

Draft Attendance Management Policy and Procedure

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1. Policy Statement

- 1.1 Oxford City Council believes that a healthy and productive workforce best serves the Council 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.
- 1.2 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.
- 1.3 Managers and employees have key responsibilities in managing absence and promoting attendance.
- 1.4 The Council will manage absence through this policy and promote and facilitate high attendance through its Health and Well-Being Policy.
- 1.5 The purpose of this policy is to support the effective reporting, recording and management of sickness absence to reduce its impact on service delivery and provide appropriate support to employees. It aims to encourage employees to achieve and maintain acceptable levels of attendance and is designed to ensure fairness and consistency in the management of concerns about attendance.

2. Applicability

- 2.1 This Policy applies to all employees, with the exception of employees within their probation period for whom concerns about attendance will be handled using the probation policy and procedure.
- 2.2 This document applies to absence due to an employee's personal sickness or injury. It does not apply to absences connected to the illness or injury of relatives or hospital, dentist or GP appointments or medical screening. For details of these and other types of absence see the Leave Policy and Procedure.
- 2.3 This Policy has had consultation with Heads of Service, managers and Trade Unions.

3. Roles and Responsibilities

- 3.1 The overall responsibility for the management of sickness absence within Oxford City Council rests with the Chief Executive.
- 3.2 Heads of Service are responsible for ensuring that their service complies with this policy, procedure and guidance in respect of reporting, recording and managing cases of absence and for ensuring systems are in place for securely retaining sickness documentation within the service.
- 3.3 Managers are responsible for:

- day-to-day management of sickness absence within their teams in line with this Policy and Procedure;
- ensuring all employees reporting to them are aware of this Policy and Procedure;
- ensuring that sickness absence is recorded accurately;
- conducting return to work meetings with employees after each and every period of sickness absence;
- handling absence problems promptly, sensitively and confidentially;
- ensuring that any disability related absences are taken into consideration when applying the procedure;
- conducting informal and formal meetings with employees with absence problems;
- referring employees for occupational health advice and other forms of support;
- maintaining appropriate contact with employees who are absent from work;
- retaining documentation confidentially.

3.4 Employees are responsible for:

- familiarising themselves with and adhering to this policy;
- attending work regularly in accordance with their contract;
- following the procedure for reporting absence due to personal sickness or injury and complying with the Attendance Management Policy;
- attend meetings with their manager and Occupational Health to discuss their absence as required;
- telling their manager if their health is being negatively affected by any work related factors or if they have concerns about returning to work after a period of sickness absence;
- telling their manager if they are taking prescribed or non-prescribed medication that may affect their ability to do their job safely;
- taking responsibility for their own health and helping to prevent accidents at work;
- reporting accidents at work and completing Incident Reports as soon as practicable and normally no later than 24 hours after the incident (managers can complete on employee's behalf if necessary).

3.5 Human Resources are responsible for:

- providing managers with regular reports on levels of sickness absence;
- providing support and advice to managers in improving attendance at service or individual level;
- providing support to managers where sickness absence is due to a disability as defined by the Equality Act, directly attributed to an accident at work or due to pregnancy.

3.6 It is important to ensure consistency of approach. Each case should be treated on its merits, but managers should apply the same standards to all employees. It is important that some employees are not singled out for formal action whilst the absence of others is ignored.

- 3.7 Sickness absence should be handled with empathy and respect for the employee. The aim is to support employees where possible, whilst maintaining the interests of the service.

Above is the Policy of the Council, below is the procedure for reporting and managing absence due to personal sickness or injury

Sickness Absence Reporting Procedure, Recording Sickness Absence and Providing Support during Absence

4. Reporting absence due to personal illness or injury

- 4.1 Employees should use this procedure for **all** periods of absence due to personal sickness or injury. Failure to do so may result in action being taken under the Council's disciplinary procedure.
- 4.2 An employee who is unable to attend work must notify his/her line manager as soon as possible and normally no later than 30 minutes after he/she usually starts work.
- 4.3 The employee should speak to his/her line manager in person. A text message or email without a phone call is not sufficient notification. Where the line manager is unavailable the employee should leave a contact number so that the manager can call him/her back. In exceptional circumstances, where the employee is unable to report his/her absence in person, he /she should normally arrange for someone to do this on his/her behalf.
- 4.4 The line manager should be told the reason for absence, an estimate of how long the employee is likely to be absent from work, contact details during absence and any urgent or outstanding work that requires action.
- 4.5 Where an employee is taken ill or injured at work, the line manager should be contacted to give permission to leave work. The line manager should make arrangements for the employee to leave work safely and/or receive appropriate medical treatment, including from the service area first aid officer. The Health and Safety Advisors may also offer support.
- 4.6 Where the employee fails, without prior agreement, to report his/her absence in line with this procedure, the manager should contact the employee.
- 4.7 On the first day of a return to work the manager must hold a return to work meeting with the employee to check that the employee is fit to return, discuss any support that may be required, including any advice from Occupational Health/medical practitioners, and, where appropriate, update on activities which have occurred during the absence. **(Also see Management Guidance – Attendance Management for additional information.)**
- 4.8 Where sickness absence is due to a disability as defined by the Equality Act, is directly attributed to an accident at work, or due to pregnancy the manager can seek advice from Human Resources about how this should be managed.

