



Human Resources

MANAGING HEALTH, ATTENDANCE & WELLBEING POLICY

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1 INTRODUCTION

Redcar & Cleveland Borough Council believes that a healthy and productive workforce best serves both the authority itself and the residents of the Borough. High attendance rates have a positive impact on the quality of the service we provide to the public, our colleagues and represent value for money for the Council.

The following principles and aims underpin the Managing Health, Attendance and Wellbeing Policy:

The Council is committed to promoting a culture of attendance where employees feel valued, supported, and committed to the core business of the council and to their colleagues.

Attendance will be managed fairly and effectively across the organisation in a clear and transparent way. Action will be taken when health and well-being are at risk or when absence levels are unsatisfactory. Attendance discussions will focus on what the employee can do rather than what they cannot, enabling them wherever possible to remain at work instead of taking sickness absence.

The Council is committed to reducing the number of working days lost through sickness absence and the impact this has on council business and other employees by:

- controlling any risks to employees, especially those with continuing poor health, from work activities.
- early intervention to enable any help and support to be identified.
- keeping in contact with absent employees and planning with them for their return to work.
- providing access to professional or other advice and treatment to help our employees where possible.

2 SCOPE

The provisions of this policy will apply to all staff directly employed by Redcar and Cleveland Borough Council and to all staff in maintained schools that adopt the policy. The policy will be operated in conjunction with the Disciplinary Procedure, Dignity at Work Procedure, Grievance Procedure and Redeployment Procedure (as set out within the Employment Policy or future version of it). This policy is non-contractual and shall not be construed as overriding any National Conditions of Service.

The steps within this policy cannot cover every eventuality. Whilst they provide general guidance, they may be adapted/deviated from as the Council sees fit in order to deal with the specific requirements of individual cases where appropriate.

3 EQUALITY, DIVERSITY, AND INCLUSION

The Council is committed to developing an inclusive workplace and discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, or other characteristics, is not acceptable.

4 ROLES AND RESPONSIBILITIES

Executive Management and Directorate Management Teams

The Council expects all members of its senior management team to support individual managers in their role to manage sickness absence and to promote and establish an attendance culture where absence is recognised as an important factor affecting the efficient running of the council.

Line Managers

Line Managers have primary responsibility for managing absence effectively in their teams. In particular, line managers should take a positive and proactive approach by:

- Ensuring staff welfare is given high priority in accordance with the Council's obligations under Health and Safety legislation.
- Ensuring all employees are appropriately trained and equipped to undertake their duties.
- Ensuring all employees are fully aware of their responsibilities under this policy and associated procedures and, in particular, comply with the absence reporting procedure.
- Ensuring sickness absence is accurately recorded (in Agresso) and monitored in their designated area and appropriate action is taken when trigger levels are reached - i.e., conduct an Attendance Management Meeting and implement appropriate measures/support.
- Reviewing sickness absence reports and ensuring that the provisions of the policy are being applied consistently across their service.
- Ensuring that contact is maintained with the employee during periods of long-term absence.
- Effectively managing the impact of sickness absence on their teams, colleagues, and service provisions consistently and fairly.

Human Resources

Effective absence management requires employees and their manager to be given appropriate assistance and support to achieve an early return to productive work. The Human Resources Team will assist with coordinating the absence management process to ensure compliance with this policy, including the processing of sickness absence documentation, the payment of salary whilst absent from work and, in conjunction with the manager, arranging meetings with the employee.

Human Resources responsibilities will include the following:

- Providing professional advice and guidance to managers dealing with short-term and long-term sickness absence cases.
- Developing objective support criteria to enable an early return to work.
- Monitoring completed Return to Work Interviews and provide advice and guidance where necessary.
- Supporting and monitoring Attendance Management Meetings/Hearings
- Monitoring the Occupational Health and Physiotherapy Contract and liaising with the providers as necessary.
- Gathering and analysing management information on sickness absence and reporting on the Council's performance.
- Retaining all Medical Certificates and Self Certification Forms within personal files.
- Providing training for managers on the Management of Health, Attendance and Wellbeing.
- Assisting managers with health and safety requirements such as health and wellbeing risk assessments, individual risk assessments and workplace assessments.
- Signposting staff to appropriate support services offered by the Council for example Staff Support Network and employee assistance programme.
- Working in partnership with internal and external partners to deliver a health promotion programme.
- Ensuring employees are paid in accordance with the statutory and occupational sick pay schemes.

Employees

All employees are contractually obliged to attend work regularly and in a fit state to carry out their duties. When they are unable to do so, they must report their absence from work, the reasons for it, and the likely duration of their illness to their line manager in accordance with this policy. In addition, all employees will:

- Attend work unless unfit to do so.
- Familiarise themselves with the requirements of the Council's Managing Health, Attendance and Wellbeing Policy, co-operate with managers in the implementation of those requirements, and comply with them during periods of absence.
- Familiarise themselves with the Council's Sickness Absence Reporting Procedure as set out in this policy at Section 5.
- Be responsible for their own health, safety and welfare.
- Undergo medical examination/tests by a registered medical practitioner at the Council's request at any time during employment, including periods of absence.
- Undertake treatment as guided by their medical practitioner that will encourage a return to work, and refrain from activities that may delay a return to work.
- Co-operate with Managers and Human Resources in the development and implementation of support mechanisms.
- Maintain contact and communication effectively with their manager during periods of sickness absence.
- Not abuse the sickness procedure or sick pay scheme.

