

Stevenage Borough Council

Sickness Absence Policy and Procedure

Version No: 6

Date: 14 June 2018

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1. Purpose

- 1.1** Stevenage Borough Council values the contribution of its employees in the delivery of quality services to the community and is keen to support the well-being of all employees. Whilst the Council has a supportive approach, it will achieve a balance between the needs of individuals and the organisation. Where there is frequent and persistent absence from work or a long term absence where there is little or no prospect of return within a set timeframe, it may become necessary from a business perspective, to consider termination of employment.
- 1.2** The Council recognises that employees will, from time to time, be unable to attend work for short and sometimes long periods due to ill health. This Policy and Procedure provides a fair and consistent method of managing both frequent short term and long term sickness absence.
- 1.3** The Council takes seriously its responsibilities under the Equality Act 2010 and this Policy and Procedure therefore ensures that these responsibilities are adhered to.

2. Operation of this policy

2.1 This Policy and Procedure will be operated in line with Stevenage Borough Council's values, which are:

- Excellent
- Caring
- Responsive
- Innovative
- One Team

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- Straightforward

3. Scope

- 3.1** This Policy and Procedure applies to all Stevenage Borough Council employees employed on NJC Red and Green book terms and conditions, and to all employees employed on JNC terms and conditions for Chief Officers. This Policy does not apply to employees who are in their Probationary Period, please see the Probation Policy for further details on sickness absence for those on probation.
- 3.2** This Policy and Procedure is not designed to deal with unauthorised absence, or failure to provide appropriate certificates. Those are disciplinary matters and are dealt with through the Disciplinary Policy and Procedure.
- 3.3** Absence for other reasons such as that relating to time off to care for dependants or special leave for personal or domestic reasons is addressed through separate Council policies. Please refer to the staff Intranet or to your manager for further guidance.
- 3.4** This Policy and Procedure is non-contractual.

4. Principles

- 4.1** All employees will be treated fairly, consistently during times of illness and are encouraged to make use of the support mechanisms available to them. In addition to support from the line manager and Human Resources (HR), the Council has an Employee Assistance Programme. Details of this can be found in Section 7 of this policy.
- 4.2** All sickness matters should be dealt with confidentially and information will only be made available to those involved where this is necessary and appropriate.

- 4.3** Managers have a structured framework to assist them in managing sickness absence.
- 4.4** All employees understand their responsibilities and follow sickness reporting arrangements.
- 4.5** The highest levels of quality and service are maintained to allow the Council to fulfil its obligations to all service users.
- 4.6** Managers will implement reasonable adjustments to the roles of employees, where applicable, to support attendance at work.
- 4.7** Where there is medical evidence that an employee is no longer fit to fulfil the requirements of their role, the role cannot be sufficiently adjusted, and the employee cannot be redeployed to a suitable alternative post (where one exists and is appropriate), the Council reserves the right to terminate employment before the expiry of contractual sick pay, in accordance with this Policy and Procedure.
- 4.8** The Policy and Procedure aims to support an employee's return to work. Where employees are absent for a considerable amount of time or no longer able to carry out the duties of their role, employees will be reasonably supported throughout this time and also made aware that the outcome of this procedure could be dismissal.

5. Sickness Absence Definitions

- 5.1** Short term absence is where an employee is absent for a period of less than 20 continuous working days (pro rata based on the number of hours worked for part time employees). Frequent short term absence involves episodes of sporadic absence of a short duration, usually due to minor illnesses, that are either connected or unconnected. It may be evidenced by a self-certificate or a medical Fit Note.

5.2 A Fit Note is a medical certificate issued by a doctor, typically for continuous absences of more than 7 calendar days, i.e. from the 8th day onwards.

5.3 Long term absence is any period of absence from work due to ill health lasting or expected to last more than 20 continuous working days (pro rata based on the number of hours worked for part time employees). Long term absence must be medically certified.

5.4 In circumstances where an employee has episodes of both long term and short term and/or frequent absence, the line manager must obtain guidance from HR on the most appropriate procedure to apply.

6. Responsibilities

Roles and responsibilities in relation to this Policy and Procedure are outlined below.

