

Oxford City Council
Attendance Management Policy

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1 POLICY STATEMENT

Oxford City Council believes that a healthy and productive workforce best serves it and the City's residents. High attendance rates have a positive impact on the quality of the services we provide the public, on our work colleagues and represent value for money for the Council.

The Council's aim is to promote a culture of exemplary attendance through fair, consistent and effective management of sickness absence. All employee absences will be recorded for the purposes of managing attendance. Disability related absences may be discounted as 'Disability Leave' as a reasonable adjustment under Appendix 2 on the basis of medical evidence.

Managers and employees have key responsibilities in managing absence and promoting attendance.

The Council will manage absence through this policy and promote and facilitate high attendance through its Health & Well-Being Policy.

- 1.1 This Attendance Management Policy sets out our procedures for reporting sickness absence and for the management of sickness absence in a fair and consistent way.
- 1.2 Sickness absence can vary from short intermittent periods of ill-health to a continuous period of long-term absence and have a number of different causes (for example, injuries, recurring conditions, or a serious illness requiring lengthy treatment).
- 1.3 We wish to ensure that the reasons for sickness absence are understood in each case and investigated where necessary. In addition, where needed and reasonably practicable, measures will be taken to assist those who have been absent by reason of sickness to return to work.
- 1.4 This policy does form part of any employee's contract of employment. We may vary the procedures set out in this policy (subject to consultation with trade unions) including any time limits, as appropriate in any case.

2 WHO IS COVERED BY THE POLICY?

- 2.1 This policy covers all employees of the Council.
- 2.2 This procedure has been agreed in consultation with the Council's recognised Trade Unions, Unison and Unite, and applies to all employees regardless of status or length of service.

3 DISABILITIES

- 3.1 We are aware that sickness absence may result from a disability. At each stage of the sickness absence meetings procedure ([see paragraph 17](#) of this policy), particular consideration will be given to whether there are **possible reasonable adjustments** ([paragraph 13](#)) that could be made to the requirements of a job or working arrangements that will provide support at work and/or assist a return to work.
- 3.2 If you consider that you are affected by a disability or any medical condition which affects your ability to undertake your work, you must inform your line manager or in if exceptional circumstances, the Council's Human Resources

Department (“HR”). Managers should then immediately refer to guide Appendix 2 – Managing Employees with a disability – to consider any action. We encourage employees to disclose their medical conditions including any disabilities although there is no legal obligation to do so.

- 3.3 Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to their impairment. It can usually be planned in advance and is for a fixed period of time ([see appendix 2](#)).
- 3.4 Disability related sickness absence arises where the employee’s sickness absence is related to their disability ([appendix 2](#)). In these circumstances reasonable adjustments may be made in relation to any action taken when managing an employee’s attendance, depending on available medical information and the individual circumstances.

4 SICKNESS ABSENCE REPORTING PROCEDURE

4.1 If you cannot attend work because you are ill or injured you should telephone your line manager **in person** (or failing that, another manager in your team / service) as early as possible, and no later than 30 minutes after the time when you are normally expected to start work. A text message or email is not on its own acceptable or sufficient notification. If you are prevented from telephoning your line manager because you are too ill or injured, you must make reasonable efforts to ensure that someone contacts the Council on your behalf as soon as possible. The following details should be provided and recorded:

- The **nature of your illness** or injury (if accident at work, complete an Incident Report and [see paragraph 15](#))
- The expected **length** of your absence from work. Further contacts are to be agreed with your manager in the event of absences lasting in excess of 3 calendar days or if an expected return date alters
- Your contact details.
- Any **outstanding or urgent work** that requires attention.

4.2 If you are taken ill or injured while at work you should report or be taken to your line manager or your service area’s first aid officer and be given permission to leave work. Managers should make arrangements for anyone who is unwell to leave work safely and/or to receive medical treatment and contact the Corporate Safety Adviser (HR) where necessary.

4.3 Your manager (or failing that another manager in your team / service) will conduct a return to work interview on your **first** day of return during which time you will be expected to confirm you are fit to attend work, any other support required will be discussed and you will be updated on activities which have occurred during your absence.

5 RETURN-TO-WORK INTERVIEWS

5.1 If you have been absent on sick leave for any period of time you will have a return-to-work interview with your line manager (or failing that another manager in your team / service) on your **first** day of return. An outline of how to conduct the meeting is set out at appendix 1.

- 5.2 You and your manager **must** complete the Return to Work e-form (available in Itrent – your manager will access the system). Your line manager or a covering manager is normally responsible for carrying out such an interview.
- 5.3 A return-to-work interview enables us to confirm the details of your absence. It also gives you the opportunity to raise any concerns or questions you may have, and to bring any relevant matters to our attention. Managers are expected to check medical certificates, dates covered, whether work related, any special requirements to note such as disability or pregnancy, and record relevant data on I-Trent.
- 5.4 Where your doctor has provided a certificate stating that you "may be fit for work" (see evidence of incapacity [paragraph 6](#)) we will discuss any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice.
- 5.5 If, at any time, your line manager has a reasonable suspicion for considering that you have taken or are taking sickness absence when you are not unwell, they may refer matters to be dealt with under our Disciplinary Procedure.

