Version 6

Inverclyde Council

August 2024

Produced by:

*Human Resources*

Inverclyde Council

Municipal Buildings

GREENOCK

PA15 1LX

Inverclyde Council

Supporting Employee Attendance Procedure





Image result for inverclyde council healthy working lives



**Document Control**

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| **Document Responsibility** | | |
| **Policy Title** | **Corporate Group** | **Service** |
| Supporting Employee Attendance |  | OD & HR and Communications |

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| --- | --- | --- |
| **Change History** | | |
| **Version** | **Date** | **Comments** |
| 1 | March 2008 |  |
| 2 | Nov 2011 | Updated to reflect Policy and Strategy outcomes on 15th November 2011 |
| 3 | April 2014 | Updated to reflect change in absence measures to days lost per employee |
| 4 | March 2017 | Updated to reflect Policy & Resources outcomes on 20th June 2017 |
| 5 | October 2017 | Updated to include changes to Displacement Selection Criteria Matrix |
| 6 | July 2024 | Procedure updated in line with Policy updates. Additional information on employee and manager responsibilities. |
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| **Distribution** |
| Corporate Directors, Heads of Service, Trade Unions, ECMT |
|  |

|  |  |  |
| --- | --- | --- |
| **Policy Review** | | |
| **Updating Frequency** | **Next Review Date** | **Responsible Officer** |
| 5 years | 2029 | Service Manager ( HR Operations and Health and Safety) |

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Review and Approval** | | | |
| **Name** | **Action** | **Date** | **Communication** |
| Policy and Resources Committee | Approved | 17/09/2024 | Website, ICON, Trade Unions, ECMT |

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**1. PURPOSE**

***1.1 Aims***

* + 1. The purpose of the *Supporting Employee Attendance Procedures* is to ensure that the *Supporting Employee Attendance Policy* is applied to provide a fair and consistent method of supporting attendance for all Council employees. The council will be mindful of its legal obligations in regard to underlying health conditions and disability and reasonable adjustments will be made wherever practicable if such adjustments are likely to remove the disadvantage and lead to improved and sustained attendance at work within a reasonable period of time.

***1.2 General***

1.2.1 A list of all policies that connect to the Supporting Employee Attendance Policy and Procedures can be found in Appendix 1.

1.2.2 The majority of standard template letters and documents relevant to these procedures can be accessed from ICON and appropriately adapted. Services must not create their own letters. For those letters not on ICON, please contact an HR Advisor for assistance.

**2. INTRODUCTION**

2.1 The following procedure outlines the steps that are to be followed in circumstances of sickness related absence. It does not apply to other authorised absences such as those granted under the Council’s Family Friendly policy.

2.2 The Council currently has a target of less than 9 days non-attendance at work per full time employee per year. 9 days represents an average only, the majority of employees will have a non-attendance at work record of significantly less than 9 days per year.

2.3 The following procedures are designed to ensure fairness and consistency in the management of sickness absence and also to provide help and support to employees who are subject to illness or injury. It is appreciated that individual circumstances must be taken into account and therefore the procedure is intended to be flexible in its operation to allow line managers some level of discretion.

**3 EMPLOYEE RESPONSIBILITIES**

***3.1 Responsibilities***

3.1.1 Employees have an essential role to play in ensuring that Supporting Employee Attendance procedures are successful. Co-operation in adhering to the Council’s procedures is key to ensuring the successful resolution of any issues. Employee responsibilities are as follows;

* Attend work unless prevented by sickness or authorised to be absent for another

reason

* Follow correct notification procedure
* Provide appropriate and timely certification of absence
* Maintain regular contact during periods of absence and attend review meetings as requested
* Attend appointments with the Council’s Occupational Health Providerasappropriate
* Take responsibility for personal level of attendance at work and be proactive in managing your own health and wellbeing
* Avoid actions considered detrimental to recovery and return to work

***3.2 Notification and Certification Requirements***

3.2.1Notification and Certification of Absence

As contracted members of staff, all employees have an obligation to attend work. This section covers the steps employees must take during periods of sickness absence. Employees must fulfil all of these requirements or they may lose entitlement to Occupational Sick Pay and may be subject to instigation of disciplinary procedures.

3.2.2 Reporting an Absence: 1 - 7 days

*(Including weekends where these are worked as normal)*

* When an employee is unable to attend work due to illness or injury they must contact their line manager by telephone, at the latest by their normal starting time and, where possible, giving an indication of when they hope to be able to return to work
* Employees must contact their manager in person or, if they are not available, someone else in authority, and make contact with their manager either later that day or the following day if the manager is unavailable
* It is not acceptable to telephone a colleague or to text/private message/email a manager
* On the rare occasion that an employee may be hospitalised or is so ill that it is not possible to make contact, a relative or friend should be asked to contact the manager in the first instance, at the latest by their normal starting time. The employee should resume contact with their manager as soon as possible thereafter; and for absences lasting up to 7 days, the employee must contact the manager on each day of absence (unless otherwise agreed by the manager)