6.1 Employees

Employees are responsible for:

- Making every effort to maintain full attendance at work.
- Complying with statutory requirements and the Council's policies and procedures to ensure a healthy and safe environment.
- Familiarising themselves with the requirements of this Policy and Procedure and co-operating fully in its application, including providing sickness absence certificates as may be required.
- Contacting their manager at the onset of their absence and keeping their manager informed and updated with regard to their absence.
- Informing their line manager of any changes in their health, which may affect their ability to undertake their duties effectively to enable the Council to make reasonable adjustments where appropriate.

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- Taking responsibility for managing their own health and well-being, and not undertaking any activity that could compromise their ability to attend work.
- Making appropriate use of the support available, including Occupational Health (OH) services and the Employee Assistance Programme.
- Participating in return to work interviews and informal and formal meetings.

6.2 Managers

Managers are responsible for managing sickness absence sensitively and compassionately, and ensuring they follow this Policy and Procedure. This includes:

- Reminding employees as necessary to familiarise themselves with the requirements of how and when to notify managers when they are not able to attend work due to ill health.
- Ensuring that all sickness absence is logged and reported to HR for recording, as detailed in this Policy and Procedure
- Maintaining contact with employees during periods of sickness absence and ensuring Fit Notes are requested when required.
- Conducting return to work interviews with employees following all periods of sickness absence and keeping notes of these.
- Monitoring absence levels and where an employee's absence reaches the trigger points for either short term or long term sickness, as defined within this Policy and Procedure, managing them accordingly and consistently for all employees.
- Considering reasonable adjustments for employees (where applicable), including discussing with the employee advice given in a Fit Note. When the Equality Act 2010 applies, for example in matters relating to disability or pregnancy, managers need to ensure that they investigate any possible

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reasonable adjustments and that they accommodate these when it is reasonable to do so. Managers can obtain guidance on reasonable adjustments from their HR Business Partner.

- Ensuring that referrals to the OH provider are made when appropriate, to seek medical advice on fitness for work, reasonable adjustments and medical redeployment (where applicable), and planning the next steps (with guidance from their HR Business Partner) when the medical advice received.
- Advising their staff on the operation of this policy.
- Providing a written record of all meetings and reviews, to the employee and HR.

6.3 Human Resources and Organisational Development (HR & OD)

HR is responsible for:

- Providing specialist information, training, and advice to managers on managing individual cases of sickness absence, to ensure consistency, fairness and compliance with the law.
- Attending formal meetings as may be required in accordance with this Policy and Procedure to provide guidance to the line manager.

Providing sickness absence data for managers and SLT when required.

Employee Assistance

- 6.4** Stevenage Borough Council understands that a sickness management process can be a difficult time for any employees affected. The Employee Assistance Programme, (EAP) through Livewell-Optum is available to support employees with issues of sickness absence during the process.

6.5 Livewell-Optum provides employees with the opportunity to talk confidentially to an independent third party about any issues. The advice line is open 24 hours a day, 365 days a year and offers the following services:

- A confidential free phone counselling and advice service.
- A confidential free, face-to-face counselling service.
- Free advice about work, financial, tax, legal and personal issues.
- A free, confidential website. Username/Password: **Stevenage**

Telephone (free number) 0800 282193 or log onto www.livewell.optum.com for more information.

7. Trade Union or other representative

7.1 An employee has the right to be accompanied at any formal meetings and Hearings held under this Policy and Procedure by a Council work colleague or an accredited Trade Union Representative.

7.2 The same standards will apply to Trade Union Representatives as to all other employees. However, where application of formal action that may lead to dismissal is being considered in respect of a Trade Union Official or Representative, the case must first be discussed with a Senior Trade Union Representative or full time official of that trade union or the employee's designated representative, by the Senior HR Manager , if they wish.

8. Notification of Absence

8.1 All employees who are unable to attend work must inform their line manager of their absence personally, by telephone (not text or email), within a reasonable time or where applicable, in line with the standard local arrangement. If for a good reason, the employee is unable to speak

to their line manager, then the employee must speak with the most appropriate manager available or leave a message for the manager, together with their contact details. The line manager or another manager within the service area will call the employee as soon as practicable.

8.2 In exceptional circumstances, employees may have genuine difficulties in making personal contact (e.g. hospital admittance). In these circumstances contact from a spouse, partner, family member or friend would be appropriate.

8.3 In cases where an employee's disability might make personal contact difficult, the line manager should ensure that alternative contact arrangements are in place.

