

Report of	Meeting	Date
Director (Policy & Governance) (Introduced by the Executive Member for Resources)	Executive Member Decision	August 2018

EMOTIONAL WELLBEING POLICY

PURPOSE OF REPORT

- To present the new Attendance Policy, for Executive Member consideration and approval.

RECOMMENDATION(S)

- That the policy outlined is adopted.

EXECUTIVE SUMMARY OF REPORT

- This report seeks to highlight changes made to the process for managing employee sickness absence and the reasons for these changes.
- The Attendance Policy (appendix A) outlines an entirely new approach to managing absence; a capability process which incorporates both long and short term absence.
- Analysis of 2017/18 absence data, focus group work with managers, SMT comments, and feedback from Unison were considered when developing this policy.
- It has been identified that a key area of work will be manager training. A training plan will be developed and support will be provided by HR Services.

Confidential report Please bold as appropriate	Yes	No
Key Decision? Please bold as appropriate	Yes	No

Reason Please bold as appropriate	1, a change in service provision that impacts upon the service revenue budget by £100,000 or more	2, a contract worth £100,000 or more
	3, a new or unprogrammed capital scheme of £100,000 or more	4, Significant impact in environmental, social or physical terms in two or more wards

REASONS FOR RECOMMENDATION(S)

(If the recommendations are accepted)

7. The policies form part of the Human Resources updated policy framework that ensures that the Council adheres to current legislation and continues to be a proactive employer.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. Not to accept the updates to this HR policy would mean the Council is not in a position to proactively manage sickness absence.

CORPORATE PRIORITIES

9. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	x

ATTENDANCE POLICY

10. In February 2018, against a backdrop of above target sickness absence at Q3 2017/18, SMT agreed to a full review of the Attendance Policy. The 2018 Attendance Policy (Appendix A) incorporates a new approach to managing absence.
11. The 2016 Attendance Policy divides sickness absence into two categories; long term absence and short term absence with two discrete processes. Short term absence is managed as a conduct issue, with warnings issued to employees for repeated and/or extended periods of short term sickness. Long term absence is managed as a capability issue with notifications issued at fixed timescales leading to a medical capability hearing at a defined point of 26 weeks of absence.
12. As the two processes do not interact there is no opportunity to address absence issues which involve both long and short term absences. This has been highlighted as a concern by manager focus groups and is illustrated by absence cases.
13. The new approach to absence management is based on the premise that all absence has a detrimental impact upon service delivery and that through being absent an employee is unable to provide regular and efficient service. All absence can therefore be dealt with as a capability issue under one process.
14. The 2018 Attendance Policy process provides managers with more opportunities to address problematic absence, including employees who have

a combination of long and short term absences, absences at the same time each year, or absences which repeatedly fall slightly short of reaching an action point. Reasonable adjustments can be implemented for employees with a disability.

15. Manager focus groups expressed concerns that employees could be actively disengaged and recent absence cases provide examples of employees who do not take responsibility for their health. Through setting action plans with employees the onus is placed upon them to take action to improve their attendance. Action plans can be tailored to the needs of the individual, their diagnosis and their anticipated recovery whilst HR involvement will ensure that consistency is maintained.
16. The policy specifically excludes any employee with a diagnosis of a terminal illness from the attendance process. This enables Chorley Council sign the Dying to Work Charter.
17. The policy defines the role of occupational health and employees obligations to attend. It also provides additional information about the GP "fit note" clarifying that government guidance permits the employer to give precedence to occupational health advice over that of the GP.
18. Unison feedback and response is provided at Appendix B. In response to this feedback the Bradford Factor action point has been removed. Our belief is that this does not have a negative impact on the overall policy.
19. HR will continue to generate accurate statistics on employee absence. It is intended that managers should work to identify attendance issues within their services and pro- actively manage these.
20. In August SMT training for managers was discussed. It is proposed that training is delivered through a blended learning approach which will incorporate a one hour session delivered internally by HR services, followed by a knowledge test on Emerge (the in-house E-Learning portal). Additionally there will initially be a high level of HR support provided to managers although it is anticipated that this will reduce once the policy is embedded.

IMPLICATIONS OF REPORT

21. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services
Human Resources	X	Equality and Diversity
Legal		Integrated Impact Assessment required?
No significant implications in this area		Policy and Communications

COMMENTS OF THE STATUTORY FINANCE OFFICER

22. No comments.

COMMENTS OF THE MONITORING OFFICER

23. No comments.

Report Author	Ext	Date	Doc ID
Hollie Walmsley	5372	08/08/2018	

Following careful consideration and assessment of the contents of this report, I approve the recommendation(s) contained in Paragraph 2 of the report in accordance with my delegated power to make executive decisions.