3.2.3 Reporting an Absence: 8 days or more

*(Including weekends where these are worked as normal)*

* Where an absence extends beyond 7 calendar days, employees must submit a Fit Note from either a GP or a hospital to cover the period of absence beyond the first 7 days
* It is important that if employees submit more than one Fit Note, that they are received timeously so that there is no gap in the expiry date of one and start day of the other
* Employees should agree with their manager the frequency of contact that is appropriate - this should be no less frequent than a telephone call every 14 days as a general rule. This communication should include discussion around return to work goals, or any new information concerning your absence, for example a visit to the doctor or to a specialist. Communication via email is not acceptable.
* Employees should ensure they have a note of their managers’ direct telephone number available at all times

3.2.4 Reporting for Teachers Absence

As per section 6.24 of the SNCT Handbook, to receive sickness allowance a teacher must meet the requirements detailed in paragraphs 6.25 to 6.29, noted below:

* The employee must notify the school/Council as soon as is practicable. If the employee is unable to do so due to illness, some other person may act on his/her behalf. The employee should, if possible, indicate the date of return to work
* Where the absence continues to a fourth day further notification, as above, contact should be made to the school/Council
* Where the absence period is 4 to 7 days the employee will complete a self-certification form on return to work
* Where the absence extends beyond 7 days of sickness, the employee will submit a Fit Note to the school to cover absence beyond the 7 days
* In addition, a self-certification form to cover the first 7 days of absence should be completed and returned, following issue by the council
* Where an employee has been absent for more than 7 days, the Director of Education, or equivalent, may require him/her to produce additional evidence of continued incapacity or submit to a medical examination by a medical officer appointed by the council
* Where an employee fails to comply with the notification and certification requirements, in respect of any day of sickness entitlement, the sickness allowance will cease for that day, unless there is an acceptable reason provided for this failure
* Teachers should ensure that they have a note of their Head Teacher or nominated representative’s direct number at all times

3.2.5 Multi-post holders

Employees may hold more than one position within the Council (multi-post holders) or may have additional employment out with the Council.

* Internal - employees who hold more than one position with the Council must report their sickness to the relevant manager for each position as detailed in section 3.2. above. Employees who are sick from one position may be fit to attend the other where the duties are different for the two posts. For example, an employee may not be fit for physical work however they may be fit for desk based duties. Occupational Health Advice will be sought in these circumstances where appropriate
* External - employees who undertake paid employment out with the Council must inform their manager if they continue to undertake said employment while absent from their position with the Council. Occupational Health advice may also be sought in these circumstances. If an employee is undertaking external paid employment which would be deemed inappropriate due to the reason for the absence from their position with the Council, then the employee may not be entitled to receive occupational sick pay for this period and the matter may be considered under the Council’s Disciplinary Procedures
  + 1. Employment and Support Allowance (ESA)

Employees who earn below a certain threshold should be aware that they may not be entitled to Statutory Sick Pay if they did not earn enough in the 8 weeks prior to the first day of absence. The Council must assume in these cases that employees will be entitled to payment of ESA and we will therefore deduct relevant benefit per week from any occupational sick pay due. Payroll will send a form confirming the non-entitlement to the employee and direct them to complete the form and submit it to DWP to claim benefit.  Should employees be advised that they are not entitled to benefit, the DWP will issue a form confirming this. Employees should forward this form to Payroll Services as soon as possible and this will enable the Council to discontinue any deduction of benefit from wages and refund any monies due.

***3.3 Non-Compliance***

3.3.1 Failure to comply with reporting and/or notification procedures for sickness absences will normally exclude an employee from accessing occupational sick pay, and the absence from work may be deemed as unauthorised therefore warranting consideration under the Disciplinary Procedures. Recovery of occupational sick pay will be considered on a case by case basis.

**4. THE ROLE OF THE MANAGER**

***4.1 Responsibilities***

It is the responsibility of all supervisors/managers to manage attendance proactively. This is achieved through this Supporting Employee Attendance Procedure and associated policy, which will ensure a fair and equitable approach to supporting employee attendance. Supervisors/managers should attend the Council’s Supporting Employee Attendance training.

4.1.1 In managing attendance general areas of responsibility will include:

* Promote and be an ambassador of the Council’s Supporting Employee Attendance policy and procedures
* Reduce the instances of short term absence and the duration of long term absences
* Consider preventative measures to support employees in maintaining good attendance
* Regularly audit employee attendance patterns
* Acknowledge and praise good attenders
* Approach issues of employee sicknesswith sensitivity
* Monitor levels of attendance. Colleagues in Organisational Development and Human Resources will assist with analysis of absence trends, providing absence data to services on a regular basis
* Deal with attendance issues at the earliest possible stage. Meet with employees to discuss their absences individually. Advice can be sought from colleagues in Organisational Development and Human Resources as and when required
* Ensure that employees are aware of the notification and certification procedures
* Maintain regular contact with employees who are absent
* Address absence concerns timeously where a management absence trigger is reached
* Make any necessary arrangements for the rehabilitation of an employee or the allocation of duties following their return to work
* Conduct return to work meetings following every absence (refer to section 5)
* Ensure that employees are aware of the terms of the Supporting Employee Attendance policy and procedure, their responsibilities and the consequences of not complying
* Keep employees informed of the level of absence in your section / service of the Council at regular team meetings
* Participate in training related to supporting employee attendance
* Issue letters of concern where appropriate (refer to section 6.5)
* Instigate the Council’s disciplinary procedures where appropriate (refer to section 8)
* Instigate referrals to occupational health where appropriate (refer to section 6.4, 6.6, 6.8 and 7)

* Be fair and consistent in the implementation of the policy and procedures

***4.2 Monitoring and Recording of Sickness Absence***

4.2.1 It is the responsibility of managers to ensure that employee absences are recorded and monitored on an ongoing basis, using the online Sickness Notification Form available from ICON. A copy of the form will be sent to Payroll Services once submitted. A link will automatically be returned to the submitter. Reminder emails will be sent every 10 days while the absence is live to both the manager and the submitter.