- 4.9 If employees have any queries about how to report sickness absence these should be raised with the line manager.

5. **Recording Sickness Absence, Medical Certification and Absence during Annual Leave**

- 5.1 The line manager must record sickness absence on iTrent on the day it is reported.
- 5.2 On return to work the line manager must complete the Return to Work e-form with the employee, save the completed form on iTrent and input an end date for the absence. (*See Management Guidance – Attendance Management for additional information.*)
- 5.3 Absence of up to seven calendar days can be self-certified. Absence in excess of seven calendar days requires medical certification. Employees are responsible for obtaining certification and forwarding this to the line manager, normally within two working days, wherever practical. If absence continues, further medical certificates must be provided to cover the whole period with no gaps in dates.
- 5.4 The employee can return to work at any time, even if this is before the medical certification expires, as this can aid recovery. The employee must discuss the proposed return date with the line manager. Returning to work early does not breach the Council's insurance arrangements but consideration should be given to any medical advice, to appropriate safety procedures and, where necessary, a risk assessment should be undertaken. This is especially important where the fitness of the employee is safety critical (e.g. where he/she operates potentially hazardous equipment drives or climbs ladders at work) or where the employee works alone.
- 5.5 Where the manager is concerned that the employee may not be fit to return to work before the expiry of the current medical certification, he/she should discuss this with the employee and complete a risk assessment. Human Resources advice should also be sought. The manager may also refer the employee to occupational health or advise the employee to obtain a certificate from his/her GP. The employee's service will need to pay for the certificate. The employee will remain on sick leave whilst such medical advice is sought
- 5.6 Where the line manager has concerns about the reason for absence, or the employee has frequent short term absence, the employee may be required to produce medical certification for each absence regardless of duration. Costs of obtaining this documentation will be reimbursed to the employee on production of proof of payment, via the next available payroll run.
- 5.7 Where an employee falls sick during the course of annual leave (excluding Bank Holidays) the employee will be regarded as being on sick leave on production of appropriate medical certification. The start date for the sickness absence would be the date indicated on the certificate which would normally be from the date of the consultation. Any costs for the certification will be met by the employee.
- 5.8 The Equality Act protects pregnant women from unfavourable treatment in employment on grounds of pregnancy or maternity. Managers must not take pregnancy related absence into account when managing attendance. Where an employee has pregnancy related illness after the beginning of the fourth week before the expected week of child birth, maternity leave automatically begins the day after the first day of her absence. Managers should seek further advice from

Human Resources. Absence due to a pregnancy-related illness should be recorded on iTrent but discounted for the purposes of assessing whether formal action is appropriate.

6. Keeping in Contact and Providing Support

- 6.1 Employees should keep in touch with the line manager regularly at intervals agreed with the line manager and normally at least once per week. Such contact is intended to provide reassurance for the employee and will be limited to what is reasonable, the purpose being to maintain contact, discuss well-being, expected length of absence and any work that may require attention.
- 6.2 Contact will normally be with the line manager. In very exceptional circumstances, the contact may be with Human Resources. Should an employee have concerns while absent on sick leave, whether about the reason for the absence or ability to return to work, the employee can contact the line manager and/or Human Resources at any time.
- 6.3 Informal contact can include visits to the workplace, another location, or, if agreed with all parties, a home visit. Meetings will be arranged at a mutually convenient time but employees should be reasonable in accommodating the request. The employee has the right to be accompanied at this meeting and, if a home visit, two officers, one of whom should be known to the employee, will attend.
- 6.4 To fully support a return to work at the earliest opportunity, the employee may also be asked to consent to attend appointments with Occupational Health. The employee will be asked to agree that any report produced in connection with a referral may be disclosed to the line manager and Human Resources and that the report may be discussed with the relevant medical advisors.
- 6.5 It is important for employees to attend Occupational Health appointments, not least because the information from the referral aids a successful return to work and helps the Council make reasonable adjustments where an employee has an underlying disability. Refusal to attend can put the health of the employee, his/her employment and the Council at risk; therefore the Council could consider disciplinary action (eg: failure to follow a reasonable management instruction) and may make decisions in the absence of medical information.
- 6.6 The Council makes use of a Counselling Service and, where appropriate, an employee can be referred to the service by the line manager, or make a self-referral. A referral to the service may be particularly beneficial where the reasons for absence are due to stress, depression or anxiety. In normal circumstances, up to six sessions are funded by the Council.
- 6.7 The Council is also able to arrange physiotherapy where it will enable an employee to return to work more quickly, or to stay in work, or where Occupational Health has made a recommendation.