28.08.18

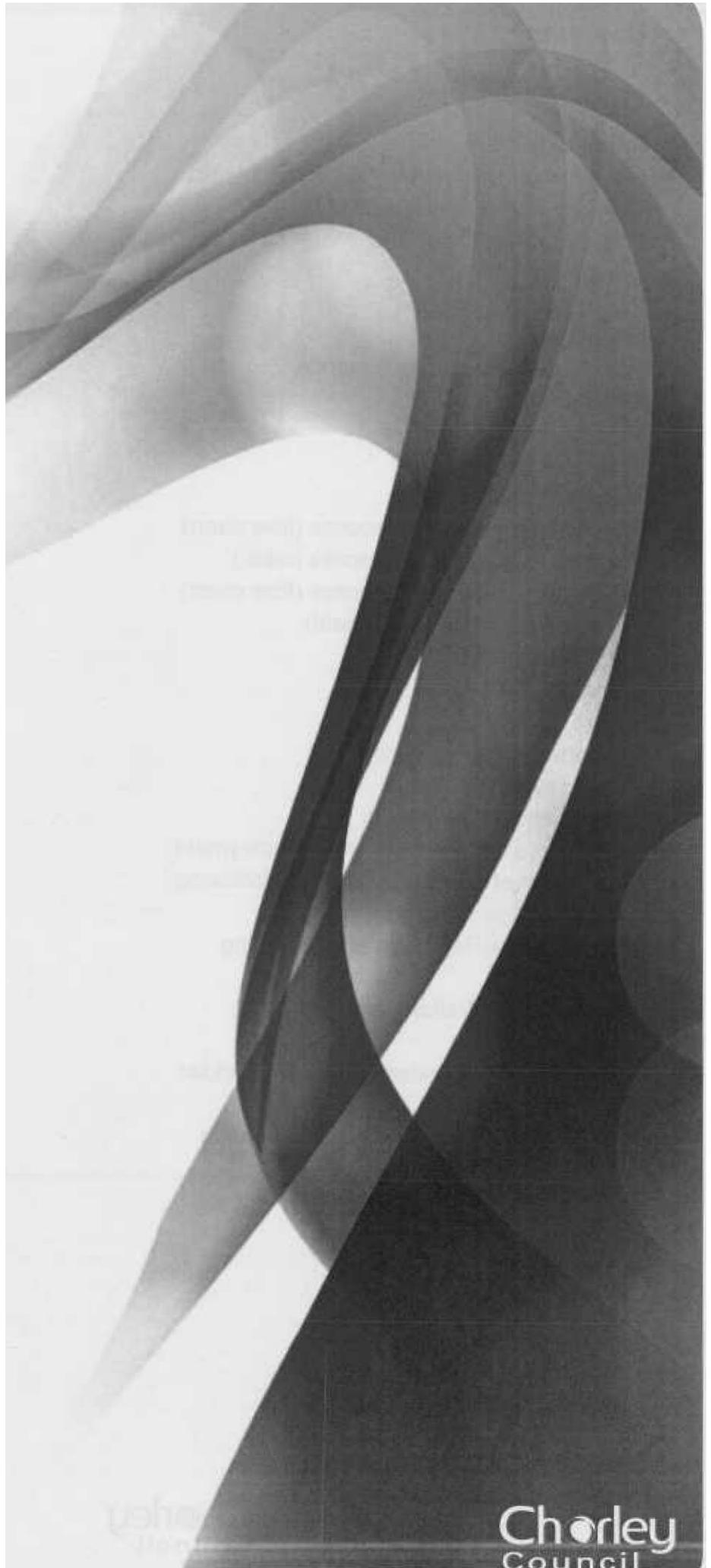
Dated

Councillor Peter Wilson
Executive Member for Resources

Attendance Policy

Working together to provide
an excellent service by being

dedicated
versatile
n ■ ■ ■ ■



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Policy objective

Chorley Council values the contribution of its staff in the delivery and maintenance of quality services to the community. Whilst recognising that employees may be prevented from attending work through ill health, the Council has a duty to maintain service delivery and minimise disruption. The Council is therefore committed to managing attendance and sickness absence and believes that this is the responsibility of the Council's managers, trade union representatives and employees to work together to promote an attendance culture.

