

PERSONNEL COMMITTEE

7 MARCH 2016

HUMAN RESOURCES – ABSENCE MANAGEMENT POLICY

REPORT OF THE HEAD OF ORGANISATIONAL DEVELOPMENT

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Absence Management Policy has been updated to reflect changes in employment law and to strengthen the Council's position in relation to managing absence.

Members will note from the Organisational Development Performance Monitoring (Third Quarter) Report elsewhere on this agenda (PER283 refers) that significant progress has been made in recent months to reduce the sickness absence across the Council.

The revised procedure reflects a more robust approach to managing sickness absence. It also provides greater guidance for managers and staff.

There will be briefing sessions for managers and the policy will be publicised on the Intranet, through City Voice and Core Brief.

RECOMMENDATIONS:

1. That the Absence Management Policy be agreed and implemented.

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HUMAN RESOURCES – ABSENCE MANAGEMENT POLICY

REPORT OF THE HEAD OF ORGANISATIONAL DEVELOPMENT

DETAIL:

1 Introduction

- 1.1 The purpose of this policy and procedure is to ensure the fair and consistent treatment of employees who are absent from work, in line with current employment legislation.

2. Absence Management Policy

- 2.1 The current Absence Management Policy and practices have been reviewed to ensure that they are legally compliant and continue to follow best practice. These need to be applied consistently across the organisation and this policy gives clarity to the processes that should be followed by managers and staff.
- 2.2 It has been written in the same format as the Capability Policy and reflects the principles set out in that policy.
- 2.3 The revised Absence Management Policy has been updated to make it more robust and easy for employees and managers to read and understand. The new policy will also give clearer guidance to managers on how to deal with:
- (a) Disability Discrimination
 - (b) Fit to work certificates
 - (c) Reasonable adjustments
 - (d) Absence monitoring and informal/formal action
- 2.4 The policy is based on principles of addressing concerns about unacceptable absence levels through informal means and where this approach does not result in the required improvement there are clear steps to follow within the policy to arrange formal meetings to resolve the concerns.
- 2.5 The formal meetings may result in a formal warning, redeployment to an alternative role in the Council or dismissal. The policy also includes details of the right to appeal.

2.6 Briefing sessions will be held for managers as part of the implementation of the revised policy.

2.7 The Human Resources Department will monitor the impact of the policy.

2.8 The Absence Management Policy is shown in Appendix 1

3. Consultation

3.1 There has been consultation on the Policy with Unison and Corporate Management Team and the comments made have been incorporated into the Policy and Procedures.

OTHER CONSIDERATIONS:

4. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):

4.1 The need to make the best use of all available resources by the continued consistent application of policies and procedures which enable resources to be utilised effectively within the City Council is an integral part of the Corporate Strategy.

5. RESOURCE IMPLICATIONS:

5.1 Contained in the detail of the Policy and procedure.

6. RISK MANAGEMENT ISSUES

6.1 Unresolved absence impacts on productivity, Council Service standards and the ability to deliver a cost effective service.

BACKGROUND DOCUMENTS:

Held in Organisational Development (excluding information on individuals which is exempt information).

APPENDICES:

Appendix 1 Absence Management Policy and Procedure

Absence Management Policy and Procedure



Winchester City Council

Absence Management Policy and Procedure

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Winchester City Council

Absence Management Policy and Procedure

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WINCHESTER CITY COUNCIL

ABSENCE POLICY AND PROCEDURE

1. INTRODUCTION

The Council recognises that our employees are the key to delivering a first class service and that the health and wellbeing of our workforce is important in enabling us to achieve our objectives. While recognising that employees may be prevented from attending work through ill health, all staff are expected to meet their contractual obligations to attend work on a regular basis and be accountable for their absences. The purpose of this policy and procedure is to ensure the fair and consistent treatment of employees who have frequent or excessive short term absence or are unable to attend due to longer term ill health. It provides a framework for managers to support and encourage reliable attendance at work, and promoting effective management of sickness absence and ill health.

The Council will achieve this through:

- Promoting the health safety and wellbeing of all employees, including the use of risk assessments to identify and manage hazards impacting on the health of the workforce
- Implement procedures to support and manage staff absences in dealing with unjustified and/or high levels of sickness and longer term ill health
- Monitoring levels of sickness absence on a monthly basis
- Training managers on how to manage absence

This procedure is compliant with recent legislation and utilises as far as is practicable Advisory Conciliation and Arbitration Service (ACAS) best practice. It has been developed in consultation with the recognised trade union. While it is expected that it will be followed in all cases wherever practicable, it does not form part of the contract of employment.

This Procedure deals with all issues of frequent or excessive short term absence and long term absence through ill health. There is a separate absence procedure for employees within their probationary period (**Appendix 1**).

Some cases of absence will be issues of conduct and should be dealt with separately under the Council's Disciplinary Procedure. Some examples are listed below:

- Persistent failure to follow notification rules when absent
- Absence without permission
- Leaving one's place of work without permission
- Falsifying sickness documents
- Refusal to explain an absence

Managers using this procedure will maintain fairness and consistency of treatment, and avoid discrimination in accordance with the Council's Human Resource (HR) Policies. In this procedure, 'manager' refers to Service Heads, Directors, Assistant Directors and the Chief Executive who are designated officers who hold delegated powers under this procedure.

The power to dismiss any employee rests with the Chief Executive who may delegate to the appropriate Director, Assistant Director or Head of Service in consultation with the Head of Organisational Development.

2. SCOPE

This policy and procedure applies to all employees of Winchester City Council, regardless of length of service, including those who are on probation.

It does not apply, to those undertaking the statutory roles or Head of Paid Service, Section 151 Officer, Monitoring Officer or any other Chief Officer who is part of the Corporate Management Team. There is a separate procedure for these officers set out in the Council's Constitution. In the case of the statutory officers the procedures in The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (or any statutory re-enactment to substantially the same effect) will apply. However, the Council will have regard to this Absence Policy and Procedure in considering any cases affecting such officers insofar as it is not inconsistent with either the provisions of the Constitution or the Regulations.

The Council will take a positive, preventative, supportive and sympathetic approach to dealing with sickness absence and as appropriate will seek professional advice through the Occupational Health provider.

3. KEY PRINCIPLES

There are a number of key principles that underpin the Absence Management Policy and Procedure to ensure that employees are treated consistently, effectively and fairly:

- The Council will regularly monitor and review sickness absences for all employees.
- It is the employee's responsibility to comply with the Sickness Reporting Procedure (**section 14**), and to complete and submit self-certification and Doctor's certificates to their Manager, as appropriate, either on their return to work or as issued during a longer period of sickness absence. Failure to comply may result in disciplinary action and/or salary being withheld.
- The Human Resources Department and Line Manager reserve the right to request Doctor's certificates for all periods of sickness absence including sickness absence immediately prior to and following a period of annual leave in the case of frequent short term absence or during a period of improvement.
- It is the line manager's responsibility to keep in regular contact with the employee during periods of sickness, especially in cases of long term absence, and to undertake return to work interviews, following every period of sickness absence. The manager will monitor an employee's sickness absence on a regular basis and will bring any concerns to the attention of the employee and will investigate any underlying issues.
- Open communication and discussion between the manager and employee is encouraged.
- Matters raised relating to attendance does not imply a lack of trust or belief in the genuineness of the illness.
- As appropriate, employees may be required to attend a medical referral with Occupational Health or relevant medical specialist.