7. Sick Pay and Pay During a Phased Return to Work

- 7.1 Employees should refer to the contract of employment for details of the sick pay scheme and refer any queries to Payroll. The sick pay scheme includes

- **Statutory Sick Pay (SSP)** – provided the relevant requirements are satisfied. Qualifying days for SSP purposes are Monday to Sunday.
- **Occupational Sick Pay** - in accordance with the Council's sickness pay provisions provided the employee complies with the sickness absence reporting procedure and any other requests made under this policy. Where this is not the case, the Council reserves the right to withhold payment of occupational sick pay.

7.2 Length of service determines the amount of sickness pay benefits that and employee may receive from the Council in any twelve month period. Sickness pay is paid for the following periods, depending on 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 (eg: in Waste and Recycling).

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

7.3 Employees returning to work from a prolonged absence may have a phased return that can involve working fewer hours per week than under the normal contract of employment. Unless there are exceptional circumstances, a phased return is for a maximum period of four weeks. Where an employee is on an agreed phased return to work, he/she will receive normal pay for two weeks. For the remaining two weeks (or more in exceptional circumstances) of the phased return any shortfall in hours will either be made up by making deductions against leave, or taken as unpaid absence. This period is not counted as sickness and as such SSP is not payable.

7.4 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, the employee must immediately notify Human Resources of that fact and of any claim, compromise, settlement or judgment made or awarded in connection with it and all relevant particulars that the Council may reasonably require. Where required to do so, the employee must cooperate in any related legal proceedings and refund to the Council that part of any damages or compensation recovered that relates to lost earnings for the period of sickness absence as the Council may reasonably determine, less any costs the employee has incurred in connection with the recovery of such damages or compensation, provided that the amount to be refunded to the Council shall not

exceed the total amount paid to the employee by the Council in respect of the period of sickness absence.

8. Support for Employees with Disabilities

- 8.1 Where sickness absence may result from a disability, at each stage of the Attendance Management Procedure particular consideration will be given to whether there are possible reasonable adjustments 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, **(see Management Guidance -Attendance Management for additional information.)**
- 8.2 Where an employee considers he/she is affected by a disability or any medical condition which affects the ability to undertake the job role, the employee should inform the line manager who should consider any action to support the employee in the workplace, seeking advice from Human Resources. Employees are encouraged to disclose their medical conditions including any disabilities although there is no legal obligation to do so.
- 8.3 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 Management Guidance – Attendance Management for additional information.)**
- 8.4 Disability related sickness absence arises where the employee's sickness absence is related to a disability. In these circumstances reasonable adjustments should be made in relation to any action taken when managing an employee's attendance, depending on available medical information and the individual circumstances. **(See Management Guidance – Attendance Management for additional information.)**

9. Work Related Accident or Incident

- 9.1 The Accident and Incident Review Board (AIRB) will review sickness absence cases considered to be as a result of a work related accident or incident. The Board will comprise members of Health and Safety, Trade Unions and Senior Managers.
- 9.2 Where sickness absence includes periods of absence that are a direct result of an injury sustained as a consequence of an accident during working hours and employees complete Incident Reports as soon as practicable and normally no later than 24 hours after the incident (managers can complete on employee's behalf if necessary), line managers should record the absence on iTrent as an Industrial Injury and refer the employee to Occupational Health.
- 9.3 Where this happens the matter will be referred to the AIRB to assess how the sickness will be regarded for the purposes of assessing eligibility for the Partnership Payment and calculating sick pay, taking into account whether the actions of the employee contributed to the accident. The outcome will be confirmed to the line manager, the employee and Payroll.
- 9.4 All absence that becomes long term (in excess of 28 calendar days) will be managed in accordance with the Attendance Management Policy.

- 9.5 To be classified as an accident, there must be a separate, identifiable and unintended incident that causes physical injury that directly results in absence. This includes acts of unprovoked violence towards employees at work.
- 9.6 Injuries themselves, for example 'feeling a sharp twinge' are not accidents. There must be an identifiable external event that causes the injury, e.g. a falling object striking someone. Cumulative exposures to hazards, which eventually cause injury (e.g. repetitive lifting), are not classed as 'accidents'.

Procedure for managing sickness absence

10. Overview of procedure for managing sickness absence

- 10.1 The formal procedure for managing concerns about an employee's attendance consists of the following stages:
- **First Sickness Absence meeting** (First formal stage);
 - **Further Sickness Absence meeting** (Second formal stage – can result in a warning);
 - **Final Sickness Absence meeting** (Third formal stage – can result in dismissal Hearing).
- 10.2 Depending upon the circumstances of the case it may be appropriate to adjourn a meeting pending further information or action or to hold more than one meeting at any stage.
- 10.3 An employee has the right to appeal against the decision to dismiss at a Final Sickness Absence meeting.
- 10.4 Concern about an employee's attendance may be triggered by one or more of the following:
- absence score of 100 (adjusted for working patterns of more/less than five days);
 - unacceptable patterns of absence; for example a pattern of calling in sick the day before or after a weekend or bank holiday, or before or after annual leave, or consistently higher than average levels of absence when monitored over a long period;
 - a period of absence of more than 28 calendar days (long term sickness absence) where the return to work date has not been specified or is of concern to the line manager.