6 EVIDENCE OF INCAPACITY

- 6.1 For sickness absence of up to **seven** calendar days, the manager must complete a Return to Work e-form with the employee (available on iTrent).
- 6.2 For absence of **more than a week** you must notify your manager by telephone and obtain a certificate from your doctor (a "**Statement of Fitness for Work**") stating that you are not fit for work and the reason(s) why. This should be forwarded to your line manager as soon as possible and no later than 2 working days. If your absence continues, further medical certificates must be provided to cover the whole period of absence with no gaps in dates.
- 6.3 If your doctor provides a certificate stating that you "**may be fit for work**" you should inform your line manager immediately. They will discuss with you any additional measures that may be needed to facilitate your return to work, taking account of your doctor's advice. This may take place at a return to work interview ([see paragraph 5](#)). If appropriate measures cannot be taken, you will remain on sick leave and the manager will set a date to review the situation.
- 6.4 Where we are concerned about the reason for absence, or frequent short-term absence, we may require a 'Statement of Fitness for Work' medical certificate for each absence regardless of duration. Employees needing to cover the costs of obtaining this document will be reimbursed the cost on production of proof of purchase.
- 6.5 If you fall sick during the course of annual leave (excluding bank holidays) you will be regarded as being on sick leave from the date of a doctor's statement of fitness to work.

7 UNAUTHORISED ABSENCE

- 7.1 Absence that has not been notified according to the sickness absence reporting procedure will be treated as unauthorised absence and dealt with under our Disciplinary Procedure. This will place the employee's continued employment with the Council at serious risk of termination if the employee continues to have no contact with their employer without reasonable explanation.
- 7.2 If you do not report for work and have not telephoned your line manager (or in their absence, another manager in your team / service) to explain the reason for your absence, your line manager **OR** failing that HR will try to contact you,

by telephone and in writing if necessary. This should not be treated as a substitute for reporting sickness absence.

8 KEEPING IN CONTACT DURING SICKNESS ABSENCE

- 8.1 If you are absent on sick leave you should expect to be contacted from time to time by your line manager or failing that, if there are very exceptional circumstances, HR in order to discuss your wellbeing, expected length of absence from work and any of your work that requires attention. Such contact is intended to provide reassurance and will be limited to what is reasonable. You should keep in touch with your manager at least once a week after the first 7 calendar days since your absence began, unless there is an agreement with your manager to alter this timeframe. If you have any concerns while absent on sick leave, whether about the reason for your absence or your ability to return to work, you should feel free to contact your line manager and/or HR at any time.

9 HOME VISITS OR MEETING REQUESTS

- 9.1 The Council will seek to support you fully in assisting with your return to work as soon as possible. You should assist by agreeing to attend meetings and OH appointments or to any other reasonable management request.
- 9.2 On rare occasions the appropriate method of contact may be to visit you the employee at home, or arrange a meeting at another location, such as the workplace or another location agreed by all parties.
- 9.3 Meetings should be arranged with you at a mutually agreeable time, but you need to be reasonable in accommodating a request. You have the right to have a companion of their choice present under [paragraph 20](#).
- 9.4 If a home visit is arranged, two officers, with at least one being known to you, should normally undertake this home visit.

10 MEDICAL EXAMINATIONS

- 10.1 We may, at any time in operating this policy, ask you to consent to a medical examination by the Council's retained OH Department Nurse or Doctor (at our expense) and/or a doctor nominated by us.
- 10.2 You will be asked to agree that any report produced in connection with any such examination may be disclosed to us and that we may discuss the contents of the report with our advisers and the relevant doctor.
- 10.3 Employees who refuse to attend Occupational Health appointments put both their health, their employment and the Council at risk; therefore the Council could consider disciplinary action (e.g. failure to follow a reasonable management instruction) and may make decisions in the absence of medical information. If it becomes the case that a series of absences through ill-health are, in fact, caused by an underlying disability, the Council cannot take any appropriate steps to help you with the disability until it knows about it.

11 CASES WHERE COUNSELLING OR PHYSIOTHERAPY MAY BE HELPFUL

- 11.1 The Council makes use of a Counselling Service. If considered appropriate the Line Manager or HR may refer you to the service. Alternatively your line manager may request access to the service directly via HR. This service may be used at any stage if considered beneficial.

- 11.2 If an employee or doctor (on a medical certificate) reports that the absence is for reasons where counselling may be helpful (e.g. stress, depression, or anxiety) your line manager must advise HR **straight away** to discuss arrangements to access the counselling services. In normal circumstances, 6 sessions are funded by the Council.
- 11.3 The Council is also able to arrange physiotherapy where it will enable you to return to work more quickly or where Occupational Health would value the assessment.

12 RETURNING TO WORK FROM LONG-TERM SICKNESS ABSENCE & PERMANENT ILL HEALTH

- 12.1 When it becomes apparent that sickness absence is likely to be long-term (28 calendar days or more) the line manager must, before the employee returns to work, contact:
- HR to discuss the case and;
 - OH to discuss any need for a referral or other interventions. This doesn't necessarily mean a referral will be necessary.
- 12.2 We are committed to helping employees return to work from long-term sickness absence. As part of our sickness absence meetings procedure (see [paragraph 17 and 21-23](#)), we will, where appropriate and possible, support returns to work by:
- Obtaining medical advice;
 - Making reasonable adjustments to the workplace, working practices and working hours;
 - Considering redeployment; and/or
 - Agreeing a return to work programme with everyone affected.
- 12.3 If you are unable to return to work in the longer term, we will consider whether you are entitled to any benefits under your contract of employment.
- 12.4 Occupational Health may advise that an employee is permanently unfit to undertake the duties of their existing job and that their medical condition is such that they have a reduced likelihood of obtaining gainful employment in the future.
- 12.5 This situation will usually arise only after other options to enable the individual to continue working have been considered and exhausted.
- 12.6 If the employee is in the Local Government Pension Scheme (LGPS) they may have access to their pension benefits, subject to certification by an independent occupational health physician (in compliance with the LGPS Regulations). The level of ill health pension benefits that are payable varies.
- 12.7 When confirmation of permanent ill health is received from Occupational Health or the independent occupational health physician the employee will be invited to a formal meeting to discuss their retirement/the termination of their employment due to permanent ill health (see [paragraph 23](#) – Stage 3 – Final sickness absence meeting)

13 POSSIBLE ADJUSTMENTS

13.1 The following (non-exhaustive list of) examples of adjustments may be considered in managing attendance issues, depending on suitability and availability in each case. In all cases the Equality Act 2010 implications (with particular regard to disability) should be considered by managers in consultation with HR.