- Employees have the right to be accompanied at a formal meeting (which may result in a warning of some description being given or dismissal) by a trade union representative or fellow employee. It may be appropriate to allow employees to be accompanied at other meetings.
- At every stage except dismissal, employees will be given the opportunity to improve their attendance.
- Employees will be given a clear written explanation of any formal action taken, the improvements that are required and the timescale of when their absence will be reviewed. The manager, in consultation with HR, has the discretion to extend the review period if appropriate.
- Employees will have the right to appeal against any formal action taken under this procedure.

4. DEFINITIONS

For the purpose of this Policy and Procedure the following definitions apply:

Accompanied by refers to the individual who attends formal meetings to provide support who is normally a trade union representative or colleague to provide support to an employee. In exceptional circumstances, following consultation with the HR Manager or Head of Organisational Development, the employee may be accompanied by someone other than a colleague or Unison Representative, especially in cases relating to long term ill health or disability. Each request outside the normal parameters of a colleague or Unison Representative will be reviewed on its individual merit, taking into account the full circumstances of the case. Examples of additional support at a meeting may include an advocate from Solent Mind, a Community Health Practitioner or similar specialist adviser.

Employee means the individual who is involved in meetings held within the formal stages of this procedure.

Capability is the “ability to perform a role, assessed by reference to skills, aptitude, health or any other physical or mental quality” (Employment Rights Act 1996).

Disability means a physical or mental impairment that has or is likely to have a ‘**substantial**’ and ‘**long-term**’ negative effect on your ability to carry out normal daily activities (Equality Act 2010).

- In this context ‘**substantial**’ is more than minor or trivial – e.g. it takes much longer than it usually would to complete a daily task.
- ‘**Long Term**’ means has lasted or is likely to last more than **12 months**

Formal Stages means the meetings held as set out in **Section 27 Stage 2 – Formal Action** and following of this Policy and Procedure.

Trigger Level Meeting refers to the meeting held between an employee and their manager to review the employee’s absence levels as set out in **Section 27 Absence Monitoring**.

Improvement Plan means a structured action plan which highlights the improvement required and the timescales for improvement to be achieved.

Informal Action means management action as set out in **Section 27 Stage 1 – Informal Action** of this Policy and Procedure.

Long Term ill health means a medical condition which has lasted or is likely to last more than 12 months.

Manager means the individual’s normal line manager. In exceptional circumstances, following consultation with HR, it may be appropriate to nominate another manager to fulfil the role of line manager for the purposes of this procedure.

Working days means Monday to Friday inclusive and irrespective of the employee’s working pattern.

Medical capability is where the individual’s ability to perform their role is directly related to an individual’s long term ill health and/or a disability.

Review Meetings are a series of meetings between the manager and the employee to determine progress against an Improvement Plan. Such meetings are considered as normal management meetings and there is therefore no right to be accompanied.

Right to be accompanied means employees are entitled to be accompanied at meetings and hearings held under the **formal stages** of this procedure by a trade union representative or colleague.

The right to be accompanied does not extend, however, to **Review Meetings** held under this procedure.

5. DISABILITY DISCRIMINATION (Equality Act 2010)

The provisions of the Equality Act will be considered in any case of absence due to ill health and where possible adjustments made to the employees duties or workplace to assist in a return to work.

Definition:- a person with 'a physical or mental impairment which has a substantial and long term adverse effect on his ability to carry out normal day-to-day activities.

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, myalgic encephalitis (ME)/chronic fatigue syndrome (CFS), fibromyalgia, epilepsy;
- progressive, such as motor neurone disease, muscular dystrophy, forms of dementia and lupus (SLE);
- organ specific, including respiratory conditions, such as asthma, and cardiovascular diseases, including thrombosis, stroke and heart disease;
- developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia;
- learning difficulties;
- mental health conditions and mental illnesses, such as depression, schizophrenia, eating disorders, bipolar affective disorders, obsessive compulsive disorders, as well as personality disorders and some self-harming behaviour;
- produced by injury to the body or brain.

The Equality Act states that an impairment has a long –term effect if, at the date of the alleged discriminatory act, it:

- has lasted at least 12 months; or
- is likely to last at least 12 months, or for the rest of the person’s life; or
- is likely to recur if it is in remission.

The Equality Act 2010 places an onus on employers to consider making reasonable adjustments to a job accommodate the disability of a job applicant or an existing employee who develops a disability.

In the event of an employee developing a medical condition that prevents him/her doing his/her job, consideration needs to be given to:

- adjusting premises (e.g. anything arising from building design and construction, exit and access, fixtures, fittings, furnishings, equipment, materials);
- allocating duties to others;
- altering working hours;
- assigning to a different workplace;
- allowing the person to be absent for treatment, rehabilitation or assessment;
- training;
- supervision (e.g. help from a colleague, support worker)

What is reasonable?

In deciding whether it is reasonable to make an adjustment, a manager must consider:

- the adjustments **effectiveness** in overcoming the problems of the disability;
- the extent to which it is **practicable** for the Council to make the adjustment;
- the extent to which the adjustment would **disrupt** activities;
- the **resource and cost implication**;
- the **extent** of the Council’s **financial and other resources**;
- the availability of **external funding** in respect of other adjustments

Managers should complete an **Adjustment Evaluation Sheet (Appendix 4)** to assist them in considering possible adjustments to a job or the working environment to accommodate a medical condition. Both the employee and HR should be given a copy.

6. RIGHT TO BE ACCOMPANIED

Employees are entitled to be accompanied at meetings and hearings held under the **formal stages** of this procedure, including Appeal Hearings, by a colleague or Union Representative where the individual is a member of a Union. There is no right to legal representation at any meeting held under this procedure.

The right to be accompanied does not extend to **Review Meetings** held under this procedure, which are considered to be normal line management discussions.

In exceptional circumstances, following consultation with the HR Manager or Head of Organisational Development, the employee may be accompanied by someone other than a colleague or Union Representative, especially in cases relating to long term ill health or disability. Each request outside the normal parameters of a colleague or Union Representative will be reviewed on its individual merit, taking into account the full circumstances of the case. Examples of additional support at a meeting may include an advocate from Solent Mind, a Community Health Practitioner or similar specialist adviser.

The employee is responsible for contacting their chosen companion to ask them to attend meetings. The chosen companion does not have to agree to accompany the employee at meetings.

If the companion is a colleague rather than a Union Representative, the chosen companion should seek agreement from their manager to be released from their operational role to allow them to accompany an employee at a meeting.

The Council reserves the right to refuse to release a companion where their attendance may either hinder the effective service delivery within their operational role or their presence at the meeting may prejudice the proceedings.

The companion should be allowed to address the hearing to present and summarise the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing.

The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

7. RECORDS OF ABSENCE MEETINGS

It is important that Managers conducting absence meetings, review meetings, hearings or appeals keep written records. These should include: a summary of management case, the details of the evidence against the employee, the employee's response, findings made and actions taken, the reason for the decision and details of any appeal and outcome.

All informal meetings should be documented by the Manager and the employee should receive a copy of the notes.

A note taker may be made available at formal meetings and appeal hearings who should provide a typed summary of the meeting.

Any notes taken will be made available to the employee. If the employee disputes any part of the summary, then either the summary is corrected or a note of the employee's concerns are also attached to the notes.

Should any action be re-considered and effectively withdrawn on appeal, any written reference to it will be removed from the employee's personal file and the employee will be notified accordingly.

All documentation relating to absence management should be sent to Human Resources, who will retain a confidential record in keeping with the requirements of the Council's Retention Policy.