The above triggers may not necessarily result in a formal meeting. Management Guidance – Attendance Management can provide additional support on identifying and managing employees with low attendance.

- 10.5 The employee may be referred to occupational health and/or asked to obtain advice or information from his/her GP, specialist or consultant at any stage of the procedure.

- 10.6 The employee will normally be given seven calendar days written notice of formal meetings and hearings. This timescale can be altered by mutual consent.
- 10.7 The employee is entitled to be accompanied at all formal meetings/hearings by a trade union representative or work colleague. In exceptional circumstances the employee may be allowed to be accompanied by an alternative representative. Managers should contact Human Resources if the employee requests an alternative representative.
- 10.8 The employee's representative may confer with the employee during formal meetings, hearings and appeals, explain the employee's case, ask questions, sum up and respond to views expressed at the hearing so long as the employee is happy for him/her to do so. Unless there are exceptional circumstances and the chair of the meeting/hearing/appeal permits it, the representative may not answer questions on the employee's behalf.
- 10.9 The employee will be informed in writing of the outcome of all formal meetings and hearings under the procedure, normally within five working days of a decision being made. In addition, notes must be taken at a Final Sickness Absence meeting.
- 10.10 Those authorised to act under this procedure are as follows

First and Further Sickness Absence Meetings	Final Sickness Absence Meeting	Appeal against dismissal
Line manager or another manager in team/service more senior to the employee, with support from HR as required	Head of Service (or Director where employee is a Head of Service) supported by HR	Another Head of Service (not previously involved in the case) or officer more senior to the officer making the original decision, in the presence of an Elected Member and supported by HR

11. Making reasonable adjustments, redeployment and permanent ill health

- 11.1 Managers must comply with the requirements of the Equality Act. This includes making reasonable adjustments to enable disabled (as defined by the Act) employees to improve their attendance levels and/or successfully return to work.
- 11.2 Managers may also consider making reasonable adjustments on a temporary or permanent basis for employees who are not disabled.
- 11.3 Where an employee is unable to return to his/her role following long term sickness absence but could return to another role, or where the manager believes that an employee could achieve an acceptable level of attendance in another role, redeployment opportunities will be sought, for a period of up to 60 days. This can be at any stage of the process. The employee will have prior consideration for vacancies before external applicants. Pay protection will not apply and the employee will be redeployed on the terms and conditions of the new post. Advice should be sought from Human Resources.

11.4 Reasonable adjustments can also be considered at any stage of the procedure as appropriate to the individual case. In most cases, medical advice, including Occupational Health advice, will be sought as well as advice from Human Resources. Reasonable adjustments can include:

- permanent or temporary adjustments to the duties of the role;
- flexible working;
- home working;
- modified/ reduced duties;
- phased return to work - in most cases, maximum of four weeks (see 7.3);
- adjustment in working hours/working patterns;
- adjusting the trigger point where levels of absence are higher due to the disability.

11.5 Where an employee is in the Local Government Pension Scheme (LGPS) and is unable to return to work because of illness, in some cases it may be possible to access pension benefits. The level of ill health pension benefits payable will vary according to the circumstances of the case. Advice must be sought from Human Resources.

12. First Sickness Absence Meeting

- 12.1 In cases of frequent short term absence (absence score of 100) or unacceptable patterns of absence or where long term absence exceeds 28 calendar days, a first formal sickness absence meeting may be arranged. **(See Management Guidance – Attendance Management for advice.)**
- 12.2 The meeting will review the reasons for and details of the employee's absence, any medical information and advice available and whether there is any support that could help the employee achieve an acceptable level of attendance.
- 12.3 Targets for expected attendance levels for short term absence cases/ return to work for long term absence cases will be set, and any requirements for reporting or certificating absence.
- 12.4 **In all cases** the line manager will meet with the employee at the end of the timescale for review to assess whether or not there are still concerns about the employee's attendance and/or return to work. Where concerns remain a meeting may be arranged at the second formal stage, or the timescale for review may be extended, according to the circumstances of the case.

13. Further Sickness Absence Meeting(s)

- 13.1 In cases where an improvement following a First Sickness Absence meeting has not been achieved, or where the line manager has significant concerns about absence/patterns of absence or where an employee has not been able to return to work from long term absence within reasonable timescales, a Further Sickness Absence meeting will be held. The meeting will review the case so far and look at whether there are any further options for reasonably supporting the employee in reaching an acceptable level of attendance or making a successful return to work. It may be appropriate to consider redeployment at this stage. **(See Management Guidance – Attendance Management for advice.)**

- 13.2 In most circumstances, an outcome to a Further Sickness Absence meeting will be for the line manager to issue a warning that the employee's continued employment will be at risk if he/she does not meet the level of attendance expected/targets for attendance within a specified timescale, and maintain an acceptable level of attendance. The warning will be issued in writing, normally within five working days of the meeting.
- 13.3 In cases of long term absence, where medical advice states that the employee will not be able to work again in any capacity, and there are no reasonable adjustments that would enable him/her to do so, it may be appropriate to omit the Further Sickness Absence stage and convene a Final Sickness Absence meeting. If the employee does not consent to this in writing, a Further Sickness Absence meeting should be convened, at which a warning will be issued and targets set for attendance within a specified timescale. It may also be appropriate to consider Ill Health Retirement.
- 13.4 In all cases the line manager will meet with the employee at the end of the timescale for review to assess whether or not there are still concerns about the employee's attendance and/or return to work. Where concerns remain, a meeting may be arranged at the final formal stage, or the timescale for review may be extended, according to the circumstances of the case.

