidance from the GP to the employer, and whilst advice stated must be considered, there may be times where it is not possible to adhere to it.

Managers are required to input Fit Notes onto iTrent and the original must be sent to HR for the employee file.

See [Fit notes – for Long term conditions which requires treatment](#) under other factors and considerations for further information.

5. Contact during absence from work

The Manager and the employee are expected to make and maintain regular contact for the duration of the absence.

The manner, frequency and pattern of contact will be discussed and considered at the start of the absence process and reviewed on a regular basis. Contact may be considered necessary on a daily weekly, fortnightly, or monthly basis or as appropriate to the circumstances of the individual absence. During periods of short term absences then contact could be considered daily, during periods of long term absences then contact should be considered weekly / fortnightly / monthly.

Contact should direct between the employer and the employee directly, unless there are exceptional circumstances which have been discussed and agreed beforehand.

1 -7 days - short term absences

8-27 days mid-term absence

28 days or longer – long term absence.

~~Both managers and employees are expected to make and maintain regular contact for the duration of the absence with their manager. The frequency and method of contact should be agreed between both parties as soon as possible and contact must not be via a third party. Failure or refusal to maintain this contact or the provision of any supporting documentation if requested without exceptional circumstances could be considered as a conduct issue and may result in disciplinary processes being taken.~~

6. Returning to work

There are a number of options available when an employee is intending to return to work. For an employee who has been off with a short term absence with no long term or on-going effects they will be expected to return to work to their normal hours and role immediately. For an employee who has been off for a short, mid or long term period who either has outstanding effects and/or needs time to readjust to returning to work or managing on-going aspects, the Manager and employee can explore how and what the return to work involves, such as:

- Adjustments to the working environment – temporary or permanent.
- Flexible working i.e. hours of work, patterns of work.
- Phased / managed return to work – these need to be appropriate to allow the person to contribute to the role they are returning to. These are not typically any longer than 4 weeks, unless exceptional circumstances. Managers can seek guidance from OHU. Refer to Phased Return to Work Procedure, which can be found on the intranet.
- Alternative employment either on a temporary or permanent basis.

Returning to work whilst covered by a Fit Note

If an employee wishes to return to work in the duration in which they have been signed off via a 'fit note' from a medical practitioner, they do not need to be 'signed back' to work. However if the employee works in a position where there is a need to ensure the employee is fit to undertake their role safely, e.g. DVLA rules re LGV/PCV drivers; it is appropriate for the employee to ask a medical practitioner to provide them with a medical certificate declaring they are fit to return to their permanent duties.

7. Absence trigger points

It is a manager's responsibility to address any concerns about an employee's level of non-attendance, **regardless** of whether they have hit any of the triggers. Employees should expect managers to be questioning their absence from work, the reasons, reviewing the use as appropriate of annual leave, flexi and workload at all stages when they have been absent from work.

Managers have access to absence data on their teams through the Absence Dashboard and ITrent. For schools monthly reporting provides current data on their schools absence data.

Trigger levels:

- 3 separate sickness absences of any duration in a 3 month period
- 5 separate sickness absences in a 12 month period
- A total of 12 days absence in a 12 month period (pro rata for part time employees)
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.

8. Return to work meetings

It is important that managers prepare for the return of an employee to the workplace. Managers need to ensure that they are fully aware of the terms that an employee is expecting to return to work under and that they completely consider if these expectations are reasonable and acceptable for the service. For employees who may be covered by the Equality Act 2010 managers are advised to seek HR support in reviewing the return to work process.

Managers therefore must hold a formal return to work meeting with the employee, regardless of the length of absence and for each period of absence, using the [Return to Work Form](#). A return to work meeting is to take place on the first day an employee returns to work, where possible, however it is expected that a return to work interview is completed within 7 days of an employee returning to work.

Managers must record that a return to work interview has taken place and input the date in Trent, under absence stages. This is mandatory for every period of absence regardless of the length. Managers must send an electronic copy of the Return to Work Form to HR for the employee file.

9. Absence to be closed off on iTrent

Please refer to Trent guidance – [Recording and Managing absence](#)

10. Managing Short term, frequent, persistent absence (1-7days)

Short term, persistent or frequent absences are usually minor illnesses, which can often be unconnected, ranging from a single day to one week for example.

