**EMPLOYMENT POLICY STATEMENT**

**Policy Title: Absence Management Policy**

**Date: January 2022**

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**1.0 Introduction and Purpose**

This policy outlines the processes the Council will follow in cases where an employee’s level of sickness absence has become a cause for concern and seeks to manage attendance in a supportive and proactive way that considers individual circumstances alongside minimising the impact on service delivery.

Above all else the Council values the contribution of its staff in the delivery of quality services to service users and residents. Whilst recognising that sickness absence may be unavoidable, the Council has a duty to maintain service delivery and minimise disruption to this. It is the responsibility of both managers and employees to work together to promote a positive work environment where effective procedures for handling sickness absence are maintained.

This policy forms part of the Council’s commitment to employee wellbeing and is one of the mechanisms through which the Council will seek to help employees maintain health and wellbeing in the workplace. However ultimately if an employee has periods of sickness, either long term or shorter bouts, that reach the triggers set out then action will be taken to address this.

The Council will ensure that the Equality Act 2010, prohibiting unlawful discrimination on the grounds of disability, is fully adhered to in the carrying out of this policy (see paragraph 12.4).

We will work closely with Occupational Health, subject to agreement with the employee, to ensure their advice and support is provided where necessary.

**2.0 Supporting Factors**

The policy is underpinned by the following principles:

* All sickness absence is presumed to be genuine and matters raised relating to an employee’s attendance does not imply any distrust of staff or concerns regarding their conduct.

Consistency and fairness are important but each situation may be different and will be viewed individually with sensitivity across the organisation. In particular see 12.4 below, “Disability/Reasonable Adjustments. HR will work closely with managers and employees to give advice and support on all matters relating to the management of sickness absence.

* All cases of ill health will be handled sensitively and constructively with due regard to confidentiality. Medical information will be treated in confidence.

* Employee absence will be dealt with in a way that is non-discriminatory and in accordance with the Council’s commitment to equality.
* Where work or non-work-related issues may be contributing to a poor health record or attendance the Council will be supportive and where operationally possible and appropriate consider changes to current working arrangements.
* Absence triggers are not calculated on a pro rata basis for part time staff as the loss of actual working time (in hours / days) is the same regardless of working pattern.

Absence due to a life-threatening condition, a terminal illness or treatment for cancer or a suspected cancer diagnosis will not normally be included in the absence management process

**3.0** **Scope of the Policy**

This policy applies in full to all employees following their probationary period.

If sickness absence issues arise during the employee’s probationary period the provisions of the Probationary Disciplinary & Contract Termination Procedure will apply, rather than this policy: <http://intranet.chichester.gov.uk/article/32586/P#32649>

**4.0** **Stages of the Absence Management Policy**

**NOTE: Please see sections 7, 8, 9, 10 & 11 below for more detailed guidance regarding these Stages.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Stage** | **Type of Absence Management Meeting** | **Trigger Points** | **Possible Outcome** |
| Informal Stage | Documented ***Return to Work*** discussion between employee and line manager. | This meeting should take place after any absence of more than one day. | Welfare assessment.  Record of conversation saved to Trent. |
| Informal Stage | Documented ***Welfare Meeting*** between employee and line manager – to be recorded on Trent. | 7 days of sickness absence or 3 separate bouts of sickness absence. Absence giving cause for concern. | Welfare Meeting Form completed. Employee needs to be aware that this could proceed to the formal stage depending on future amounts/bouts of sickness. |
| Formal Stage | **Stage 1** (potential Formal Written Caution) | 14 days of sickness absence or 5 separate bouts of absence.  If a staff member has 4 calendar weeks (classed as long term absence) a Stage 1 Formal Meeting can be held without a Welfare Meeting beforehand (see Section 8) | Formal Written Caution may be issued (valid for 6, 9, 12 or 18 months) May require Risk Assessment or Occupational Health Referral. |
| Formal Stage | **Stage 2** (potential Final Written Caution) | No set trigger point.  Further amount of absence since previous caution issued. | Final Written Caution may be issued (valid for 12, 18 or 24 months) May require Risk Assessment. Occupational Health Referral required. |
| Formal Stage | **Stage 3** (potential Dismissal) | If the amount of absence is considered unsustainable | May result in Dismissal with notice. |
| Formal Stage | **Appeal** | Employee has the right to appeal against a caution or dismissal. | May confirm decision, reverse the action, impose a lower caution or reduce period that caution is valid. |

**5.0 Responsibilities**

5.1 Role of Employees

* All employees have a contractual duty to attend work and carry out their duties unless not fit to do so.
* All employees must follow the correct procedure for reporting absence, provide the necessary documentation and maintain regular contact with their manager.
* All employees are required to work together with their manager and the attendance management procedures such as requests to attend meetings, provide information and attend planned appointments at the occupational health service.