5 SICKNESS ABSENCE REPORTING

All employees are expected to attend work regularly and on time. If they are not fit to do so they must contact their manager at the earliest possible opportunity. If an employee fails to follow any provision within the Sickness Absence Reporting Procedure without good reason the Council's Disciplinary Procedure may be invoked and occupational sick pay may be suspended.

Day 1	<p>Employees must telephone their line manager/ before the time they are normally due to start work to advise that they will not be at work. Employees must:</p> <ul style="list-style-type: none">• Give information regarding the reason for absence - 'sick' or 'unwell' is not an acceptable explanation for absence from work, more specific information should normally be given e.g. back pain, flu symptoms etc.• Give the exact date that the illness began, including Saturdays, Sundays, holiday, or rest days for Statutory Sick Pay (SSP) purposes. The first working day will be used for absence monitoring purposes.• Provide contact details e.g. telephone number.• Give an indication of likely duration of absence.• Agree frequency of contact with line manager; it <u>may be appropriate for the employee to update their line manager on days 2 and 3</u> (depending on the initial discussion).• Indicate whether they intend to see their GP/medical advisor.• Indicate whether this is a recurrence of a previous illness.• Where it is not clear if an employee will be returning to work within the next 7 days, daily contact should be maintained for a most up to date progress/return to work date discussion/likely duration of absence.
Day 4	<p>The employee must telephone their line manager/supervisor to confirm that they are still unwell and give an indication of the likely duration of absence.</p>

Day 7	If the sickness continues for more than 7 calendar days, a GP/medical advisor's medical certificate must be obtained and forwarded to the line manager under confidential cover.
Continuous Sickness	<p>Employees are required, as far as reasonably practicable, to keep their manager advised as to their progress at regular intervals. Depending on individual circumstances, the interval between contact should be agreed between the employee and their manager. However, it is recommended that contact should be on a weekly basis where possible as a minimum - although the individual circumstances will dictate the most appropriate intervals.</p> <p>Medical certificates shall be submitted as often as an employee visits their GP/medical advisor. If the employee fails to make contact, provides inadequate information or if there is a break in the continuity of medical certificates this may result in a suspension of occupational sick pay.</p>

Managers are encouraged to complete the Absence Call Record, which they should retain for future reference. Human Resources do not require a copy, however if you have any concerns Human Resources will be available for advice and guidance.

Failure to follow the Absence Reporting Procedure

The sickness absence reporting procedure must be complied with in all cases. Where an employee is absent and has not followed the absence reporting procedure management have a duty of care to ensure the wellbeing of their employees and reserves the right to contact the employee and/or their next of kin.

Where the correct procedure is not followed, the absence will be treated as unauthorised unpaid leave. Managers do however have discretion to restore occupational sick pay if the employee can provide a good reason for not complying with the reporting procedure.

6 ABSENCE RECORDING

Managers must record all sickness absence in Agresso via HR Self-Service. The absence must be recorded as 'open ended' until the employee returns to work. The absence must be recorded on the day the employee reports sick and a reason for absence must be given. Failure to record absence may result in disciplinary proceedings against the relevant manager.

Further information on how to input absence into Agresso can be found in the [Agresso Absence Management Guide](#)

7 SELF-CERTIFICATION

Self-Certification Forms must be completed for all absences including half days or part rotas for the total period of absence.

The Self-Certification Form must be completed on the first day back at work by the employee, or as soon as reasonably possible, and must clearly state the reason for absence. The self-certification must be forwarded to [HR Transactional Team](#)

8. RETURN TO WORK INTERVIEWS

Upon return to work following sickness absence, the line manager must arrange to meet privately with the employee to complete the Return to Work Interview, ideally during the first day back or, generally, at most within **2 days** of the return to work unless this is impracticable.

Should the line manager be absent from work at that time, then the meeting should be undertaken by his/her nominated deputy (or the line manager's immediate manager) if there would otherwise be a significant delay. The purpose of the meeting will be to:

- Welcome the employee back to work, ensure that there is an accurate record of the absence and certification, and to update the employee on work issues.
- Check absence recorded in Agresso is correct and ensure that the "open tick" has been removed.
- Establish if there are any work-related factors which contributed to the sickness absence.
- Give assurances of the manager's concern for the employee's welfare, balanced with their concerns for service delivery and the impact on other team members.
- Provide the employee with information on the availability of support if needed. This helps to identify short-term absence problems at an early stage and provides the opportunity to discuss any underlying issues that may be causing the absence so they can be addressed before they escalate.

Managers will need to ensure that the absence has been updated/closed in Agresso. A Return to Work Interview Form must be completed for all absences including half days or part rotas for the total period of absence. Return to Work Interview Form should be completed in the presence of the employee and at the end of the meeting the manager and the employee should agree with the contents prior to the form being forwarded to the [Health, Safety and Wellbeing Team](#).

9 TRIGGER POINTS

Trigger Points are a useful way of indicating to employees and managers when sickness absence levels are becoming a cause for concern and where further action/support may be necessary. The Council's trigger points are:

- 2 or more separate absences of any duration in any three-month period.
- 5 days' sickness in a rolling 12-month period.
- Long term absence of 21 days or more
- Absence within an agreed monitoring period
- Patterns of absence, for example, being off each Friday/Monday or absence immediately following the end of an agreed monitoring period.