9. Maintaining Contact

9.1 When an employee is unsure how long they will be absent they must contact their manager on the 1st, 2nd, 4th and 7th day, or where appropriate, the next available working day. If, at the onset of absence, it is known that the individual will be absent for a longer period, the manager will confirm frequency of contact.

9.2 If the employee does not return to work at the anticipated time they must contact their manager.

9.3 If an employee fails to comply with the Council's notification procedures, this may result in the absence being regarded as unauthorised and therefore unpaid. This may also, depending on the circumstances of the case, result in disciplinary action being taken against the employee concerned.

10. Certifying Absence

In order to qualify for sick pay, employees must comply with the absence reporting procedure. They must provide evidence of sickness or injury. Proof

of sickness should be a self-certificate and after 7 calendar day's absence, a Fit Note must be submitted to you line manager by the 9th day of absence.

10.1 Self-Certification

10.1.1 All employees must complete a Self-Certification Absence and Return to Work form on the first day back at work. The form is available from the line manager.

10.1.2 In certain circumstances, such as repeated short term absence, an employee may be required to provide a Fit Note for periods of absence of 7 days or less. Where this is necessary the Council will reimburse the doctor's charges upon submission of a receipt.

10.2 Fit Notes

10.2.1 A Fit Note must be sent to the employee's manager as soon as it is obtained and no later than the 9th day of absence. If the Fit Note is a second or subsequent one, it must be provided to your line manager within 2 days of the expiry of the current Fit Note.

10.2.2 Employees must provide the manager with the original Fit Note, however, the original must be returned to the individual (this may be required for claiming benefits or other purposes). The manager must take a copy of the original, date, sign and endorse it and send the verified copy to HR.

10.2.3 The Fit Note that the employee will receive from their doctor will say whether the employee is either:

- (a) not fit for work or
- (b) may be fit for work

If the doctor chooses option (b) they should make recommendations for adjustments to help a return to work and it is for the line manager to determine whether they can be implemented. HR Business Partners can

provide the line manager with advice in considering such matters. It should be noted that reasonable adjustments are only recommendations from the GP and do not have to be followed.

10.2.4 If the recommended adjustments cannot reasonably be made, and the employee cannot return to work, the Fit Note can be used to cover the employee's sickness absence.

10.2.5 Where a doctor has stated on the Fit Note that they do not need to assess the employee again, this means the employee should be able to return to work at the end of the stated period without obtaining confirmation of this from the doctor.

10.2.6 If an employee considers they are fit to return to work prior to the Fit Note expiring, there is no requirement for the employee to seek a further Fit Note from their GP confirming their fitness for work. However, this must be noted on the return to work interview form.

11. Dual Employment

11.1 Employees should make their manager aware if they have more than one job with the Council so that their manager can liaise with the other manager and determine the best course of action.

11.2 It is important to recognise that jobs may have different responsibilities and therefore different impacts on an employee's health and any reasonable adjustments which may be required.

11.3 If an employee is being referred to OH both jobs should be stated on the referral form and both JDs provided so that OH can provide advice regarding both jobs and make a fully informed decision on fitness for work or otherwise. The absence management meetings can take place to cover both roles, with one manager agreeing to take the lead on the return to work interview and providing a copy to the other manager.

12.Types of Sickness Absence

12.1 Accident or Injury at Work

- 12.1.1 It is an employee's responsibility to report an accident or injury at work immediately to their line manager or to the most appropriate manager available at the time. The manager must ensure an accident reporting form is completed without delay. Failure to comply with accident at work reporting procedures may result in any resulting absences being inadmissible for industrial injury sickness pay.
- 12.1.2 If sickness absence is related to an accident at work, the Council may have a duty to report the incident to the Health and Safety Executive (HSE). For advice on this please contact the Health and Safety Team.
- 12.1.3 Sickness which is related to an accident at work should be treated with particular care and sensitivity. The Council's Sickness Absence Policy and Procedure should be followed in the normal way with advice and guidance initially from OH, HR Business Partner and the Health and Safety team where appropriate.

12.2 Third Party Accidents

- 12.2.1 An employee has a responsibility to inform the Council of any successful third party claim. The Council reserves the right to reclaim any sick pay already paid to an employee and included in compensation in these circumstances.
- 12.2.2 Sickness which is related to a third party accident should be treated with particular care and sensitivity. The Council's Sickness Absence Policy and Procedure should be followed in the normal way, but discretion may be needed as to how the specific case is dealt with dependent on the particular circumstances. Further advice and guidance should be sought from OH, HR Business Partners and the Safety, Health and Environment (SHE) organisation as may be appropriate.