5.2 Role of Line Managers

Managers are required to manage sickness absence in a supportive, compassionate, consistent, proactive and fair way taking into account individual circumstances and known disabilities.

Monitoring and managing absence levels lies with the Divisional Managers, line managers and supervisors with support from HR. Managers are expected to intervene early to attempt to work with the employee to improve their attendance to maintain consistent levels of service.

Line Managers and Supervisors are accountable for the management of day-to-day sickness absence through:

* Ensuring employees are aware of their obligations including absence reporting procedures.
* Ensuring employee absence is accurately recorded on the Trent system and kept up to date.
* Undertaking Return to Work discussions with staff after more than one day’s sickness absence, maintaining a record of the discussion on the Trent system and monitoring any agreed actions.
* Managers will ensure that if there are reasonable adjustments that could be implemented to support an employee that these are investigated, implemented and monitored as appropriate.
* Managers will undertake informal and formal meetings with employees in line with the agreed stages of the policy whilst taking into account the
* individual circumstances of the case and the need to maintain consistency of approach. Maintain regular contact with staff on long term absence and undertake welfare visits where appropriate.
* Absence management meetings may take place with employees who are on long term absence prior to their return to work, providing they are well enough to participate.

5.3 Role of Human Resources

HR will work collaboratively with managers to apply this policy, providing ongoing guidance, support and advice on individual cases to help ensure that the policy is applied fairly across the Council. It is important that HR support Line Managers in dealing with potential absence cases at the earliest stage possible.

* HR will provide monthly divisional sickness absence reports and bespoke individual reports as required. The reports will only be available to the relevant manager to take into account the sensitive nature of the information relating to individual employees. All information should be kept confidential.
* HR will arrange Occupational Health referrals and reports where appropriate and ensure any recommendations are discussed with the manager.
* An HR Officer or the HR Manager will participate in stages one, two and three of the formal process and the appeal process.
* HR will work with the managers to investigate fully any appropriate reasonable adjustments for staff with a disability or other changes that could be implemented on a short term or long term basis to support the employee.

6.0 **Procedure for Reporting Sickness Absence**

If an employee is unable to attend work through sickness or any other reason they are required to:

* Telephone their line manager on the first day of absence by no later than the time when they would normally commence work or by 09.30 a.m. at the latest.
* Notification via voicemail, email, text messaging or social media is not acceptable and neither is it acceptable to leave a message outside of the line manager’s normal working hours.
* Employees must endeavour to speak to their line manager rather than leave a message with a colleague. If they can only speak to a colleague they must ensure they leave a contact number so the manager can contact them.
* Only in exceptional circumstances should someone make the call on behalf of the employee i.e. if they are too unwell to do this personally..
* When telephoning to notify their absence the employee should provide the following information:
* the reason for absence e.g. the nature of the illness,
* likely duration of the absence
* whether or not a GP appointment is being sought
* any work commitments that need to be re-arranged in the employee’s absence

The employee must update their manager on the second day of absence, unless otherwise agreed and afterwards continue to keep the manager informed as requested.

* If the employee is away for more than seven calendar days they must submit a medical certificate (fit note) to the manager on the eighth day or as soon as possible afterwards and must continue to provide certificates to cover the entire period of continuing absence. A delay in submitting a certificate may result in loss of pay.

7.0 **Return to Work Discussion (Informal) - documented** (If

Following any period of sickness absence of more than one day the manager must meet with the employee to discuss his/her sickness absence on the employee’s first day back or as soon as possible thereafter.

The aim of the return to work discussion is to assist the manager to identify if they can help the employee on their return to work and/or how to prevent a similar absence reoccurring. This would also be an opportunity to update the employee with any developments in their absence or any work issues that have arisen.

* This will be a private discussion, welcoming the employee back to work, checking on their welfare, confirming the reasons for absence and whether any additional support/reasonable adjustments are required in the short/long term.
* As this meeting is informal there is no right to be accompanied.
* The manager can identify any issues which may be impacting on an employee’s ability to attend work such as an underlying health reason or a work related reason.
* The manager will record details of the discussion on Trent (Return to Work form).
* The manager will ensure the Trent record for the employee’s absence has been closed and contains the correct dates for the period of absence.
* If a risk assessment is necessary then the manager must ensure this is completed.

If appropriate to ask the staff member to complete a Stress Management Self-assessment Form and a Wellness Action Plan (see section 12.6 below, Dealing with Stress).

8.0 **Trigger Points**

Trigger points will be used within the absence management policy to monitor absence effectively and create a consistent approach.

Almost all cases will follow the standard trigger point process and both informal and formal stages should be initiated on this basis.

