

Frequently Asked Questions – Supporting Attendance and Wellbeing policy

It should be noted that the suite of forms and letters that accompany the policy and that are referred to in these FAQs are on the People Anytime portal.

What's indicated in the Council's policy statement in the Supporting Attendance and Wellbeing policy?

The Council values the contribution made by its employees and recognises that high levels of attendance at work are key to supporting the achievement of the Council's objectives and priorities. It is committed to maintaining high levels of attendance whilst ensuring that employees are treated fairly, consistently and supportively.

Who does the Supporting Attendance and Wellbeing policy apply to?

This policy applies to all Council employees and covers any sickness absence, regardless of the reason(s). It doesn't apply to any casual or agency workers.

What are the line manager's responsibilities under the policy?

They're responsible for recording and monitoring absence levels and for implementing the policy fairly and consistently. Managers should recognise the individual circumstances of each case and exercise the correct balance between supporting employees and taking action, where appropriate.

What are the employee's responsibilities under the policy?

They have a contractual responsibility to maintain their attendance at work and to comply with all aspects of this policy, including attending meetings and health assessments as requested. It is expected that employees will identify measures to look after their general health and wellbeing and seek medical advice, where appropriate, to maximise their attendance at work.

When does an employee need to report sickness absence?

They must notify their line manager as soon as possible and generally within one hour of their normal start time. For those contracted to work according to rotas and/or with early/late start times, contact should be made prior to the start of their shift.

How should an employee report their sickness absence?

They must contact their line manager by telephone and speak to them in person unless they are unable to do so e.g. if they are incapacitated or in hospital; in which case another person can report their absence on their behalf. Employees must

Speak to an alternative manager if their direct line manager is not available. It's not acceptable for an employee to advise a colleague to pass on a message. This applies to all employees, including part-time or shift workers, but excluding teachers, who are permitted to contact their school.

What are the certification and recording requirements for sickness absence?

Line managers must record every absence on the HR/Payroll system with the start date and sickness reason as soon as they are informed of an employee's absence.

*For self-certified absences, i.e. those of **less than 7 calendar days**, upon return to work, the employee's absence must be closed on the HR/Payroll system.*

*For absences of **more than 7 calendar days**, a Fit Note is required from an employee's GP. The Fit Note must be sent by the employee to their line manager on the 8th day of absence or as soon as possible thereafter. Employees must send in copies of any subsequent Fit Notes to their line manager and these must cover the entire sickness period. Line managers must record all Fit Notes on the HR/Payroll system and follow up on missing fit notes with their employees.*

What can occur if there is non-compliance with absence reporting or certification procedures?

This could result in disciplinary action and employees will not normally be paid for periods of unauthorised absence.

What is the requirement for Return to Work Discussions, and how are they carried out?

On each occasion an employee returns to work following a sickness absence, their line manager must arrange to discuss that absence with them. This should usually be undertaken face to face, but can be done by telephone, with manager/employee agreement. The return to work discussion form provides guidance on carrying out the discussion and must be completed by the line manager. (See 'Return to Work Discussion Form' at Appendix 1 in the forms/letters).

What is the purpose of Return to Work Discussions?

They're used to welcome and support an employee back to the workplace and should aim to do the following:

- *Establish the reason for the employee's absence and ensure that they are fit to resume work*
- *Register concern and interest in the welfare of the employee*

- *Update the employee on any issues that occurred during their absence*
- *Ensure the employee has complied with notification and certification rules and if not, decide what action needs to be taken*
- *Determine if there is any need for counselling, guidance or appropriate referral for support*
- *Find out if there are any work-related factors affecting attendance*
- *Confirm the absence trigger levels and ensure that the employee understands how the policy applies to them and what may occur if there is further absence*

When should a phased return to work be considered and how long is it usually for?