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12.3 Pregnancy Related Absence

12.3.1 Pregnancy related sick absence must be recorded in the normal way and in absences of more than 8 days, a Fit Note to certify absence must be submitted. However, this absence should not be counted towards the trigger points or in relation to any informal or formal action for sickness absence management. For further information relating to sickness during pregnancy, please refer to the Maternity Leave Policy.

13. Medical Suspension

13.1 In exceptional circumstances it may be appropriate to medically suspend an employee on a neutral basis, for example (this is not exhaustive):

- Where there is reasonable belief that an employee may be suffering from an infectious or other condition and it is necessary to take such action to protect the workforce, customers or residents. Wherever possible, prior to initiating medical suspension, alternatives such as adjustments to their substantive role and temporary redeployment should be carefully considered and HR Business Partner advice must be obtained.

13.2 Any decisions to suspend need to be based upon a health and/or safety justification and the manager, with advice from HR/OD, should be able to demonstrate this through a risk assessment.

13.3 If the Assistant Director or the most senior manager available is satisfied there are sufficient reasons to suspend, they will convene a suspension meeting as soon as possible where circumstances permit. The employee does not have a statutory right to be accompanied at this meeting. However, the employee will be given the opportunity to be accompanied by a Trade Union representative or work colleague where this is reasonably achievable. The non-availability of the representative

must not delay the meeting. The decision to medically suspend will be confirmed in writing.

- 13.4** Medical suspension will be on contractual pay and will not impact upon sick pay. If the suspension is lifted and the employee commences sick leave, sick pay and this procedure will apply from the commencement of sick leave.

14. Illness During Working Hours

- 14.1** Employees who have reported for work but then need to leave work due to becoming unwell must speak to their manager, or if not present, the most senior manager, prior to leaving work. The absence will be recorded on the employee's sickness record as either a ½ day or full day. Absence for more than 50% of the employee's working day will be recorded as a full day of sickness absence.

15. Medical Appointments

- 15.1** Wherever possible, employees should make medical/dental appointments outside of their normal working hours. However, where this is not practical employees should arrange lunchtime, early or late appointments, with approval from their line manager, to cause minimal disruption to the working day and make up the time lost through the flexi time scheme.
- 15.2** For those employees not covered by the flexi time scheme, time off with full pay for these purposes may be allowed at the discretion of the manager. However, there is no absolute right to this time and prior approval needs to be given before the time is taken. Employees must produce evidence of appointments if requested. Where it is considered that an excessive amount of time off is being requested, the manager can review their decision.

15.3 Where an employee has no control over the time of the appointment, for example hospital, consultant appointments, the manager may allow time off with full pay. Employees should provide their manager with proof of their appointment (e.g. an appointment card or copy of the appointment letter) when requesting the time off.

15.4 Employees with a disability are allowed reasonable paid time off to attend for treatment related to their disability and further information may be required from the employee. Employees must provide evidence of appointments if requested.

Elective Surgery

15.5 The Council will be supportive of elective related surgery (etc) where it supports (a) the health and well-being of an employee and (b) their full attendance at work. Line Managers may request medical evidence to support absence in these cases. All related absences as a result of and following this surgery (etc), where applicable, will be recorded as sickness absence and will be managed under this policy. Special leave (paid) will not be granted under these circumstances.

It is important to recognise the Council has a duty to the effective use of public funds, so should an employee wish to undergo surgery (etc) where the criteria (a) and (b) mentioned above are not met, then staff would be expected to use their annual leave and would not be entitled to sick pay. Staff who are unwilling / unable to provide evidence of reasons for the elective surgery (etc) will fall into this category. Staff may also request unpaid special leave in these circumstances however paid leave will not be allowed.