8. RE-ARRANGING OF MEETINGS

Employees are required to make all reasonable efforts to attend meetings and hearings under this procedure, including informal and formal meetings.

In the event that either party is not able to attend a meeting for a reason that was not reasonably foreseeable at the time the meeting was arranged, the meeting will be rearranged as soon as possible.

Where a meeting is postponed because of ill health of the employee, the meeting will be rearranged once with the second date normally being within **5 working days** (variable in exceptional circumstances by mutual consent).

Where a formal meeting has been rescheduled the manager will write to the employee to inform them of the revised date for the meeting. The letter should explain that the employee will be given the opportunity to submit a written statement for the manager to consider or to instruct their representative to present their case on their behalf.

If the employee chooses not to exercise these options, or fails to attend the rescheduled meeting due to ill health, the Head of Team will take advice from the HR Department and may decide to continue with the meeting in the employee's absence, considering all the information which is available to them at the time of the meeting.

If the employee is **unwilling** to attend a meeting without "good cause" the Manager should take advice from HR and may decide to continue with the meeting in the employee's absence.

9. RESOLVING GRIEVANCES

The Council's Grievance Policy is set out in the Resolving Workplace Issues Policy which states that the Policy does not apply "where separate rights of appeal are given under different procedures (for example but not exclusively issues relating to redundancy, disciplinary, capability, attendance management, job evaluation or whistle blowing etc.) or where the matter is related to a collective agreement".

This is because the employee should use formal meetings under the Absence Management Policy and Procedure to offer any explanation or mitigation.

In exceptional circumstances, however, an employee may potentially have a grievance which relates to the way in which the Absence Management Policy and Procedure is being applied, rather than the fact that absence management processes have been applied. In the first instance, they should discuss the matter with their Trade Union Representative or a member of HR.

Where an employee raises a grievance during the absence management process, the absence management process may be temporarily suspended in order to resolve the grievance. Where the grievance and absence management cases are related it may be appropriate to deal with both issues concurrently.

10. REVISION

This policy and procedure will be reviewed every 2 years or sooner if required, taking into account changes to legislation, ACAS guidelines and best practice.

11. ROLES AND RESPONSIBILITIES

Line Managers are expected to:

- Be accountable for the proactive management of day to day sickness absence issues
- Ensure that employees are aware of the absence reporting procedures and that these are followed in every occurrence of absence
- Ask relevant questions in order to understand the reason for absence, the expected length of absence, what action the employee plans to take and any treatment that is being received in relation to the illness
- Record sickness absence on Selima in a timely manner
- Maintain records of discussions (including regular contact with staff on long term sickness absence) and agreeing and monitoring actions
- Telephone employee(s) to ascertain their whereabouts and reason for absence if they have not telephoned in
- Complete a return to work interview with the employee on their first day back at work in line with the guidance at **Section 20**
- Ensure that all necessary paperwork is sent to Human Resources in good time, including self certification forms and medical certificates
- Adhere to the Council's "trigger system" consistently
- Assist the employee in returning to work by making reasonable adjustments where appropriate
- Attend Sickness Management training as required

Employees are expected to:

- Attend work regularly and on time unless unfit to do so
- Take all reasonable steps to maintain their health and well-being
- Follow the reporting procedures outlined in **Section 14**
- Comply with the certification requirements as set out in **Section 18**
- Provide accurate and honest information relating to their ill health, the reasons for it and any treatment being received
- Maintain regular contact with their line manager during all periods of absence
- Attend an occupational health appointment when requested to do so
- Ensure that medical advice and treatment if applicable is received as quickly as possible in order to facilitate a prompt return to work
- Not undertake any activities whilst off sick which will exacerbate the condition causing sickness absence
- Raise any concerns with their line manager or Human Resources if they believe that their job is making them ill or contributing to an illness

Human Resources are expected to:

- Monitor and review sickness absences for all employees
- Provide managers with absence reports on a monthly basis
- Provide advice, guidance and support to line managers in relation to the application of the Absence Management Policy and Procedure
- Provide welfare support to employees and/or provide details of other agencies who can provide support as required
- Clarify the procedure where the member of staff has questions, especially where the member of staff is not a member of a Trade Union
- Participate in case hearings and appeal stages of the formal process
- Help with the interpretation of the Policy and Procedure to ensure a consistent approach across the Council
- Monitor the Policy and Procedure and update it to reflect changes in employment law

The Health and Safety Advisor is expected to:

- To provide advice and guidance on health and safety matters, including risk assessment and accident/incident reporting procedures and follow up actions.

The Health and Safety Advisor is responsible for reporting absences of 3 days or more caused by work related accidents/incidents to the Health and Safety Executive.

12. UNAUTHORISED ABSENCE

The fact that absence is unauthorised means that the employee has not discussed and obtained agreement from their manager to be absent.

If the employee does not request authorisation from their manager before going absent, they must expect to give the manager a detailed explanation for the absence and why a request for authorisation of the absence could not be made beforehand. Persistent occurrences of unauthorised absence will be dealt with under the disciplinary procedure. Pay may also be deducted.

13. FAILURE TO ATTEND WORK WITH NO EXPLANATION

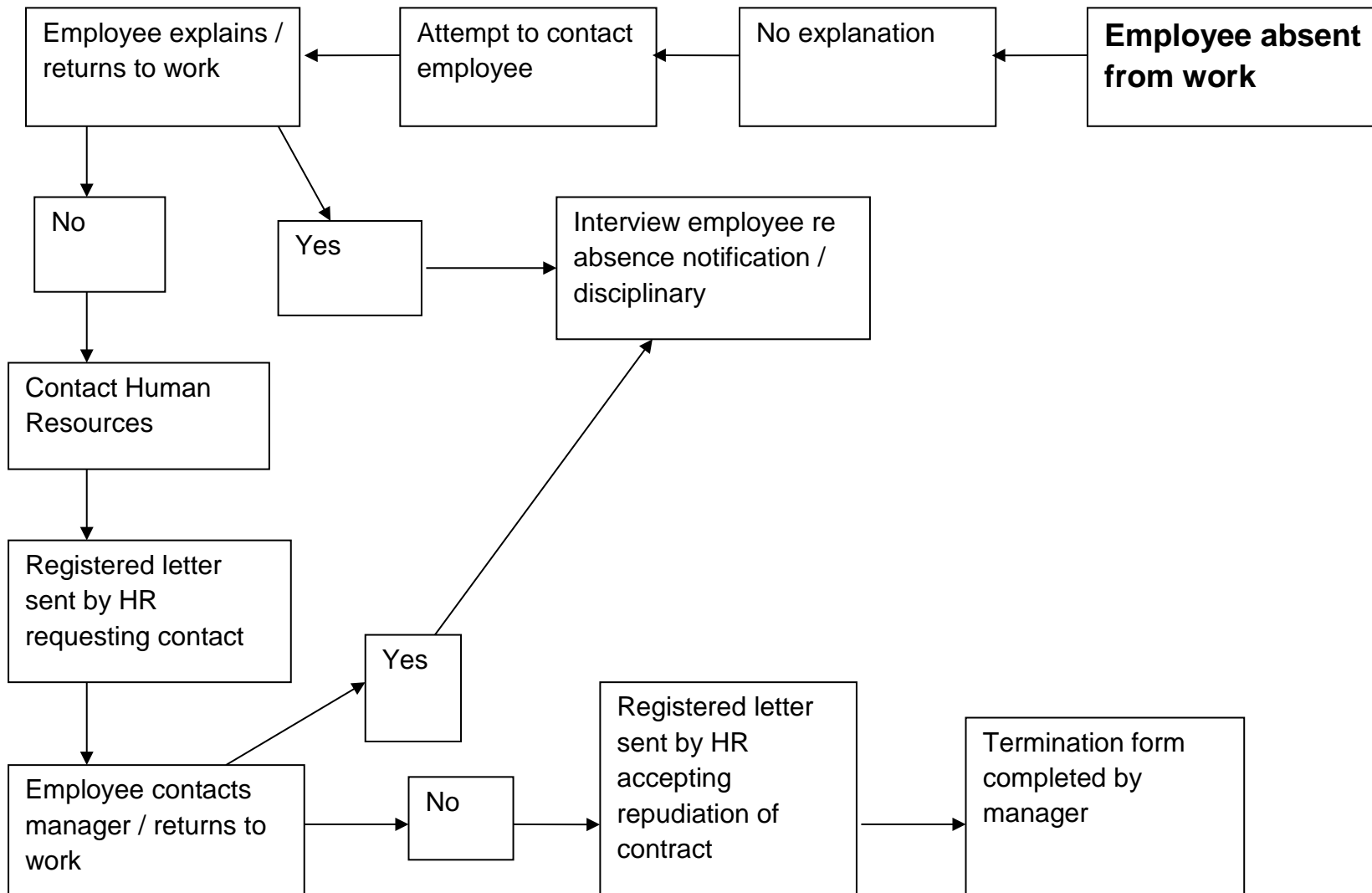
Where an employee takes unauthorised absence and it is believed that they do not intend to return to work, the manager should contact Human Resources as soon as possible. The following action should be taken:-