Chorley Council's responsibilities

The following principles apply to the Council's procedures for dealing with sickness absence:

- Good attendance is valued and all opportunities should be taken to acknowledge and recognise such attendance.
- Matters raised relating to an employee's attendance do not imply any distrust of staff or concerns regarding their conduct.
- Issues will be consistently managed and this policy will be fairly applied across the Council.
- The Council will promote a positive and preventative rather than a punitive approach.
- The Council will be sensitive and supportive to those suffering the effects of ill health.
- Sickness and absence cases will be conducted with respect and confidentiality and in accordance with General Data Protection Regulations and Access to Medical Records Acts.
- Open communication between managers and employees will be encouraged and promoted.
- The Attendance Policy and Procedure will be monitored and reviewed to ensure that it continues to meet the Council's aims and complies with these principles. Staff and trade union representatives will be encouraged to be involved in this process

In order to support this policy, the following services are available to managers and employees:

- Occupational Health – to provide support and guidance on the impact of ill health on work and what steps the Council and/or employee can take.
- Emotional Wellbeing support – please refer to the Emotional Wellbeing policy. Which aims to support the mental health of employees and reduce workplace stress.
- Physiotherapy Services – to provide treatment and advice to employees suffering from muscular or skeletal problems.
- HR Services – to provide support and guidance to managers and employees in dealing with sickness absence and ill health and in the use of the Council's related policies and procedures.

Manager responsibilities

Managers are expected to:

- Review employee attendance on a regular basis.
- Apply the policy fairly and consistently.
- Be aware that the management of attendance is the joint responsibility of the manager and employee.
- Follow procedures for the prompt recording of absences.
- Maintain contact with the employee during periods of absence.
- Follow the absence management process.
- Consult with HR Services as needed.

Employee responsibilities

Employees are expected to:

- Attend work unless unfit to do so.
- Be aware that the management of attendance is the joint responsibility of the manager and employee.
- Take responsibility for their own health and wellbeing.
- Raise concerns with their manager or Human Resources if they believe their job is making them ill or contributing to illness.
- Report sickness absences promptly in accordance with the reporting and recording absence process (appendix A).
- Ensure that appropriate certifications are completed, in accordance with the procedure.
- Maintain contact with their manager during periods of sickness absence.
- Communicate effectively with their manager about their sickness absence.
- Co-operate fully with Occupational Health (OH) and other organisations that provide support to the Council and its employees.
- Ensure that medical advice and treatment, where appropriate, is received as quickly as possible in order to facilitate a return to work.
- Not do anything which could have an adverse effect upon their return to work.
- Not abuse the sickness absence procedures or sick pay scheme.

Outcomes

The objective of the Council is to achieve:

- A healthy, well-motivated workforce.
- A culture where the health, safety and wellbeing of all employees is paramount.
- Accurate and timely production of statistics to meet government and the Council's targets.
- A consistent approach to managing absence whilst acknowledging that all absence has a detrimental impact upon service delivery.

Policy Procedure

Definitions

Absence is defined as all non-pre-authorized time *off* work including self certified absence and medically certified absence.

Short term absence is all absence of 20 days or fewer (pro rata).

Long term absence is all absence of 21 days or more (pro rata).

Disability is defined by the 2010 Equality Act as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities.

Occupational Health refers to the service contracted by the Council to provide advice to keep employees healthy and in work.

Terminal illness is an incurable disease that cannot be adequately treated and is reasonably expected to result in the death of the patient within a short period of time.

Procedure for reporting absence

If an employee is absent from work for any reason without prior permission it is their responsibility to ensure the Council is notified. The process outlined at Appendix A must be followed; failure to follow this process may result in disciplinary action.

If the employee has made no contact they will be classed as absent without authorisation and pay may be stopped until a suitable explanation is given. On their return to work a disciplinary investigation may be instigated and/or a deduction from salary for monies owing will be made. Employees will be notified in advance before any deductions are made.

In cases of industrial/work related injury, it is essential that employees complete the corporate accident/incident report form and inform their Manager as per procedure.

Confidentiality

Managers should treat all information provided by the individual about their absence with the utmost sensitivity and should not share details beyond the reporting requirements detailed above and with Human Resources as required. If it is established a member of staff is likely to be absent for more than a week it is good practice to ask the member of staff what details of their absence they would like to be shared with their immediate team, if any. Please note that there is no obligation on the employee to reveal the reason for their absence to their colleagues.

Medical Certification

For absences of 8 calendar days or more a "fit note" must be submitted. The "fit note" must have been signed by a doctor on or before the eighth day. All "fit notes" should be sent promptly to the Manager and received by the third day of the absence covered; these should be scanned and forwarded to HR.