The use of triggers, outlined within this procedure, will allow managers to monitor the levels of attendance and provide a consistent and appropriate method of taking action in order to improve attendance.

By using any of the below methods, or combining them, will enable managers to monitor attendance and establish whether there is an underlying medical condition or if there are any other factors which are contributing to the reduced attendance. Discussions with the employee and where appropriate, referrals to occupational health, will allow the manager to understand the cause of the absence, explain the attendance at work procedure and establish what support is required in order to minimise any future attendance concerns.

11. Managing Long term absence (28 days or more)

Long term absence is regarded as any absence where an employee is away from work for a period of four weeks (28 days) or more. This can be distinguished from frequent short term absence in that it is continuous and/or can be traced to an underlying medical condition.

If an employee is absent, or are likely to be absent, for a period of four weeks or more, the manager must refer the employee to Occupational Health using the [Management Referral for Occupational Health Sickness Absence Assessment Form](#)

The purpose of the occupational health referral is to:

- Obtain information from the employee regarding the medical condition and the employee's ability to attend work.
- Establish a return to work date.
- Enable occupational health to provide a continual support mechanism during the employee's absence and provide any assistance during the return to work process.

12. Other factors or considerations

There may be circumstances whereby the absence falls under short term or long term but requires a different approach when managing attendance in accordance with treatment and recovery.

Mid-term absences are classed at 8 – 27 days in length.

13. Managing absence related to a disability

The Equality Act 2010 says a person is disabled if they have “**A physical or mental impairment which has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities**”. The Equality Act 2010 places a duty on the council to make reasonable adjustments to employment arrangements and/or premises to accommodate the needs of an employee who has a disability. Long-term means that the effect of the impairment has lasted or is likely to last for at least **twelve months**.

Where an employee has a disability or medical condition that is considered under the Equality Act 2010, the council will consider reasonable adjustments to help such employees carry out their job, and to have the same opportunities to perform well and develop during their employment as any other employee.

A 'reasonable' adjustment may include:

- Allowing an employee to work reduced or different hours
- Allowing an employee to work partly from home
- Flexible working
- Changing an employee's start and finish times to accommodate travel arrangements
- Providing specialist equipment or auxiliary aids

The above list is not exhaustive, there may be a range of other reasonable adjustments which can be considered, please refer to the Reasonable Adjustment Guidance and discuss these options with your HR Specialist / Business Partner.

If an employee has a disability that may affect attendance at work, the employee should inform their Manager and discuss their individual needs so that the Manager may work with the employee to support attendance. If the employee discloses that they have a disability, this will help the Manager to support them.

All absences that are disability related will be monitored in line with this procedure and will be recorded in line with the trigger system.

Disability leave is used for the purposes of rehabilitation, treatment and assessment, and is for a fixed period or periods of time that the employer and the employee know about in advance. In other words, it is pre-planned and there is a fixed end date for the leave. It is not intended for when the employee is not well enough to come in to work. Disability leave is also suitable for absences of a short period of time that are needed on a regular basis. Please refer to the Time off Work Policy for further details on disability leave and entitlements.

Where it is likely that an employee is unable to return to their normal duties, to facilitate a return to work, reasonable adjustments will be discussed so that these can be put in place prior to a return, and a risk assessment undertaken. Where all reasonable adjustments have been made, and the employee is still unable to return to their substantive post, then consideration will be given to applying the Redeployment Procedure.

Carer Protection

Under the Equality Act 2010 carers are protected from discrimination by virtue of their caring association to a disabled person. It is advisable to employees to ensure a line Manager is advised of any caring responsibilities if this is likely to affect an employee's attendance.

14. Ill health retirement

If an employee is a member of the Clwyd Pension Scheme, the employee may be eligible for early retirement on the grounds of ill-health. Further information is available via Clwyd Pension Scheme, Occupational Health or via the Intranet.

15. Non-attendance at work due to other medically related procedures

i. Elective procedures / Gender reassignment

Should employees plan and arrange elective procedures they will not be considered absent from the workplace under the Attendance at Work procedure. All appointments and associated time off from work will need to be taken as annual leave or flexi. Consideration for a period of unpaid sick leave can be made but approval must be provided by the Manager, for

such cases employees would need to provide a medical certificate and they may be able to receive statutory sick pay in these circumstances.