However any absence that is due to a disability is managed differently as set out in section 12.4 Disability/Reasonable Adjustments below and may require reasonable adjustments to the trigger points. Advice on this can be sought from Occupational Health where needed.

Absence due to a life threatening / terminal illness, including treatment for cancer related conditions, will not normally be included in the absence management process.

In addition, if the absence is due to planned / emergency surgery this is treated differently – please section 12.8 Planned & Emergency Surgery below.

The meetings may take place whilst the employee is still absent from the workplace providing the individual is well enough to participate in the meeting. There may also be circumstances when a meeting needs to take place in the absence of the employee as set out under section 10.1 Meeting Guidelines below.

The following trigger points are applicable:

* **Welfare Meeting** (Informal) – 3 separate bouts of absence or 7 days of absence in any twelve month period.

**If the level of absence increases and reaches the next trigger point then formal steps will normally be taken:**

* **Stage 1 Absence Management Meeting** (potential Formal Written Caution) – 5 separate bouts of absence or 14 days in any twelve month period. This will apply to all absences unless there are exceptional reasons why a caution should not be issued.
* **Stage 2 Absence Management Meeting** (potential Final Written Caution)
* **Stage 3 Absence Management Meeting (**potential Dismissal)
* **Long term absence**
* This is generally classified as **four consecutive calendar weeks**. This is applicable to all employees and **not pro rata** for employees working part time.
* It is preferable for a Welfare Meeting to have taken place. However, where a staff member has been off work for over four weeks in a block a Stage 1 formal Absence Management Meeting can be held even if the informal stage, the Welfare Meeting, has not taken place. This meeting may take place whilst the employee is still absent from work (please see guidance under 10.1 Meeting Guidelines if the employee is not well enough to participate). Full consideration of the welfare and health needs of the employee, with a referral to occupational health if appropriate, would form a part of this process. Where an employee is returning to work after a longer term period of absence, a return to work programme should be discussed and implemented as necessary.

Once the initial trigger (3 separate bouts of absence or 7 days of absence as above) has been reached, the employee’s previous sickness absence prior to the assessment period of 12 months may also be taken into account.

9.0 **Welfare Meeting (Informal)**

A meeting between the manager and employee will be arranged if an employee’s sickness absence has been either:

* **7 days or more in the preceding twelve months. or**
* **3 or more bouts of absence in the preceding twelve months.**
* As this meeting is not a formal part of the policy the meeting will normally be attended by just the employee and their line manager – the employee does not have the right to be accompanied.
* The meeting is intended to be supportive offering the services of both the manager and HR to help in resolving any recurring health problems and improve the attendance record. The manager will discuss what support may help in improving attendance such as the Employee Assistance Programme (EAP), support from the Wellbeing Team or Occupational Health. It may also be appropriate to complete the self-stress management assessment form and the wellness action plan.
* The manager will ensure the employee is aware of the impact that high levels of absence can have on the Council’s operational effectiveness and impact on other team members and the work of the service.
* The manager will allow the individual an opportunity - to discuss the reason for the absence(s).
* The manager will record the meeting in writing and save a copy to the employee’s Trent record.
* The manager will explain that the individual’s absence will continue to be monitored and the decision may be taken to implement a programme of support meetings to review attendance levels as well as discuss options for assisting the employee.

10.0 **Formal Absence Management Meeting Process – Applicable to Stages 1, 2, 3 and the Appeal Process**

The employee will be required to attend a formal absence management meeting when the frequency and/or duration of their absences have reached a trigger point. Any prior formal cautions that remain in force will be considered as well as the employee’s medical condition and/or disability. For stages 2 and 3, where there has been no pre-existing trigger point set, the manager will decide on the appropriate point to commence the next stage in the formal process on a case by case basis in consultation with HR.

The formal process for all sickness absences consists of three stages. An employee has a right of appeal after each formal stage. Stage 3 could lead to the dismissal of the employee and the notice arrangements must be in accordance with this policy (see section 11.3).

10.1 **Meeting Guidelines**

* The meetings will be organised by HR. The meeting will be conducted by a nominated manager, usually the employee’s line manager or a more senior manager within the service. A member of the HR team at HR Officer level or above will normally be present and play an active role at the meeting.
* The employee will be given **not less than two working days’ notice in writing of the meeting arrangements** and greater notice will usually be given**.** The letter, sent by HR, will outline the level of absence and shall be accompanied by a copy of this document along with other relevant documentation that may be discussed e.g. the employee’s absence record, copies of file notes; Absence Management Interviews and medical reports.
* The letter will inform the employee of his/her right to be accompanied by a work colleague or a Trade Union representative.