If an employee does not comply with the above procedure, appropriate deductions of pay may be made. Employees may also be subject to disciplinary action.

Emergency action

The Manager may take immediate action if they believe that an employee has become unfit to continue carrying out their duties or the welfare of other employees/service users may be put at risk by the employee's condition. This action may include sending the employee home or suspending them from duty pending medical advice. Such medical suspension will be on full pay.

If an employee has become unfit to continue carrying out their duties due to a work related accident or incident, as well as immediately notifying HR, the relevant Manager must report the accident or incident to the H&S Advisor as soon as possible, using the Incident report form.

Managing absences

It is accepted that all employees will have occasional absences due to minor ailments. However, cause for concern arises when the frequency or duration of such absences is considered to be excessive, or a pattern of absences becomes apparent.

Managers will review absence levels on a formal basis when action points are reached, where there is a pattern of absence, e.g. absence on Mondays or Fridays, absence directly after annual leave and absence towards the end of the leave year, at certain times every year, or where the manager has any concerns about the employee's attendance.

Conditions which may be covered by the Equality Act 2010 will be given further consideration and where ever possible reasonable adjustments will be made.

The following absences will not be considered in relation to the action points:

- Industrial injury, providing an accident reporting form has been completed and returned to their manager
- All pregnancy related absence
- Terminal illness

Sickness absence action point¹ reached.



1st Attendance Review meeting takes place to discuss attendance issue and offer support². Employee should be informed that informal capability due to attendance is being instigated. Attendance review record (Appendix C) should be followed and the action plan agreed.

²Support options to be explored:

- Occupational health advice
- Flexible working
- Reasonable adjustments
- Emotional Wellbeing support (refer to emotional wellbeing policy)
- Redeployment
- Physiotherapy (if appropriate)

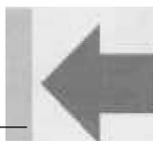
¹Examples of action points:

- 3 periods of absence within a rolling 6 month period
- 4 periods of absence within a rolling 12 month period
- 2 short term occasions totalling 10 days or more within a rolling 6 month period.
- 28 days or more of long term absence
- A repetitive pattern of absence
- Any other management concerns about an employee's attendance



2nd Attendance Review meeting takes place to assess performance against the agreed action plan. The outcome will be confirmed in writing.

If the agreed action plan has been achieved to a satisfactory standard, no further action will be required.



If the action plan has been met in part and an extension is agreed, this will be documented and a further Attendance Review will be arranged.



Where the employee fails to meet the action plan, they will proceed to an Attendance Capability meeting. The employee should be informed that formal capability due to attendance is being instigated. The Attendance review record (Appendix C) should be followed and support² offered. An action plan should be agreed.



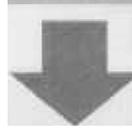
If the agreed action plan has been achieved to a satisfactory standard, no further action will be required.



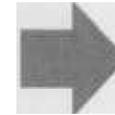
Attendance Capability Review meeting takes place to assess performance against agreed action plan. The outcome will be confirmed in writing. The employee has a right to representation.



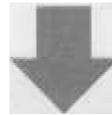
If the action plan has been met in part and an extension is agreed, this will be documented and a further Attendance Capability Review will be arranged.



Should the employee fail to meet the expectations agreed in the action plan they will proceed to a Medical capability hearing (Appendix D). The employee must be informed that a potential outcome of the hearing is dismissal. The hearing guidance can be found at appendix.



The hearing may decide to adjourn pending a further review period and support. A date for the reconvened hearing will be arranged. A final decision will be made at the reconvened hearing.



The employee is dismissed due to being incapable of carrying out the requirements of their post due to absence. This is confirmed in writing and the appeal procedure provided.



The employee meets the expectations of the review period. No further action will be required.



The employee may choose to appeal the decision. If so a Human Resources Appeal Committee will be convened (Disciplinary Policy appendix 2).