Adjustments to role (temp or perm)	On OH advice, seek mutually agreeable and workable solution. Use a trial period.
Flexible working	Consider using the Council's Flexible Working Policy.
Home working	Some or all hours, temporary or permanent. Refer to the Home Working Policy.
Modified / reduced duties	On OH advice. May involve a temporary transfer to another team or service and/or in a different location.
Phased return	Temporary reduction in hours to assist in rehabilitation. Immediately upon return, employee is no longer recorded as sick. Maximum 4 week period unless exceptional circumstances (e.g. absent for more than 6 months or employee with a disability). See section 14 for pay arrangements.
Redeployment (temp or perm)	May be feasible depending on circumstances. Managers should seek advice from Human Resources.
Start / finish times	Manager allows employee to vary working day start / finish times for an agreed period without necessarily reducing total hours worked.

14 SICK PAY

14.1 You should refer to your contract and the Payroll section if you have any queries about sick pay, which includes the following:

- Statutory Sick Pay (SSP) - provided the relevant requirements are satisfied. Qualifying days for SSP purposes are Monday to Sunday.
- Council occupational sick pay in accordance with the Council's sickness pay policy provided that you comply with both the sickness absence reporting procedure and any other requests made under this policy. If you do not, we reserve the right to withhold payment of Council occupational sick pay.

14.2 Your length of service determines the amount of sickness pay benefits that you may receive from the Council in any twelve month period. Sickness pay is paid for the following periods, depending on your continuous service in Local Government:-

Service	Full Pay*	Half Pay*
Less than 4 months	22 working days	None

After 4 months but less than 1 year	22 working days	43 working days
After 1 year but less than 2 years	43 working days	43 working days
After 2 years but less than 3 years	87 working days	87 working days
After 3 years but less than 5 years	108 working days	108 working days
After 5 years	130 working days	130 working days

* based on normal salary.

Note - all references to 'working days' in the table above refer to entitlements based on 37 hours, 5 day working week. They are pro-rata for any variation to this, including part time or compressed hours (such as waste & recycling).

Full pay shall be inclusive of any SSP due in accordance with applicable legislation in force at the time of absence.

Pay when on a phased return

- 14.3 Unless there are exceptional circumstances a phased return is for a maximum period of 4 weeks. Where an employee is on an agreed phased return to work, they will receive their normal pay for 2 weeks regardless of their history of sickness or pay entitlement. For the remaining two weeks (or more i exceptional circumstances) in the phased return any shortfall in hours will be made up by making deductions against leave, or it will be unpaid absence. This period is not counted as sickness and as such SSP is not payable.

Sickness absence where damages may be recoverable

- 14.4 If a period of sickness absence is or appears to be occasioned by actionable negligence, nuisance or breach of any statutory duty on the part of a third party, in respect of which damages may be recoverable, you must immediately notify an HR Business Partner of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that we may reasonably require. If we require you to do so, you must cooperate in any related legal proceedings and refund to us that part of any damages or compensation you recover that relates to lost earnings for the period of sickness absence as we may reasonably determine, less any costs you incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to us shall not exceed the total amount we paid to you in respect of the period of sickness absence.

15 WORK RELATED INJURY

- 15.1 If you or your line manager believes that an injury occurred at work, you should complete the Council's Incident Report Form and provide it to your line manager as soon as practicable (no later than three days after the incident). If you are unable to complete the form it should be completed on your behalf by your line manager. A copy of the form is retained by the Service Area and serves as an entry in the 'Accident Book'. For further details on reporting and investigating accidents and incidents see leaflet (HS9) available from your manager or the intranet.
- 15.2 If you have not completed an incident report and subsequently believe that your injury occurred at work, you should report this in writing to your line manager, setting out the reasons why you believe that work has contributed or caused your injury.

- 15.3 Where an incident report has been completed, or where an employee subsequently claims that their injury is caused by work, the situation should be thoroughly investigated by the employee's line manager and Trade Union Representative. This should be in consultation with safety representatives if the employee has consented to this.
- 15.4 The line manager must also ensure that Payroll is informed when sickness absences occur as a result of an accident at work as it may affect sick pay.
- 15.5 Where it is agreed by the Council that the absence has arisen through industrial disease, injury, accident or assault during the course of employment with the Council, it will be recorded and reported separately in I-Trent from other types of sickness absence, but otherwise should be managed in the same way as other ill-health absence.
- 15.6 All work-related injury cases resulting in absence from work should be referred to Occupational Health.