4.2.2 All absences will be recorded on Chris21 following timely notification to Payroll Services using the online Sickness Notification Form. When the employee has returned from sickness absence, click the link in the original email to complete the finish form and close off the absence. You must use the **original link to** close the absence or the automated email reminders will continue every 10 days.

Attach a fit note if you have one at the time of completion. If not, and the absence lasts 8 calendar days or longer, use the notification of fit note e-form to submit to Payroll Services.

***4.3 Attendance Trigger Points and Targets***

4.3.1 To assist employees in achieving the Council's target for absence of less than 9 days per year, full time equivalent, trigger points have been established for managers.

The 5 distinct categories of trigger points are outlined below;

* Mental Ill Health - e.g. depression, anxiety, stress
* Musculoskeletal – e.g. back pain, shoulder injury, broken bones
* 4 separate episodes of absence or more in a 12 month period
* 6 days of absence or more in a 12 month period
* 4 weeks of absence or more

When a trigger point is reached managers should address the reason for this in accordance with sections 5 and 6 below.

4.3.2 Appropriate communication between employee and manager will ensure that absences do not occur without being supported by a plan of action which is clearly developed on a case by case basis. Suggested communication should be daily for the first week of absence as close to an employee’s normal start time as possible, and weekly or fortnightly thereafter where appropriate. It is expected that managers will agree frequency of communication dependent on the nature of the employee’s absence.

4.3.3 Absence is monitored on a 12 month rolling basis however overall an employee’s attendance will be considered over a 3 year period. Managers should reasonably consider situations when a generally good attender has had an unfortunate year of ill health.

**5 RETURN TO WORK MEETING**

5.1 The return to work meeting should be arranged when an employee returns to work, after every absence. This should take place on the first day back at work or as close to this as practical. A Return to Work form is available on ICON.

5.2 In most cases the return to work meeting will be relatively informal and the final stage in the absence management process.

5.3 Generally there are three possible outcomes to a return to work meeting:

* No concerns over attendance pattern and no further action is required
* Concern over attendance pattern therefore a letter of concern should be issued (refer to section 6.5). If a letter of concern has previously been issued disciplinary procedures may be instigated (refer to section 8)
* Referral to Occupational Health for further support in relation to the reason for the absence (refer to section 7)

5.4 Where it is deemed necessary to conduct a full and thorough return to work meeting, it should be used to ensure consistency, that employees have the opportunity to discuss any matters of concern in relation to their most recent absence, and to review their factual attendance record.

Using the Return to Work form, the suggested standard format for a return to work meeting is as follows;

* Welcome the employee back – the manager will have the opportunity to update the employee, inform the employee that they have been missed as has their valuable contribution to the team. The manager should advise the employee that they are both obliged to follow the Council’s procedures to ensure attendance at work is maximised wherever possible
* Enquire about health – all managers have a genuine concern for all employees’ welfare and all absences are assumed genuine unless evidence appears to contradict this
* Observations – discuss the nature and duration of period(s) of absence, discuss any patterns of absence, whether absences are related, whether absence is related to work, and whether there are any personal issues. Ensure that the employee is fit to resume full duties and discuss preventative measures. In most cases short term absence will not require Occupational Health support. However where appropriate Occupational Health referrals may be made in accordance with section 7
* Futureaction – Where appropriate managers should remind employees of the necessity for full attendance at work wherever possible and discuss the impact non-attendance has on the team and service provision. At this point the manager should also remind the employee of the potential consequences should attendance fail to improve and/or issue a letter of concern (refer to section 6.5). The 9 day target is the maximum trigger for managers to address attendance concerns. Any absence not properly explained or supported may still result in the issuing of a letter of concern, instigation of formal procedures or affect occupational sick pay respectively
* The return to work document should normally be completed following a thorough return to work meeting. Even if there is no concern over an employees’ pattern of absence, the return to work document should still be completed. The template return to work document is available on ICON.

5.5 Employees should normally be unaccompanied at return to work meetings as this is an informal process between manager and employee.

**6. SHORT AND LONG TERM ABSENCE**

***6.1 Managing Short Term Absence***

6.1.1 Short term absence is any absence lasting less than 4 weeks. However, where an employee has frequent or regular absences, i.e. a frequent day or two here or there for varying reasons, this is normally termed as Persistent Short Term Absence. The managers focus should be on reducing incidences of short term absence through appropriate management.

6.1.2 It is important that any action taken is appropriate to the circumstances. The *Short Term Absence Procedure*is illustrated in a flowchart found in Appendix 2. Short term absence can give cause for concern in relation to the operation of Council services.

**6.2 Stage 1: Return to Work:**

6.2.1 If an employee has not reached any of the trigger points, is a good attender and the attendance pattern gives no cause for concern then a brief return to work conversation will be held as the first and final stage in the process.

6.2.2 If an employee hits an attendance trigger point, they should be invited to attend a return to work meeting with the line manager.