Absence management process

Stage	Manager actions
Sickness absence point reached ¹	Invite employee to 1 st attendance review meeting.
1 st Attendance Review	<p>This meeting should be conducted by the immediate line manager.</p> <p>Follow Attendance Review Record (Appendix C).</p> <p>Explore reasons for absence(s).</p> <p>Discuss support options.</p> <p>Identify attendance target and complete action plan.</p> <p>Agree a review date following advice from HR services.</p> <p>Document the discussion. Provide employee with a copy of the action plan.</p>
2 nd Attendance Review	<p>This meeting takes place at the agreed review date.</p> <p>Review performance against the agreed action plan.</p> <p>If the attendance target and action plan have been met in full no further action is required. This will be confirmed in writing to the employee.</p> <p>If the attendance target and action plan are met in part, explore the reasons with the employee. If appropriate, agree an extension and arrange a further Attendance Review meeting. Confirm this in writing to the employee.</p> <p>If the attendance target and action plan have not been met advise the employee that an Attendance Capability meeting will be arranged. Confirm this in writing and invite the employee.</p>
Attendance Capability Meeting	<p>Attendance Capability Meetings should be conducted by a more senior manager. If the line manager is a head of service or director this should be conducted by another head of service or director.</p> <p>Follow Attendance Review Record (Appendix C).</p> <p>Explore reasons for absence(s) and reasons that the previous action plan and attendance target have not been met.</p> <p>Discuss support options. Refer to Occupational Health for advice (if not received at attendance review stage)</p> <p>Identify attendance target and complete action plan.</p> <p>Agree a review date following advice from HR services.</p> <p>Document the discussion. Provide employee with a copy of the action</p>

	plan.
Attendance Capability Review Meeting	<p>This meeting takes place at the agreed review date.</p> <p>Review performance against the agreed action plan.</p> <p>If the attendance target and action plan have been met in full no further action is required. This will be confirmed in writing to the employee.</p> <p>If the attendance target and action plan are met in part, explore the reasons with the employee. If appropriate, agree an extension and arrange a further Attendance Capability Review meeting. Confirm this in writing to the employee.</p> <p>If the attendance target and action plan have not been met advise the employee that a Medical Capability Hearing will be arranged. Confirm this in writing and invite the employee. Refer to Occupational Health.</p>
Medical Capability Hearing	<p>Full guidance is provided at Appendix D.</p> <p>The hearing may decide to adjourn pending a further review period with a final decision made at the review hearing.</p> <p>The hearing may decide to dismiss the employee on the grounds of medical capability. The employee may appeal this decision, if so a Human Resources Appeal Committee will be convened.</p>

Welfare meetings

If an employee is absent long term a welfare meeting should be arranged with HR services, the employee, and the employee's line manager around the 4th week of absence and approximately 4 weekly thereafter. If an employee is absent due to mental health or an accident at work the welfare should take place as soon as possible due to the need to offer support and/or establish the circumstances leading to the absence. The welfare checklist (appendix B) should be followed.

Referral to occupational health

Employees who are referred to the Occupational Health Physician for a medical examination are advised that they are contractually required to attend.

An employee failing to attend a medical examination arranged by the Council in accordance with this procedure will have to pay the full cost of the medical examination and may cease to be eligible for occupational sick pay unless evidence of inability to attend without notice is provided, e.g. a doctor's statement. Failure to attend may result in the employee being subject to disciplinary investigation, which may result in the employee facing disciplinary sanctions, as well as having their Occupational Sick Pay suspended indefinitely.

Government guidelines on fit notes allow an employer to give precedence to the advice of occupational health over that of an employee's GP. Employees should be aware that a GP "Fit Note" is for advisory purposes only. In cases where an employee does not return to work, despite medical advice that he/she is fit to do so, the employee may be subject to disciplinary action due to the employee being absent without authorisation.

Terminal illness

In the case of an employee diagnosed with a terminal illness, the attendance review process will not be followed. The employee will be supported by their line manager and HR with ill health retirement being explored if appropriate. Wherever possible the employee will be supported to remain at work if well enough to do so, and it is not detrimental to their condition. Chorley Council will not dismiss any person with a terminal illness because of their condition.

Ill health retirement

Any decision to terminate an employee's contract on the grounds of medical capability is a management decision based on medical advice. Where the Occupational Health Physician advises that an employee is permanently incapable of discharging his/her duties in their substantive post the employee's Manager and an officer from Human Resources will establish if there are any suitable redeployment opportunities or ill health retirement under tiers 1,2, or 3. If not then the Manager with Human Resources will immediately make arrangements to interview the employee and inform him/her of this advice and explain the implications, including financial benefits.

The employee also has a right to appeal against not being granted ill health retirement to Your Pension Service under the Internal Dispute Procedure.

In circumstances when the Council has received medical advice indicating that an employee is permanently incapable of discharging their duties, but where ill health retirement has not been granted, then whilst any appeal against the decision not to grant ill health retirement is being

processed, the employee's service will continue and the appropriate rate of sick pay will be maintained.

Please refer to the Council's Ill Health Retirement Policy for more information.