In line with the provisions of the Employment Relations Act 2004 the employee’s work colleague or a Trade Union representative may address the meeting in order to put the employee’s case; sum up the employee’s case; respond on the employee’s behalf to any view expressed at the meeting and confer with the employee during the meeting. The representative does not however have the right to answer questions on the employee’s behalf. Before the formal meeting takes place the employee should inform HR who they have chosen to accompany them.

Employees who are asked to accompany a colleague will be given reasonable time off to prepare for and attend meetings in agreement with their manager.

Other external representation will not normally be allowed at any of the formal stages.

* The meeting can be arranged to take place whilst the employee is on sick leave.
* It can be arranged to hold the meeting at the employee’s home, or other agreed neutral venue, or via video conferencing (e.g. Microsoft Teams or Zoom) as whilst the employee may not be well enough to attend work they may be sufficiently well for a meeting to proceed at their home or elsewhere.
* If the employee is ill and unable to attend the meeting, requests more time to prepare for the meeting or if their representative is not able to attend the meeting it will be re-arranged. In these circumstances it is likely that it will only be re-arranged once. The employee will be notified that further requests for a deferment may be refused and that, in the absence of the employee at future re-arranged meetings, the meeting may be held in his/her absence. Where these circumstances arise advice from HR should always be sought.
* If the employee is unable to attend the meeting due to illness as above and would like to submit written representations for the panel to consider and / or in their absence have their union representative or work colleague speak on their behalf they should advise HR about this.
* There is a requirement for notes to be taken at any stage of the formal process.

Both parties should be aware that the notes taken will not be verbatim. The employee can receive a copy of the notes on request.

No recording equipment will normally be permitted at any stage of the process. This includes mobile phone devices.

* The absence management meeting will consider the employee’s attendance record and all relevant factors and will determine what action is required.

10.2 **Meeting Process**

* The manager will explain the purpose of the meeting and ensure that the available information is properly discussed. The manager must ensure that all factors which might be taken into account in the decision are disclosed during the meeting.
* The manager will give the individual the opportunity to discuss their absence(s) and ensure they have the chance to ask relevant questions and present their own views to the panel. The manager must allow reasonable opportunities for the employee to consult his/her accompanying union representative.
* The manager will discuss what support is available and may be appropriate for the employee such as temporary work arrangements, changes to working hours or days, temporary changes to duties and any reasonable adjustments that can be made in respect of an employee with a disability. Obtaining advice from occupational health and support from the Wellbeing team or Employee Assistance Programme (EAP) should also be discussed where relevant.
* The manager will explain what may happen next if their sickness absence does not improve.
* At the conclusion of the meeting, the manager will adjourn the meeting to consider whether it is appropriate to issue a caution as detailed below. He/she will then reconvene the meeting to announce the decision. Every effort will be made to reach a decision on the day of the meeting but if this is not possible the meeting will be adjourned. The adjournment will be as brief as possible and the meeting re-convened at the earliest opportunity.

11.0 **Issuing a Caution**

A formal caution will normally be issued unless there are exceptional mitigating circumstances why this would be inappropriate. The decision about whether or not a caution should be issued must be made by the manager in consultation with HR.

The purpose of the caution is to notify the employee that their absence however genuine and unavoidable has had an impact on the team and service. It must be noted in a formal manner that the level of absence cannot be sustained indefinitely if the Council is going to continue to provide the level of service required. It should also be noted that significant further absence may lead to a caution or to dismissal in cases where a Stage 2 final written caution is live.

The levels of action that can be taken under this policy are as follows:

**11.1 STAGE 1 – FORMAL WRITTEN CAUTION**

Trigger point: 5 separate bouts of absence or 14 days in any twelve month period.

* The Caution where issued will be confirmed in writing to the employee within 7 working days of the conclusion of the formal meeting and will state the reason for its issue, details of any improvement required and confirmation of the consequences of a re-occurrence or failure to improve.
* A Stage 1 Formal Written Caution will normally be issued and remain valid for a period of 6, 9 or 12 months but not to exceed 18 months. If an additional pattern of unacceptable sickness absence occurs whilst a Stage 1 caution remains live, the employee maybe required to attend a further absence management meeting. This may lead to a formal stage 2 caution.
* The Caution will remain valid until its expiry date, at which time, provided the employee’s attendance has improved to a satisfactory level it will not be taken into account in any future absence management proceedings.
* The letter will contain details of the employee’s right of appeal.

**11.2 STAGE 2 – FINAL WRITTEN CAUTION**

Trigger point: If a Stage 1 Formal Caution is in place and an additional pattern of unacceptable sickness absence occurs, a further meeting will be held to consider if a further caution is necessary.