Should an elective procedure be medically supported, such as in the cases where it is required due to a potential health, psychological issue or gender reassignment and can be supported by written confirmation from a medical practitioner, then paid sick leave would be provided, subject to the appropriate medical certification.

ii. IVF treatment

IVF treatment often requires 8-10 attendances at a clinic and can involve one or both partners concerned to attend. Within a rolling 12 month period there is an allowance up to the equivalent to 3 days (or pro rata to 60% of contractual working time for part time staff). On occasions the treatment may require extensive travel and by prior agreement the time off can be extended to the equivalent to 5 days (37 hours) within the 12 month rolling period. If any additional time off is required this would be taken as annual leave or flexi.

iii. Medical appointments – GP/Hospital/ Dentist/Optician

Routine medical appointments should be taken in an employee's own time, and be taken outside of the working day whenever possible. Employee's attending a planned hospital appointment should seek approval to attend prior to the appointment date. Managers can ask for proof of the pre-planned hospital appointment, failure to provide this may result in the employee having to take unpaid time off or annual leave.

For further information on the above please refer to the Time off Work Policy which can be found on the intranet.

iv. Pregnancy related

It is good management practice to ensure that an early pregnancy risk assessment is carried out with a pregnant employee. Adjusted duties or other reasonable measures should be explored with pregnant employees who are at risk of being absent.

Absences related to a pregnancy will not count towards the trigger system. If an employee is off sick due to a pregnancy related aspect in the four weeks leading up to the expected birth of the baby, then the employee's maternity leave will commence early.

For further information on the above please refer to the Parental Leave policy which can be found on the intranet.

16. Domestic Abuse

Domestic abuse is best described as the use of physical and/or emotional abuse or violence (including undermining of self-confidence) sexual violence or the threat of violence, by a person who is or has been in a close relationship. Anyone can be the victim of domestic abuse and it can take many forms. Domestic abuse affects people in their place of work and can result in absenteeism, decreased productivity and poor performance. It can also lead to unhealthy stress levels of employees that may affect their overall health.

Employees are encouraged to advise their line manager or Occupational Health if they are experiencing domestic abuse and discuss the support they may need at work. Managers and or Occupational health, once aware of the underlying causes of the absence, should take this into account when taking steps to manage absence and apply this and other relevant policies.

17. Fit notes – for long term conditions which requires treatment

If an employee has a long term condition which requires treatment but the employee feels that they are capable of working and wants to work, then the employee can ask their GP for a Fit note. This fit note must outline the hours and days that an employee can / or is able to work.

Hours of work must be reasonable, for example employees will not be permitted to work for one hour per day and this option will be time bound for a maximum period of three months, which will be regularly reviewed during that three month period and reviewed thereafter.

Benefits to the employee:

- The employees sickness record will be reduced as the absence will be not be counted towards sickness, given that they are still in work.
- Does not affect current pay.
- The employee still feels part of the team and is able to work around their treatment.

*This process will be reviewed in relation to this procedure after 12 months from implementation of this revised procedure. A

Business Partner will need to be involved at all stages.

10. Guidance for managers – informal attendance capability meeting guidance

The focus of this meeting should be on helping the employee improve their attendance at work in a positive way. Managers should:

- The meeting should be confidential, on a one-to-one basis and the employee should understand the content of the meeting prior to attending.
- Attendance issues must be discussed with employees as part of their return to work meetings.
- A Manager can use the return to work meeting as an alternative to a separate meeting, they need to ensure the employee is aware of the context prior to the meeting.
- The outcome of the informal meeting should be confirmed in writing and given to the employee. A copy should also be kept on the employee's file for a period of 12 months.

During the lifespan of the guidance (12 months), the informal meeting can be referred to in the event further concerns arise—provided the concerns are connected.