16 MANAGING LOW ATTENDANCE – MANAGERS, EMPLOYEES & TRADE UNION RESPONSIBILITIES

16.1 Managers are expected to:

- a) Ensure that any sickness absence that is notified to them is recorded on I-Trent.
- b) Pro-actively use the monitoring information (see [paragraph 19](#) and appendix 4) to address absence with employees.
- c) Ensure arrangements are made, to cover work during absence and inform colleagues and clients (while maintaining confidentiality).
- d) Consider Occupational Health (OH) referrals and specifically where stress, depression, anxiety or musculo-skeletal illness is diagnosed. Contact HR to consider appropriate support such as counselling ([paragraph 11](#)).
- e) Follow a fair and proper process, taking action according to this policy and its triggers ([paragraph 17](#) and [appendix 4](#)).
- f) Deal with situations sensitively and reassure the employee that we aim to support those genuinely sick or ill within the practical limits and demands of the service.
- g) Investigate the employee's absence record by considering each period of sickness individually as other circumstances may need to be taken into account. This may include treating close periods of identical absence as linked where the employee returned to work only to have a reoccurrence of the absence.
- h) Establish whether any absences are work related and where it is agreed by the Council that they have arisen through industrial disease, injury, accident or assault during the course of employment with the Council (unless the incident is due to the employee's negligence), these should be recorded and reported separately in I-Trent from other types of sickness absence and as such discounted from the absence monitoring score.
- i) Consider if a medical condition amounts to a disability, with HR's advice. If so, what reasonable adjustments should be considered so the employee can carry out their job. You may need to categorise some or all absence as disability related – planned or unplanned (see appendix 2).

- j) Discount any periods of absence related to a pregnancy-related illness.
- k) Review any OH information (if applicable) and establish if there is or maybe an underlying medical cause.
- l) Be mindful of the distinctions between short term and long term absence, i.e. long term absence is any period of continuous absence of 28 calendar days or more.
- m) Consider the impact of more physical or stressful jobs – employees in these roles may well have higher absence.
- n) Help the employee to understand the attendance procedure, its purpose, and the impact on the service and colleagues.
- o) Agree an action plan with the employee to improve attendance, putting into place anything the Council needs to do. Set a realistic time period (e.g. 3 months) and a further review meeting using the attendance review form).
- p) Advise the employee of the need for improvement and the consequences of low attendance (subject to disability leave) - which may lead to dismissal.
- q) After any meeting held with an employee to discuss their absence from work under this policy, including after every attendance review meeting at Stages 1 and 2, the line manager must complete either the return to work *eform* on iTrent or the form at Appendix 3 (Attendance Review Meeting Monitoring form) and in the latter case provide a copy to the employee and HR as soon as possible after the meeting.
- r) Use this policy in conjunction with the Council's Health & Well-being policy.

16.2 Employees are expected to:

- a) Understand their responsibilities and comply with the Attendance Management Policy.
- b) Take responsibility for their own health and help prevent illness and accidents at work.
- c) Report accidents at work and complete Incident Reports as soon as practicable and no later than three days after the incident (managers can complete on employee's behalf if necessary).
- d) Attend to personal affairs, including non-urgent appointments (e.g. hospital, doctor, dentists, opticians) outside of working hours or by taking leave where possible (e.g. annual, flex). If time off is necessary in working hours, obtain line manager approval. Where employees are not enrolled in the flex scheme, the Council will arrange for working times to be adjusted on appointment days, subject to operational needs, to accommodate these appointments.
- e) Notify their line manager if they cannot attend work in accordance with the notification procedures in this Policy.
- f) Ensure medical advice and treatment, where appropriate, is received and acted upon as soon as possible to enable a prompt and effective return to normal duties.
- g) Inform their line manager of any changes to health or any disability, which may affect their ability to carry out their duties or attendance at work, giving maximum advance notice. (see appendix 2).

- h) Comply with requests to attend OH appointments as soon as possible.
- i) Comply with reasonable management requests to attend review meetings and work pro-actively to assist a return to work.

16.3 Trade Union Representatives are expected to:

- a) Support employees who require assistance in managing attendance.
- b) Work proactively with managers in facilitating contacts, discussions, review meetings, etc for those employees under review.
- c) Assist in ensuring a return to work as soon as is reasonably practicable.

17 SICKNESS ABSENCE STAGE MEETINGS PROCEDURE

17.1 Managers, employees and trade union representatives MUST undertake their responsibilities as detailed in [paragraph 16](#) above in applying the below.

17.2 We may apply this procedure where we consider it necessary, but the standard trigger points are:

- a) Where the factors set out in [appendix 4](#) apply;
- b) If you have discussed matters at a return to work interview that require investigation; and/or;
- c) If you have been absent for more than 28 calendar days.

17.3 Unless it is impractical to do so, we will give you seven calendar days' written notice of the date, time and place of a sickness absence meeting. By agreement with you, this timescale can be shortened. We will advise you why the meeting is being called and put any concerns about your sickness absence and the basis for those concerns in writing. A reasonable opportunity for you to consider this information before a meeting will be provided.

17.4 The meeting will normally be conducted by your line manager or another manager in your team / service and may be attended by a member of HR. You may bring a companion with you to the meeting (who may be a Trade Union representative - see [paragraph 20](#)). In the event of a Stage 3 meeting, the meeting will be conducted by a Head of Service (or nominated senior manager) or above.

17.5 You must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If you or your companion are unable to attend at the time specified you should immediately inform your line manager who will seek to agree one alternative time. Decisions may be taken in your absence.

17.6 A meeting may be adjourned if your line manager is awaiting receipt of information, needs to gather any further information or give consideration to matters discussed at a previous meeting. You will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

17.7 Confirmation of any decision made at a meeting, the reasons for it, and of the right of appeal will normally be given to you in writing within seven calendar days of a sickness absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

18 MONITORING LOW ATTENDANCE

18.1 Managers are expected to:

- a) Monitor attendance levels at least weekly for all staff to identify any concerns. A report is available on I-Trent.
- b) Check the employee's absence score in reference to the table at appendix 4 - and consider taking the designated action.

19 IDENTIFYING EMPLOYEES

19.1 The Council's HR information system iTrent produces a report of all employees' sickness absences. The reports are compiled to enable managers to look at their employees only. The system looks over the previous 12 month period at the number of absences and the total days absent. Please refer to Appendix 4 for details of the calculation and a table giving examples.