For employees working fewer than 5 days per week, the number of sickness days in a rolling 12-month period will be based on the following triggers:

Working days per week	Trigger
4 days per week	4 days
3 days per week	3 days
2 days per week	2 days
1 day per week	1 day

Trigger points will lead to instigation of the Short Term Absence Management process as set out in Section 10. It should be noted that where any absence leading to a trigger being reached is related to an employee's disability or a workplace accident then consideration should be given as to whether or not a health, attendance and wellbeing meeting/review is appropriate in all the circumstances. Whilst the provisions set out below are subject to this general consideration, it is not necessarily appropriate to ignore disability-related absence and/or absence related to a workplace accident and, for example, where it appears that such absence has reached a level which the employee's section/team cannot reasonably sustain, it will still be important to hold a health, attendance and wellbeing meeting/review. A review meeting is not a form of sanction and is likely to be appropriate in most cases simply to monitor the position and consider additional forms of support. More detail regarding the Council's obligations to employees with disabilities is set out in Section 21

10 DEALING WITH SHORT TERM SICKNESS ABSENCE

These are absences that are normally sporadic and attributable to minor ailments which, in many cases, are unconnected. Generally, the employee will only be absent for a maximum of a week but more often for a single day.

Where an employee is already under sickness absence monitoring, if the level of sickness continues to cause concern their absence will be managed under the formal stages of the short-term sickness procedure

Informal Stage – Health and Wellbeing Meeting

Once an employee absence activates one of the sickness absence trigger points the Manager will arrange an 'Informal Health and Wellbeing Meeting with the employee to discuss their absence. The meeting will focus on the level, pattern, reason and frequency of their sickness absence, and the employee should be made aware that their attendance is being monitored under the informal stage of the Managing Health Attendance and Wellbeing Policy.

The purpose of the meeting is to:

- Reassure the employee of the concerns for his/her health and wellbeing.
- Establish whether there is any underlying cause for the absences and what, if any, action is required to alleviate the situation.
- Explore what support or assistance can be provided to ensure that the employee is able to maintain an acceptable attendance record.
- If the absence leading to a trigger being reached is related to a disability, impairment or long-term health condition, consideration should be given to extended trigger points¹ as a reasonable adjustment.
- Agree how the attendance record might be improved, which could include actions by both parties, including referral to physiotherapy, personal risk assessment, DSE assessment, stress risk assessment or referral to occupational health.
- Confirm the action(s) agreed, this may include no formal action or an informal monitoring period (4 - 8 weeks).
- Complete the Health and Wellbeing Meeting – Checklist and Record of Meeting Form.
- Set a date for a review meeting at the end of the informal monitoring period.

The manager must explain to the employee that if they do not reach the required improvement during the informal monitoring period, they will be managed through the formal stages of the attendance management procedure. Although this is the informal stage of the procedure, the manager should complete the Health, and Wellbeing Meeting Checklist and Record of Meeting Form which should be signed by both the manager and the employee, a copy of the completed form should be forwarded to the [Health, Safety and Wellbeing Team](#).

If a monitoring period is agreed, the manager should meet with the employee at the end of the monitoring period, to confirm if they have met the required improvement of attendance or not. If there is continued concern about the employee's level of absence², the manager needs to notify the employee that they will now be managed under the formal stages of this policy.

If there has been no further absence during the agreed monitoring period, no further action is required.

¹ Prior to extended sickness absence triggers being agreed, arrangements should be made for the employee to be referred to occupational health for appropriate advice to be sought

² The level of concern needs to be considered on a case by case basis taking into consideration the employees previous absence history

Formal Stage 1 – Health Attendance and Wellbeing Review Meeting

If there is continued concern about the employee's level of absence, the managers will arrange a Health Attendance and Wellbeing Review Meeting with the employee.

- The manager must write to the employee to confirm the arrangements for the Health Attendance and Wellbeing Review Meeting, giving the employee the right to be accompanied by an RCBC work colleague or Trade Union representative if they wish.
- At the start of the review the employee should be provided with a list of their absences and reasons and where appropriate be advised that their level of attendance at work is a cause of concern. The employee will be advised that the purpose of the meeting is to explore opportunities to improve their attendance.
- The employee will be encouraged to discuss any conflict they have between work commitments and demands in their personal lives. Managers should outline options available under other policies and procedures such as Authorised Leave, the Right to Request Flexible Working, Dependant Leave.
- At the end of the review the manager should agree a timescale for improvements to be made and, dependant on the issues in question, a monitoring period of up to 6 months may be given. Employees are expected to comply with the agreed improvement plan and should be advised that if there is not a sustained improvement in their attendance management will look to convene a Health Attendance and Wellbeing Hearing the outcome of which could lead to a formal sanction or dismissal.
- Where a monitoring period is implemented, the manager should discuss the employees' health and wellbeing in their regular 1-2-1/supervision meetings.
- Managers must complete the Health Attendance and Wellbeing Review Checklist/Record of Meeting and forward the completed copy to the Health, Safety and Wellbeing Team. This will be recorded against the employee health attendance and wellbeing review history and retained on the employee's personal file.
- The outcome of the review should be followed up in writing and a copy of the letter must be forwarded to the Health, Safety and Wellbeing Team to be retained on the employee's personal file.