Return to work

The employee must notify their Manager prior to their return to work. If medical certificates from a doctor have been issued, the employee may return to work before the end of the fit note provided that the following criteria are met:

- The employee's doctor has not requested to see them again at the end of the fit note
- The employee's doctor has not advised them to stay *off* for the entire period of the fit note
- The employee is fit to return

Following the completion of the sickness absence form on Sharepoint, a Return to Work notification will be assigned to the manager of the absent employee for completion.

The Manager (or appropriately designated officer) will review the absence with the employee on the day that they return to work, after each and every absence [or as soon as practicable for those employees who work shifts or unusual hours]. These interviews should provide an opportunity to:

- Demonstrate to the employee that they are a valued member of the team and the Manager cares and takes the employee's state of health seriously.
- Ascertain whether the employee feels sufficiently fit to return to work
- Confirm the reason for absence and ensure that correct details relating to the absence are recorded
- *Offer* support if appropriate from the Council's Occupational Health or Physiotherapy provider
- Raise the profile of the Council's sickness attendance policy and procedures, ensuring that the employee understands the details of the policy and his/her own responsibilities
- Discuss any factors which may be affecting the welfare of the employee
- Ask the employee about their emotional wellbeing.
- Document all relevant information on the return to work interview form on Sharepoint.

The content of this discussion must be treated as confidential except where, with the employee's permission, information is shared in order to facilitate the provision of appropriate support.

Supported return to work

When managing long term sickness absence one of the options that may be suitable to aid an employee to return is to *offer* a return to work on reduced hours, different duties or different role. An assisted return to work will be agreed with the employee's manager in conjunction with Human Resources.

Phased return to work

Reduced hours either part days or part weeks in current position and performing all duties on job description. It is recommended that a phased return to work does not exceed more than 4 weeks. As a guide, hours can be reduced as follows: 1st week 25% of normal hours, 2nd week 50%

normal hours, 3rd week 75% of normal hours, returning to normal hours and duties in the 4th week.

For the first 3 weeks of an agreed phased return, the employee will be paid their normal pay and will not be required to use annual leave, flexi leave or TOIL to cover time they are not in work. An employee, during the first four weeks of the phased return, if applicable, will clock in and out and use miscellaneous time corrections to make their target up for the day.

Where a phased return lasts longer than 3 weeks, the employee will be required to use annual leave, flexi leave or TOIL to enable continued reduced hours at full pay. If annual leave, flexi leave or TOIL is not an available option, then special unpaid leave can be requested.

Therapeutic return to work

Returning on a full or part time basis either doing part of their own role or a different role in the Council for a temporary period to ease employee back to work.

Reasonable adjustments and redeployment

On the advice of Occupational Health, the appropriate Director must give urgent consideration to whether the employee's post can be modified, giving it a different balance of duties which the individual will be able to fulfil.

The Equality Act 2010 requires employers to give consideration to making "reasonable adjustments" for employees with a disability, physical or mental, that will have a substantial long term adverse effect on their ability to carry out normal day to day activities. Reasonable adjustments would include alterations to premises, reallocation of duties, provision of specialist equipment and allowing the employee to be absent during working hours for rehabilitation, assessment or treatment. Such adjustments must be considered in all cases where the employee's incapability results from an underlying medical condition.

All reasonable adjustments offered and implemented will be monitored for the purposes of equality and diversity.

If reasonable adjustments are not a practical possibility, consideration must be given to the availability of alternative employment for the employee within the Council.

Any offer of alternative employment must be made to the employee, in writing, detailing the main terms and conditions including any trial period arrangements as appropriate. Should an employee seek alternative employment to a lower graded post, protection will follow the details set out in the Redeployment Policy.

If the dismissal relates to short term absence and no underlying medical condition exists consideration of job redesign or alternative employment would not normally be appropriate

Repayment of sickness allowance following an accident

In the event that an employee is absent as a result of an accident (including none work related accidents) the normal sickness allowance will be paid. However should the employee be entitled to receive loss of earnings damages from a third party in respect of the accident, they will be required to include this within any claim they make and refund the Council the amount of any monies received from the third party in respect of loss of earnings.

Any period of absence where a refund of sickness allowance is made, shall not be recorded for the purposes of the attendance management process and statistics.