It may be offered to employees who have been absent for a prolonged period of time. It's usually for a period of up to 4 weeks, unless there are exceptional circumstances. Teachers/SNCT employees have a separate local agreement on phased return. Each case will be considered individually. The manager should discuss temporary adjustments to duties or hours of work with the employee before they return to work and confirm their agreement in writing.

When should a referral to the Council's occupational health provider be considered?

Depending on the reason given for the sickness absences, a manager may need to establish if they are related to an underlying medical condition. This is done by making a referral to the Council's occupational health service and it is important to do this prior to holding meetings at the various stages of the procedure. If an occupational health appointment has been requested, the medical report must be available to discuss at the particular meeting.

What if the absences are not related to an underlying health problem?

If the absences do not appear to relate to an underlying medical condition, but instead are attributable to minor ailments, there will normally be no need to refer the employee to occupational health.

What type of absences does the procedure cover?

*The procedure applies in relation to managing **all** sickness absences including intermittent absences and/or continuous long-term absences.*

What does the line manager need to make the employee aware of at each stage of the procedure?

They must make sure that the employee is made aware of the procedure, the next steps of it and the consequences of further absences.

What are the requirements for the manager and employee keeping in contact when an employee is off sick?

Managers should continue to keep in touch regularly with employees off sick, as well as holding the formal meetings required at each stage of the procedure; having both informal and formal conversations is key to a successful return to work. Following the initial notification of the absence, the minimum requirements for contact during a period of absence are:

- 1. The 4th day of the absence.*
- 2. The 7th day of the absence and weekly contact thereafter in the first 4 weeks of the absence.*
- 3. Thereafter, the employee and the manager must agree and maintain a regular pattern of contact, which should be recorded.*

Employees are expected to maintain contact with their line manager out with the minimum timescales set out above to pass on any relevant information regarding any update on their medical situation or fitness for work.

What is the employee's right to be accompanied in the formal parts of the procedure?

They should be given the opportunity to be accompanied by a trade union representative or a work colleague, but not a family member or a legal representative.

What are the absence triggers that apply, to start the formal procedure?

To manage absence there are trigger levels that, if met, place the employee into the formal procedure. The triggers are:

- 10 days or more of absence in any 12-month period*
- 3 occasions or more of absence in any 12-month period*

The formal procedure will apply if either trigger is met (i.e. number of days or number of occasions).

How many stages are there in the procedure?

There are 3 stages within the procedure. Once a trigger level is met an employee will enter the first formal stage of the process, Stage 1. (See 'Invite to Stage 1 Attendance Review Meeting' letter at Appendix 2 of the forms/letters).

What is covered at the Stage 1 Attendance Review Meeting?

The manager must discuss with the employee the reason(s) for reaching the absence trigger level and agree an attendance improvement plan. They will set a review period during which absence will be monitored and improvements in attendance sought. It's recommended that the review period is no longer than 12 weeks. (See 'Record of Stage 1' form at Appendix 3 of the forms/letters, which must be completed by the manager and covers the entire Stage 1 process).

What happens at the end of the Stage 1 review period?

At the end of the review period, or at an earlier date if it is evident that the improvement required will not be met, the manager and the employee will meet to discuss attendance during the Stage 1 review period. (See 'Brought Forward Outcome of Attendance Review Meeting' letter at Appendix 13 of the forms/letters – to be used only if the second scenario above applies).

What are the 3 potential outcomes to Stage 1?

1. Return to Normal Monitoring - applies where the required improvement in attendance has been achieved. It should be noted that where an employee is unable to sustain their attendance at any point in the next 12 months, the manager has the option to move the employee back into the procedure at the point at which they left i.e. the end of Stage 1. (See 'Failure to Sustain Improvement' letter at Appendix 14 of the forms/letters).

2. Extend the review period - it may be applicable to extend the review period where annual leave or special leave has occurred during a Stage 1 review period; where medical information is not immediately available to inform a decision, or where sickness absence has improved but not enough to justify a return to normal monitoring.