The line manager will follow one of the following courses of action where there may be a genuine medical reason for their absence(s):

* Where all absences have been for a genuine medical reason, but no ongoing underlying medical condition, (i.e. one which causes more than one absence and/ or may give rise to further absences), is suspected, then the line manager will proceed to Stage 2
* Where it is suspected that the employee may have an ongoing underlying medical condition (i.e. one which causes more than one absence and/ or may give rise to further absences), then the line manager will proceed to Stage 3

**6.3 Stage 2: No Underlying Medical Condition**:

6.3.1 Where no underlying medical condition is suspected the employee will be reminded

of the attendance level expected. The line manager and employee should explore support mechanisms to assist in supporting attendance. A letter of concern should be issued (refer to section 6.5).

6.3.2 If attendance has reached the required level within a 3 month period of the letter of concern being issued, no further action will be taken.

6.3.3 If attendance has not reached the required level, and the absence appears not to have been for genuine sickness reasons or the employee has displayed a pattern of non-attendance then the Council’s disciplinary procedures may be instigated.

**6.4 Stage 3: Underlying Medical Condition:**

6.4.1 If an underlying medical condition is suspected a referral to the Occupational

Health Advisor may be made.

6.4.2 If an underlying medical condition is identified the line manager will take any necessary steps to support the employee through reasonable adjustments in line with the suggestions made by the Occupational Health Advisor. The manager should continue to actively manage any persistent absences in accordance with the capability process.

6.4.3 If upon receipt of the medical report an ongoing underlying medical condition is not identified, the employee’s attendance will be supported and monitored in accordance with Stage 2 of the short term absence procedure.

6.4.4. Where persistent short term absences continue and the Occupational Health assessment concludes that there is no underlying reason why the employee should be absent through sickness so frequently and the employee has not volunteered mitigating reasons or medical evidence from another source which relates to the absences, then the Council’s disciplinary procedure may be instigated (refer to section 8).

**6.5 Letter of Concern**

6.5.1 While in most cases the return to work meeting will not highlight an attendance concern, on occasion it may be appropriate for managers to issue employees with a letter of concern where the employee’s pattern of attendance gives cause for concern. It is important to note that letters of concern should only be used to address short term absence. Only in exceptional circumstances and in agreement with colleagues in Organisational Development and Human Resources would this be considered appropriate for long term cases.

6.5.2 The purpose of the letter of concern is to inform employee’s that their attendance at work is unsatisfactory and that concern has been noted. This stage is designed to avoid the instigation of disciplinary procedures. A review period of 3 months is set at the time of issue at which point the manager will meet with the employee to review their attendance. Where the attendance pattern has failed to improve a manager may instigate the Council’s disciplinary proceedings if appropriate. Managers may proceed to the next stage in the process, prior to the end of the 3 month review period, if it is clear that an employee’s attendance is not improving.

6.5.3 It may not be appropriate to issue a letter of concern in all circumstances and managers should apply this fairly and consistently. The letter of concern is designed to impact on the frequency of short term absences and to highlight concern over a non-attendance pattern. It may not always be appropriate to address long term absences by issuing a letter of concern, capability due to ill health may be considered as an alternative in conjunction with Organisational Development and Human Resources (refer to section 6.9.4 – *termination on grounds of capability through ill-health*). Employees may demonstrate a pattern of attendance that causes concern requiring the manager to issue a letter of concern or take further action as appropriate, however, this will not always be the case. The trigger points detailed in the policy document and above are designed as a tool to raise managers’ awareness, ensure discussion and early intervention with employees in relation to potential absence concerns which may require support and in some cases further action. The 6 day target is an indicator that an employee’s absence is approaching the Council’s overall 9 day target and may require further intervention/support/action and not necessarily that an occupational health referral is required or a letter of concern issued.

For example;

* + Employee A works in a physically demanding role and has several periods of absence within the last 12 months suffering from back pain, their attendance has not given the manager cause for concern in the previous 3 years. This employee may require support for a musculoskeletal concern – the manager should refer to the Occupational Health Procedure – Physio and Counselling for further support.
  + Employee B works in a similar role demonstrates a poor attendance pattern for various reasons, on further discussion with the employee, it may be necessary for the manager to issue a letter of concern – the manager is not required to consider a referral to Occupational Health on this occasion.

*These are examples only and each case should be determined on its own merit.*

6.5.4 A letter of concern can be issued to an employee with an attendance record of less than 9 days as appropriate, e.g. one off failure to comply with notification procedures or frequent absences close together.

6.5.5 Letters of concern should be recorded on the Council’s Chris21 system using the key **F6** and mnemonic **ISS**. The system will send a reminder to the relevant manager to schedule a review meeting with the employee a week before the expiry date of the letter.

6.5.6 No more than one letter of concern should be issued to an employee. Organisational Development and Human Resources should be contacted in circumstances where it may be appropriate to issue a further letter of concern.

6.5.7 Where a line manager has considered the employees view at a return to work meeting and deemed it appropriate to issue a letter of concern, this should be advised verbally at the end of the meeting and followed up in writing after the meeting.

6.5.8 There is no appeal against a letter of concern as it is not a disciplinary sanction.

6.5.9 Advice may be sought from Organisational Development and Human Resources.

***6.6* Managing Long Term Absence**

6.6.1 Long term absence is normally characterised by a continuous absence lasting longer than 4 weeks. The manager’s focus should be on early intervention to reduce the length of the current absence by supporting employees back to work.