* The Caution will be confirmed in writing to the employee within 7 working days of the conclusion of the formal meeting and will state the reason for its issue as well as details of any improvement required.
* The letter should make it clear that dismissal is a likely consequence if the employee’s attendance does not improve and reach a satisfactory level and the improvement is sustained.
* A Stage 2 Formal Written Caution will normally be issued to remain live for a period of 12, 18 or 24 months.
* An Occupational Health referral may be made at this stage to get medical advice (see section 12.3 below).
* The Caution will remain valid until its expiry date, at which time, provided the employee’s attendance has improved to a satisfactory level or is not causing concern it will not be taken into account in any future absence management proceedings.
* The letter will contain details of the employee’s right of appeal (see section 11.4 below).

**11.3 STAGE 3 – DISMISSAL**

If a Stage 2 Final Written Caution is in place and an unacceptable pattern of further sickness absence occurs an employee can be fairly dismissed. This may be as a result of persistent short-term absence or a long-term medical condition that is causing the staff member to be absent.

An Absence Management meeting that may result in dismissal will normally be carried out by a Divisional Manager or Director. Exceptionally this may be delegated to a manager one level below.

The manager and / or HR will:

* Ensure that the medical position as far as it relates to the employee’s capacity to attend for work has been fully investigated and considered based on the available information and ensure that an occupational health report has been received during the process.
* Ensure that the employee has been provided during the process with the opportunity to receive support including, if appropriate, temporary work arrangements, or reasonable adjustments as well as access to the Employee Assistance Programme (EAP).
* If the manager concludes that dismissal is appropriate, it will be on the grounds of failing to meet the contractual obligations due to reasons of sickness absence.
* Notice will always be given, but the employee may not be required to work during their notice period.
* The letter to confirm dismissal will normally be dispatched within 5 working days of the conclusion of the disciplinary hearing and will confirm whether or not the notice period is to be worked. The staff member’s appeal rights must be described.
* Before the decision is taken to dismiss, a thorough review of the employee’s sickness absence record, including the number of days sickness and the reasons for absence, must have taken place during the formal Absence Management meeting.
* Dismissal letters will be prepared in consultation with HR and will normally be signed by a Divisional Manager or Director. All other outcomes and Cautions will be confirmed in letters issued by HR.

**11.4 APPEAL**

* Should an employee wish to appeal against a Caution or Dismissal, he/she must write to the Director of Corporate Services within 10 working days of the date of receipt of written notification of Caution or Dismissal. The appeal must be made in writing and should clearly state the grounds for appeal.
* The Director of Corporate Services or other nominated officer will convene an Appeal Panel, normally within 28 working days after receipt of the letter of appeal, at which the member of staff will present his/her grounds of appeal and may be accompanied by a work colleague or Trade Union representative (Shop Steward or Full-time official).
* For action up to and including a Final Written Caution, the Appeal Panel will normally consist of a Divisional Manager and senior member of HR. In the case of an appeal at CCS the CCS Divisional Manager may, in certain circumstances delegate the Operations Manager CCS to hear the appeal if deemed appropriate. Members of the original panel that issued the Caution being appealed against cannot be members of the Appeal Panel.
* For action resulting in Dismissal, the Appeal Panel shall consist of one member of the Corporate Management Team and a senior member of the HR team. Members of the original panel that dismissed the employee cannot be members of the Appeal Panel.
* Any Director or Divisional Manager or other officer nominated by the Director of Corporate Services may be selected to sit on an Appeals Panel.
* The employee and / or their representative should present their grounds for making the Appeal to the Appeal Panel. The Appeal Panel must ensure that both parties are provided with the opportunity to present their views to the panel about all the issues raised. Either side may raise any issue relevant to the case. It is the Panel’s responsibility to ensure that it sufficiently tests the information presented to it prior to making its decision. New information can be presented and will be considered. New documentation or information to be introduced at the Appeal must normally be made available by both sides to all parties at least two working days before the Appeal hearing.
* The Appeal Panel may confirm or reverse the action taken by management, impose a lower level Caution or reduce the period for which the Caution is valid.
* The Appeal Panel’s decision will normally be notified to the employee within 10 working days (5 working days if an Appeal against Dismissal) of the conclusion of the appeal hearing. The Panel’s decision will be final subject to the employee’s statutory rights.
* If following an appeal against dismissal the employee is re-instated he/she will be re-instated without a break in service.

12.0 General guidance – sickness absence

12.1 Monitoring

After any formal Caution has been issued, the manager will be expected to monitor the employee’s absence during the period following the meeting and they may implement a programme of monthly support meetings where this assists the situation to review attendance levels and the options for assisting the employee. Notes of all such meetings should be kept by the manager. All records must be kept confidentially and securely.