Preparation for the meeting should include:

- The employee should be formally invited to the informal attendance capability meeting—[Invite to Informal Attendance Capability Meeting Letter](#). This should be issued a minimum of 5 days before the meeting, providing 2 copies of any relevant paperwork relevant to the meeting. The employee has the right to be represented at this meeting by a Trade Union Representative or work colleague.
- Manager prepares all of the information concerning non-attendance history to demonstrate the fact that the employee has met one of the trigger levels.
- Ensure adequate time is put aside for the meeting.
- Ensure that an appropriate confidential area is available for the meeting.

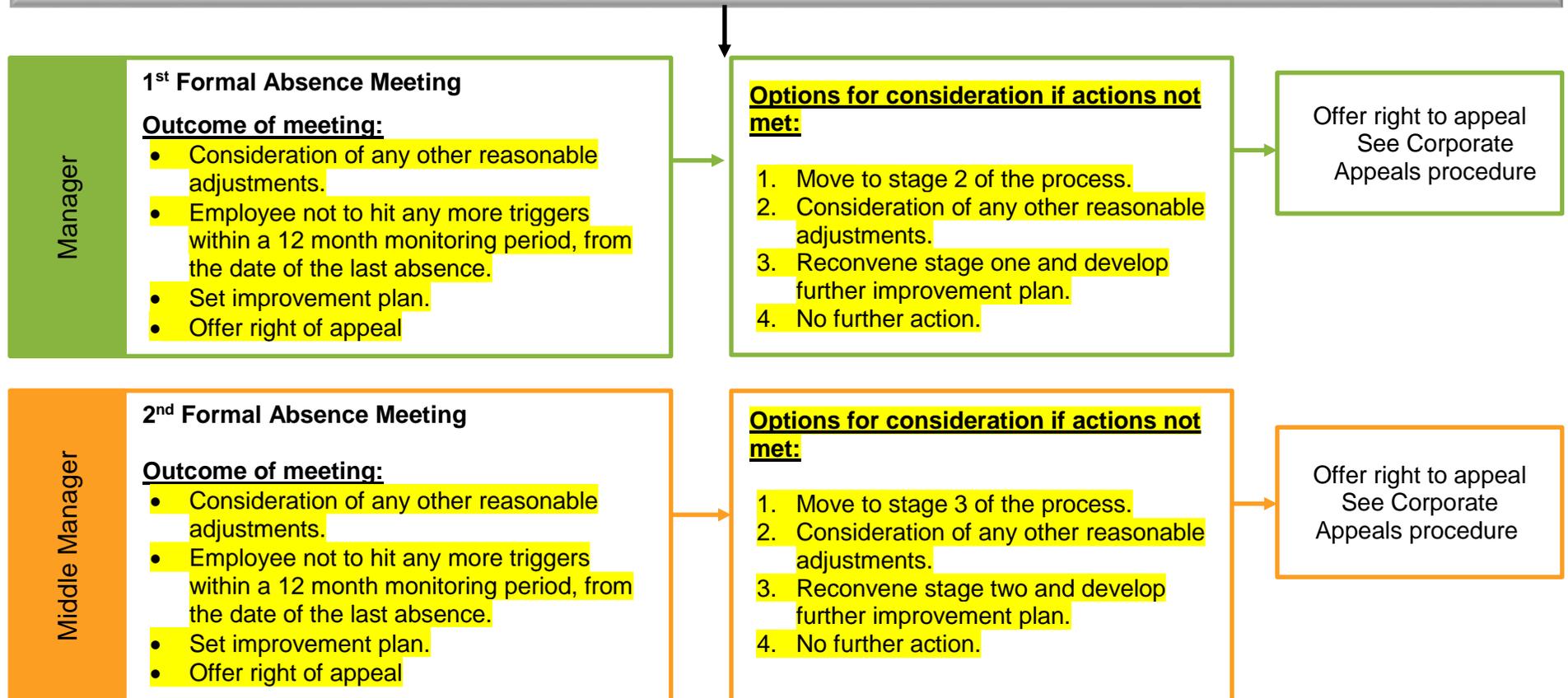
During the meeting:

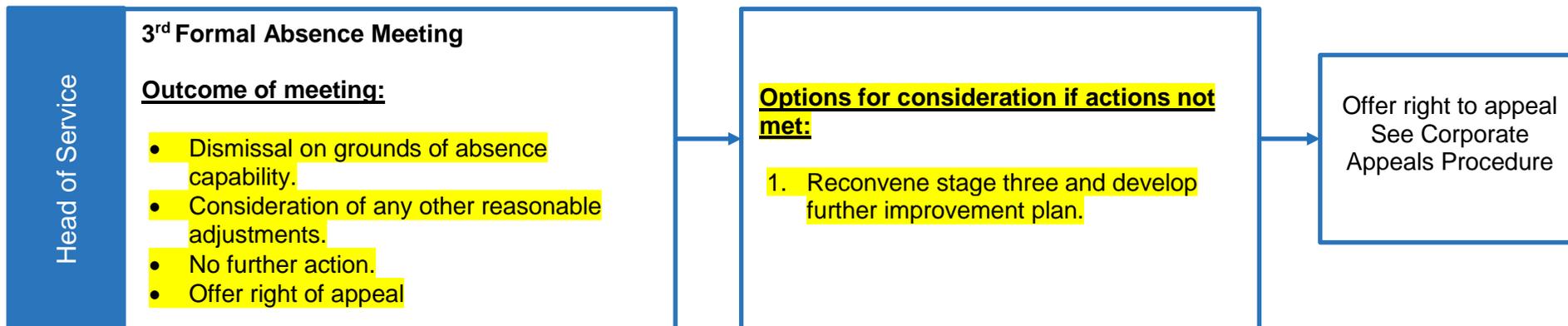
- Manager to share concerns relating to non-attendance at work. This should be undertaken in a positive and supportive manner, whilst asking for an explanation and encouraging the employee to engage in the discussion using open questions.
- Define the areas that are of concern e.g.— number of days, type of absence, pattern of absence.
- Explore any contributory factors with the employee's work related problems, personal problems, work-life balance etc. Discuss any possible solutions that are available to the employee, things that they can own or can have support from other services to manage.
- Even for those who have returned to work, should the problems not have been fully managed, offer access to services or support, seek advice from OHU should it be helpful to ensure the employee is supported and can remain in work.
- Consider the re-referral of the employee to OHU should there be outstanding aspects that need to be supported. The service supports employees in the workplace as well as whilst they are off work.

- ~~Write to confirm the discussions and outcome of the meeting with the employee using the [Outcome of Informal Capability Letter](#). Please ensure that a copy of this letter is sent to HR Direct for the employee file.~~

Identification of sickness absence triggers being reached

- 3 separate sickness absences of any duration in a 3 month period
- 5 separate sickness absences in a 12 month period
- A total of 12 days absence in a 12 month period (pro rata for part time employees)
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.





18. Guidance for managers – conducting a formal attendance capability meeting

~~This meeting should only take place once the employee has had a minimum of one informal attendance capability review meeting.~~

This guidance is applicable to conducting 1st, 2nd and 3rd formal attendance ~~capability~~ meetings.

The purpose of this formal attendance ~~capability~~ meeting:

- Review the employee's level of sickness absence
- Determine if there is an underlying cause **and discuss action plan and the support required.**
- Examine what actions have been taken to date to reduce their level of sickness absence
- Ascertain the nature of current absence for those off sick in the process and if and when they are likely to return to work
- **Inform the employee of the actions and consequences if their level of sickness absence does not improve.**
- ~~If appropriate, issue the employee with a warning and alert them to the consequences if their level of sickness absence does not improve.~~

Who will be present at the formal attendance ~~capability~~ meeting?

- The Manager will conduct all of the Formal Attendance ~~Capability~~ Meetings at stage 1 and 2 **and when required supported by a HR Officer;** the 3rd meeting will be conducted by the Head of Service.
- **The Head of Service will conduct all of the Formal Attendance Stage 3 meetings and will be supported by a HR Business Partner – a possible outcome from this meeting could be dismissal**
- ~~A HR Business Partner is involved in the 3rd Formal Attendance ~~Capability~~ Meeting, as a possible outcome from this meeting could be dismissal.~~

Arrangements for the formal attendance ~~capability~~ meeting

- The employee should be formally invited to the meeting – [Invite to Formal Attendance Capability Meeting Letter](#). This should be issued a minimum of 5 days before the meeting, providing 2 copies of any relevant paperwork relevant to the meeting. The employee has the right to be represented at this meeting by a Trade Union Representative or work colleague.
- Manager prepares all of the information concerning non-attendance history to demonstrate the fact that the employee has met one of the trigger levels.
- Ensure adequate time is put aside for the meeting.
- Ensure that an appropriate confidential area is available for the meeting.