Formal Stage 2- Health Attendance and Wellbeing Hearing

If there is continued concern about the employee's level of absence, the managers will arrange a Health Attendance and Wellbeing Hearing.

The purpose of a Health Attendance and Wellbeing Hearing will be to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment and maintaining their attendance at work, or, where appropriate, whether employment should be terminated on the grounds of health-related capability.

Prior to arranging a Health Attendance and Wellbeing Hearing the following steps must usually have been taken:

- The short-term absence procedure should have been followed.
- A recent medical report obtained from Occupational Health or other relevant medical professional as may be considered appropriate in the circumstances.
- That all the potential outcomes of a Health, Attendance & Wellbeing Hearing (including dismissal) have been explained and discussed with the employee at least once in a meeting prior to the hearing and these have been recorded in writing to the employee.
- Reasonable adjustments to the workplace/job have been considered.
- All appropriate steps to comply with the relevant requirements of the Equality Act 2010 have been considered.

11 DEALING WITH LONG TERM ABSENCE

Long-term sickness absence is classed as continuous absence of at least 21 calendar days. When an employee is absent from work due to sickness absence, it is important that contact is maintained between the Manager and employee. This is to ensure that the employee does not feel isolated, vulnerable, or out of touch and to ensure the Manager can make arrangements to ensure continued service delivery.

Where an absence is going to continue beyond 21 days, the manager, with the support of a Health and Wellbeing Advisor, should arrange to meet with the employee. The purpose of the meeting is to:

- Obtain up-to-date information with regards to the reason for absence and any medication that has been prescribed and/or treatment received.
- Offer support - e.g., physiotherapy, counselling etc.
- Discuss a timescale for a return to work.
- Agree how contact will be maintained and the frequency of the contact.
- Inform the employee about the next step which may include arranging a review meeting or a referral to occupational health.
- Update the employee on any changes that have occurred whilst the employee has been absent.

Where a referral to occupational health has been agreed following the meeting the Health and Wellbeing Advisor will complete the necessary referral documentation and forward this together with a copy of the employee job description to occupational health. Following receipt of the occupational health report the manager, with the support of a Health and Wellbeing Advisor, should meet with the employee to discuss the report.

Where the absence is because of a workplace injury/accident under RIDDOR³, the Manager, with the support of a Health and Wellbeing Advisor must visit the employee within the first 7 working days where possible to ensure that all the necessary documentation is completed, and that support and advice is offered to the employee. Any sickness absence because of a workplace injury/accident should be recorded in Agresso as 'Industrial Injury at Work'.

Where the absence is because of Mental Health issues such as stress, depression, anxiety, or low mood the Manager, with the support of a Health and Wellbeing Advisor, should, where possible, arrange to meet with the employee within the first 7 working days or as soon reasonably practical thereafter. Prior to meeting arrangements should be made for the employee to be provided with information on appropriate support services.

If there is no indication of a date for a return to work in the foreseeable future, the employee will be invited to a meeting to discuss options to resolve their ongoing absence from work. The employee will have the right to be accompanied by an RCBC work colleague or trade union representative and the purpose of the meeting will be to discuss:

- Any progress or improvement in the employee's health.
- Any advice and support, and signpost employees to appropriate support services.
- Occupational health advice received, particularly in relation to any adjustments, change in hours or duties, or specialist equipment which have been recommended.
- A likely return to work date.

³ It is essential that the manager completes the Accident Reporting Form as soon as possible.

- Any support the manager can give, for example, a rehabilitation plan allowing gradual increase in working hours/duties and reasonable adjustments.
- Details of other support, for example, Counselling, Physiotherapy and Access to Work.
- Where an employee is a member of the pension scheme, ill health retirement should be explained if deemed appropriate.
- Pay status if appropriate i.e., the date the employee will exhaust their entitlement to full/half pay and/or SSP.
- Whether temporary or permanent redeployment should be considered.
- An agreed timescale for the next review.

At the end of the meeting, it should be made clear to the employee that if at the end of the agreed review period they are unable to return to work or the prognosis is still unclear, or redeployment (where medically recommended) has not been successful then the next stage would be to proceed to a Health Attendance and Wellbeing Hearing.

A letter should be sent to the employee following the meeting explaining the next steps.

Prior to arranging a Health Attendance and Wellbeing Hearing the following steps must usually have been taken:

- A recent medical report obtained from Occupational Health or other relevant medical professional as may be considered appropriate in the circumstances.
- The employee informed in writing that a Health Attendance and Wellbeing Hearing would be arranged if there is no indication of a date for a return to work in the foreseeable future.
- That all the potential outcomes of a Health Attendance and Wellbeing Hearing (including dismissal) have been explained and discussed with the employee at least once in a meeting prior to the hearing and these have been recorded in writing to the employee.
- Alternative employment has been explored where appropriate.
- Reasonable adjustments to the workplace/job have been considered.
- All appropriate steps to comply with the relevant requirements of the Equality Act 2010 have been considered.

12 HEALTH ATTENDANCE AND WELLBEING HEARINGS

The purpose of a Health Attendance and Wellbeing Hearing will be to consider whether there are any further actions that the Council can take to assist the employee in continuing their employment and maintaining their attendance at work, or, where appropriate, whether employment should be terminated on the grounds of health-related capability.