Appendix A

Reporting and Recording Absence

	Employee	Manager
Day 1 – first day of absence	<p>Report absence by telephone yourself before the start of your normal working day to <u>your manager</u> giving the following details:</p> <ul style="list-style-type: none"> • Nature of sickness • How long you have had the illness/problem • Have you visited or intend to visit your GP • What treatment / medication have you taken • How long do you estimate you may be absent for • Give details of any commitments or meetings 	<p>Discuss nature of the absence, including:</p> <ul style="list-style-type: none"> • Nature of sickness • How long they have had the illness/problem • What treatment / medication have they taken • How long they estimate they may be absent for • Give details of any commitments or meetings • Request an update on the 3rd day of absence <p>Report individual as absent via the online notification on theloop providing as much information as possible and complete the absence on TMS.</p>
Day 3	<p>Notify manager with an update of their condition and the estimated return date</p>	<p>If no contact has been made, contact the individual to establish:</p> <ul style="list-style-type: none"> • the continuing nature of the absence, • discuss the availability of support services such as counselling • estimated date of return • Update TMS absence profile
Day 5	<p>Notify manager of the reason for their continued absence</p>	<p>If no contact has been made, contact the individual to establish:</p> <ul style="list-style-type: none"> • the continuing nature of the absence, • discuss the availability of support services such as counselling <p>estimated date of return</p> <p>Employees should also be reminded that a "fit note" will be required for absences lasting 8 days or more</p>

Between 8 days and 4 weeks	<ul style="list-style-type: none"> • Provide manager with a fit note • Keep in weekly contact with and advise their manager of any progress or developments concerning their absence • Attend Occupational Health appointments as arranged • Attend home welfare meeting in 4th week of absence (or sooner if stress/anxiety/depression related) 	<ul style="list-style-type: none"> • Maintain weekly contact with the individual • Remind individual of the importance of keeping in contact with the line manager and the necessity of notifying them if they are to be away from their home address for any reason • Arrange home welfare meeting in 4th week of absence (or sooner if anxiety/depression related) • Arrange referral to occupational health
After 4 weeks	<ul style="list-style-type: none"> • Keep in weekly contact with and advise their manager of any progress or developments concerning their absence • Ensure that an up to date medical certificate covers their continuing sickness • Attend welfare and OH appointments as arranged 	<ul style="list-style-type: none"> • Maintain weekly contact with the individual • Discuss return to work plans and supported return to work if appropriate • Refer to the attendance review process

Appendix B

Welfare checklist for managers

Name of employee:

Name of manager:

Meeting Date:	
Issues to discuss	Notes (confidential)
Reasons for absence/update on health	
Previous episodes of absence (if appropriate)	
Second and subsequent welfare visits only Update on Actions from previous welfare	
Employees concerns <i>Identify real or perceived barriers to returning to work. Refer to Emotional Wellbeing policy if appropriate.</i>	

<p>Discuss support options and ways of achieving a return to work.</p> <ul style="list-style-type: none"> -Referral to Occupational Health -Reasonable adjustments -Flexible working -Redeployment -Phased or therapeutic return 	
<p>Likely/expected return to work date</p>	
<p>Actions identified and who is responsible</p>	
<p>Sick pay dates</p>	<p>Half pay: Out of pay:</p>
<p>Fit note dates</p>	

Appendix C

Attendance review record

Name of employee:

Name of manager:

Meeting Date:	
1 st Attendance Review/2nd Attendance Review/Attendance Capability Meeting/Attendance Capability Review Meeting (delete as appropriate)	
Issues to discuss	Notes (confidential)
Reasons for absence/update on health	
Absence history (if appropriate)	
<p>Employees concerns</p> <p><i>Identify real or perceived barriers to improving attendance. Refer to Emotional Wellbeing policy if appropriate.</i></p>	
<p>Discuss support options:</p> <ul style="list-style-type: none"> -Referral to Occupational Health -Reasonable adjustments -Flexible working -Redeployment -Phased or therapeutic return 	
Sick pay dates	<p>Half pay:</p> <p>Out of pay:</p>

ACTION PLAN
Attendance Review/Attendance Capability (delete as appropriate)

Action	Who is responsible?	When will this be achieved? (date)	Progress	Action completed (date)
Attendance target of				

Review Date:

Appendix D

Medical Capability Hearing

This meeting will be heard by the employee's Director or if unavailable, another suitable Director, with a member of Human Resources present to advise. JNC conditions apply for Chief Officer Sickness Absence.

The employee will be informed in writing of the Medical Capability Hearing.

The employee will be given a minimum of 5 working days' notice of the formal meeting and may be accompanied either by a Trade Union representative or work colleague.

The employer may wish to request medical information from the employee's GP/Consultant but will obtain their permission before requesting this information.

If the employee is prevented from attending the hearing, due to his/her medical condition, he/she may send a representative and /or written statement for the Director to consider (JNC conditions apply for Chief Officer Sickness Absence Management).