19.2 The score is simply a trigger point to potentially bring the employee into the sickness absence meeting procedure (Stages 1-3). The manager needs to consider the position in the context of paragraph 16.1 in advance of calling a meeting. Thereafter the important thing for managers to consider is the criteria at paragraphs 21-23 to devise the improvement plans.

19.3 The score is pro-rated for part time employees or where working patterns differ from 5 standard 7.4 hour days.

20 RIGHT TO BE ACCOMPANIED AT MEETINGS

20.1 You may bring a companion to any meeting or appeal meeting under this procedure.

20.2 Your companion may be either a trade union representative or a fellow employee. Their identity must be confirmed to the manager or HR conducting the meeting, in good time before it takes place.

20.3 Employees are allowed reasonable time off from duties without loss of pay to act as a companion. However, they are not obliged to act as a companion and may decline a request if they so wish.

20.4 Some companions may **not** be allowed: for example, **anyone who may have a conflict of interest**, or whose presence may prejudice a meeting. Companions should not normally work at another site, unless no-one reasonably suitable is available at the site at which you work.

20.5 We may at our discretion, permit a companion who is not an employee or a member of staff or union representative (for example, a family member) where this will help overcome particular difficulties e.g. caused by a disability, or difficulty understanding English.

20.6 A companion may make representations, ask questions, and sum up your position, but will not be allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

21 STAGE 1: FIRST SICKNESS ABSENCE MEETING

21.1 This will follow the procedure set out in [paragraph 17](#) as regard the arrangements for and right to be accompanied at sickness absence meetings.

21.2 The purposes of a first sickness absence meeting will include:

- a) Discussing the reasons for absence.
- b) Where you are on long-term sickness absence, determining how long the absence is likely to last. The meeting will be called as soon as possible after 28 calendar days absence
- c) Where you have been absent on a number of occasions, determining the likelihood of further absences.
- d) Considering whether medical advice is required.
- e) Considering what, if any, reasonable measures might improve your health and/or attendance.
- f) Agreeing a way forward, action that will be taken, a time-scale for review and a further meeting under the sickness absence procedure. This will include the manager setting an improvement target in attendance. Depending on circumstances, generally this will be a requirement that absence is brought back within normal tolerances (i.e. the absence scores as set out in the table at appendix 4) over a reasonable timeframe.

22 STAGE 2: FURTHER SICKNESS ABSENCE MEETING(S)

22.1 Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary. Arrangements for meetings under the second stage of the sickness absence procedure will follow the procedure set out in [paragraph 17](#) as regards the arrangements for and right to be accompanied at sickness absence meetings.

22.2 The purposes of further meeting(s) will include:

- a) Discussing the reasons for and impact of your ongoing absence(s).
- b) Where you are on long-term sickness absence, discussing how long your absence is likely to last.
- c) Where you have been absent on a number of occasions, discussing the likelihood of further absences.
- d) If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- e) Considering your ability to return to/remain in your job in view both of your capabilities and our business needs and any adjustments that can reasonably be made to your job to enable you to do so.
- f) Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying you.
- g) Where you are able to return from long-term sick leave, whether to your job or a redeployed job, agreeing a return to work programme.

- h) If it is considered that you are unlikely to be able to return to work from long-term absence, whether there are any benefits for which you should be considered.
- i) Agreeing a way forward, action that will be taken, a time-scale for review and a further meeting under the sickness absence procedure. This will include the manager setting an improvement target in attendance. Depending on circumstances, generally this will be a requirement that absence is brought back within normal tolerances (i.e. the absence scores as set out in the table at appendix 4) over a reasonable timeframe.
- j) The meeting may, depending on steps we have already taken, include warning you that you are at risk of dismissal. No decision to dismiss you will be taken at a Stage 2 meeting.

23 STAGE 3: FINAL SICKNESS ABSENCE MEETING

23.1 Where you have been warned that you are at risk of dismissal (at the previous meeting and as noted in the Attendance Review Meeting Monitoring Form – Appendix 3), or where Occupational Health may advise that you are permanently unfit to undertake the duties of your existing job and that your medical condition is such that you have a reduced likelihood of obtaining gainful employment in the future:

23.2 We will invite you to a meeting under the third stage of the sickness absence procedure. Arrangements for this meeting will follow the procedure set out in [paragraph 17](#) on the arrangements for and right to be accompanied at sickness absence meetings.

23.3 The purposes of the meeting will be:

- a) To review the meetings that have taken place and matters discussed with you.
- b) Where you remain on long-term sickness absence, to consider whether there have been any changes since the last meeting under stage two of the procedure, either as regards your possible return to work or opportunities for return or redeployment.
- c) To consider any further matters that you wish to raise.
- d) To consider whether there is a reasonable likelihood of you returning to work or achieving the desired level of attendance in a reasonable time.
- e) To consider the possible termination of your employment. When considering dismissal due to absence through ill health, the application of criteria outlined at appendix 5 will be considered as will any permanent ill health notification from Occupational Health. Any termination will normally be with full notice or payment in lieu of notice.

24 APPEALS

24.1 You may appeal against the outcome of Stage 3 of this procedure only (and at that stage you should set out any concerns about earlier stages of the procedure you may have) and you may bring a companion to an appeal meeting ([see paragraph 20](#)).