6.6.2 The *Long Term Absence Procedure*is illustrated in aflowchart found in Appendix 3.

Long term absences are often attributed to major illness, surgery or injury. Where an employee submits a fit note that does not indicate a return to work in the short term the line manager should consider whether any action is required. For some illnesses, in particular work related stress, mental ill health or musculoskeletal related disorders, the manager should intervene as soon as the first medical certificate is received.

6.6.3 The line manager will first examine the circumstances of the case. In some cases the prognosis for a long term absence will be self-evident i.e. the condition has an expected duration and recovery period therefore no immediate intervention is required other than maintaining regular contact, for example a set recovery period following surgery. Occupational Health advice may be required when considering reasonable adjustments to support a return to work or the absence lasts longer than expected. However, where this is not so, the line manager should hold an Absence

Review Meeting (refer to section 6.7) and where necessary refer the employee to Occupational Health

6.6.4 Following the initial Absence Review Meeting if the medical advice confirms that the employee is not yet fit to return to work, a date should be agreed to meet again to review the employee’s progress, normally within a maximum of 4 weeks where appropriate.

6.6.5 Advice can be sought from Organisational Development and Human Resources as required.

**6.7 Stage 1: Long Term Absence Review Meeting:**

6.7.1 Where employees with an attendance record either on or above the Council’s target, managers have an obligation to manage the situation and take appropriate action in line with Council procedures. Wherever possible the manager should attempt to reduce the length of long term absences by considering various options detailed throughout these procedures.

6.7.2 The line manager will arrange to meet with the absent employee, as soon as possible. An invite letter should be sent to the employee giving them sufficient notice (i.e. 5 working days) should they wish to seek representation. Employees are obliged to attend in accordance with the terms of these procedures and associated policy and the relevant conditions of service. The employee may be accompanied at the meeting by a trade union representative or work colleague should they so wish.

6.7.3 The meeting will be conducted sympathetically and the line manager will:

* Explain the purpose of the meeting
* Discuss with the employee the reason(s) for their absence and their progress
* Ascertain whether the absence is work related in any way
* Outline concerns as a manager and their responsibility to apply the policy
* Identify and explain the appropriate action to be taken, where appropriate this may include;
* Phased return
* Work Related Stress Risk Assessment (refer to the Stress, Mental Health and Well Being Policy) - Please note that Managers **should not** refer employees to Occupational Health when the absence is due to work related stress, this is a management issue and should be dealt with in line with the work related stress questionnaire guidance.
* Referral to Occupational Health
* Home Working for a defined period
* Temporarily amended duties/reasonable adjustments
* Part time working

*This list is not exhaustive and managers should discuss with employees any alternatives that may be considered to allow an employee to return to work in some capacity.*

* Schedule a review meeting within a maximum 4 week period, where appropriate dependent on the circumstances of the absence

6.7.4 If the employee is physically unable to attend their normal place of work to meet with their manager the meeting may be held at the employee’s home. Alternatively, you can arrange to do the meeting online. It is important to be sensitive to the employee’s ill health and reasons for absence as to when/how often/where you meet with them.

**6.8 Stage 2: Occupational Health Referral (refer to section 7):**

6.8.1 **Before** requesting an Occupational Health referral, the manager will have discussed the reasons for the referral with the employee.

6.8.2 Where an Occupational Health referral is deemed appropriate the line manager will complete a referral on the Ohio Occupational Health system to help identify the nature of an employee’s illness and/or to provide advice on the best way to expedite a return to work. Subsequently the manager will take any necessary steps to support the employee through reasonable adjustments, if appropriate, in accordance with any recommendations made by the Occupational Health Advisor and/or the employees’ GP.

**6.9 Stage 3 – Is the Employee likely to return to work?**

6.9.1Yes the employee is likely to return to work in a reasonable timescale, as confirmed by the Occupational Health Advisor.

The manager should continue to have regular contact with the employee. This will help the manager to keep abreast of the situation and provide any support which may be necessary. It will also allow both manager and employee to make plans, particularly with regard to a likely return date. Medical advice will provide details of adjustments required and a realistic date of return.

6.9.2 Any potential anxieties regarding a return to work following a significant period of absence can be overcome by adopting a flexible approach to helping the employee settle back to a routine including the following;

1. Returning to the normal working pattern with a modified workload for an agreed period
2. A phased return to a normal working pattern and full duties building up over a period of 4 weeks to full attendance. A phased return to work will generally only be considered for employees who have been absent from work for an extended period of time unless the employee has a disability and therefore phased returns may be considered for shorter absences (providing the phased return is no longer than the absence itself).

6.9.3 *No the employee is not likely to return to work, or will continue to have long term periods of absence as confirmed by the Occupational Health Advisor.*

At this point the manager, in conjunction with Organisational Development and Human Resources, should explain this to the employee and consider their capability in terms of their health to plan ahead and decide a course of action which will be in the best interests of the employee and the Council.