14. Final Sickness Absence Meeting

- 14.1 Where an improvement in attendance as detailed in the Further Sickness Absence meeting action plan not achieved or where the employee is permanently unfit to undertake the duties of the existing job, a Final Sickness Absence meeting will be convened. (**See *Management Guidance – Attendance Management for advice.***) It may also be appropriate to consider Ill Health Retirement at this stage.
- 14.2 The chair of the hearing may decide to dismiss the employee, where an employee has been warned he/she is at risk of dismissal. The employee will receive the appropriate notice, and the dismissal will be on grounds of capability. Alternatively the chair may recommend alternative action in the light of evidence presented at the hearing.

15. Appeals

- 15.1 The employee may appeal against a decision to dismiss.
- 15.2 The appeal must be made in writing within seven calendar days of the date of the letter confirming the outcome, addressed to the HR and Payroll Manager, and state the grounds for the appeal. The date that any dismissal takes effect will not be delayed pending the outcome of an appeal but if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity of service or pay.
- 15.3 The appeal will review the earlier decision, taking into account the grounds of the appeal. The appeal can overturn the earlier decision, confirm it or recommend alternative action. The appeal decision is final within the Council.

16. Written Records

- 16.1 Managers should keep written records of all stages of the procedure that they handle and provide the employee with written outcomes. These should be saved in iTrent. Records should be treated as confidential as appropriate and kept in accordance with the Data Protection Act.

Other Relevant Documentation and Relationship with Other Policies

Alcohol and Drug Misuse Related Illnesses.

Where a manager suspects or is made aware that an employee is experiencing problems associated with alcohol or drugs, he/she 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 Misuse, available on the intranet.

Disciplinary Policy & Procedure

These issues (a non-exhaustive list) may 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 Occupational Health referrals or informal/formal meetings without good reason.

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.

Management Guidance – Attendance Management

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The following sections provide guidance on managing absence.

Note: Managers can obtain further advice from Human Resources.

Section 1 - Return to Work meetings

Section 2 - Supporting employees with disabilities

Section 3 - Identifying and managing employees with low attendance

Section 4 - Making a decision to dismiss

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Section 1 – RETURN TO WORK MEETING

Key Points

- Return-to-work meetings are one of the main tools used in the effective management of sickness absence and are carried out by the line manager. Holding a meeting demonstrates to the employee that the employer is implementing the absence management policy consistently, is concerned about the employee's health and wellbeing and is working with the employee to facilitate a return to work.
- A return to work meeting **MUST** take place after every period of absence and must be conducted in a confidential place.
- The meetings can help to bring about an improvement in sickness absence levels by discouraging absence that is not genuinely for reasons related to sickness.
- In the case of short-term absence, ensure that the employee is invited to the meeting **promptly** on his or her return from sickness absence. In the case of long-term absence, it will usually be appropriate to arrange the meeting for prior to the actual return to work, having referred the employee to Occupational Health.
- Prepare for the meeting by gathering all the information that is required, including data/medical certification for this period of absence, absence history and any relevant medical information – eg: Occupational Health advice. This information is used to facilitate a discussion about the reason for the absence and the employee's attendance levels in general. It is important to look at absence over a period of time (e.g.: last two years), not just this absence period, to take an informed view of the absence record. Take particular account of any absence related to a disability.
- Assess whether the employee has triggered formal action or an escalation of the procedure if already subject to formal attendance management. Take account of any absence that is linked to pregnancy or disability, or any absence that may be linked, seeking advice from Human Resources where required.
- Decide whether or not any action is required as a result of the meeting, for example, implementing a phased return in the case of long term absence, or identifying work plans and priorities on return.
- Complete the Return to Work e-form, give the employee a copy if he/she requires and ensure the form is stored on iTrent.
- Where the absence is disability-related, ensure this is accurately recorded on iTrent.
- Although the term "return-to-work meeting" sounds formal, the emphasis is informal, intended to encourage a two-way flow of communication, facilitate an employee's return from a period of sickness absence and allow the line manager to check that he or she is well enough to be back at work.

SECTION 2 – SUPPORTING EMPLOYEES WITH DISABILITIES

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.

Disability Leave

Disability Leave is intended to provide disabled employees with reasonable paid time off work for reasons related to the disability, for example to support attendance at appointments or to undergo treatment or rehabilitation. It can usually be planned in advance and is for a fixed period of time. Previously this type of absence may have been classed as sick leave or the employee has used annual leave to accommodate such absences. The intention, where workable, is to avoid such situations adversely impacting on attendance records or annual leave entitlement.