16. Annual Leave and Sickness

- 16.1** Employees continue to accrue paid annual leave whilst absent due to sickness and may request to take annual leave during a period of long term sickness absence (not applicable to short term absences). Any employee wishing to take leave during long term sickness absence should make this request in writing to their line manager and the annual leave should be recorded in the normal way. The line manager must notify HR/OD of this to ensure the employee is paid correctly.
- 16.2** Where an employee returns to work in the current leave year, every effort should be made to encourage them to take their remaining annual leave, and this may be taken as part of any agreed phased return arrangements. If they did not have an opportunity to take all of their leave, an employee will be able to carry forward any unused statutory leave to the next annual leave year, in line with the Working Time (Amendment) Regulations 2007.
- 16.3** Where an employee returns to work in a new leave year, they still have the right to the *statutory leave* they accrued whilst off sick, during the previous leave year, and this can be carried forward into the new leave year, provided there was no opportunity to take it.
- 16.4** Any employee who falls sick prior to commencing pre-booked annual leave or during their annual leave will be able to reclaim their annual leave, from the day they notify their manager of their sickness absence, provided they comply with normal notification procedures and submit medical evidence (Fit Note) for the whole of the period of sickness.

Sick Pay

- 16.5** Employees are entitled to Statutory Sick Pay and, depending on length of service, Occupational Sick Pay in line with their contract of employment, provided that they comply with the Council's notification procedures.
- Details of the Sick Pay Scheme are available on the Staff Intranet.

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Failure to comply with the Council's procedures may result in withholding of pay and may result in disciplinary action depending on the circumstances of the case.

17. Return to Work Interviews

17.1 Return to work interviews must be conducted by line managers after every period of absence, including absence as a result of an accident at work. Where possible managers should carry this out on the day an employee returns to work, or as soon as practicable. These will usually be face-to-face interviews; however, they can be conducted by telephone where managers/employees work at differing geographical locations and appropriate arrangements made for the employee to sign the self-certification form.

17.2 The return to work interview needs to be separate to any First or Second Formal Meetings and Hearings; these meetings cannot be combined. The Self Certification Absence and Return to Work form must be used to record the discussion and completed forms must be sent to HR by the manager.

17.3 Return to work interviews are an important part of absence management and can help to identify short and long term absence problems at an early stage. They also provide a manager with an opportunity to start a dialogue with staff about underlying issues which may be causing the absence and allow them to make changes to support the employee.

18. Flexitime, Overtime and Sickness Absence

18.1 To support the wellbeing of employees and ensure complete recovery from illness, non-contractual overtime will not be offered to employees who have been absent due to illness. Equally, employees working under the flexitime scheme should not accrue flexi hours on their return. This will normally be for a period of seven consecutive days immediately after

an employee's return, unless in exceptional circumstances, and with the agreement of the Assistant Director or their designated representative.

18.2 Overtime should not be assigned or undertaken by employees who are in a period of a phased return to work following sick leave.

18.3 Particular care should be taken where employees are undertaking amended duties to allow recovery following sick leave. Overtime should not be scheduled or undertaken in these circumstances.

19. Phased Returns

19.1 There may be a recommendation from an employee's doctor and/or OH, to provide a phased return for employees, to support a successful return to their substantive post. The line manager will agree an appropriate phased return plan with the employee, taking account of the medical advice and the needs of the Business Area.

19.2 Phased returns should not usually exceed 4 weeks in duration. Periods in excess of 4 weeks must be agreed with the Assistant Director. A temporary adjustment to the employee's contract of employment in respect of working hours or duties may be considered in circumstances where a 4 week phased return period may be insufficient. Where possible, for periods in excess of 4 weeks, the use of remaining annual leave should also be considered.

19.3 Phased returns must be recorded on the appropriate form (refer to the Staff Intranet) and submitted to HR for the employee's file.

20. Trigger Points

20.1 At any stage, managers have absolute discretion to meet with employees with regard to their sickness absence. To manage sickness absence, the Council considers the following absences as a cause for concern; these are referred to as trigger points and require action from the line manager:

- Accumulation of 8 working days' of sickness absence over a rolling 12 month period (pro rata for part time employees)

and/or

- 5 episodes of absence over a rolling 12 month period
- Recognisable patterns of absence, such as regular occurrence before or after flexi or annual leave or at the end or beginning of a week

20.2 When reviewing absences against the trigger points it may be necessary in exceptional circumstances for managers to use their discretion on what the trigger points are. This particularly applies when an employee has an underlying medical condition that is covered under the Equality Act 2010. Each case should be considered on the individual circumstances relating to the condition and guidance should be sought from the HR Business Partner for the area

20.3 In the exceptional circumstances, when managers are considering applying their discretion or changing the trigger point for absences, the manager must first obtain advice from HR and must record the reason for the discretion in writing to the employee.