- Ensure that sufficient notes are taken of the meeting ~~and should the employee request these should be provided to them.~~ These notes are the basis for the manager formulating the [Outcome of Formal Attendance Capability Meeting Letter](#). Should the Manager require a note taker this should be arranged by the Manager (HR do not undertake this role). Please ensure a copy of the outcome letter is sent to HR for the employee file.

19. Format for the formal attendance capability meeting

Introductions

The Chair of the meeting should confirm receipt by all present of any documentation and advise the purpose of meeting is to:

- Establish facts
- Consider the management case
- Consider the employee's case
- Make a decision after considering evidence provided
- Decide whether further action is necessary as a result

Main meeting discussion points:

- Whether the employee has an underlying medical condition
- Whether there are factors contributing to the employee's sickness absence which are work related (working conditions, relationships, work related stress, working arrangements etc.)
- Whether the employee may be covered by the Equality Act 2010
- Whether there is a likelihood of future sickness absences
- **If appropriate, consider reasonable adjustments**
- When or if the employee is likely to be fit to return
- The employee should be allowed to raise any points that they wish to be considered

Before any decisions are reached, the Manager should adjourn the meeting and consider the case before deciding what appropriate action should be taken.

Adjournment:

During the adjournment process the manager chairing the meeting should consider the following options:

- No further action is required – the employee’s sickness is considered satisfactory or there are extenuating circumstances which have a material effect on the employee’s sickness record.
- Issue realistic targets which are to be outlined in the improvement plan (see section 22).
- Employees are to be monitored for 12 months period in addition to the improvement plan.
- Redeployment, as an alternative to dismissal. Occupational Health will need to advise on whether redeployment will be suitable.
- Dismissal – the meeting must be conducted by a Head of Service, consultation with HR Business Partner and provision of advice from Occupational Health. The employee has the right to appeal against the outcome of the meeting, including dismissal.

Decision making:

The Manager chairing the formal meeting should be satisfied that:

- All relevant circumstances have been fully investigated
- The attendance at work procedure has been complied with
- The facts have been established
- Requirements of the Equality Act 2010 have been complied with (as appropriate)
- Mitigating or personal circumstances have been considered
- The action contemplated is justified in the circumstances of the case
- Previous **outcomes** ~~current warning~~ under this procedure have been considered

20. Reconvene meeting and confirming the outcome:

The formal meeting should be reconvened for all parties and the employee advised of the decision verbally and informed of their right to appeal against the decision.

The outcome of the meeting is to be confirmed in writing within 5 days of the meeting, including advice on the appeals process. Where targets and an improvement plan are issued, the letter should include details of the improvement plan, the monitoring period and how progress will be monitored, any reasonable adjustments to be made, any support available and depending on what stage the procedure is at, that any failure to improve attendance could lead to further warnings or ultimately dismissal.

21. No further action

If it is deemed no further action is required then this is confirmed in writing within 5 days of the meeting.

22. The improvement plan and setting targets

Managers should think through the following aspects when they are considering the setting of targets within **the improvement plan:** ~~and monitoring periods:~~

- **An improvement plan** should consist of actions that are realistic, reasonable and achievable and that they are reflective of the absence experience to date. Consideration should be made against the requirements of the Equality Act 2010 and given targets that provide reasonable adjustments.
- The employee is aware of the possible consequences of not meeting **targets set within the improvement plan.**

Examples of targets within the improvement plan:

- **Improved attendance, i.e no further triggers met**
- **To submit fit notes in a timely manner**
- **To attend any hospital /specialist appointments, keeping your line manager up to date with progress**
- **To attend Occupational Health appointments**
- **To attend a review meeting if necessary. Date to be specified within the improvement plan.**

Targets must not include the following:

- **No absence within the agreed improvement plan and /or 12 month monitoring period**
- **Absence less than x days within the agreed improvement plan and / or monitoring period**

23. Monitoring periods

- The monitoring period is a 12 month period (from the date of the last absence) and must be discussed with the employee along with the expectations of them during the monitoring period.
- ~~If there are any actions there must be an agreement on how the employee's progress will be monitored. Please see attached letter and how an assessment during the monitoring period will be made.~~
- ~~Regular feedback is given to the employee during the monitoring period. This can be carried out in one to one meetings but a written record of the discussion and position must be kept with a copy provided to the employee.~~
- The employee knows where to go for help and support during the monitoring period.