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

Examples of where short term disability leave may be appropriate *(not exhaustive)*

- Doctors or complementary medicine practitioner's 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

Examples of longer blocks of disability leave

- A period of time off work where, based on medical advice, it is not appropriate for the employee to either remain at work or be redeployed while reasonable adjustments are made to the role/working environment (such time off will not be taken into account when considering possible dismissal on the grounds of health capability).
- An extension to the four week phased return period, where supported by medical advice.

Who can request disability leave?

Any employee who considers him/herself disabled can apply to the line manager for Disability Leave when they need it, explaining the reasons for leave and providing supporting information (eg: appointment cards). It is not up to a line manager to decide if someone is disabled under the Equality Act 2010. It is best practice to assume that someone who is asking for support in relation to a health condition does indeed need that support and to provide it accordingly, assuming it is proportionate to do so. Human Resources or Occupational Health are able to advise as required.

How much disability leave can an employee request?

Line Managers may grant a reasonable amount of paid time off for disabled employees who need to be away from work for reasons connected with his or her disability. What is 'reasonable' will depend on the circumstances but the leave is intended to support a specific purpose, as illustrated in the examples above, and is not intended to be used as a means of extending sick pay. Line managers should seek advice from Human Resources where needed.

Disability Leave may be taken in a "block" or as individual days or half days, or shorter periods of time.

Recording disability leave

Disability Leave of half a day or more should be recorded by line managers on iTrent, using specific data entry fields to record Disability Leave.

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, to reflect the disability. The employee can update the record or the line manager can request Human Resources to do so.

Disability-related sickness absence

Where sickness absence relates to a disability, the absence 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 iTrent.

Reasonable adjustments for disability related sickness absence should be made as part of the attendance management procedure. Where an employee with a disability is expected (following medical advice) to have a higher level of absence than an employee without a disability, the trigger point for instigating formal action should be adjusted to allow for this, but all absence should be recorded. Please seek advice from Human Resources before taking action.

Medical information about employees will be kept confidential so far as is practicable unless the employee agrees to disclosure or it becomes necessary as an adjustment.

Other forms of support

Line managers should also consider, in consultation with the employee, what reasonable measures could be put in place to assist the employee achieve and sustain regular attendance at work. This can include providing technology or equipment, adjusting working patterns, changing start/finish times or reducing contracted hours. 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 the employee, and advice is available from Human Resources.

SECTION 3 – IDENTIFYING AND MANAGING EMPLOYEES WITH LOW ATTENDANCE

Managers will need to make evidence-based decisions when determining the action they are choosing to take to manage attendance, at all stages of the process, and will need to be able to provide a rationale for each decision. Managers should also be mindful of any attendance issues that may be linked to a disability or pregnancy/maternity. Advice on all aspects of Attendance Management is available from the HR Business Partner team where required.

First Sickness Absence meeting

When is a First Sickness Absence meeting triggered?

Concern about an employee's attendance may be triggered by one or more of the following.

- Absence score of 100+ (*adjusted for working patterns of more or less than five days*) - see 'Calculating an Absence Score' below,
- Unacceptable patterns of absence; for example a pattern of calling in sick the day before or after a weekend or bank holiday, or before or after annual leave, or consistently higher than average levels of absence when monitored over a long period.
- A period of absence of more than 28 calendar days (long term sickness absence) where the return to work date has not been specified or is of concern to the line manager.

Prior to the trigger points, the first means of managing absence would be through the Return to Work meeting.

Where a formal meeting is required, the employee needs seven calendar days' notice in writing, unless he/she agrees to a shorter timescale and must be advised he/she can be accompanied by a Trade Union representative or work colleague. The meeting must take place in a confidential meeting room.

For short term absence, the meeting should take place as soon as possible after the return to work. In long term cases, as soon as possible after the 28 day trigger has been reached. In cases of long term absence, the meeting should take place even if the employee has not returned to work.

What may not trigger a First Sickness Absence meeting?

The Council sets a target that sickness absence should average no more than six days per full time employee per year. Where an individual employee has more than six days but short of 28 days, this may not necessarily trigger a formal meeting.

Managers should take account of the reason for the absence and also review attendance over a period of time, to make an assessment as to what may be a reasonable approach to managing the absence.

Where sickness absence is directly attributable to a disability, the trigger points for formal action may also be adjusted. Seek advice from Human Resources.

An alternative approach to a First Sickness Absence meeting?

A formal attendance management meeting is unlikely to be necessary for an employee who has, for example, been off work for two weeks recovering from a planned operation, but who otherwise has an exemplary attendance record (although the absence will affect the Partnership Payment).

When reviewing an Absence Score of 100+, it may be appropriate to make a judgement to link close periods of identical absence where, for example, the person returned to work only to have a reoccurrence of the absence, and this may reduce the score.

These cases would be managed through regular contact during the absence, a Return to Work meeting, and potentially an Occupational Health referral.