Attempts must be made by the manager to contact the employee to determine the reason for the absence and to establish whether the employee intends to return to work. Failure to follow the procedure for reporting absence is a disciplinary offence and should be dealt with as misconduct.

If the employee fails to respond to reasonable attempts to contact them, the Human Resources Advisor will send a letter by recorded delivery to the employee's last known address. This letter should make clear that a failure to respond to the letter within 14 days will result in the termination of their contract of employment because the employee has voluntarily ended their contract of employment due to their absence.

If the employee does not contact their manager or Human Resources within the stated time period, a Human Resources Advisor will send a final letter of termination accepting the repudiation of their contract. This should be either hand delivered or sent by recorded delivery.

Pay may also be stopped for any periods of unauthorised absence.



14. REPORTING ABSENCE

First Day of Absence

If the employee is unable to attend work due to sickness the employee must **telephone** their line manager as soon as is reasonably practicable, but in any case within an hour of their normal starting time, on the first day of absence. If an employee is due to work a late shift they should telephone in as soon as possible so that cover can be arranged. The employee should state briefly the reason for their absence and give an indication of the likely duration of their illness.

If the direct line manager is unavailable the employee should speak with another designated manager who should obtain a contact number in order that the line manager can make contact with the employee later that day. **E-mails or Text messages are not acceptable** as a means of communicating absences.

Eighth Calendar Day of Absence (including any non-working day)

If the absence exceeds 7 days (including weekends and bank holidays) the employee must provide a **fitness to work note** which should be submitted immediately to their line manager, covering any period from the 8th day of absence until the date specified on the fitness to work note. From this point onwards fitness to work notes must be submitted in good time to cover any further periods of absence. If a fitness to work note is not received within **5 days** of the employee returning to work the absence will be amended to unauthorised absence and pay will be deducted for the period not covered.

It is the employee's responsibility to keep their manager updated. Employees who fail to keep them updated will be deemed to have had unauthorised absence. This may result in loss of pay for the period and the matter referred to the Council's Disciplinary Policy.

Failure to comply with the procedure may lead to disciplinary action and salary payment being withheld.

Absence for part of the day

If an employee arrives at work and has to leave due to sickness part way through the day their absence must be recorded on Selima. Either a half day or whole day should be recorded, depending on their working pattern and the time they left.

Reporting absence – non working day

In reporting sickness absence it is important to understand the relevance of the "non-working" day, particularly for those who do not work the standard week (i.e. Monday to Friday). For example, a part time employee who normally works Monday to Wednesday each week will be expected to telephone their line manager on the Monday. If their sickness continues, the 8th day of absence will be the following Monday, i.e. the eighth calendar day, when a fitness to work note will be required.

15. SICKNESS WHILST ON ANNUAL LEAVE

Annual leave may be reimbursed if absent due to a certificated absence. Please contact HR to discuss.

16. CONDUCT WHILST ON SICK LEAVE

An employee absent from work due to ill health may not necessarily be confined to their home. However, they are not expected to carry out any activities which are likely to hinder their recovery and delay their return to work. In some circumstances undertaking voluntary work may aid rehabilitation and recovery. Employees should seek Head of Service authorisation before carrying out unpaid voluntary or paid work whilst on sick leave.

17. KEEPING IN TOUCH DURING SICKNESS ABSENCE

Employees are required to keep in touch with their line manager during periods of sickness absence and respond to any reasonable contact made by their manager. Line managers will keep in touch with employees to see how they are feeling, particularly if the employee has indicated that the absence is due to work related (or other stress). If it is not appropriate for the immediate line manager to make contact with the employee, arrangements will be made for another manager to keep in touch. The manager should offer the support of the Council's Counselling service which can be contacted on 07925 299796.

The form of contact may be by telephone, email, letter, home visit, meeting at the work place or in exceptional circumstances, off site at a neutral venue. Records of contact and what was discussed should be maintained by the line manager. Home visits will always need to be pre-arranged.

18. FITNESS TO WORK NOTES

A Doctor can issue a fit note when the employee has been absent from work for more than seven calendar days and only if they consider that an employee's fitness for work is impaired. If someone is fit for work, they will not be given a fit note.

A fit note will confirm that an employee is either "not fit for work" or "may be fit for work"

Not fit for work

If a fit note states that the employee is "not fit for work" the fit note should indicate whether or not the employee needs to see their Doctor again. The employee can return to work before the fit note expires and does not need to see their Doctor to be able to do so. This is the case even if the fit note states that the employee should revisit the Doctor on the expiry of the fit note. However, if an employee wishes to return to work before the expiry date of the fit note but the manager/HR is unsure whether or not this would be appropriate, the employee could be asked to return to their GP or be referred to Occupational Health.

May be fit for work

The Doctor may provide advice to enable the employee to return to work such as a phased return to work, altered hours, amended duties, and/or workplace adaptations.

If a fit note states that an employee "may be fit for work" the manager should discuss the doctor's recommendations with the employee to facilitate a return to work. The manager should ask the employee if there are any changes or adjustments that could be made to their role that would help them return to work.

The employee may be referred to occupational health for further consideration and advice on potential adjustments which could include:-

- part time working;
- adjusted hours to avoid rush hour traffic;
- a complete change of role;
- changes to part of the role;
- homeworking;
- provision of a new chair or desk;
- extra or increased breaks during the working day; and
- relocation to a ground floor office or location to avoid stairs

Failure to agree suitable adjustments

The advice from the Doctor on a fit note is not legally binding.

If the manager considers adjustments which could be made to enable the employee to return to work but the employee does not agree, the manager should ensure that all relevant information has been disclosed to the employee and should seek to understand their objection.