* + 1. The following options should be considered and discussed with the employee at a capability meeting (Capability Meeting 1) for the most appropriate course of action, managers must seek advice from Organisational Development and Human Resources prior to proceeding to a capability meeting;
* *Unexpected recovery and return to original duties* - this should be fully supported by the Occupational Health Advisor if required
* *Redeployment to alternative suitable employment* – consider with Occupational Health advice whether the employee can be transferred to another position within their own or another Service. This may involve a reasonable period of retraining and an element of rehabilitation. The Council is obliged to consider this option in accordance with the Redeployment Policy and Guidelines. Please refer to the Council’s Redeployment Policy for further details.
* *Ill-health retirement (applicable to members of relevant pension funds with a minimum 2 years pensionable service)* – may be appropriate in circumstances where it is known that an employee may be permanently unfit to return to work and reasonable adjustments and/or redeployment are not possible or feasible. The Occupational Health Advisor will determine initially whether an employee might be a suitable candidate for retirement on ill health grounds. Organisational Development and Human Resources will arrange for the employee to be assessed by the Occupational Health providers’ Independent Physician who will determine, in conjunction with the medical evidence from the employee's GP, and/or Consultant, wherever necessary, if the employee is a suitable candidate for tier 1 or tier 2 ill health retirement. Please note that teaching staff must request ill health retirement directly via the SPPA. Further information is available from Organisational Development and Human Resources.
* *Termination on the grounds of capability through ill-health* - if the Occupational Health Advisor does not recommend redeployment or ill health retirement and confirms that the employee remains unfit to return to work within a reasonable timescale, or has persistent long term absences for genuine reasons, then termination on the grounds of capability should be considered following the undernoted process:
  + The employee should be advised, in writing, that they are invited to a meeting (or home visit where appropriate depending on their individual circumstances) with their manager and a Human Resources Advisor to be informed that termination on the grounds of capability is now being considered (Capability Meeting 2). In some circumstances employment may be terminated on grounds of ill health capability at this stage, for example if the employee confirms they are unable to return to work in any capacity. Should there be no improvement or further information available following capability meeting 2, a further capability meeting (capability meeting 3) will be arranged. This meeting may ultimately result in termination of employment on grounds of ill health capability. The employee may be accompanied by a Trade Union representative or work colleague at capability meetings. Template letters for capability meetings will be provided by the designated Human Resources Advisor. Appeal hearings against capability terminations will be heard by a Human Resources Appeal Panel (Officers). The *Capability Ill-Health Procedure*is illustrated in a flowchart found in Appendix 4

6.9.5 In all of the above circumstances the importance of discussing the case with employees and Organisational Development and Human Resources cannot be stressed enough. This will ensure that employees are treated reasonably, fairly and in accordance with employment legislation.

6.9.6 If it is known a return to work will not take place prior to the exhaustion of an employee’s occupational sick pay entitlement, payment may be made for any outstanding occupational sick pay entitlement. This payment is not made in addition to payment for the employees notice period. The notice period will be offset against any remaining occupational sick pay entitlement. This will apply in cases where there is supporting medical evidence from the occupational health advisor that the employee will not be fit to return to work prior to the expiry of their sick pay and is dependent on the nature of the absence.

**7. OCCUPATIONAL HEALTH**

***7.1 Occupational Health Appointments***

7.1.1 It is a condition of employment that an employee may be required, where it is considered necessary or advisable, to attend an appointment with the Council's Occupational Health Advisor. Failure to do so may result in decisions being taken based on available information or formal proceedings may be instigated.

7.1.2 The manager will arrange an Occupational Health referral and appointment and provide all relevant supporting information. As part of the Occupational Health referral process, managers can choose from a range of case relevant questions which they wish the Occupational Health Advisor to consider. The Occupational Health Advisor has access to all Council job descriptions in order to assess an employee’s fitness for their role. Additional information can be provided by the manager if they wish to provide more detail i.e. physio reports, risk assessment, absence record etc.

***7.2 Occupational Health Reports***

7.2.1 In exceptional circumstances, the Occupational Health Advisor may wish to seek further information from the employee’s GP prior to writing a report. Should this be the case, the employee will be provided with a Medical Consent Form at their occupational health appointment. The Medical Consent Form provides the employee with information on their statutory rights in accessing their medical reports.

7.2.2 Occupational Health reports are available for managers directly from the Occupational Health provider within 48 hours of the occupational health appointment date. Please note that Data Protection legislation requires managers who ‘need-to-know’ should receive a copy of the report and that those individuals who do receive a copy of the report treat this as confidential. The manager who made the referral will have access to the report directly through the Occupational Heahlth system and **should ensure that they provide the employee with a copy of the medical report in advance of any discussions, and within 3 working days of receipt.**

***7.3 What if the employee refuses to co-operate?***

7.3.1 It is a condition of employment that an employee may be required, where it is considered necessary or advisable, to attend an appointment with the Council's Occupational Health Advisor.

7.3.2 On the rare occasion that an employee refuses either to attend an Occupational Health appointment, or their consent for a medical report from their GP, managers in conjunction with Organisational Development and Human Resources will make a decision on future action based on the information available. A decision will be made regarding the continuation of occupational sick pay. This situation is not in the best interests of the employee and it is hoped that by maintaining regular contact with the employee and discussing mutual concerns it can be avoided.

***7.4 What if there is discrepancy between the advice of an employees’ GP and the Council’s Occupational Health Advisor?***

7.4.1 In most cases there is an agreement between the employee's GP and the Occupational Health advisor and cases where there is disagreement about an employee being fit or not fit for work tend to be the exception.