12.2 Home Visits

In appropriate circumstances, staff from HR and / or the employee’s manager may visit an employee at home by agreement with them to discuss progress towards recovery and to assist in any other way. Such welfare visits will normally be for absences of two weeks or more but may also be carried out for employees who have experienced high levels of short-term illness.

12.3 Occupational Health

Provided that there are reasonable grounds to believe that a serious health issue exists or that the staff member has had a significant amount of sickness absence, the Council is entitled at any time to require an employee to undergo a medical examination by a medical practitioner appointed by the Council.

HR may refer an employee to the Council’s occupational health service who can request a face to face or telephone consultation with the individual. They may also request a report from the employee’s GP, with the written consent of the employee. The employee has the right to see any report from their GP before it is sent to the occupational health service.

If the staff member declines to participate in the Occupational Health process, the Council would then have to proceed with managing the situation on the basis of the more limited information available.

Depending on the circumstances, an occupational health report will often be obtained between Stages 1 (formal written caution) and Stage 2 (final written caution) of this policy.

In cases where the employee has a known disability, or informs the Council of this, which may be relevant to their employment and / or the amount of sickness absence that they are incurring, an Occupational Health report should normally be obtained before the second formal Caution stage is reached.

Prior to any formal consideration of Dismissal under this policy, an occupational health report would be obtained if this has not been done already. This would apply whether or not the employee had a recognised disability in order to ensure that we were aware of any underlying medical condition or disability and giving proper consideration to it if this was the case. However if the employee declines to attend or cooperate with Occupational Health then we would need to proceed to a decision without their input.

12.4 Disability/Reasonable Adjustments

The Council will ensure that the Equality Act 2010, prohibiting unlawful discrimination on the grounds of disability, is fully adhered to in the carrying out of this policy. Where an employee has a disability that affects their ability to attend fully for work, the formal stages of this policy would still apply but higher levels of related sickness absence may be accepted depending on the individual circumstances i.e. it may be justifiable to accept more sickness absence in one case than it would be in another.

If the employee has a recognised disability and a formal Caution is being considered then their disability related sickness absence should be distinguished from their non-disability related sickness absence but this will not preclude action being taken under the Absence Management Policy.

If an employee becomes disabled or their disability becomes more significant, the Council are under a legal duty to consider making reasonable adjustments to enable the employee to carry on working in their role and where possible remove any identified disadvantage. Full consideration of the requirements to make reasonable adjustments for any employee with a disability would take place where this was relevant. It may be necessary to seek the opinion of occupational health and /or external organisations such as Access to Work on disability related issues and explore options for reasonable adjustments to support the employee.

Assistance to the employee may include changes to the workplace environment or equipment used, either on a temporary or permanent basis as detailed below:

* Further training and support.
* Re-allocation of some duties to another employee where appropriate
* Alteration to working hours
* Phased return to work following sickness absence.
* Redeployment

12.5 Maternity related sickness absence

Managers need to ensure that employees are not discriminated against as a result of

maternity related sickness. Managers are not required to take formal action due to maternity related sickness absence under this procedure.

12.6 Dealing with Stress

The Council recognises that stress can be a common and sometimes unavoidable feature in the lives of many people both at work and in their personal lives. Stress can also be the root cause of mental ill health, especially anxiety and depression.

Employees should, where possible, let their managers know they are suffering from stress at the earliest opportunity. Early intervention allows managers to provide support quickly, and access the relevant advice and guidance so that any issues at work which may be contributing to stress levels are resolved.

When an employee informs their manager that they are experiencing stress they should ask them to complete the Stress Management Self-Assessment Form, which they are encouraged to share with the manager, and work together with the aim of resolving if possible any identifiable causes of stress in the workplace. A Wellness Action Plan is also available to be completed to identify what keeps an individual well at work and what support can help them to do so. For the Wellness Action Plan to be effective it should be shared with the manager.

For all cases where absences may be attributable to work related stress, the manager and employee should try to work together, ideally before the employee returns to work, to identify and if possible, alleviate any causes of stress at work. This could facilitate an earlier return to work than might otherwise have been expected. Further support is available from HR and Occupational Health whether the employee is absent from work or not.

Where stress has been identified as a current feature in the life of an employee and it is having a detrimental effect, managers should bring to their attention the confidential Employee Assistance Programme, which is available to all staff, and other stress management tools such as the Stress Management Self-assessment and the Wellness Action Plan. Full details are on the staff Intranet <http://intranet.chichester.gov.uk/article/32950/Work-Life-Balance>

* 1. Mental health

Managers should ensure they manage mental health issues and are able to:

* recognise some of the [common signs and symptoms of mental ill health](https://www.acas.org.uk/index.aspx?articleid=6064#Spot the signs of mental ill health)
* know when and [how to intervene](https://www.acas.org.uk/index.aspx?articleid=6064#Talking to a team member who may be experiencing mental ill health)
* know what additional support is available for them and the employee within the organisation.