Arranging a Health Attendance and Wellbeing Hearing

Employees should be given a minimum of seven calendar days' advance notice to attend, and they have the right to be accompanied by a work colleague or trade union representative. The Health Attendance and Wellbeing Hearing Officer will be at a level of seniority with the necessary authority to impose an appropriate sanction. A Human Resources Adviser will advise the Hearing Officer.

The employee will be provided with:

- A notification letter giving them a minimum of seven days' notice of the hearing and inviting them to attend (this period may be reduced by agreement).
- The name of the Hearing Officer and the Human Resources Adviser.
- The purpose of the hearing.
- Details of how to submit any evidence they wish to be considered at the hearing.

- An evidence pack containing all documents to be used at the hearing.

The employee is expected to:

- Confirm their attendance and who, if applicable, will be accompanying them.
- Provide any evidence to be presented at the hearing to the Hearing Officer at least two working days prior to the hearing.

Where an employee is unable to attend for an acceptable reason and would wish to attend the hearing, it may be adjourned to a later date. Where an employee is able to attend but chooses not to, the hearing may proceed in their absence. If the reason for non-attendance is a medical issue, the employee will generally be expected to provide medical evidence that they are unfit to attend the hearing. In any case, the hearing may proceed where there have been previous requests for adjournments and/or it seems unlikely that the employee will be able to attend within a reasonable period of time.

The Health Attendance and Wellbeing Hearing

The Hearing Officer will open the proceedings and hear the case. Before making a decision, the Hearing Officer should consider relevant issues such as:

- Need for the work to be undertaken.
- Impact of the employee's absence on service delivery and colleagues.
- The employee's full absence record.
- Representations made by the employee and/or their representative.
- Actions taken to enable the employee to continue their employment.
- Medical advice.
- Previous warnings or advice the employee has been given regarding their position.
- Support already offered.
- The possibility of making adjustments to the employee's work or working environment.
- Any mitigating factors that may have been presented during the hearing.
- The likelihood of the employee's attendance improving, taking into account their previous history and any information (e.g. medical reports) regarding the position going forward.

On completion of the proceedings and following an adjournment of the hearing to allow the Hearing Officer to consider the case presented, the employee will be advised of the decision, which will be confirmed in writing. Details of the possible outcome and the time limits for formal sanctions are provided in Appendix 1.

If it is decided that further action is appropriate this will be detailed in the letter and the situation will continue to be monitored with a further Health Attendance and Wellbeing Hearing being convened if appropriate.

Appeals

- Appeals cannot be lodged against issuing of Management Guidance or monitoring periods.
- Appeals can be lodged against a recorded verbal, written warning, final written warning, or dismissal.
- They must be lodged in writing within 5 working days of the receipt of the letter confirming the sanction.
- They must be sent to the Head of Human Resources and must include the reason(s) for appeal.
- Appeals against written warnings will be heard by a panel of three senior officers.

- Appeals against dismissal will be heard by a sub-committee of three Elected Members who are members of the Personnel and General Purposes Committee.
- Employees have the right to be accompanied by their trade union representatives or a work colleague at an Appeal Hearing.

13. RETURN TO WORK ARRANGEMENTS

Employees who are returning to work after a long period of sickness absence, may find returning to work difficult, we would want the employee to return to their substantive post however we recognise that this is not always possible.

We see the value of:

- Rehabilitation/Phased Return to Work Plans
- Workplace reasonable adjustments

Rehabilitation/Phased Return to Work Plans

Employees returning to work after a period of long-term sickness absence may benefit from a rehabilitation programme. Simple adjustments such as shorter working days over an agreed period of time, modifying tasks/workloads, workstations or providing appropriate equipment can help in getting the employee back to work.

Where a rehabilitation plan is recommended by occupational health and/or agreed between the manager and employee, the salary paid to the employee during the rehabilitation programme will be agreed beforehand and will not be more financially detrimental than if the employee had remained on sick pay. Payment will be made on the basis that the employee will continue to receive payment equivalent to the amount of sick pay, unless the hours worked exceed this level of payment, in which case payment will be made on a pro rata basis.

The rehabilitation plan should not exceed four weeks, however, in exceptional circumstances a rehabilitation plan could be extended beyond four weeks if this is supported by occupational health.

Where employees have carried over accrued annual leave from the previous leave year in accordance with the Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023 the employee may elect to use some of the leave to facilitate their phased return to work.

Making Workplace Adjustments

Workplace adjustments may have been recommended in order to facilitate the employees return to work, these may include:

- Completion of a risk assessment or stress risk assessment
- DSE Assessment
- Modification to equipment
- Completion of a Personal Emergency Evacuation Plan (PEEP)
- Access to work referral
- Regular micro-breaks
- Additional/increased support from line manager – for example weekly meetings to assess progress.

14. SUSPENSION ON MEDICAL GROUNDS

Suspending an employee on health grounds allows the Council to remove the employee from any health and safety risk where there are concerns about the employee's health and their ability to carry out their duties.

Prior to suspending an employee on health grounds, the manager should undertake a risk assessment to identify the hazards and risks to the employee. It is anticipated that managers will

identify any adjustments to the role or any alternative employment that the employee could undertake. Where adjustments to the role or any alternative employment are not an option, the employee should be encouraged to make arrangements to speak to their GP about their fitness for work.