The Council’s Occupational Health Advisor will fully consider the employees remit, any reasonable adjustments, lighter duties and whether the employee may be fit to return to work in some capacity. The Occupational Health Advisor’s medical opinion will form a significant part of the Council’s approach in such cases taking into account all of the circumstances including where any specialist medical information has been provided by an employee together with any advice provided by the GP on the employee’s fit note. It is important to acknowledge that it is managers who have the overall responsibility to manage attendance and therefore, manager’s may introduce appropriate measures designed to manage any absence following due consideration of all of the available information, including the medical opinion.

In exceptional cases, where termination of employment is being considered on grounds of health capability it **may** be necessary to obtain an independent medical opinion from an independent Occupational Health Physician.

***7.5******What if there are concerns over the employees’ fitness to resume work?***

7.5.1 In cases where there are health and safety concerns over the employees’ fitness to resume duty, the Council reserves the right to postpone the employee’s return until a referral to the Council’s Occupational Health Advisor has been made. In such circumstances, the employee will continue to receive sickness allowance at the appropriate rate. However, where the Council’s Health Advisor concurs that the employee was fit to resume duties on the date originally specified, the employee will be restored to full pay from the date the final sick line expired.

Where an employee has had their return to work postponed under the circumstances described above, the Council will arrange an emergency medical appointment with the Occupational Health Advisor to ensure any possible financial hardship is kept to a minimum. Consideration will also be given, if appropriate, to assigning the employee alternative duties in the interim period.

All decisions to postpone an employee’s return to work must be made in conjunction with Organisational Development & Human Resources.

**8. DISCIPLINE**

8.1Disciplinary proceedings will normally only be instigated to address short term persistent absence in accordance with section 6.1 when an employee’s attendance has failed to improve. Long term absence, wherever possible, should be managed in accordance with section 6.6. Where the level of attendance is deemed to be unsatisfactory, the employee should be informed of this as soon as possible and managed in accordance with the Council’s Disciplinary Procedures.

8.2 In accordance with section 10.2.2 of the National Agreement on Pay and Conditions of Service *(the ‘Red Book’)* sick pay may be suspended if an employee abuses the sickness scheme. Advice should be sought from HR.

8.3 Appeal hearings against attendance related dismissals will be heard by a Human Resources Appeal Panel (Officers).

**9. OTHER RELEVANT INFORMATION**

## 9.1 Sickness or Disablement Due to an Accident in the Course of Employment

Where an employee is absent as a result of an accident/injury at work or an industrial disease, the employee will be entitled to a separate allowance calculated on the same basis as their entitlement to occupational sick pay. An absence due to an accident/injury shall qualify for payment when an entry has been made in the relevant accident book (Form BI 510), the internal accident report form completed, and the subsequent investigation has found the recorded facts to be accurate. Periods of absence in respect of an accident/injury at work will not be offset against the normal sickness absence for the purpose of calculating entitlements under the Scheme.

9.1.1 An accident/injury not recorded will still qualify for payment under this paragraph should a subsequent investigation establish that an accident/injury took place in the course of employment.

9.1.2 Where an absence is claimed to be due to an accident/injury a referral may be made to the Council’s Occupational Health Provider for confirmation of this.

9.1.3 Payment for industrial injury will only be made where it is clear that the reason for a

period of absence is directly related to an accident/injury which occurred at work. Continuing unjustified absences will be recorded as sickness absence and managed accordingly.

9.1.4 The SNCT Handbook outlines the relevant terms and conditions for teachers where they are absent due to sickness or disablement as a result of a work related injury or illness.

***10.2 Flexible Retirement (Local Government Employees)***

10.2.1 Employees aged 55 and over with at least two years pension membership can apply for flexible retirement. Flexible retirement involves a reduction in hours/grade and partial withdrawal of pension benefits while being able to continue in employment. Approval from the Council is required. Please refer to the Council’s Pension and Retirement Policy for full eligibility details.

***10.3 Winding Down (Teachers)***

10.3.1 Winding down is a phased retirement option which offers those members approaching retirement age, the opportunity to continue in employment on a part- time basis whilst protecting their overall final retirement pension entitlement. To request winding down retirement a teacher must meet a number of eligibility criteria including approval from the Council. Eligibility criteria is detailed within the Members Guide, or from the [www.sppa.gov.uk](http://www.sppa.gov.uk) website.

***10.4 Work Life Balance***

10.4.1 Flexible working patterns can promote a good work-life balance, reduce unnecessary absences from work, reduce employee stress levels, and improve the performance and productivity of the Council’s workforce. Please refer to the Council’s Flexible Working Policy for further details.

***10.5 Sickness and Annual Leave***

10.5.1 Employees who fall sick during a period of annual leave are required to contact their line manager on the first day of sickness. In these circumstances if correct reporting procedures have been followed employees will be entitled to receive the annual leave days back on receipt of a fit note from their GP.

10.5.2 In the event that notification procedures have not been complied with employees may not be entitled to recover any annual leave entitlement. For example, an employee who returns to work from a period of annual leave and submits a fit note dating back to the first day of annual leave without good reason will not be entitled to recover any annual leave entitlement.

10.5.3 Where an absence has lasted 13 weeks or more, annual leave entitlement should be abated to the statutory minimum for the full period of absence in accordance with the Councils internal *Guidance on the Calculation of Leave Entitlement* available from Organisational Development and Human Resources.

10.5.4 Employees may submit a request to their line manager to take accrued annual leave entitlement (paid) during a period of sickness absence as a top up to Statutory Sick Pay.