If the employee reaches another trigger point within the 12 month monitoring period, the next steps will need to be considered. This will take place at either at the return to work meeting or if the employee is still absent (on long term sickness for example), the manager needs to consider the next steps at that point. The outcome of this review may results in the following:

1. Move to the next stage of the process
2. Consideration of any other reasonable adjustments
3. Reconvene the current stage and develop further improvement plan
4. No further action

- ~~The monitoring period should be reflective of the stage of the absence capability process and relevant to the historical absence trend. Managers through the review process outlined above should consider all of the options available to them and set periods appropriate to this.~~
- ~~A monitoring period may be extended beyond 12 months, depending on the nature of the absence.~~
- ~~If the employee breaches the conditions of the monitoring period and / or they hit another trigger, then that monitoring period will be reconvened and reviewed. See process flowchart.~~

~~Examples of periods, which must be agreed in the formal meetings:-~~

- ~~2/3 months — this could be for stage 1 of the process~~
- ~~1-2 months for stage 2 of the process~~
- ~~1 month for stage 3 of the process~~

24. Review meeting

~~During the review meeting the employee's attendance and progress against agreed actions should be reviewed. If there is no progress then the decision should be made to issue the appropriate warning. If sufficient progress has been made the outcome may be that no further action is required. The employee should have the right of appeal against the decision made at this stage and an [Outcome of Appeal Decision Letter](#) issued following any such meeting. Please ensure that a copy of this letter is sent to HR Direct for the employee file.~~

25. Progressing through the stages:

~~To move from one stage to another there would need to be a formal review at the end of the established monitoring stage. The manager should use the same decision making guides to when making decisions concerning the employee's position and the next steps. All subsequent meetings should be carried out in line with the formal attendance capability meeting guide.~~

24. Absence dashboard – Managers only

- The absence Dashboard can be found in the desktop page under the icon heading sickness reports and absence reports.
- The absence data is drawn directly from ITrent so it is reporting the most up to date absence data.
- Guidance on accessing the Dashboard and its reports can be found on the home page.
- All Managers are able to access DCC and Service top level information on the absence position.
- Managers will also be able to access the RAW data for their reporting teams.
- The reporting structures for the Dashboard are based on ITrent reporting structures. Directors have access to all levels of data. Heads of Service have access to all data pertaining to their service.

25. Pay when absent from work

- Unauthorised absence is unpaid. Absences which are 7 days or more must be covered by a Drs note (Fit note). It is an employee's responsibility to make sure they have an adequate Drs note (Fit note) to cover the full period(s) of absence.
- Following written notice from a manager, if a medical certificate is not provided by a stipulated date, the period of absence will be unpaid and the individual would be subject to the disciplinary procedure.
- The organisation may, with notice, refuse to continue to pay enhanced (occupational) sick pay for certificated or un-certificated absence from work. For example: where an employee continues to participate in outside work activities which have a repeat impact on their health and ability to attend work, or if an employee refuses to attend an occupational health appointment or engage with occupational health, the manager or HR department in order for the Manager to understand the absence from work and impact in more detail than an employee's explanation of the situation.

28. Removal of right to self-certification

At the first formal absence capability meeting a manager can insist that any subsequent absence from work during the monitoring period will require the individual to provide certification of their inability to attend work. Should an employee not provide this:

- Enhanced (occupational) sick pay will be removed
- Escalation of the management in the non-attendance process
- A review of conduct under the disciplinary process may be considered

Examples of when this would be applied may be when an employee has persistent short term absences or patterns of absence which are a cause for concern.