Where it becomes evident that the employee needs to be suspended on medical grounds, the manager should seek advice from their Directorate HR Advisory Manager and, following this, get the necessary approval from the appropriate Assistant Director.

The employee can be advised verbally about the suspension, it must be confirmed to the employee in writing. Suspension will be on full pay and will normally last no longer than 28 calendar days, and this will only be extended in exceptional circumstances and with the written approval of the appropriate Executive Director.

The manager must make arrangements for the employee to be referred to occupational health as soon as possible.

15. DISCIPLINARY ISSUES

Some cases may be appropriate to be dealt with under the Disciplinary Procedure. These are where the issue is around the employee's conduct as opposed to their health. Some examples are given below, these are not exhaustive:

- Failure to follow the sickness absence reporting procedure without adequate reason.
- Failure to attend health, attendance and wellbeing meetings/hearing without an adequate reason.
- Engaging in other employment whilst absent due to sickness (unless the nature of the illness prevents them from working in one employment contract but not the other(s)).
- Abuse of the sick pay scheme i.e. evidence that the employee is absent but not sick.
- Failure by management to administer this policy correctly.

Managers should contact Human Resources for advice before moving to the Disciplinary Procedure.

16 FIT NOTES

Fit Notes must be obtained to cover all periods of sickness in excess of 7 calendar days, without any gaps. All fit notes should be sent to the Manager promptly under confidential cover.

A fit note (or Statement of Fitness for Work) is the form issued by a GP or healthcare professional to cover an employees' absence where the sickness exceeds more than seven days. They are sometimes referred to as medical statements or a doctor's note.

An employee doesn't have to be 100% fit to be able to do some work – in fact, work can help an employee's recovery from health problems or support an employees' overall wellbeing if they have a long-term health condition.

An employee may want to return to work sooner where:

- i. The employee has recovered from the illness or injury sooner than expected.
- ii. The Council can offer the employee support to assist a return to work.

If an employee wants to return to work before the end date on their fit note, they should discuss this with their manager. In some cases, it may not be possible to accommodate an early return to work, in these cases the employee should refrain from work until the end date of their fit note.

The fit note allows healthcare professionals to advise an employee that they 'may be fit for work', taking into account the advice given, this is to encourage employees back to work if reasonable adjustments can be made by their employer. Every effort should be made to make the changes necessary to help the employee return to work and so reduce unnecessary sickness absence.

17 PAYMENT FOR ABSENCE DUE TO SICKNESS

Occupational sick pay will be paid in accordance with the employee's contract of employment and their conditions of service.

This should not be taken to mean that high levels of sickness absence are acceptable. The Council reserves the right to terminate the employment of an employee before the expiry of Occupational Sick Pay in accordance with the procedure for dismissal on the grounds of capability (health) where appropriate.

In accordance with the National Joint Council for Local Government Service Terms and Conditions of Service, if an employee abuses the sickness scheme, the Council may suspend payment of occupational sick pay unless management agree there are acceptable reasons for not complying. The following non-exhaustive list contains some examples of what might be deemed to be abuse:

- Failure to cooperate with the Managing Health, Attendance and Wellbeing Policy.
- Failure to attend any meeting arranged in line with the Managing Health, Attendance and Wellbeing Policy.
- Failure to submit medical certificates to cover the period of absence.
- Failure to attend occupational health appointments.
- Failure to attend an Absence Management Hearing.
- Patterns of absence where no underlying reason has been identified.
- Carrying out other paid or unpaid work that has a detrimental impact on the employee's recovery.
- Engaging in behaviour/activities that would have a detrimental impact on their recovery.

The employee will be informed of the reason for suspension of sick pay and will have the right to appeal. The employee must submit their appeal in writing to Head of Human Resources within 5 working days clearly setting out the reason(s) why their pay should be reinstated. Arrangements will then be made for the appeal to be heard by a panel of three senior officers.

Repayment of Sickness Payments in Cases of Accidents

Where an employee is absent because of an accident there will be **no automatic entitlement** to sickness payment if damages may be recoverable from a third party.

It is not always possible at the commencement of such absence to determine whether damages will in fact be recoverable and the Council will generally advance to the employee (on a monthly basis) a sum equivalent to the normal sick pay to which he/she may be entitled, subject to the employee undertaking in writing to repay the total amount of the advance (or a proportion thereof) represented in the amount of damages ultimately recovered.

In cases of the above nature, the Human Resources Adviser will send the employee a form of undertaking which the employee must complete and return as soon as possible. If the employee refuses to do so, sick pay may be withheld. Employees will also be expected to reclaim associated medical expenses such as occupational health, physiotherapy, and counselling from insurers.

Sickness Payments arising from Accident, Injury or Assault at Work

Where an employee is absent from work due to an accident, injury or assault which has arisen out of and in the course of the employee's duties, National Joint Council for Local Government Services Terms and Conditions make provision for alternative pay arrangements.

18 SICKNESS DURING ANNUAL LEAVE/PUBLIC HOLIDAYS

If an employee becomes ill during a period of annual leave, normal sickness absence reporting procedures will apply.

If an employee falls sick whilst on annual leave, then the period covered will be treated as sick leave provided a medical certificate is obtained and completed at the time and place of being ill, confirming the dates they would not have been fit enough to carry out their normal duties. The annual leave will be re-credited, and the time recorded as sick leave.