But an alternative approach may not always be appropriate...

It may be reasonable to have a First Sickness Absence meeting with an employee who has a block of absence beyond six days but short of 28 days, where a pattern indicates that, when looked at over a period of time (e.g. two years); the levels of absence have consistently been tracking above the Council target.

Outcomes of the First Sickness Absence Meeting

An outcome of a First Sickness Absence Meeting must always include an action plan under which the employee will be assessed. It is important this action plan is realistic and reasonable – a reasonable target is likely to be, for example, 'During the next six months, to achieve and maintain an attendance level below an Absence Score of 100. To reduce your sickness to below 100 at the earliest opportunity, you should have no further sickness absence between XDATE and YDATE. This Action Plan will be monitored in one to one meetings and Return to Work meetings.

A target that would be difficult to enforce would be something like 'You should have no further sickness absence for a specific period of time (e.g. three or six months.) If the person has a day or two off, which is not unreasonable for the average person, it does leave the manager in a more difficult position.

In long term absence cases, a target would be 'to return to work by XX date'. The date would depend of the circumstances of the case and, in most cases of long term absence, managers should seek support from the HR Business Partner.

In many cases, particularly cases of long term absence, a referral to Occupational Health and/or physiotherapy is likely to be helpful and, in some cases, the employee may wish to take up the opportunity for counselling.

A form to record the outcomes is available on the intranet. A copy of the form must be given to the employee and a copy saved on iTrent

Further Sickness Absence Meeting

When is a Further Sickness Absence Meeting triggered?

A Further Sickness Absence Meeting is likely to be triggered by a period of long term absence which is extending well beyond the 28 day period that triggered a First Sickness Absence Meeting and Action Plan, and where there is no prognosis for a return date. The exact timings for a meeting will vary according to the case and the manager should always seek advice from the HR Business Partner. Medical advice will also be required.

A Further Sickness Absence Meeting is also likely to be triggered by a failure to meet targets for short term absence set at the First Sickness Absence meeting.

It can also be triggered where there has been no First Sickness Absence Meeting, but the absence is excessive and/or there is no clear prognosis for a return to work.

Again, where a formal meeting is required, provide the employee with seven calendar days' notice in writing, unless the employee agrees to a shorter timescale. In the letter advise the employee he/she can be accompanied by a Trade Union representative or work colleague, and ensure the meeting takes place in a confidential meeting room.

For short term absence, the meeting should take place as soon as possible after the end of the monitoring period or, if further action is triggered before the end of the monitoring period, as soon as possible after the return to work. In long term cases, the meeting should take place as soon as possible after the target return date set in the First Sickness Absence meeting has been reached.

When might there be an alternative approach to a Further Sickness Absence meeting?

There may be circumstances where a Further Sickness Absence Meeting may not always be the only response to a failure to meet targets – for example, where an employee has made significant effort to improve attendance but has just fallen short of the Action Plan target, an extension to the monitoring period may be a reasonable option, to provide further opportunity for the employee to demonstrate sustained improvement before moving to a Further Sickness Absence meeting. The manager must meet with the employee to discuss, follow up the meeting in writing, and ensure the outcome is recorded on iTrent.

In some cases of long term absence, where medical information confirms the employee will not be able to work again in any capacity, and there are no reasonable adjustments that would enable him/her to do so, with the employee's agreement, it may be appropriate to omit the Further Sickness Absence stage and convene a Final Sickness Absence meeting. If the employee does not consent to this in writing, a Further Sickness Absence meeting should be convened, at which a warning will be issued.

It may also be appropriate to consider Ill Health Retirement - seek advice from the HR Business Partner.

Outcomes of the Further Sickness Absence Meeting

As with a First Sickness Absence Meeting, there will be an action plan as an outcome of the meeting. A referral/further referral to Occupational Health and/or physiotherapy and /or counselling should also be considered.

In addition, in most circumstances an outcome from the meeting should be to warn the employee that continued employment may be at risk if he/she is unable to maintain satisfactory levels of attendance. It may also be appropriate to consider redeployment. Advice is available from the HR Business Partner.

A form to record the outcomes is available on the intranet. A copy of the form must be given to the employee and a copy saved on iTrent

Final Sickness Absence Meeting

When is a Final Sickness Absence Meeting triggered?

A Final Sickness Absence Meeting is likely to be triggered where an employee has a prolonged period of long term absence, has had a Further Sickness Absence Meeting and where there is no prognosis for a return date. As with the Further Sickness Absence meeting, the exact timings for a meeting will vary according to the case and the manager should always seek advice from the HR Business Partner.

A Final Sickness Absence Meeting is also likely to be triggered by a failure to meet targets set at the Further Sickness Absence meeting.

A Head of Service level or above will chair the meeting. The manager who has managed the case to date will attend to present the case. Up to date medical advice will also be required. Again, the employee will need seven calendar days' notice in writing, unless he/she agrees to a shorter timescale and has the right to be accompanied by a Trade Union representative or work colleague. The employee should also be given a copy of all the information that will be presented as part of the management case.