Please note that, in order to carry out the above action, the employee must be at least Stage 2 of the process and the manager must agree this action with their Head of Service and HR Business Partner before this can be carried out. An employee must produce a written letter from their GP if the GP is unable to provide the required fit note. The council will not reimburse an employee if the GP practice charges for Fit notes during the self-certification period as stated in the Single Status terms and conditions document.

26. Suspension on medical grounds

On return to work or planned return to work, should a Manager have serious concerns about an employee's fitness to work, they may suspend the employee on medical grounds. Managers will need to consult both HR and OHU to ensure guidance on decision and next steps are provided. Suspension is on full pay and is for a period whilst further medical advice from a medical practitioner and OHU is sought/provided.

27. Annual leave

Should an employee fall sick during a period of annual leave, then the annual leave can be taken at another time subject to the following conditions:

- The employee notifies their manager on the first day of the sickness.
- The absence period regardless of length must be certified by a qualified medical practitioner.
- Where an employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee has made an insurance claim for medical treatment received at an overseas location.

Annual leave accrual

Employees, who are off long term sick, still accrue their holiday entitlement, and they can choose to take annual leave during a period of absence, they need to do this in agreement with their Manager. If an employee does go on holiday during a long term period of absence they need to take this period as annual leave. It should be noted that employees should not engage in activities that are:

- Inconsistent with their stated reason for absence
- Have a detrimental effect on their recovery
- May worsen/prolong their absence

Should it transpire that an employee has undertaken an activity that proves detrimental to their recovery this may result in the removal of enhanced (occupational) sick pay.

28. Grievance raised during other proceedings e.g. attendance, disciplinary, redundancy etc.

There may be occasions where an employee, who is subject to another procedure, raises a grievance. The way in which this is handled will depend on the facts of each case. An assessment of the facts should take into account how the grievance is related (if at all) to the matter in hand.

Whether or not the grievance and the ongoing case are associated will be determined by the appointed Deciding Officer of the case.

Where the grievance and the other case are related

In exceptional circumstances it may be appropriate to temporarily hold the ongoing proceedings while the grievance matter is investigated further. The aim here is to establish whether the complaint has a material impact on the case and eventual outcome.

Be mindful that other ongoing proceedings should not be delayed unnecessarily.

Where the grievance and the other case are not considered to be related

In such cases it is advised that both cases are dealt with separately and that they run concurrently. The proceedings of the case in question may not be impacted by the grievance raised and should therefore be able to continue as planned.

Refer to the Grievance procedure for details relating to the grievance process.

29. How to calculate triggers for part-time and term time employees

- 3 x separate sickness absences of any duration in a 3 month period.

Part time & Term Time Employees:

Each occasion of absence within the 3 month period will count, regardless if the employee may work part time or term time. As long as the employees' working pattern is correct on iTrent, it will automatically recognise the part time or term time working periods and calculate the number of absences.

- 5 x separate sickness absences in a 12 month period.

Part time & Term Time Employees:

Each occasion of absence within the 12 month period will count, regardless if the employee may work part time or term time. As long as the employees' working pattern is correct on iTrent, it will automatically recognise the part time or term time working periods and calculate the number of absences.

- A total of 12 days sickness absence in a 12 month period (pro rata for part time employees).

Part time & Term Time Employees:

The employees working pattern on iTrent will automatically recognise the employee's part-time or term time working periods and calculate the number of days absent.

e.g. If an employee works 18 hours per week, then you would follow their pro rata calculation below:

step 1: $\frac{18 \text{ (working hours)}}{37 \text{ (full time hours)}} = 0.4864$

step 2: $0.4864 \times 12 \text{ (working days)} = 5.83$

step 3: 5.83 is the confirmed pro rata days calculation

- A pattern of absence that causes concern.
The cause for concern will be determined by Manager / Head Teacher etc.
- Single episode of 4 continuous weeks or more.
Regardless if employee works full time, part time or term time, the reference to four continuous weeks is to calendar weeks, not any work pattern.

31. Appeals process

Please refer to the Corporate Appeals Procedure.

32. Absences as a result of a third party or Industrial injury

If the absence was as a result of an accident caused by a third party i.e. personal injury claim, or an industrial injury please inform the Payroll Section. In the case of an industrial injury, corporate health and safety must be informed immediately and a completed accident/incident report form must be recorded.