21. Referral to Occupational Health

21.1 An OH referral should be arranged to obtain medical advice, after due consideration of each individual case:

- Where there is frequent short term absence or
- After 20 continuous working days' absence (pro-rata for part time employees), or sooner if the reasons for absence indicate a long term absence or may indicate an impact on the employee's ability to undertake their role.

- The manager may also arrange a referral in the case of ongoing concerns about the employee's wellbeing.

21.2 Advice should be sought in relation to the potential duration of absence and the ability of the employee to return to or continue in their role.

21.3 Medical advice from OH is guidance. It is up to the line manager, with advice from the HR Business Partner, to determine whether it is reasonable to apply the guidance in full, in light of the circumstances of each case.

22. Short Term and/or Frequent Sickness Absence Procedure

In consideration of the individual circumstances managers may apply discretion at every stage of this procedure, specifically in cases where the Equality Act may apply. The manager must record the reason for applying discretion in this way and confirm this in writing to the employee.

22.1 Measures

At any stage of this procedure the manager may consider initiating any or some of the following measures, where such measures may help to reduce the number or duration of further episodes of sickness absence:

- An employee may be required to submit a Fit Note from the first day of sickness absence. The cost of Fit Notes in such circumstances will be reimbursed by the Council on submission of a receipt.
- Setting attendance targets for an employee.
- An employee may be required to phone their manager at regular intervals during their absence.
- An employee may be required to attend their place of work for a review or where necessary, a manager may arrange with the employee to make a home visit during their absence.

22.2 Informal Meeting

22.2.1 Where an employee's absence record reaches or exceeds any of the trigger points detailed in the above section, the line manager will hold an informal meeting with the employee to discuss the level of absence and its impact. Discussion should also cover what steps could be taken to improve attendance, including where appropriate, temporary adjustments, redeployment or ill health retirement. Where there is evidence of an underlying medical problem contributing to absence, a referral to OH may be arranged.

22.2.2 The employee will be advised that their level of absence is a cause for concern, and that it will be monitored for a period of 3 months from the date at which the trigger point was reached. During this time the employee will be expected to show a significant reduction in their absence levels. A

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significant improvement is measured against the Council's triggers, the current pattern of occurrences or duration of the individual's sickness absence as well as the trend. The manager must provide the employee with the outcome of the informal meeting in writing and outline the frequency of future review meetings to monitor the employee's progress.

22.2.3 At the expiry of this informal review period, if the manager determines that the employee's sickness absence has reduced to a satisfactory level, they should confirm this in writing, advising the employee that they are no longer subject to monitoring, but that any further periods of absence will involve a move into the formal procedure from the outset.

22.3 Stage One Formal Meeting (Potential Outcome – First Written Warning)

22.3.1 Where an employee fails to show significant improvement in their attendance during the informal monitoring period they will be invited to a Stage One Formal meeting. The letter will explain their right to be accompanied by a Trade Union representative or work colleague and that a possible outcome of the meeting may be a First Written Warning. A First Written Warning may only be issued by a manager of at least Grade 6 and above. The manager chairing the meeting will be supported by their Assistant HR Business Partner.

22.3.2 At the meeting the manager will give consideration to the employee's sickness absence record, including the reasons for absence and other areas possibly associated with the absences and OH advice where this has been obtained. The employee will have the opportunity to put forward any information they would like the manager to take into account before reaching a decision.

22.3.3 The outcome of the meeting will be confirmed to the employee in writing and may include measures outlined at Section 24.1. If the matter is considered to be an ongoing cause for concern, the employee will be

issued with a First Written Warning. A First Written Warning should be issued within 5 working days of the formal meeting and will usually be effective for 12 months from the date on which it is issued. The manager must outline the frequency of future review meetings in the outcome letter.

The employee's absence will be monitored for 3 months following the meeting and the employee will be warned that a failure to improve their attendance during this period may result in escalation at any time to the next stage of the Policy and Procedure.

22.4 Stage Two Formal Meeting (Potential Outcome – Final Written Warning)

22.4.1 Where an employee fails to show significant improvement in their attendance or exceeds the level of absence stipulated during the 3 months, they will be invited to a Stage Two Formal meeting. The letter will explain their right to be accompanied by a Trade Union representative or work colleague and that a possible outcome of the meeting may be a Final Written Warning. A Final Written Warning may only be issued by a manager of at least Grade 8 and above. The meeting must be supported by their HR Business Partner.