3. Progression to Stage 2 - where there has been a further episode(s) of absence or the employee has failed to return to work from a continuous absence during the review period, a caution for unsatisfactory attendance should be issued and the employee moved to Stage 2.

When does the Stage 2 Attendance Review Meeting take place and what is covered?

If a decision is made to commence Stage 2, the Stage 2 Attendance Review Meeting immediately follows the Stage 1 outcome meeting. The manager must review and, if necessary, amend the attendance improvement plan and will set a review period at Stage 2 during which absence will be monitored and improvements in attendance sought. It's recommended that the review period is no longer than 12 weeks. (See 'Record of Stage 2' form at Appendix 4 of the forms/letters, which must be completed by the manager and covers the entire Stage 2 process).

What happens at the end of the Stage 2 review period?

At the end of the review period, or at an earlier date where it is evident that the improvement required will not be met, the manager and the employee will meet to discuss attendance during the Stage 2 review period.

What are the three potential outcomes to Stage 2?

1. Return to Normal Monitoring - If the required improvement in attendance has been achieved, the employee will be informed that their attendance will no longer be subject to regular review under the Supporting Attendance and Wellbeing procedure. It should be noted that where an employee is unable to sustain their attendance at any point in the next 12 months, the manager has the option to move the employee back into the procedure at the point at which they left i.e. the end of Stage 2. (See 'Failure to Sustain Improvement' letter at Appendix 14 of the forms/letters).

2. Extend the Review Period - It may be applicable to extend the review period where annual leave or special leave has occurred during a Stage 2 review period; where medical information is not immediately available to inform a decision or where sickness absence has improved but not enough to justify a return to normal monitoring.

3. Progression to Stage 3 and issue of final caution.

When would it be appropriate to progress to Stage 3?

It would be appropriate to issue a final caution and progress to Stage 3 of the procedure in the following circumstances:

No Underlying Medical Condition - If no underlying medical condition has been identified and an improvement in attendance has not been achieved.

Underlying Medical Condition - If absence relates to an underlying medical condition, reasonable and practical adjustments have been considered and implemented (where appropriate) and the level of absence is unsustainable.

Continuous Absence of more than 4 weeks - If the employee is currently absent and the medical evidence suggests that they may be unlikely to return to work within a reasonable timescale, with or without reasonable adjustments. Before progressing to Stage 3, redeployment and ill health retirement, where applicable, must be investigated and ruled out as alternatives.

What happens if a decision is made to move to Stage 3 of the policy and what does the manager cover at the Stage 3 meeting?

If a decision is made to commence Stage 3, the Stage 3 Attendance Review Meeting immediately follows the Stage 2 outcome meeting.

The manager must review and, if necessary, amend the attendance improvement plan and will set a further period of review at Stage 3. The duration of this further review is at the manager's discretion; however, it's recommended that this is no more than 12 weeks and can be for a shorter period where the medical evidence suggests that the employee is unlikely to be able to improve their attendance within a reasonable timescale. (See 'Record of Stage 3' form at Appendix 5 which must be completed by the manager; and also the letter 'Setting the Stage 3 review period' at Appendix 6 of the forms/letters).

What occurs at the end of the Stage 3 review period?

A report will be prepared by the manager who has managed the employee's absence(s). It is important that the management report provides evidence of the contact with the employee regarding their attendance and any support provided to the employee to improve their attendance. The manager should forward the completed report to their Chief Officer, for arranging a Capability/Conduct Assessment Meeting. (See 'Capability/Conduct report' template at Appendix 7 of the forms/letters).

How is it determined whether it is a Capability or a Conduct Assessment meeting that is held?

The employee will be invited to a Capability or a Conduct Assessment Meeting at the end of the Stage 3 review period. Where absence relates to an underlying medical condition, the manager's report will be a Capability Report and the employee will be invited to a Capability Assessment Meeting. Where absence does not relate to an underlying medical condition the manager's report will be a Conduct Report and the employee will be invited to a Conduct Assessment Meeting. (See 'Invite to Capability/Conduct Assessment Meeting' letter at Appendix 8 of the forms/letters).