In the event that an employee falls sick immediately prior to pre-booked annual leave and does not return to work before the annual leave period starts, then the employee's continued absence will be recorded as annual leave, except on production of a medical certificate, confirming that the employee was not fit for work during the period in question.

Employees who are ill during a bank holiday cannot reclaim the bank holiday leave.

Employees who wish to take holiday whilst on sick leave may be required to provide written evidence from a doctor/hospital that the holiday will not be detrimental to their recovery. They must also discuss this with their manager (who should seek advice from Human Resources) in advance of booking the holiday.

Employees will accrue entitlement to statutory annual leave only (i.e. the 28 days (5.6 weeks) due under the Working Time Regulations) during periods of sickness absence.

Under the Employment Rights (Amendment, Revocation and Transitional Provisions) Regulations 2023, employees are allowed to carry over four weeks' annual leave entitlement, employees can elect to use any accrued annual leave from a previous leave year within the rehabilitation plan to facilitate a gradual return to work. Any accrued annual leave not used must be taken within 18 months of the end of the leave year in which it was accrued.

In accordance with Annual and Authorised Leave Policy, employees will not be entitled to carry forward any contractual accrued holiday entitlement from one leave year to the next unless they have prior written consent from their Service Manager. In any event, no more than 5 days may be carried over into another leave year and used within a month of the new holiday year. No contractual annual leave will be deemed to have been taken by an employee, until all of their statutory annual leave entitlement has been exhausted.

19 CONDUCT WHILST ABSENT DUE TO SICKNESS

All employees who are absent from work due to sickness have a personal responsibility to take reasonable steps to aid their return to full health and fitness and should not undertake any activity which may hinder this objective.

It is a requirement that employees co-operate fully with Managers regarding their absence, and that they make themselves available to attend all meetings or discussions arranged to facilitate an early recovery and return to work.

As set out in Section 17 above, sick pay may be suspended where employees are in breach of these requirements.

20 SUPPORT SERVICES

Staff Support Network

Employees may find it helpful to access counselling services to discuss any work related or personal difficulties that may be contributing to the absence. The Staff Support Network provides confidential counselling sessions to all employees. The Staff Support Network can be contacted on 07973965607.

Employee Assistance Programme

Through the [Employee Assistance Programme](#) employee can access 24/7 Confidential Telephone Support, a wide range of self-help Cognitive Behavioural Therapy (CBT) workbooks that offer advice and guidance on a number of topics including anxiety, bereavement, depression, post-traumatic stress and more and the MyMindPal mental fitness app.

Physiotherapy Service

Employees can access physiotherapy subject to the appropriate application form being completed and authorised by their line manager. Failure to attend an appointment without a valid reason may result in a charge being made to the employee for the missed appointment.

Occupational Health

Occupational Health is available should an employee have a complex medical condition on which management would need medical advice to support an employee within the workplace.

Managers in consultation with either their HR Advisory Team or the Health, Safety and Wellbeing Team should consider if other measures could be explored in the first instance for example, personal risk assessment, stress risk assessment, referral to physiotherapy or amended duties.

Access to Work

If an employee is disabled or has a physical or mental health condition that makes it difficult for them to do their job even with reasonable adjustments, the employee may be able to get help from [Access to Work](#).

An Access to Work grant can pay for:

- special equipment, adaptations, or support worker services to help you do things like answer the phone or go to meetings.
- help getting to and from work.

Other Support Services

It may be necessary to consider seeking support/advice from specialist services e.g. RNIB, RNID. It is advisable to work with the employee to identify the most appropriate services, However, advice should be sought from either the HR Advisory Team or the Health, Safety and Wellbeing Team in the first instance.

Trade Unions

Employees who are a member of a Trade Union for example Unison, Unite or GMB can seek advice and support from their trade union representative.

21 EQUALITY ACT 2010 - DISABILITY SECTION

The Equality Act 2010 protects employees with disabilities from discrimination and places employers under an obligation to make reasonable adjustments where any provision, criterion, or practice places individuals under a substantial disadvantage in comparison to non-disabled employees. Given that the nature and effect of a disability can be very different for individual employees, it is difficult to produce a general policy which caters for every situation.

However, the duty under the Act means that, in considering any action under the terms of the Attendance Management Policy, account needs to be taken of any disadvantage that the employee concerned may suffer because of his or her disability.

Accordingly, it may be appropriate, for example, to attach less weight to some or all of the employee's absence where this relates to their disability, or to adjust the outcome of any Health, Attendance and Wellbeing Management Hearing in order to reflect any disadvantage that the employee may suffer.

The definition of 'disability' under the Equality Act 2010 is as follows:

A person has a disability if:

- they have a physical or mental impairment.
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

People who have had a disability in the past that meets this definition are also protected by the Act.

Progressive conditions considered to be a disability.

People with some visual impairments are automatically deemed to be disabled. There are additional provisions relating to people with progressive conditions such as HIV, cancer or multiple sclerosis are protected by the Act from the point of diagnosis.

Conditions that are specifically excluded

Some conditions are specifically excluded from being covered by the disability definition, such as a tendency to set fires or addictions to non-prescribed substances.