- 24.2 An appeal should be made in writing, stating the full grounds of appeal, to the Head of HR & Facilities within seven calendar days of the date on which the decision was sent to you.
- 24.3 Unless it is not practicable, you will be given written notice of an appeal meeting within one week of the meeting. In cases of dismissal the appeal will be held as soon as possible. Any new matters raised in an appeal may delay an appeal meeting if further investigation is required.
- 24.4 You will be provided with written details of any new information which comes to light before an appeal meeting. You will also be given a reasonable opportunity to consider this information before the meeting.
- 24.5 An appeal meeting will be conducted by another Head of Service or above (not involved in the original Stage 3 meeting and equivalent to or more senior than the officer making the original decision) in the presence of an Elected Member, and supported by an HR Business Partner.
- 24.6 Depending on the grounds of appeal, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.
- 24.7 Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing, if possible within seven calendar days of the appeal meeting. There will be no further right of appeal.
- 24.8 The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of service or pay.

25 RELATIONSHIP WITH OTHER POLICIES

25.1 Alcohol and Drug Misuse Related Illnesses

If a manager suspects or is made aware that an employee is experiencing problems associated with alcohol or drugs, they should encourage the employee to discuss this problem and seek help. The problem should be addressed with sensitivity. Managers should refer to the Council's Policy on Alcohol and Drug Abuse Problems in Employment, available on the intranet alongside this Procedure.

25.2 Disciplinary Policy & Procedure

These issues (a non exhaustive list) will be dealt with under the Disciplinary Policy:

- Failure to attend work when medically fit to do so and not on any other authorised leave;
- Failure to follow the sickness absence notification procedure without good reason;
- Failure to provide medical certificates when required;
- Undertaking paid or unpaid employment while absent on sick leave;
- Deliberate falsification of self or medical certificates;
- Incapability at work and being under the influence of alcohol or non-prescribed drugs;
- Failure to attend OH referrals or informal/formal meetings without good reason.

25.3 Performance Improvement Policy and Procedure (PIPP)

Employees who are subject to PIPP may be considered under this Policy if there are medical grounds for doing so.

26 MONITORING & REVIEW

The Head of Paid Service (Chief Executive) has overall responsibility for employees and receives regular monitoring information including on diversity/attendance, formal action and appeals. We monitor spreading good practice to ensure this policy achieves its objectives. The Head of HR and Facilities will review this policy periodically and in the first instance 6 months after its approval at Council. Recommendations are reported to Value & Performance Scrutiny Committee.

APPENDIX 1 - RETURN TO WORK INTERVIEW

Upon return to work following sickness absence you must meet with the employee on the first day back. These meetings are normal and should be conducted in the context of an efficient supervision meeting, but with an awareness and sensitivity in dealing with individual sickness. The purpose is:

- To welcome the employee back to work
- To discuss the reasons for the absence
- To establish if the absence was work-related
- To ask if they consider the absence to be related to disability
- To check that the employee is fit to return to work
- To update them on events at work and if necessary facilitate their return to work.

It is the manager's responsibility to ensure a record of the meeting MUST be entered on iTrent.

If during this meeting you identify that the absence may be related to a disability (see appendix 2), record the employee as having a disability on iTrent, then refer to HR and OH for advice.

If the employee is returning from long term absence (28 calendar days or more), then you must discuss the matter with OH. This does not always mean a referral.

APPENDIX 2 – MANAGING EMPLOYEES WITH A DISABILITY

- 1) Oxford City Council's aim is to promote equality of opportunity for all employees and remove or make adjustments to policies which disadvantage disabled employees.

WHAT IS DISABILITY LEAVE?

- 2) Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to their impairment. It can usually be planned in advance and is for a fixed period of time. It is recognised that some disabled employees may need time off for a reason relating to their disability to attend appointments or undergo treatment or rehabilitation. Previously this type of absence may have been classed as sick leave or the employee has had to use their annual leave to accommodate such absences. The intention where workable is to avoid people being put in this situation and potentially ending up with a poor attendance record or no annual leave.

The Equality Act 2010 requires employers to make reasonable adjustments to try and remove any disadvantage that disabled staff may face. Disability Leave is a "reasonable adjustment" under this legislation.

3) EXAMPLES OF DISABILITY LEAVE

- Hospital, doctors or complementary medicine practitioners appointments
- Hospital appointments as an outpatient
- Hearing aid tests
- Training with a guide or hearing dog
- Counselling/therapeutic treatment
- Recovery time after a blood transfusion or dialysis treatment
- Physiotherapy.

This list is not exhaustive.

EXAMPLES OF LONGER BLOCKS OF DISABILITY LEAVE

- A period of time off work where, based on medical advice it is not appropriate to remain at work or be redeployed while reasonable adjustments are made by the authority (such time off will not be taken into account when considering possible dismissal on the grounds of medical incapability)
- An extension to the 4 week phased return period if medical advice recommends an extension to the standard 4 weeks phased return
- Disability Leave is a reasonable adjustment and should be agreed for a specified reason. This should not be used to extend sick pay and should not be used for Disability Related Sickness absence (below).

WHO CAN REQUEST DISABILITY LEAVE?

- 4) Any employee who considers himself or herself disabled under the definition contained in the Equality Act 2010 can apply to their manager for Disability Leave when they need it. HR or Occupational Health are able to advise as required.
- 5) **Definition of Disability:** *A physical or mental impairment and the impairment has a substantial and long-term adverse effect on the person's ability to carry out normal day-to-day activities.*

For the purposes of the Equality Act 2010:

“**substantial**” – means neither minor nor trivial

“**long-term**” – means that the effect of the impairment has lasted or is likely to last for at least 12 months. However cancer, HIV and multiple sclerosis are included from the point of diagnosis. Employees who have had a disability in the past but no longer have one **still qualify as disabled** and may be entitled to disability related leave for absences relating to the past incidence.