***10.6 Non-medical absences***

10.6.1 Conditions surrounding non-medical absences can be found in the Family Friendly policy. A list of other supported authorised absences can be found in Appendix 5.

10.6.2 The Council will support employees who are absent due to caring for ill relatives. Special leave with pay will be granted for 1 day (up to 2 days for teaching staff) to deal with emergency situations. Further authorised leave with pay dependent on the circumstances may be supported for a short period to allow employees time to adjust to their personal situation. Periods of authorised short term leave will not be recorded as sickness absence. Following a short period of authorised leave, consideration will then be given to flexible working, amending hours of work and periods of unpaid leave. Managers should reasonably consider amending working patterns to support employees in these circumstances. Advice can be sought from colleagues in Organisational Development and Human Resources as and when required.

10.6.3 In accordance with the Conditions of Service up to 5 days authorised absence will be granted to support bereavement of a close family member. The 5 day period will not be recorded as sickness absence. Absences lasting longer than 5 days will be managed in accordance with section 6.

***10.7 Absences due to Work Related Stress***

10.7.1 Employees should raise any work related concerns with their manager as soon as possible to avoid any unnecessary absences from work. Managers should make every effort to address any work related stressors in a timely manner by providing the employee with a Work Related Stress Questionnaire (available on ICON). The questionnaire should be returned within 5 working days. Please note that managers **should not** refer employees to Occupational Health when the absence is due to work related stress, this is a management issue and should be dealt with through the work related stress questionnaire and meeting to discuss.

10.7.2 Once the questionnaire has been received, managers should arrange to meet with the employee as soon as possible in order to discuss the stressors the employee has identified. Managers should discuss with employees the most appropriate method to address the stressors, agreeing an action plan to support the employee back to work at the earliest opportunity.

10.7.3 Should the employee fail to return to work it may be appropriate to make a referral to Occupational Health at this point to determine any further medical reason for the continuing absence.

10.7.4 Occupational Sick Pay may be withheld where is it clear that the work related stressors have been addressed appropriately and there is no other underlying medical reason to support the employee’s absence from work.

***10.8 Employee Health and Welfare***

10.8.1Inverclyde Council **value the welfare of all employees, both inside and outside of work. As such, a healthy lifestyle is promoted and encouraged for all employees. A comprehensive range of services, support mechanisms, and agencies which can assist employees when they experience health concerns is available on ICON, the Health & Wellbeing Hub section of the Council website:** [Health and Wellbeing Hub - Inverclyde Council](https://www.inverclyde.gov.uk/jobs-and-careers/working-for-the-council/health-hub)or from Organisational Development and Human Resources.

***10.9 Training and Development***

10.9.1 Appropriate training is provided for managers in the effective implementation and operation of the Supporting Employee Attendance Policy and Procedure via the Corporate Course Planner, e-learning portal and Absence Focus Groups. Details of all training programmes (mandatory and optional) are available on [ICON](http://icon/hr/employee-development/learning-development/) or from Organisational Development and Human Resources.

10.9.2 As part of the Organisational Development Strategy 2024-2027 theme 1: Organisational Development (Planning for the Future) aims are:

* Excellence in people & performance management and organisational design; and
* To identify current and future workforce challenges and solutions

We will do this by, amongst other things, improving absence management.

10.9.3 Organisational Development and Human Resources will undertake regular audits within each service to support managers in the application of the Supporting Employee Attendance policy and procedures.

**APPENDIX 1**

# OTHER RELEVANT POLICIES & PROCEDURES

If necessary, the following documents, policies, procedures and guidelines should be consulted:

1. Conditions of Service
2. Stress Mental Health and Well Being Policy
3. Family Friendly Policy
4. Flexible Working Policy
5. Redeployment Policy and Guidelines
6. Disciplinary Policy and Procedures
7. Pension and Retirement Policy

This list is not exhaustive





**APPENDIX 5**

**AUTHORISED ABSENCE**

Authorisation procedures vary widely. If in doubt seek advice from Organisational Development and Human Resources.

1. Bereavement
2. Child Care and Dependents
3. Children’s Panel
4. Community emergency services
5. Contact with infectious diseases
6. Local Council candidates
7. Election duties
8. Examinations (where appropriate to the job)
9. Employees adopting babies (adoption leave)
10. Illness of a relative (paid/unpaid)
11. Interviews - with other local authorities
12. Justice of the Peace
13. Maternity leave
14. Medical and dental treatment
15. Meetings of members of an occupational pension scheme
16. Meetings of NJC & Scottish Councils
17. Meetings of Local Councils, Community Council, College Board/Council,
18. Parliamentary candidates
19. Parliamentary election agents
20. Parental Leave/Shared Parental Leave
21. Public Duties/Jury and witness service
22. Search for new accommodation if relocated
23. Secondment - full time education/to other employer
24. Service in non-regular forces
25. Special leave for emergency situations (in accordance with relevant

Conditions of Service)

1. Special purposes - charitable or philanthropic
2. Suspensions
3. Trade Unions –courses/duties/activities
4. Unpaid leave of absence - on medical grounds
5. Victims of crimes of violence at work
6. Voluntary Service Overseas
7. Youth organisation holiday camps

The above list is not exhaustive and may be added/deleted to according to either/or UK and European Law and/or Council committee outcomes.