If medical evidence i.e an occupational health report supports the manager's suggested adjustments but the employee still does not agree, the manager could

- decide that the employee is "not fit for work" until the expiry of the fit note or until a time when the employee feels that they can return, whichever is sooner;
- the manager could consider the refusal to return to work with the adjustments in place as unauthorised absence and implement the disciplinary procedure;
- the manager could look in to whether or not the employee is capable of returning to work in the long term, and instigate the capability procedure;
- proceed to an Absence Management Hearing (section 28)

Occasionally, the Council may request a fitness to work note for a period of less than 7 days. Doctors are not obliged to provide a note for less than 7 days absence, however, where they do agree to provide a note and a cost is incurred, this will be

paid for by the Council. The employee is required to pay for the fit note and claim the cost back via an expenses form.

A fitness to work note may be required for all sickness absence whilst on an absence management improvement plan.

19. THE FIT FOR WORK SERVICE

Fit for work is a Government-funded service providing advice for employers, employees and GP's on matters relating to health and work. It also provides occupational health assessments on referral from the employee's GP or employer where an employee is absent from work for at least four weeks.

If an employee is absent for at least four weeks the Council may refer them to the Fit for Work service with the agreement of the employee. A Fit for Work adviser will carry out an occupational health assessment, usually over the telephone. The employee will be provided with a return-to-work plan, with recommendations for steps that could help them return to work. The return-to-work plan will be shared with their manager/HR, unless the employee does not consent to this.

If an employee consents to the return-to-work plan being shared with their manager/HR it will be treated as evidence equivalent to a fit note for the purposes of statutory sick pay entitlements. The employee will only need to provide a fit note if they are discharged from the Fit for Work service before returning to work, or if they do not consent to the return-to-work plan being disclosed to their manager/HR.

20. RETURN TO WORK INTERVIEWS

Return to work interviews are the most effective way to manage sickness absence. It is therefore essential that every employee has a return to work interview after **every** period of sickness absence. This should take place on the first day back at work or if this is not possible within two working days of the employee's return. This will provide the opportunity for the line manager to explore the reasons for the absence and whether there are issues inside or outside of work which have contributed to their sickness absence and on which they may need support and help.

It also demonstrates that the line manager supports the employee on a personal level and provides an opportunity to check that the individual really is fit to carry out their full range of duties or whether they need some special consideration for a short while to bring the employee up to date with events that have happened during their absence.

Remember to keep in mind the following key points:

- ask open questions
- listen generously and do not jump to conclusions
- make a note of reasons given for absence or lateness
- make a note of any concerns that you may wish to follow up

The return to work interview must be recorded on Selima. If this is not possible due to access reasons a paper version must be completed and a copy sent to Human Resources.

21. LONG TERM ABSENCE

An employee who is on long term sickness absence may book a period of annual leave in order to receive full pay for that period, for example if the employee has exhausted all entitlement to sick pay, or is receiving only statutory sick pay.

An employee may choose not to take statutory annual leave during sick leave and can carry forward the untaken leave for up to 18 months from the end of the leave year in which the leave arises. This means that if a leave year ends, for example, on the 31st March the employee would have 18 months after that date in which to take the annual leave for that year.

A maximum of 20 days leave may be carried over to the next leave year.

Where the employee's recovery period is uncertain it may be necessary to schedule an Absence Management Hearing to consider medical dismissal if their absence cannot be sustained.

Prior to an Absence Management Hearing, occupational health advice will be sought and consideration given to ill health retirement and redeployment.

22. OCCUPATIONAL HEALTH

The Occupational Health Service is available to all employees to provide confidential advice and support on any health issues. Their role is to find out what the impact of your work is on your health, and make sure you are fit for the work you do.

An employee will be referred to Occupational Health for persistent short term absence, long term absence, pre-employment referrals or for any other reason as discussed between HR, the employee and/or the manager.

Referral to Occupational Health is considered to be a reasonable management request and the employee would be expected to attend. The issues to be explored by Occupational Health will be:

- the permanency or otherwise of the absence including advice on whether the condition falls within the auspices of the Equality Act in relation to disability discrimination
- confirmation of the nature of the employee's illness
- whether there is an underlying medical condition and if so, could it result in further periods of absence
- the likely further duration of the absence, if not permanent
- whether the employee is fit to continue in the workplace and to undertake the duties of their role
- whether the employee is permanently unable to continue in their current role but redeployment to another role could be considered
- any support the Council should provide to aid a return to work i:e reasonable adjustments or phased return

A copy of the Occupational Health report will be sent to the manager and HR and will allow the manager and HR to make an informed judgement as to the most appropriate action to take regarding the individual employee's circumstances.

Should an employee fail to attend their Occupational Health appointment without any notification or good reason, disciplinary action may be taken.

If an employee refuses to attend Occupational Health, and they feel they have a good reason for this, the Council will have to take a decision based on the information available to them.

The Council recognises that there are some medical conditions for which social stigmas are still attached amongst some people. The Council does not wish to be judgemental; where the individual feels that they can, they should approach a member of HR for a strictly confidential conversation on the best way forward.

23. OUTCOME OF OCCUPATIONAL HEALTH

Following the referral the manager and HR will make contact with the employee, and/or their representative to discuss the outcome of the medical report.

The possible outcomes are:-

- the employee is able to return to the workplace and is fit to continue to undertake their normal duties
- the employee is fit to return to the workplace with adjustments
- redeployment to another role
- further medical evidence is required
- the employee is not fit to return to work
- the employee is eligible for ill health retirement

If the employee is certified as permanently unfit to carry out the duties of their post and they are a member of the Local Government Pension Scheme they may be considered for ill health retirement. If the employee is not a member of the pension scheme or the employee does not agree to ill health retirement an Absence Management Hearing will be arranged as outlined in **Section 28** and the employee should be advised that they may be dismissed on grounds of incapability due to reasons of ill health. If the employee contests the advice provided by Occupational

Health then another medical opinion may be sought from an independent medical advisor appointed by the Council.

24. REASONABLE ADJUSTMENTS / PHASED RETURN

On advice of Occupational Health it may be necessary for an employee to return to work on a phased return or with reasonable adjustments. Options may include:

- normal work at reduced hours
- specified duties only in the normal work area
- temporary redeployment to an alternative work area or alternative type of work within the Council until the employee is certified as fit to return to their post

A phased return will be for a defined period and usually not exceeding 6 weeks (depending on the individual case) and will be followed by a formal review.

The employee will continue to be paid for their normal basic contractual hours. In some instances, adjustments may be on a permanent basis i.e. reduction in contracted hours, medical redeployment. These will be dealt with on a case by case basis.

Managers should keep a written record of what reasonable adjustments have been made and give a copy to the employee. (**Appendix 4, Adjustment Evaluation Sheet**)

25. ABSENCE MONITORING

If an employee's Bradford Factor score is 150 or above or there are any other recurring recognisable pattern such as frequent absenteeism on a Friday or a Monday, days following a bank holiday, before or after annual leave or at particular points in workload cycle etc the line manager will hold a trigger level meeting to review the absence levels.

The Bradford Factor is a method of calculating an individual's absence record so that it is easy to identify those taking frequent short term absences. It is calculated over a rolling 12 month period as follows:-

The Bradford Index = S^2D , where, S = number of absences and D = total days absent for each occasion.

For example Employee A has been absent for a total of 10 days on 6 occasions for a number of minor ailments

Bradford Index = $6 \times 6 \times 10 = 360$

Employee B has been absent for a total of 10 days on 1 occasion after undergoing an operation – Bradford Index = 10.

Heads of Division will receive a monthly report giving details all of the absences for the employees in their Division for the preceding 12 month period. This report will show the Bradford Index figure for the period for each employee and will be colour coded according to the level.