“**normal day-to-day activities**” – include everyday things like eating, washing, walking and going shopping.

- 6) A disability can arise from a wide range of impairments which can be:
- Sensory impairments such as those affecting sight or hearing
 - Impairments with fluctuating or recurring effects such as rheumatoid arthritis, ME, chronic fatigue syndrome, fibromyalgia, severe clinical depression and epilepsy
 - Progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus
 - Organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases including thrombosis, stroke and heart disease
 - Learning difficulties
 - Mental health conditions and mental illnesses, such as severe depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and self-harming behaviour
 - Produced by injury to the body or brain.

HOW MUCH DISABILITY LEAVE CAN AN EMPLOYEE REQUEST?

- 7) Line Managers may grant a **reasonable amount** of paid time off for disabled employees (as defined by the Equality Act 2010, above) who need to be away from work for reasons connected with his or her disability.
- 8) This may be granted for reasons connected with rehabilitation, assessment, treatment or servicing of necessary equipment or disability aids; or other practical or environmental factors that render attendance at work impossible.
- 9) Disability Leave may be taken in a “block” or as individual day(s).

WHAT IS REASONABLE?

- 10) It is impossible to give hard and fast guidelines for the amount of Disability Leave an employee may need because individuals' disabilities, personal management strategies and circumstances are so different.
- 11) People may have the same disability but different coping mechanisms. These individual personal coping and management factors need to be considered in assisting the individual. It may not be clear if the person's absence is related to their disability or not. This can especially be the case with people with mental health issues. Useful, practical advice is readily available from Occupational Health and HR. What is vital is a positive, pragmatic approach.
- 12) The individual's needs are a practical management issue to be resolved without the disabled individual feeling vulnerable or being disadvantaged. Employees with disabilities need to feel confident and supported when they approach managers with such issues. Employees should be fully consulted about any decision made or advice received.
- 13) Managers are urged to adopt a flexible approach and refer to HR for further advice.

RECORDING DISABILITY LEAVE

- 14) Disability Leave should be recorded by line managers using the same method they use to record other types of leave i.e. the electronic absence recording system on I-Trent using specific data entry fields to record Disability Leave.
- 15) If an employee's request for disability leave is agreed there is a need to ensure the employee's personnel record is up to date. The line manager should advise the employee that their personnel record will be amended to reflect their disability status and then inform HR of the change required to the employee's record.

UNPLANNED DISABILITY RELATED SICK ABSENCE

- 16) Disability related sickness absence arises where the employee's sickness absence is related to their disability. Disability related sickness should be recorded by line managers using the same method they use to record other types of sickness i.e. the electronic absence recording system available on I-Trent
- 17) Reasonable adjustments for disability related sickness absence may be made as part of the attendance management procedure but all absence should be recorded.
- 18) Medical information about employees will be kept confidential so far as is practicable unless they agree to disclosure or it becomes necessary as an adjustment (e.g. epilepsy).

OTHER SUPPORT

- 19) Under the Equality Act 2010 where a disabled employee is placed at a substantial disadvantage the Council is required to avoid treating an employee unfavourably because of something arising in consequence of disability (without objective justification) and to make reasonable adjustments to the work place and work practices. In some situations, limited external assistance with implementing adjustments may be available from disability charities or the Access to Work scheme. These options should be fully explored with assistance from HR.
- 20) Employees may find the following sources of information and generic guidance helpful:-
 - *Lynne Hooper, the Council's Access Officer* – tel (25)2531 or email lhooper@oxford.gov.uk
 - *Mark Preston, the Council's Safety Advisor* – tel (25)2486 or email mpreston@oxford.gov.uk
 - Direct Gov website – www.direct.gov.uk/en/DisabledPeople/index.htm
 - The Citizens Advice Bureau - www.citizensadvice.org.uk
 - Disability Employment Advisor; Oxford Jobcentre Plus (for Access to Work programme); 7 Worcester Street, Gloucester Green, Oxford, OX1 2BX. Tel: 01865 445106; Fax: 01865 445089

APPENDIX 3 – ATTENDANCE REVIEW MEETING MONITORING FORM

<p>ATTENDANCE MANAGEMENT - RECORD OF ATTENDANCE REVIEW</p> <p>This form must be completed by Line Manager (with employee comments) and copied to the employee and HR as soon as possible after the meeting.</p> <p>Manager – ensure you have read section 16.1, 17, 20 and then either 21 or 22 before conducting this meeting</p>		<p>www.oxford.gov.uk</p>  <p>OXFORD CITY COUNCIL</p>			
Name of employee:		Job title:			
Line manager:		HR Advisor:			
Date of meeting:					
Those present:					
List of absences considered at meeting:					
	Start Date	End Date		Start Date	End Date
Absence 1			Absence 4		
Absence 2			Absence 5		
Absence 3			Absence 6		
Outcome of meeting: List full details below including actions to be taken. Continue on a separate sheet if required:					
Issues taken into account (see RTW forms and paras 16.1/2/3)					
Any adjustments made and why					
Actions agreed to and measure of improvement required					
Employee comments					

APPENDIX 4 – IDENTIFYING EMPLOYEES WITH LOW ATTENDANCE

The Council's HR information system iTrent produces a report of all employees' sickness absence. The system looks over the previous 12 month period at the number of absences and the total days absent, and undertakes the following calculation:

S x S x D

S is the number of spells of any sickness absence in a 12 month period. It is multiplied by itself in the calculation to take account of repeated instances of sickness.

D is the number of days sickness absence in the same 12 month period.