How much notice is given to the employee to attend the Assessment meeting?

They should be given at least 5 working days' notice of the meeting in writing and a copy of the manager's report.

Who attends the Capability/Conduct Assessment Meeting?

It will be attended by;

- *The Chair of the meeting who must be an independent manager at least at Third Tier level or above (for teachers/SNCT employees the Chair will be the Director or nominee)*
- *The line manager who has managed the absence(s) to date*
- *The employee*
- *The employee's trade union representative or work colleague (where applicable)*
- *A People and Organisation Adviser*

What's the purpose of the Capability/Conduct Assessment Meeting?

It's to consider whether the required improvement in attendance has been achieved, up to and including the Stage 3 review period and to carefully examine all options, including the likelihood of improved attendance or dismissal on the grounds of lack of capability due to ill health or misconduct due to sustained poor attendance (whichever applies).

What will be covered at the Capability/Conduct Assessment Meeting?

The employee's manager will present their report on the employee's absence, highlighting the measures taken to assist the employee to improve their attendance. The reasons for the absence levels will be discussed as well as the content of the latest medical report (where applicable). The employee will be given the opportunity to provide a full response at the meeting.

What are the potential outcomes to the Capability/Conduct Assessment Meeting?

They are;

1. Return to Normal Monitoring - Where the required improvement in attendance has been achieved during the Stage 3 review period, the employee will be informed that their attendance will no longer be subject to regular reviews under the Policy. It

should be noted that where an employee is unable to sustain their attendance any point in the next 12 months, the manager has the option to move the employee back into the procedure at the point at which they left i.e. a Capability/Conduct Assessment Meeting at Stage 3 of the procedure. (See 'Outcome of Stage 3' letter at Appendix 9; and also 'Failure to Sustain Improvement' letter at Appendix 14 of the forms/letters).

2. Extend the Review Period - The chair of the Capability/Conduct Assessment Meeting has the discretion to extend the review period if additional information or monitoring is required to inform a decision. (See 'Outcome of Stage 3' letter at Appendix 9 of the forms/letters).

3. Termination of Employment - Where the Chair decides, after considering all available information, to terminate employment. If possible, the employee will be informed of this at the meeting, with the decision confirmed in writing along with details of their right of appeal. (See 'Outcome of Stage 3 Termination of Employment' letter at Appendix 10 of the forms/letters).

What does the dismissing manager need to state about the reason for dismissal?

The reason for dismissal must be clearly communicated to the employee. Where absence relates to an underlying medical condition (Capability Assessment Meeting) employment will be terminated on grounds of lack of capability due to ill health. Where absence doesn't relate to an underlying medical condition (Conduct Assessment Meeting) employment will be terminated on the grounds of misconduct relating to failure to fulfil contractual responsibilities due to poor attendance.

What's the employee's right of appeal against dismissal?

They have the right of appeal against dismissal within 10 working days of receipt of written notification of the decision.

How does an employee lodge an appeal and what are the two appeal options?

Any appeal must be lodged in writing, with the grounds clearly stated. A non-teaching employee can choose to have their appeal heard by a senior manager at Chief Officer level or above, who has had no prior involvement in the case, or through the Appeals Sub Committee. A teaching employee can choose to have their appeal heard by a Director, who has had no prior involvement in the case, or through the Appeals Sub Committee. (See 'Notice of Appeal Hearing' letter at Appendix 11; and 'Outcome of Appeal Hearing' letter at Appendix 12 of the forms/letters).

GENERAL POINTS ON TYPES OF ABSENCE

What occurs where a disability has been confirmed as the cause of absence?