When might there be an alternative approach to a Final Sickness Absence meeting?

As with the Further Sickness Absence meeting, there may be circumstances where a Final Sickness Absence Meeting may not always be the only response to a failure to meet targets – for example, where an employee has made significant effort to improve attendance but has just fallen short of the Action Plan target and an extension to the monitoring period may be a reasonable option, to provide further opportunity for the employee to demonstrate sustained improvement before moving to a Final Sickness Absence meeting. It may also be appropriate to consider Ill Health Retirement or redeployment - seek advice from the HR Business Partner.

Outcomes of the Final Sickness Absence Meeting

Where a warning was issued at the Further Sickness Absence meeting, an outcome to the Final Sickness absence meeting could be dismissal, with notice. Alternatively, the Chair could conclude to extend the monitoring period, putting in place an action plan and follow up review and issue a warning.

Calculating an Absence Score

The Absence Score is one mechanism for line managers to manage attendance by implementing defined trigger points. 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 calculation **S x S x D = Absence Score**

S is the number of spells of any sickness absence in a 12 month period, 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.

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 (*see guidance above, taking particular account of any sickness absence attributable to a disability*)
- Take the appropriate steps as indicated in the table. If an absence review meeting is required refer to the guidance above

Situation	Who takes action	Action	Appeal
Absence score of 100* OR Any concerns over pattern of absence OR Continuous absence of 28+ days <i>*adjusted for working patterns of more/less than 5 days</i>	Line manager	First sickness absence meeting, action plan and follow up review	No
Improvement in attendance as per First Sickness Absence meeting action plan not achieved OR Significant concerns about absence/pattern of absence OR Unable to return to work within reasonable timescales (long term sickness)	Line manager	Further Sickness Absence meeting, action plan and follow up review. Normally follows a First Sickness Absence meeting, but circumstances may mean starting at the further review stage. Issue written warning that failure to sustain reasonable levels of attendance/return to work within reasonable timescales may result in dismissal	No
Improvement in attendance as per Further Sickness Absence meeting action plan not achieved OR Unable to return to work within reasonable timescales (long term)	Head of Service (or nominated senior manager)	Final Sickness Absence meeting, may result in action plan and follow up review or dismissal on capability grounds	Yes, if dismissed

Examples of how to calculate absence scores

Example 1

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

nine 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 one period of 10 continuous days off in any 12 month period will score 10 on the monitoring report - $1 \times 1 \times 10 = 10$

Example 3

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

Cold – one day off, Cold – two days off, Stomach upset – two days off, Headache – two days off

So four separate absences totalling 7 days off has a score as follows - $4 \times 4 \times 7 = 112$

Example 4

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

Cold – one day off, Stress – 10 days off

So two separate absences totalling 11 days off - $2 \times 2 \times 11 = 44$

The employee, within the same 12 month period, goes off again with another cold for two days. The calculation considers ALL absences in any 12 month period

Cold – one day off Stress – 10 days off Cold – two days off

Three separate absences totalling 13 days off - $3 \times 3 \times 13 = 117$

SECTION 4 – MAKING A DECISION TO DISMISS

Criteria to be applied when determining at a Final Sickness Absence meeting whether dismissal is appropriate

The issue for the chair of the hearing to consider is whether the employee is capable of doing his or her job now or in the immediate future.

In determining this the chair must consider the following issues.

- The employee's history of absences caused by ill-health during their employment with the Council;
- All the information and advice obtained from Occupational Health during the employee's employment with the Council.
- All the information provided by the employee about their health and the reasons for their absences from work.
- Whether or not, at the time the meeting is held and in the light of all the available information and advice provided by Occupational Health and/or the employee, the employee has a disability within the meaning of the Equality Act 2010 ("the Act").
- Where the employee has a disability within the meaning of the Act, have reasonable adjustments been made to an 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)?
- Whether or not the employee does have a disability within the meaning of the Act, where the employee has not been capable of doing his/her job because of their poor health or disability, what attempts have been made to consider reasonable adjustments to enable the employee to remain in the job? This might include considering permanent or temporary altered working hours/shift patterns, working from home, a change in the employee's role or the way they carry out their current role.
- Could further measures, steps or reasonable adjustments assist an employee at work and their effectiveness?
- Have attempts been made 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?
- Has ill health retirement has been considered in accordance with the LGPS Regulations? If not, should be considered?
- Where is it suggested an employee may be capable of doing his/her job in the future, in the light of all the information available to the chair and, in particular, the employee's history of absences and the reasons for those past absences, how likely is the return and when will that be the case?

- What effect is the employee's absence/attendance having on the work of the Council, including, in particular, the effect on the employee's immediate colleagues? Where there is a suggestion 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?

The chair must ensure the employee has had every opportunity to provide full comment and provide all additional information he/she would like to enable the chair to fully address the issues set out above.

The chair 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.

In drawing conclusions, the chair must refer to each of the factors listed above so the employee knows each has been considered and understands the reasons for the decision taken.

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