The list alerts managers to employees who appear to have low attendance. Managers should:

- Check the employee's score against the table below – the score in itself is not decisive – it is simply an indicator that action may be required
- Take the appropriate steps as indicated in the table. If an absence review meeting is required refer to paragraph 21-23 (and complete form Appendix 3).

Situation	Who takes action	Action	Appeal
Absence score of 150* (to be annually reviewed and any changes negotiated with trade unions)	Line manager	Stage 1 Attendance review meeting**, action plan and follow up review	No
Any concerns over pattern of absence or where the employee is off for more than 28 calendar days	Line Manager	Stage 1 Attendance review meeting, action plan and follow up review	No
Absence score of 400* (to be annually reviewed and any changes negotiated with trade unions) OR Improvement in absence as per Stage 1 Attendance Review action plan not achieved	Line manager	Stage 2 Attendance review meeting**, action plan and follow up review. Whilst this normally follows a Stage 1 meeting, circumstances may mean progressing to a Stage 2.	No
Improvement in absence as per Stage 2 Attendance Review action plan not achieved	Head of Service (or nominated senior manager)	Stage 3 Attendance review meeting**, action plan and follow up review. Possible dismissal on capability grounds	Yes, if dismissed
Any continuous long term absence of 6 months or more	Head of Service (or nominated senior manager)	Stage 3 Attendance review meeting**, action plan and follow up review. Possible dismissal on capability grounds	Yes, if dismissed

*** these scores are reduced for employees working less than a standard 5 day, 37 hour working week**

**** including with those who may be currently absent on long term sick leave**

Examples of the calculation are given overleaf. The table below shows how a running total across a year changes with variations in absence in the subsequent months.

CALCULATING ABSENCE SCORES

Example 1

An employee who has 9 separate absences in any 12 month period, totaling 10 actual days absent, will score **810**, on the monitoring report, i.e.

9 instances of sickness (multiplied by itself to 'weight' the number of absences, gives 81) and then that total multiplied by the total number of days off sick - 10 in this case.

Example 2

An employee who takes 1 period of 10 continuous days off in any 12 month period will score **10** on the monitoring report, i.e.

1 x 1 x 10 = 10

Example 3

In a 12 month period, an employee is off sick as follows:

Cold – 1 day off, Cold – 2 days off, Stomach – 1 day off, Headache – 1 day off

So 4 separate absences totaling 5 days off:

4 x 4 x 5 = 80

Example 4

In a 12 month period, an employee is off sick as follows:

Cold – 1 day off, Stress – 10 days off

So 2 separate absences totaling 11 days off, **2 x 2 x 11 = 44**

The same employee, within the same 12 month period, goes off again with another cold for 2 days. Monitoring looks at ALL absences in any 12 month period

Cold – 1 day off

Stress – 10 days off

Cold – 2 days off

3 separate absences totaling 13 days off:

3 x 3 x 13 = 117

Absence score running total (new starter or no sickness in last 12 months)

Month	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Absence instances	1	0	2	0	0	0	0	1	0	1	0	0	0	0
Absence duration	1	0	2	0	0	0	0	1	0	1	0	0	0	0
Running Total	1	1	27	27	27	27	27	64	64	125	125	125	64	64

APPENDIX 5 – DECISION TO DISMISS CRITERIA

Stage 3 Attendance Review Meeting

Criteria to be Applied When Deciding if Dismissal is Appropriate

1. The question the relevant manager must ask is this: “Is the employee capable of doing his or her job now or in the immediate future?”
2. In answering the question the manager must consider the following: -
 - a. The employee’s history of absences caused by ill-health during their employment with the Council;
 - b. All the information and advice obtained from Occupational Health during the employee’s employment with the Council;
 - c. All the information provided by the employee about their health and the reasons for their absences from work;
 - d. What measures, steps or reasonable adjustments, if any, have been taken in the past to assist an employee at work and their effectiveness;
 - e. Whether or not, at the time the meeting is held and in the light of all the available information and advice provided by OH and/or the employee, the employee has a disability within the meaning of the Equality Act 2010 (“the Act”);
 - f. If the employee does have a disability within the meaning of the Act, has the Council complied with any relevant Council policy when dealing with the employee;
 - g. If the manager decides that an employee has or may have a disability within the meaning of the Act, what reasonable adjustments should he make to his assessment of the employee’s history of absences (for example, by giving the employee appropriate credit for past absences that were not attributed to the employee’s disability because it was not known that the employee was disabled);
 - h. Whether or not the manager decides that the employee does have a disability within the meaning of the Act, if he decides that the employee is not capable of doing their job because of their poor health or disability, what reasonable adjustments could be made to enable them to do the same job? This might include considering a phased return to work, permanently altered working hours, working from home, a change in the employee’s role or the way they carry out their current role.
 - i. Whether or not it is possible to re-deploy the employee to another role within the Council that they would be capable of carrying-out notwithstanding their poor health or disability;
 - j. If it is suggested that an employee will be capable of doing their job in the future, in the light of all the information available to the manager and, in particular, the employee’s history of absences and the reasons for those past absences, how likely and when will that be the case;

- k. The effect the employee's absence has had on the work of the Council, including, in particular, its effect on the employee's immediate colleagues. If the manager concludes that the employee's health may improve in the future so that he or she will be able to return to work, what will be the effect of their delayed return on the work of the Council in general and their colleagues in particular;
 - l. Anything the employee would like to say and/or any additional information the employee would like to provide that will enable the manager to address the issues set out above.
3. The manager will not consider the employee's disciplinary record unless asked to do so by the employee. However, an employee's disciplinary record is unlikely to be relevant to the issues set out above.
 4. In his/her reasons, the manager must refer to each of the factors listed above so the employee knows each has been considered and understand the reasons for any decision taken.