22.4.2 The manager will give consideration to the employee's sickness absence record, including the reasons for absence and other areas possibly associated with the absences and OH advice. The employee will have the opportunity to put forward any information they would like the manager to take into account before reaching a decision.

22.4.3 The outcome of the meeting will be confirmed to the employee in writing and may include measures outlined at Section 24.1. If the matter is considered to be an ongoing cause for concern, the employee will be issued with a Final Written Warning. A Final Written Warning should be issued within 5 working days of the Stage Two meeting and will usually be

effective for 12 months from the date on which it is issued. The manager must outline the frequency of future review meetings in the outcome letter.

The employee's absence will be monitored for a 3 month period following the meeting and the employee will be warned that a failure to improve their attendance during this period may result in escalation to the next stage of the Policy and Procedure, which may result in their dismissal.

22.5 Monitoring and Escalation

22.5.1 Where an employee fails to show a significant improvement in their attendance levels during the monitoring periods, it is not necessary to wait until the end of the 3 month review period before taking action. Action may be taken from the time absence exceeds the required level. Managers may, at their discretion, commence the process at any stage, dependant on the circumstances of the case.

22.6 Expiration of warning

22.6.1 Copies of warnings will be held on the employee's file but will no longer remain live from the date on which they expire.

22.7 Stage Three Formal Meeting (Potential Outcome – Dismissal)

22.7.1 Where the employee fails to meet the levels of improvement required at the Stage Two Formal monitoring stage of the procedure, a dismissal hearing should take place. The hearing will be chaired by an Assistant Director or above (with authority to dismiss), supported by the relevant HR Business Partner. The employee will receive a written invitation to the hearing, detailing their right to be accompanied by a Trade Union Representative or work colleague and also a copy of any information which may be referred to during the hearing. The letter should be issued at least 7 working days in advance of the hearing.

22.7.2 The employee will be given the opportunity to explain their absence record and make any representations they would like considered before a decision is reached.

22.7.3 Depending upon discussions at the Hearing, the manager may:

- Adjourn the hearing to make a referral to OH for further guidance or seek other medical evidence
- Make the decision to dismiss the employee with contractual notice
- Make recommendations as to an alternative appropriate sanction e.g. an extension to Final Written Warning
- Agree that the name of the employee should be added to the Redeployment Register in line with OH guidance and that the employee will be subject to the Redeployment Policy and Procedure.

22.7.4 In cases of dismissal, a letter informing the employee of the decision to dismiss should be sent to the employee within 5 working days. The letter should include a brief factual summary of the case, grounds for the dismissal and reasons for termination of employment, with the right of appeal in accordance with the Council's Appeal Policy and Procedure.

23. Long Term Sickness Absence Procedure

It is important when dealing with long-term sickness absence that there is on-going, regular communication between the manager and employee throughout the employee's absence. The frequency of communication will be determined by the manager depending on the nature of the absence.

23.1 Case Review Meetings

23.1.1 Once an employee has been absent for a period of 20 continuous working days (pro rata based on the number of hours worked for part time employees) the employee will be invited to a formal Absence Review

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Meeting with the manager to discuss the situation and consider measures to achieve a successful return to work. The letter will explain the employee's right to be accompanied by a Trade Union Representative or work colleague and what will be discussed at the meeting. Please refer to Management guidance on an Absence Review Meeting.

23.1.2 Absence Review Meetings will usually be held at Stevenage Borough Council premises. However, in the event that the employee is unable to attend a meeting at their workplace, the manager may write to obtain information or offer to visit the home of the employee.

23.1.3 Further formal Absence Review Meetings should take place at intervals not exceeding 2 months and up to date OH advice will be sought in advance of the meeting as may be appropriate. Absence review meetings may be held more frequently depending on the circumstances of the case.

23.1.4 In situations where it becomes evident that there is little or no prospect of a return to work within a foreseeable timeframe, the manager should arrange an Absence Review Hearing, after seeking advice from their HR Business Partner. At this Hearing, the employee's continued and future employment with the Council will be considered.