If an employee's attendance issues are related to a disability, then Manager should consider the position carefully and seek Human Resources advice, if necessary, to determine the most appropriate action to be taken. The provisions of this policy may be dis-applied or varied at the relevant manager's discretion where this is necessary in order to comply with the Council's duty to make reasonable adjustments and/or to avoid any discrimination.

Reasonable Adjustments

The duty to make reasonable adjustments under the Equality Act arises where a provision, criterion or practice applied by the Council (or any physical feature of the premises occupied by the Council) places a disabled person at a substantial disadvantage compared with people who are not disabled. For example, this may mean that an employee with a disability is offered a post outside the council's normal Recruitment Policy.

22 PREGNANCY

As soon as the manager becomes aware that an employee is pregnant, the manager should complete an Expectant Person Risk Assessment.

Pregnancy is not an illness and any days of absence that are because of pregnancy related illness must not be included in the calculations of days of sickness and are therefore excluded from the sickness absence triggers. Sickness that is not either directly or indirectly related to the pregnancy should be monitored in the normal way. Further information can be found in the Council's [Maternity Provisions](#).

23 ALCOHOL AND DRUGS/SUBSTANCE MISUSE

Alcohol and drug addiction are considered to be an illness and treated as such. Appropriate action should be taken in line with the Council's [Alcohol and Drugs/Substance Misuse Policy](#).

24 ELECTIVE SURGERY/DENTISTRY

When an employee elects to undergo elective surgery, Occupational Sick Pay will not be payable in accordance with this Policy. However, Occupational Sick Pay may be payable in cases where written confirmation is received from the employee's medical practitioner that the surgery is essential for the physical and/or mental wellbeing of the individual.

Whilst Occupational Sick Pay is not normally payable for elective cosmetic surgery, it may be paid if an employee develops serious complications following surgery necessitating in hospital treatment.

Where an employee is undergoing cosmetic surgery for the purposes of reconstruction (for example following a previous illness, accident, or defect of birth), Occupational Sick Pay is payable subject to appropriate evidence and certification in accordance with this Policy.

25 CONFIDENTIALITY

Managers/supervisors must treat personal information relating to an employee's absence as sensitive personal information in accordance with our GDPR Privacy Notice for employees, workers, volunteers, and contractors. A copy of this can be found on the intranet.

26 OTHER HR POLICIES AND PROCEDURES AND USEFUL WEBSITES

- Alcohol and Substance Misuse Policy
- Employee Health and Wellbeing Strategy
- Menopause Policy
- Mental Health at Work Policy
- [Access to Work Employers Factsheet](#)

Possible Outcomes from a Health, Attendance and Wellbeing Hearing**Management Guidance and a continuation of monitoring.**

If management guidance is required, the line manager will make arrangements to give this at the earliest opportunity. The details of this will be confirmed in writing and a copy will be retained in the employee's personal file and can be referred to in the future. There is no right of appeal against management guidance. Where management guidance is given following the outcome of a Health, Attendance and Wellbeing Hearing, the Hearing Officer will explain their decision to the employee. Management Guidance is not a formal sanction and therefore this is no right of appeal against issuing of Management Guidance.

Recorded Verbal Warning and a continuation of monitoring.

Where it is considered that a recorded verbal warning is appropriate, the employee will be made aware of the Council's expectations for their future attendance. The employee will also be informed of their right of appeal and the consequences of any future attendance issues, which could be a final warning or dismissal.

Written Warning and a continuation of monitoring.

Where it is considered that a written warning is appropriate, the employee will be made aware of the Council's expectations for their future attendance. The employee will also be informed of their right of appeal and the consequences of any future attendance issues, which could be a final warning or dismissal.

Final Written Warning and continuation of monitoring

Where there is a failure to improve attendance at work following a written warning or where the employee's absence record is considered to justify a final written warning in its own right, the employee will be made aware of the Council's expectations for their future attendance. The employee will also be informed of their right of appeal and the consequences of any future attendance issues, which could result in their dismissal.

Dismissal with notice

Where there is a failure to improve attendance at work following a final written warning or where the circumstances are considered to justify dismissal, the employee's employment will be terminated with the appropriate amount of notice given. The employee will be informed of their right of appeal.

Alternatives to Dismissal

Depending on the individual circumstances in any case, it may (subject to the nature of the position and the employee's ability to properly undertake it) be reasonable to offer the employee an alternative post which is currently vacant, and which would wholly or substantially eliminate the reasons for any absence. Where an alternative job results in a drop in salary, this will be effective immediately.

Level and Duration of Sanctions

Level of Caution	Duration	Level of Hearing Officer	Appeals To
Management Guidance and continuation of monitoring		Third tier officer and above.	
Recorded Verbal Warning and continuation of monitoring	6 months	Third tier officer and above.	Head of Human Resources
Written Warning and continuation of monitoring	12 months	Third tier officer and above.	Head of Human Resources

Final Written Warning and continuation of monitoring ⁱ	12 months	Third tier officer and above.	Head of Human Resources
Dismissal with notice		Assistant Director or above	Head of Human Resources
Alternatives to Dismissal		Assistant Director or above	Head of Human Resources

ⁱ Depending on the level of sickness absence and the history of the case the panel/officer issuing the warning may provide that the warning should stay on file and be considered for a period of up to 24 months. This will depend on all the circumstances of the case, but as one example, may be appropriate if there is a pattern of the employee's attendance deteriorating after the expiry of a previous warning(s)