Please see HR or consult the Wellbeing team for further advice on mental health and how to support the team member.

12.8 Planned and emergency surgery

If an employee knows in advance that they are going to be absent because they have to go into hospital to undergo surgery, then they should discuss their absence in advance with their manager. Managers should discuss contact arrangements with employees before the start of their planned absence.

Equally staff may need to have an unplanned or emergency surgery.

In either of these circumstances staff may reach the Council’s absence trigger points. If however they return to work within the post-operative recuperation period given by the hospital or their doctor formal steps under this policy will not normally apply where this was the first operation needed for the condition concerned. The recovery period should be shown on the medical certificate provided. A Welfare Meeting would however normally take place.

Where a formal meeting is needed, then the staff member will be contacted at the appropriate time to arrange an absence management meeting. Managers will need to use discretion as to the timing of this meeting to ensure the employee is well enough to attend.

Both Welfare and more formal meetings will be used to discuss with employees how they might best be supported (e.g. referral to OH, any reasonable adjustments) to enable them to return to work when they are well enough.

12.9 Self-Certification

Self-certification applies up to and including the seventh calendar day of absence with a doctor’s certificate being required from the eighth consecutive day of absence.

The line manager or supervisor should ensure they complete the details on Trent when the absence begins and ensure they input the end date otherwise the absence will remain ‘open’.

The Council is entitled to require any employee to obtain a medical certificate from his/her doctor at any time, irrespective of the duration of absence. However, if the duration of absence is less than seven days, the Council will in these circumstances refund any reasonable costs involved in obtaining a certificate.

12.10 Illness whilst at work

If an employee becomes ill whilst at work and they subsequently need to leave work, the remainder of the working day will be recorded as sickness absence to the nearest half day. The manager must be notified before the individual leaves and will record the information onto the Trent system.

12.11 Remote Working/Taking Leave

If a staff member is unwell and not able to attend work as a result of illness then ordinarily this is classed as sickness absence and should be recorded as such in the normal way.

There may be occasions when in these circumstances the staff member requests to work from home or to use some leave (annual leave, flexi-time or accrued TOIL) instead of the time being recorded as sickness absence.

There is no entitlement for a staff member to either work from home or use leave in a situation of being unable to do their planned day’s work (whether in the office, on site, attending events etc.) due to illness.

However where the staff member proposes one of these options to their manager then he / she does have the discretion to accept this if this is operationally preferable, for example where the staff member is unable to access the office but is otherwise able to perform their work duties adequately from home e.g. because of a sprained ankle or foot injury. Any illness that affects the ability to perform the duties of the role should be recorded as sick leave.

If a staff member is unable to perform their normal duties from home or is missing a key event (meeting, presentation or other event that they are critical to) in the above circumstances, it is highly unlikely that it would be appropriate to agree with them home working or non-sickness leave.

Please also note that in no circumstances should a staff member work from home, or in the office, whilst signed off as medically unfit for work. Apart from any other factors, they would not be covered for insurance purposes.

Separate to this there may also be circumstances where following a personal risk assessment working remotely is agreed as a temporary arrangement because of a staff member’s physical or other health condition.

12.12 Sickness absence during annual leave

In the event of an employee falling sick during annual leave, a doctor’s certificate (fit note) will be required stating ‘unfit for work’ to reclaim lost annual leave. On production of the certificate the absence will be regarded as sick leave from the date indicated on the statement and the annual leave will be re-credited.

12.13 Phased return to work

On advice from a GP or Occupational Health a phased return to work can be organised to assist an employee following a period of sickness absence to return to their normal working hours of work. A phased return will normally be carried out for a period of up to 4 weeks with the employee returning to their normal hours of work at the end of this period. Phased returns would not normally be for more than four weeks and if this applied Occupational Health advice may be required. Sickness absence incurred as a result of a phased return to work would not normally trigger of itself a further formal caution unless it was or became very extensive.

The hours not worked as part of the phased return will be recorded as sick leave and paid accordingly.

12.14 Sick Pay

If employees are absent on sick leave for a long period of time or if they have persistent bouts of short-term sickness absence their employment may be terminated before they have exhausted their entitlement to occupational sick pay.

It is not Council policy to ensure the full entitlement to occupational sick pay has been used before employment can be terminated if that becomes necessary.

12.15 Confidentiality

All information relating to individual sickness absence will be treated as confidential and will only be available to line management within the employee’s directorate, the employee and HR.