Where disability has been confirmed as the cause of absence(s), reasonable adjustments will be discussed at the earliest opportunity in relation to the duties of the job, aspects of the working arrangements and/or the premises. In such circumstances, there is a duty to make reasonable adjustments to accommodate a person with a disability, so that they are not placed at a substantial disadvantage when compared to non-disabled employees.

What are some examples of reasonable adjustments?

Some examples are:

- *adjusting premises, buying or modifying equipment*
- *allocating some of the employee's duties to another employee*
- *redeployment*
- *altering working hours*
- *allowing time off during working hours for rehabilitation, assessment or treatment*
- *providing training*
- *modifying procedures for testing/assessment during training*

What is the 'Access to Work Scheme'?

This is a scheme operated by Job Centre Plus that can provide eligible employers with partial funding to purchase equipment to assist an employee with a disability to undertake their job. Further details on the 'Access to Work Scheme' are available on the 'People Anytime' portal or from line managers.

How should disability related sickness absence be managed?

It should be managed under the procedure. If an employee meets one of the trigger points in the procedure due to disability-related absence, then the absence should be managed in a supportive manner with focus on identifying measures that can be taken to assist the employee to improve their attendance. Managers are expected to think creatively about any adjustments. If, after all attempts to make reasonable adjustments have been made, the employee is still unable to return to work, or maintain an acceptable level of attendance, then their employment may be terminated on capability grounds.

What is an absence related to pregnancy and when is this established?

Absence related to pregnancy is defined as ‘any absence linked to an employee’s pregnancy either before or after the birth of the baby’. It is important to establish and record whether an absence is pregnancy related at each return to work discussion as this will determine how a case is managed where an absence trigger point is reached.

How should pregnancy related sickness absence be managed?

Where an employee meets one of the trigger points in the policy due to absence related to pregnancy they will be required to attend a Stage 1 Attendance Review Meeting. The nature of this meeting will be wholly supportive and will focus on identifying measures that can be taken to assist the employee to improve their attendance, with concern shown for their health and wellbeing at all times.

In contrast to other reasons of sickness absence, the case will not progress to Stage 2 of the procedure if there has been no improvement in attendance levels. Instead, the employee will continue to be considered at Stage 1 of the procedure with the focus of the follow up meeting(s) continuing to be supportive and with the manager exploring any further measures to improve the employee’s attendance. This approach would continue until the employee’s attendance had improved sufficiently, at which point they would move out of the procedure and normal monitoring would then apply.

What should occur if there is a pregnancy related absence in the 4 weeks before the baby is due?

If an employee goes off sick for any reason connected to their pregnancy within the four weeks before the baby is due (as stated on MatB1), the maternity leave will start immediately on the first day after their absence starts (even if they are subsequently fit to come back to work).

How should absences related to industrial accidents be managed?

Where an industrial injury has been recorded in the corporate system and where an employee meets one of the trigger points in the procedure due to absence related to an accident or incident at work or due to an industrial disease, then as with any other employee, they will be required to attend a Stage 1 Attendance Review Meeting (for teachers/SNCT employees reference should be made to the SNCT handbook). The nature of this meeting will be wholly supportive, to identify measures that can be taken to assist the employee to improve their attendance, with concern shown for their health and wellbeing at all times. A monitoring period will be set for improvement to occur. At the end of the monitoring period the manager will meet with the employee to discuss progress and to make a decision on the outcome of

Stage 1. Depending on the employee's absence record, further stages of the procedure could also apply.

What should occur in relation to terminal illness?

In the case of a terminally ill employee, managers must consider the circumstances of the employee and their continued employment in as sensitive and compassionate a way as possible. The latest GP and Occupational Health medical reports should be carefully considered. Advice can be sought from People and Organisation on the issue of continued employment and from the Pensions Section for details of pension benefits for a spouse or dependants. It is important to consult the employee about their wishes and to be in a position to provide them with all the information they might require on available options before any final decision is made on their employment situation.