23.2 Return to Work Adjustments

23.2.1 In order to facilitate a return to work, the following options should be considered by those involved, subject to the needs of the service:

- adjustment to the work or equipment, work patterns or work environment
- extra supervision or a mentor
- additional training
- phased return

23.3 Ill Health Redeployment

23.3.1 If redeployment is recommended by OH, advice must be sought from HR and for employees who have an underlying medical condition and are likely to meet the disability definition under the Equality Act 2010, the Council's Redeployment Policy and Procedure will apply in searching for suitable alternative employment.

23.4 Ill Health Retirement

23.4.1 Where an employee is a member of the Local Government Pension Scheme and there is a recommendation by OH or the employee wishes to pursue ill health retirement, an application can be made, which would be assessed by an independent registered medical practitioner, approved by the administering authority, to determine whether they satisfy the criteria to certify ill health retirement. Details of the current Ill-health Retirement rules and procedures can be found on the HCC pensions website.

23.5 Final Absence Review Hearing (potential Outcome – Dismissal)

23.5.1 Where it has been identified that an employee on long term sickness absence will be unable to return to their substantive role, or where it becomes evident that there is no foreseeable prospect of a return to work within a reasonable timescale, the manager will arrange a Final Absence Review Hearing, after taking advice from their HR Business Partner.

23.5.2 The employee will be invited to the Final Absence Review Hearing, giving them at least 7 working days' notice of the hearing. The letter will confirm their right to be accompanied by a Trade Union Representative or work colleague, the purpose of the hearing and that termination of their contract on the grounds of capability due to ill health may be an outcome.

23.5.3 The hearing will be chaired by an Assistant Director or above (with authority to dismiss), with support from a HR Business Partner. Please refer to the Management Guidance for the procedure to follow at this hearing.

23.5.4 A decision to dismiss an employee on the grounds of capability, with contractual notice, due to ill-health should not be made until all other courses of action have been considered.

23.5.5 The outcome of the hearing will be confirmed to the employee in writing and should be issued within 5 working days of the hearing.

23.6 Terminal Illness

23.6.1 Managers should deal with such situations compassionately taking into account the wishes of the employee and their financial situation, as well as the needs of the organisation. Each case will be considered dependant on the circumstances and advice should be sought from the HR Business Partner who will in turn liaise with the pensions team at HCC and OH.

23.6.2 There are occasions where an employee with a terminal illness wishes to take up the option of termination of employment and may be eligible for early release of pension benefits or commutation of part or all of the pension into a lump sum if they are a member of the local government pension scheme. The HR Business Partner will direct the employee to expert advice on this from the pensions team at HCC.

23.6.3 In exceptional circumstances, the employee will be kept on the payroll on nil pay, half pay or full pay, at the discretion of the Assistant Director, in discussion with the Senior HR Manager. This removes the need to add further distress by formally dismissing someone, where remaining in service could enable access to death in service benefits.

24. Appeals

24.1 Employees have the right of appeal against formal warnings issued and dismissal. The employee should submit their appeal within 7 working days of receiving the decision and any appeals will be managed in accordance with the Appeal Policy and Procedure.

25. Audit and Record Keeping

25.1 Any warnings issued and dismissal decisions will be recorded and monitored electronically by HR/OD to ensure that the procedure is operated fairly and consistently. Remedial action will be taken where appropriate, for example, additional training for managers.

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26. Equality and Diversity

26.1 Stevenage Borough Council is committed to achieving equal opportunity, celebrating diversity in all our staff policies. This Policy and Procedure will be operated in accordance with the Requirements of the Equality Act 2010.

27. Policy Review

27.1 This Policy and Procedure will be reviewed by HR/OD every three years or sooner in line with legislation and best practice.

Version Control

DOCUMENT HISTORY & VERSION CONTROL

Version	Date approved	Approved by	Description
1.	11 August 2015	SMB	Creation of original document
2.	18 August 2015	Christina Hefferon, Head of Service, HR & OD	Amendment to Section 20: Overtime and Sickness Absence
3.	6 November 2015	Clare Davies, Senior HR Manager	Amendment to Section 20: Flexitime, Overtime and Sickness Absence
4.	1 December 2015	Clare Davies, Senior HR Manager	Amendment to Section 20: Flexitime, Overtime and Sickness Absence
5.	Nov 2017	Alison Thompson and HR BP Team	Amendments to entire policy to enable a more robust approach to sickness absence management
6.	14 June 2018	Clare Davies, HR BPs and approved by Staffside	Addition of management information relating to Elective Surgery (section 15.5)

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