Access to medical records is restricted to Occupational Health who will ensure that medical information remains confidential. Sickness certificates, absence and interview records are restricted to HR and Payroll (who hold the data) and Managers/Divisional Managers on a need to know basis.

Employees may request that their medical condition is kept confidential from their managers due to its highly sensitive nature and HR / Payroll will respect this unless there are overriding health & safety reasons for disclosure. In these circumstances the staff member would be advised of this before any disclosure of the condition.

The GDPR regulations provide security for the protection of both manually held and computer information.

12.16 Legislation and Codes of Practice

* Health and Safety at Work etc. Act (1974) as amended
* Data Protection Act (1998)
* Access to Medical Records Act (1990)
* Equality Act 2010
* General Data Protection Regulations (GDPR) 2018
* ACAS Code of Practice Disciplinary & Grievance Procedures (2018)
* Disability Discrimination Acts

Whilst employees at Chichester Contract Services have different sickness absence payment schemes and sickness reporting requirements, in accordance with locally determined terms and conditions, this policy applies to the management of sickness absence for all employees.

12.17 Trade Union Representative

If the formal stages of this procedure are being applied in relation to an accredited trade union representative, the appropriate Regional Office must be informed prior to any action commencing.

13.0 Other relevant guidance

13.1 Medical appointments

All staff are encouraged to make non-urgent routine medical appointments (doctor, dentist, hospital etc.) outside of their normal working hours wherever this is possible.

In those cases where appointments can only be made in working hours, staff will be allowed reasonable time-off.

In those cases where appointments can only be made in working hours, staff will be allowed reasonable time-off. Ordinarily such appointments should be absorbed within the flexi-time system i.e. the time lost should be made up. However longer medical appointments can alternatively be recorded as sickness absence e.g. all day or half day hospital appointments and this is encouraged for these.

The employee must inform their line manager of any appointments in advance where possible. The employee should also bring in their appointment notification when requesting time off to attend an appointment if requested by their line manager.

The employee should only record the actual hours worked on that day.

There will be no sick pay for operations related to self-elective cosmetic surgery. However, some surgery of this type, such as that carried out for psychological or reconstructive reasons, may qualify for sick pay depending on the specific circumstances. Any unexpected complications from cosmetic surgery causing a period of absence would be paid.

Staff will not have sick pay withdrawn if injured following involvement in a  
particular sporting activity or similar. However, where a repeated pattern of  
sickness/injury resulting from undertaking an activity outside of work is identified, and  
the activity is repeated against doctor’s orders, then the Council will reserve the right  
to limit or withdraw sickness payments following consultation with the employee.

IVF Treatment: Although there is no statutory right for employees to take time off work for IVF treatment, medical appointments related to IVF will be treated the same as any other medical appointment.

From the time of the embryo transfer stage, this will be treated as pregnancy.

Further advice can be obtained from HR.

13.2 Absence from work

If an employee needs to be absent from work urgently there are several options available.

The Council will aim to be flexible in reviewing requests under these headings to meet urgent needs for absence, subject to operational demands. There are also certain statutory rights (under Time-Off for Dependants legislation) to short-term unpaid leave to assist dependants (usually family members within the same household). HR can provide advice on this.

* **Annual leave** –
  + **Buying and Selling Annual Leave -** An employee can choose to buy a maximum of 5 days annual leave (or the equivalent hours of one contractual week for employees who work part time and non-standard hours) in each leave year. Please see e-Staff Handbook; <http://intranet.chichester.gov.uk/article/32638/Leave-buying-and-selling>

* + An advance of the following year’s annual leave may be granted in agreement with the line manager.
* **Flexitime scheme**
  + Most staff are eligible to participate in this scheme which allows staff to potentially accrue an extra day’s leave or two half days’ leave every 4 weeks. Please see e-Staff Handbook; <http://intranet.chichester.gov.uk/article/32578/F#32625>
* **Unpaid Leave** –
  + There are situations where unpaid leave can be used in agreement with the line manager and subject to operational requirements.
* **Compassionate leave**
  + Paid leave for compassionate purposes will normally relate to the death or serious illness of an immediate relative. Requests should be made to the line manager. Depending on the circumstances, the normal maximum period of compassionate leave is 5 days.

Please also refer to the e-Staff Handbook ‘Leave’ section; <http://intranet.chichester.gov.uk/article/32636/Leave>

13.3 Capability

Issues relating to job performance should be dealt with through the council’s Capability Procedure <http://intranet.chichester.gov.uk/article/32575/C#32605>. If the employee’s sickness/health or attendance means that they cannot attend work regularly then the provisions of this policy will apply. If their health means that they are able to attend work but are unable to do their job then the Capability Procedure may be applied as well as or instead of the Absence Management Policy.

January 2022