Bradford Index of under 100 indicating absence levels are currently ok

Bradford Index of over 100 but under 300 indicating absence levels high and should be monitored

Bradford Index of 300 or over indicating absence levels extremely high and need to be addressed

26. DISABILITY RELATED ABSENCE / PREGNANCY RELATED / EXCEPTIONAL CIRCUMSTANCES

Disability related absences will be recorded as sickness absence. All absences will be paid according to the Council's sickness entitlement.

The level of absence that someone with a particular disability might be expected to have in a year may be higher than average depending on the disability; advice from Occupational Health will be sought to clarify. Trigger points may be extended for

employees with disability related absence before formal action is taken although there is no statutory requirement to do so.

Employees who are absent due to pregnancy related issues should have their absence recorded as such. Pregnancy related absences are not used when calculating an employee's Bradford Factor.

Employees who have absences related to an illness or injury with extenuating circumstances may also have trigger points extended and should be discussed with HR on a case by case basis. Examples, although not exhaustive, are cancer, contagious illnesses and broken bones.

In instances where the employee's attendance is unsatisfactory and they are unable to return to work; reasonable adjustments or redeployment is not possible it may be necessary to consider terminating employment. In these circumstances an Absence Management Hearing is arranged.

27. ABSENCE PROCEDURE

Stage 1 – Informal Action

The **Trigger Level meeting** should be held as soon as reasonably practicable after the employee returns to work and can be linked to a return to work interview where appropriate. It is recommended that this meeting be just between the manager and employee at this informal stage.

At the meeting, the line manager should adopt a non-critical and supportive approach and:

- Discuss the absence record with the employee;
- Identify any contributing factors affecting sickness absence, for example, relationships with colleagues, domestic issues, workloads within the service etc;
- Identify areas for support;

- Set targets for improvement (Zero absence but no more than 4 days or 3 periods of absence in a 6 month period)
- Set a review date

Possible outcomes may be:

- Management referral to Occupational Health for advice and recommendations;
- Other support mechanisms identified and implemented (for example, referral to outside agencies, training, mentoring);
- Reasonable adjustments such as changes to the workload, work practices or work pattern, provision of specialist equipment;
- Asking the employee to submit a medical certificate for every subsequent period of absence of 7 days or less. (The Council will reimburse the employee for the cost upon completion of an expenses claim form). This outcome can only be made following a discussion with HR

At the meeting the employee should be informed that the improvement in attendance must be sustained for a period of 6 months. However, if absences are excessive prior to this date, the review meeting can be brought forward.

The manager will complete a **Trigger Level Meeting Record (Appendix 2)** to detail the points discussed, actions identified and review date. The manager should retain a copy of the form, send a copy to HR and a further copy should be given to the employee.

If the employee's attendance improves to a satisfactory level over the timescale set then the process will terminate at this stage and the employee will be informed in writing of this. **The employee must continue to show a sustained improvement for a further 6 months otherwise the formal procedure will be invoked.**

If the sickness absence remains unsatisfactory, then the formal procedure will be invoked by the line manager as set out below:-

Stage 2 – Formal Action

When it is apparent following review that an informal approach to improving attendance has failed, the formal process will be followed.

The purpose of the formal sickness absence meeting is to:-

- Review attendance;
- Hear representations from the employee;
- Consider the potential for improvement;
- Consider any occupational health opinion regarding reasonable adjustments or possible redeployment opportunities; and
- Take such action as the manager decides is appropriate

HR will be involved in all formal stages of the procedure in order to ensure that a fair and consistent approach is taken by managers across the Council.

At all formal stages of the procedure, an employee will have the right to be accompanied by a trade union representative or work colleague. Should the employee wish to be accompanied, they should confirm the identity of the representative to their manager at least **2 days prior** to the meeting.

The action to be taken under the formal procedure will depend on the nature of the specific absences. There are 4 possible formal sanctions, each with a right of appeal:

- Formal written warning; (at a formal meeting)
- Final written warning; (at a formal meeting)
- Further extension of improvement and new targets (at an absence management hearing only)
- Dismissal (following a hearing only)

Formal Meeting

The line manager, in consultation with an HR Advisor will arrange a formal meeting with the employee.

The employee will receive notification in writing of the meeting from HR, giving at least **5 working days** notice. The letter should contain:

- A clear reason for the meeting;
- The time, date and venue of the meeting;
- Who will be present at the meeting;
- A statement confirming the right to be accompanied at the meeting by a trade union representative or work colleague

At the meeting, the manager will:

- Re-affirm the issues discussed at previous informal stage meeting(s);
- Discuss the reasons for continued absence(s) and the impact on the service and colleagues;
- Review any support provided to the employee and consider further support if appropriate;
- Discuss what action the employee can take to improve sickness absence levels; and
- Set targets for improvement

The manager also needs to explain to the employee the potential consequences of not meeting improvement targets including ultimately, possible termination of their employment and set a further review date.

The employee will have an opportunity to comment on their sickness absence levels, provide an explanation and indicate what assistance is required to improve their attendance, including any reasonable adjustments they would like to be considered. At the end of the meeting, the manager will consider all aspects of the case and consider the option to issue a **formal written warning**. The duration of the “live” warning, if given, will usually be 6 months (but may be of longer duration in some circumstances). The manager should inform the employee of their right to appeal against the warning.

The employee should be informed that the improved attendance should be sustained for a 12 month period.

The manager should not wait until the end of the review period to advise the employee there has been insufficient improvement. If an insufficient improvement has been made the manager will inform the employee that an absence management hearing will be arranged.

In exceptional circumstances, following consultation with the HR Manager, the manager may determine that attendance has deteriorated or that there is insufficient improvement even if the review period has not been exhausted.

Any appropriate reasonable adjustments will be agreed with the employee, together with an appropriate timescale for reaching the required sickness absence levels, and a review date will be set. The time frame for the review will depend on the nature of the absences and the duration of the warning but will not normally be longer than 3 months from the warning being issued.

The manager will write to the employee, confirming the outcome of the meeting and the review arrangements. The letter will also inform the employee of the possible consequences of failure to reach the satisfactory absence levels and detail the right of appeal against the warning (**Section 29**). A copy of this letter and any attachments will be forwarded to the employee's representative and HR.

Review Period

A review meeting will be arranged with the employee by the line manager to review attendance levels at the agreed interval. However, if at any time the manager considers that the attendance level is unsatisfactory they may arrange an earlier review meeting. There is no need to wait until the scheduled review date.

If attendance levels have reached a satisfactory standard at the review stage, the employee will be advised that no action needs to be taken at that time. Further review meetings will be scheduled at regular intervals (at least monthly) for the duration of the "live" warning, to ensure the improved attendance level is sustained. If sustained until the "live" warning expires, the employee's improved attendance record will be acknowledged and the procedure will be exited. This will be confirmed in writing to the employee and a copy placed on their personnel file.

If the outcome of the review meeting is that attendance levels have not reached a satisfactory standard or have not been sustained, an absence management hearing will be scheduled as outlined below.

The employee should be informed that the improved attendance should be sustained for a 12 month period.

The manager should not wait until the end of the review period to advise the employee there has been insufficient improvement. If an insufficient improvement has been made the manager will inform the employee that an absence hearing meeting will be arranged.

In exceptional circumstances, following consultation with the HR Manager, the manager may determine that attendance has deteriorated or that there is insufficient improvement even if the review period has not been exhausted.