If an employee wishes to submit a medical report from his/her own Doctor/ Consultant then they must write to them within 1 week of being informed of the hearing, providing evidence to the Council that this has been requested. The hearing will be postponed for a maximum of 4 weeks to provide adequate time for the medical report.

All documentation which is to be presented at the Hearing must be submitted at least 2 working days beforehand, by both parties, to the HR Services Manager.

At the hearing the following will be considered:

- If there have been signs of improvement;
- The employee's absence history;
- The nature of the absence(s) and any treatment that has been received;
- Any action taken to support a return to work;
- The effect of the absence on the performance and effectiveness of the Service;
- All individual circumstances, including medical reports from the Occupational Health Physician and employee's Dr and/or Consultant.

The employee and/or their representative will be given the opportunity to put forward all reasons for the continuing absence and these will be given due consideration.

When making their decision the Director should consider if:

- The employee should be dismissed due to being incapable of carrying out the requirements of their post, specifically providing regular and efficient service, due to absence.
- A further review period should be set to continue to monitor their absence.
- Any reasonable adjustments need to be considered under the Equality Act 2010

The Director will normally confirm the decision at the end of the Hearing and this will be followed in writing to the employee within 5 working days. In cases of dismissal the appropriate notice period will be paid accordance to the employee's Terms and Conditions of Service.

Any appeal against the decision of the Director must be lodged, in writing, to the HR Services Manager within 10 working days of receipt of the letter confirming the decision. This letter must clearly state the grounds for appeal. A letter purely requesting an appeal will not be acceptable.

The Human Resources Appeals Committee will hear any appeals against dismissal.

The Appeal Hearing will be convened for a mutually convenient date as soon as reasonably practicable following receipt of the letter lodging the appeal. The procedure for the Human Resources Appeal Hearing will follow the guidance set out at Appendix 2 of the Disciplinary Policy.

Comment from Unison	Response
<p>The Policy states that managers are to- "Apply the policy fairly and consistently." How will it be transparently monitored that the policy is being applied consistently? The Branch has concerns that some Managers may apply the policy in the strictest way possible while other managers could be more lenient or individual managers may vary the way they interpret the policy with regard to different members of staff.</p>	<p>HR will be involved with all absence casework to monitor and advise on consistency.</p> <p>Anonymised data can be shared with branch on a six monthly basis at JCC.</p>
<p>I don't see much of a problem with the roles and responsibilities document but it's the examples of triggers in particular which cause concern</p>	<p>It is intended that the action points will provide managers with more opportunities to take action to address concerns about attendance.</p>
<p>The repetitive pattern – can you clarify what you intend. I would assume a repetitive pattern to mean something like a member of staff calls in sick the day after every home game of their footy team or every day before and/or after a long weekend etc. In any case given the triggers are so low, a manager doesn't really get the chance to observe a 'pattern' because staff will already be captured at a much earlier stage by the low triggers. To an extent the low triggers make the 'pattern' point meaningless; and Maybe the 2 periods of 10 days in 6 months is OK on its own – but not when coupled with a Bradford score and the 3 periods in 6 months as well</p>	<p>A repetitive pattern may include employees who are absent at the same time each year, e.g. for a week during the summer holidays.</p> <p>3 periods of absence in 6 months is the first "trigger" of the current attendance policy, this has not changed.</p>
<p>If the point of this redesign exercise is to give more flexibility and a sensible approach to managing sickness – these multiple triggers do the opposite</p>	<p>The review is intended to provide more opportunities for managers to address concerns about attendance.</p>
<p>There also needs to be a clear divide between unexplained sickness (eg. They don't know why they have 3 colds/flu over summer) and understandable sickness in relation to say a virus or flu outbreak in the local area.</p>	<p>All sickness absence is considered to be genuine. All absence has a negative impact upon service delivery and other employees within a service.</p>
<p>How is the Bradford score is to be implemented and what absences can be discounted for various understandable reasons ?</p>	<p>All absences are considered to be genuine.</p> <p>Comments about the Bradford factor are acknowledged and this will be removed from version 1.6 and reviewed .</p>
<p>The trigger examples are excessively complicated and should be simplified - either use the Bradford score system or not but don't try and use a convoluted hybrid system.</p>	<p>As above, the Bradford Factor action point will be removed from version 1.6. This will be reviewed.</p>
<p>The days <i>off</i> periods triggers should be increased</p>	<p>This will be reviewed post implementation.</p>

if they are to remain	
Managers concern about attendance is a dangerous catch-all that could be abused by managers against staff they don't like. So - we need more info on this	HR will be involved with all absence casework to monitor and advise on consistency.