28. ABSENCE MANAGEMENT HEARING

An absence management hearing will be arranged in the following circumstances:-

- where previous stages of the procedure have not resulted in sufficient improvement; **or**
- where improvements have not been sustained for a period of **12 months** following **formal meetings**; **or**
- where the employee is in their **first year of service** and informal action has not resulted in the requirement improvements

A Hearing will be chaired by a Director, Assistant Director or a nominated Head of Service (the Chair) with delegated authority to dismiss an employee.

The Chair will be supported by an HR representative.

Notification of the meeting will be provided, in writing, at least **5 working days** prior to the meeting and the letter should contain:-

- A clear explanation of the purpose of the meeting;

- Possible consequences of failure to reach the required sickness absence levels, including the option of dismissal;
- The time, date and venue of the meeting;
- Who will be present at the meeting;
- A statement confirming the right to be accompanied at the meeting by a trade union representative or work colleague

The employee must take all reasonable steps to attend a hearing. If the employee or their trade union representative / work colleague cannot attend the hearing on the notified date another hearing will be arranged, so far as is reasonable practicable within 5 days of the original date. The 5 day time limit can be extended by mutual agreement. If an employee fails to attend twice the hearing will proceed in their absence unless there are exceptional circumstances. The employee's trade union representative / work colleague will be allowed to make a written submission in such a situation.

The manager will prepare a management case which will be included in the hearing pack and sent to all participants at least **5 working days** prior to the hearing.

The employee may prepare a summary of their case, which should be forwarded to HR at least **3 working days** prior to the meeting. This will be forwarded to all those participating in the hearing.

Timescales may be varied in exceptional circumstances by mutual agreement.

Conduct of a Hearing

The meeting will be conducted as follows:

- (a) The Chair will introduce those present and explain why they are there, explain the purpose of the meeting and how the meeting will be conducted.
- (b) The line manager will present the management case in the presence of the employee and representative and call any witnesses.
- (c) The employee or representative may ask questions of the line manager and any witnesses called.

- (d) The Chair and HR representative may ask questions and make any comments.
- (e) At each stage of the meeting, and before any witnesses are released, the Chair will give those present the opportunity to ask questions and make any comments;
- (f) The employee will present their case in the presence of the line manager and call any witnesses as necessary.
- (g) The line manager may ask questions of the employee or witnesses.
- (h) The Chair and HR representative may ask questions of the employee or witnesses.
- (i) The line manager will have the opportunity to sum up if so wished.
- (j) The employee will have the opportunity to sum up if so wished.

The meeting will then be adjourned for the Chair to consider the facts of the case, including any medical or occupational health advice and make a decision. The line manager or employee may be recalled to clear points of uncertainty on evidence already given. If recall is necessary, both parties return regardless of which party is concerned with the points in doubt.

If it is found that attendance levels remain unacceptable, the possible outcome of the meeting include:-

- (a) Subject to prior agreement with the employee, they may be redeployed to an alternative vacant post.
- (b) The formal written warning may be extended and the employee may be given further time for improvement and/or provided with new targets.
- (c) The employee may be dismissed on the grounds that their ill health prevents them from being capable of work.

In most cases the hearing will be reconvened and the decision delivered verbally on the day although there may be occasions where this is not possible. In any event, the decision, reasons for it and information about the right of appeal will be confirmed in writing within **5 working days** of the hearing.

Extend the Formal Written Warning

If the Chair concludes that the employee has made **significant improvement**, but not to the required level, or there are significant extenuating circumstances, they may decide to extend the duration of the **Formal Written Warning**. The extension should be reasonable to allow for further improvement but will not exceed **2 months**.

The review period will normally only be extended once, except in cases where the attendance concerns are directly related to disability; in such cases, the Head of Organisational Development or, in their absence the HR Manager, may agree to subsequent extensions based on the individual circumstances of the case.

Redeployment

The HR adviser, in consultation with the Head of Organisational Development, HR Manager or Occupational Health may decide that it is appropriate to consider redeployment to an alternative post within the Council, depending on the individual circumstances of the case.

In this situation, the employee will be issued with a **notice of dismissal** while redeployment opportunities within the Council are explored.

An employee who is eligible for redeployment on the grounds of medical capability may apply for a post of a higher grade where this would be a considered a reasonable adjustment. If an employee is redeployed to a post of lower grade on the grounds of medical capability, the Head of Organisational Development may agree to salary protection for a period of two years.

The appointment to a post on the grounds of redeployment due to medical capability will be subject to satisfactory Occupational Health advice.

HR will maintain a list of all current redeployees and will notify them of all vacancies which arise in the Council and will be given the option to apply before they are advertised. Redeployees will be required to notify HR of their intention to apply within **48 hours** of receipt of the vacancy. If a redeployee wishes to apply for a vacant post they will be required to submit an application within **1 week** following their notification to HR of their intention to apply. If no application is received within the 1 week deadline the vacancy will be advertised in line with Winchester City Council's recruitment policy and procedure.

Priority at selection for interview will be given to redeployees who demonstrate they meet the essential criteria for the post as set out in the Person Specification.

Redeployees will be given an interview ahead of other candidates. If the redeployment is successful an HR Advisor will meet with the employee and the new manager to identify any specific training needs and to draw up a specific induction programme.

The redeployment period will be for a maximum of 8 weeks.

In exceptional circumstances (e.g. where the employee has applied for a post but has not been notified of the outcome of the recruitment process) the Head of Organisational Development or HR Manager **may** agree to a short extension to the redeployment period of no more than **2 weeks**.

The redeployment period may also be extended in consultation with the Head of Organisational Development or the HR Manager in cases of long-term illness or disability where an extension may be considered a reasonable adjustment.

If suitable alternative employment is found, it will be offered in writing, giving reasons for the redeployment and the possible consequences of refusing the offer.

The employee must be given sufficient time to consider the offer, which should not normally exceed **5 working days**. Refusal to accept an offer of suitable alternative employment will result in dismissal on the grounds of medical capability.

Dismissal

Where none of the options identified above are appropriate or achievable, the employee will be dismissed (with statutory notice) on the grounds of medical capability.

29. RIGHT OF APPEAL

An employee may appeal against a decision made at a **Formal Meeting**. There is no right of appeal against a management decision made at the informal stage of the procedure.

There will not be a delay in implementing management decisions pending appeal, but they may be subsequently amended as a result of the appeal hearing.

As far as reasonably possible, the Appeal Hearing will be held within **28 calendar days** of the date the appeal notice is received.

The Appeal Hearing is not a re-hearing of the original meeting but should focus on the original decision and whether the procedure has been applied correctly. It can consider whether the sanction imposed at that hearing should be upheld, overturned or replaced with another sanction.

Any appeal should be addressed in writing to the relevant Head of Team within **5 working days** of the date of the letter confirming the outcome of the meeting which is being appealed, clearly stating the grounds for appeal.

Appeal against the outcome of a Formal Meeting

An appeal against the outcome of a **Formal Meeting** will be heard by the appropriate Head of Team or an Assistant Director who will be supported by an HR representative for advice.

The employee has a right to be accompanied at the Appeal Hearing by a colleague or Trade Union Representative.

The chair of the **Formal Meeting** will attend the Appeal Hearing to present management case.

Appeal against the outcome of an Absence Management Hearing

An appeal against the decision of an Absence Management Hearing will be heard by the Chief Executive, supported by a representative of the HR Team. The Chief Executive may delegate to an appropriate senior manager with no prior involvement in the case.

Appeals against dismissal will be heard by the Chief Executive unless there is a statutory reason, or similar regulation within the Council's Constitution, which requires appeal to Members (e.g. for Statutory Officers). In cases where the

decision to dismiss is taken by the Chief Executive, appeal will be to a panel of Members.

The employee has a right to be accompanied at the Appeal Hearing by a colleague or Trade Union Representative.

The chair of the **Formal Meeting** will attend the Appeal Hearing to present management case.

There is no further right of appeal.

Conduct of Appeal Meetings

The employee will be given a minimum of **5 working days'** written notice of the Appeal Hearing.

All papers and documents, which have not previously been disclosed to the employee and form management submission to the Appeal Hearing, must be sent to the employee with the letter informing them of the **Appeal Hearing**.

Any written evidence the employee wishes to submit to support their appeal which has not previously been disclosed to the Council should be received no later than 2 working days before the Appeal Hearing. The details of how this will be achieved will be set out in the letter confirming the arrangements of the Appeal Hearing.

The employee (or their representative) will outline the reasons for the appeal setting out any mitigating circumstances they wish the panel to consider.

The Chair of the Appeal Hearing and/or the HR Adviser may ask the employee questions to clarify anything which has been raised in the documentation supplied prior to the Appeal Hearing or verbal statements made during the Appeal Hearing.

The manager will have an opportunity to ask the appellant questions.

The Chair of the Appeal Hearing will ask the management representative to present their case, including confirming the basis on which the original decision was made.

The Chair of the Appeal Hearing and/or the HR Adviser may ask the presenting manager questions to clarify anything which has been raised in the documentation supplied prior to the Appeal Hearing or verbal statements made during the Appeal Hearing.

The employee will have the opportunity to ask the management representative questions relating to either documents which have been submitted or verbal presentations made during the Appeal Hearing.

It may not always be necessary for parties to summarise their case. This will depend on a number of factors including but not limited to the length of the meeting, the time of day and the complexity of issues being considered. If summing up is appropriate, both parties should be offered the opportunity to summarise their case.

The Appeal Hearing will adjourn while the Chair of the Appeal Hearing considers the information available to them and takes advice from HR.

The Chair of the Appeal Hearing should consider the following in reaching their decision:

- Have the requirements of the procedure been properly complied with?
- Was the manager's decision reasonable based on the evidence relating to the case?
- Have any mitigating circumstances put forward by, or on behalf of, the employee been considered fully?
- Were the concerns sufficiently serious to justify the sanctions imposed?
- Is the treatment of the appellant consistent with City Council's general approach to similar cases?
- Has the matter been handled fairly and appropriately?
- Is there any new evidence, which if known at the time, would have altered the decision?

- In appeals against dismissal, have all reasonable alternatives to dismissal been considered?

When the appeal is against the decision to dismiss, the Chair of the Appeal Hearing should consider the impact the employee's absence has had on the service, manager and colleagues.

It may be appropriate to consider whether the employee should be reinstated (i.e. return to the post from which they were dismissed) or whether it is more appropriate in the circumstances for them to be re-engaged (i.e. moved to a reasonable, alternative role within the Council where a suitable vacancy exists.)

The decision to re-engage the employee into an alternative, existing vacancy will only be taken once the Head of Organisational Development, or in their absence the HR Manager, has been consulted. The employee must be able to demonstrate they meet the essential criteria for the proposed role and any offer of alternative employment must be subject to satisfactory medical clearance.

The employee will be informed verbally of the outcome of the Appeal Hearing, which will be confirmed in writing within **5 working days** of the hearing.

There is no further right of appeal.

APPENDIX 1

SICKNESS ABSENCE MANAGEMENT PROCEDURE FOR PROBATIONARY EMPLOYEES

At any time during the probationary period a manager may express concern regarding an employee's level of sickness absence. The manager will:-

- meet with the employee to explain their concern and seek an explanation for the level of sickness absence;
- refer the information provided at the meeting to Occupational Health for advice on the reason for the absence(s), what reasonable adjustments should be considered and what the level of attendance should be;
- meet again with the employee to explain:

EITHER

- there appears to be no underlying medical reason for the sickness absence and unless a specified improvement is made within three months their employment will be terminated (the probationary period may be extended to accommodate this);

OR

- there is an underlying medical reason for the sickness absence and reasonable adjustments will be considered. Attendance will need to be sustained over the next three months otherwise their employment may be terminated (the probationary period may be extended to accommodate this).

The employee may appeal against their dismissal by notifying the Head of Department in writing within **14 days** of the date of the letter confirming the manager's decision. The appeal will be heard by the next level of management not previously involved with the case. A member of Human Resources may also be present. There is no further right of appeal.

APPENDIX 2

RETURN TO WORK INTERVIEW RECORD

To be completed by the manager at the conclusion of the interview and the details entered on Selima. The original form should be sent to HR to be filed on the employee's personal file. The employee should also complete a self certificate form and submit a Doctors Fit Note if applicable.

Name of Employee		
Job Title		
Name of Employee's manager		
Dates of absence		
Length of absence		
Total calendar days sickness absence and number of separate periods of absence in previous 12 months		
Reason given for absence		
Did the employee comply with the notification procedure?	YES	NO
If No, the employee was reminded of their obligations and informed that should there be further instances their entitlement to sick pay may be compromised?	YES	NO
Did the employee consult their GP?	YES	NO
Did the employee indicate that factors at work may have caused or contributed to the absence?	YES	NO
If yes, please provide further details below including information regarding action that will be taken to support/assist the employee		
As a result of the discussion is there any practical assistance, reasonable adjustments, supportive measures or follow up actions required?	YES	NO
Is this absence part of an overall pattern?	YES	NO
If yes, please provide further details below including information regarding any further actions that will be taken to address this issue:		
If yes, please provide details below:		

Signature (employee)

.....

Signature (manager)

.....

Date completed

.....

APPENDIX 3

TRIGGER LEVEL MEETING RECORD

Section 1 to be completed by the manager at the conclusion of the trigger level meeting.

Section 2 to be completed by the manager at the conclusion of the review meeting. A copy should be given to the employee, a copy should be sent to HR and a copy should be retained by the manager.

Section 1: Trigger Level Meeting

Name of employee	
Job Title	
Name of employee's manager	
Frequency of absence and reasons given (detail the number, length and reasons given for absence and why there is cause for concern)	
Contributing factors (detail any issues identified by the employee as affecting their absence levels e.g. relationships with colleagues, workload concerns, domestic issues etc)	
Support measures (detail any actions arising from the discussion e.g. management referral to Occupational Health for advice and recommendations, reasonable adjustments such as changes to work practices or provision of specialist equipment)	
Target for improvement and review date	
Possible consequences of not achieving improvement i.e invoking of Stage 2 / Formal action has been explained to the employee	YES
Any further comments from the manager	
Any further comments from the employee	

Signature (employee)

Signature (manager)

Date completed

.....

.....

.....

Section 2: Outcome of Review Meeting

Date of review	
Absences since Trigger Level Meeting (detail the number, length and reasons given for absence during the review period)	
Outcome of Review (managers assessment of whether or not the required improvement has been achieved)	
Next steps (e.g. termination of process and no further action, setting of further review period, progression to Stage 2 / Formal Action and scheduling of First Formal Meeting)	
Further comments from manager:	
Further comments from employee:	

Signature (employee)

.....

Signature (manager)

.....

Date completed

.....

APPENDIX 4**ADJUSTMENT EVALUATION SHEET**

To assist managers in considering adjustments to a job or the working environment to accommodate a medical condition

Type of Adjustment	Effectiveness	Practicability	Extent of disruption to employers activities	Resource and cost implications (and Council's resources)	Availability of external funding