



Supporting Attendance and Wellbeing

Policy

Approved by the Staff Governance Committee of 1 November 2018 with an implementation date of 1 January 2019

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1.0 POLICY STATEMENT

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.

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

It links to the 'Workforce' Design Principle of the Council's 'Target Operating Model', in that having a policy in place that is supportive and enables the early addressing of sickness absence issues, will help ensure that the organisation has an engaged workforce with high levels of attendance, contributing positively to its outcomes and service to customers. It will also assist in creating a positive culture and hence with the retention of employees.

The policy also accords with the 'Prosperous Economy' theme in the Local Outcome Improvement Plan; as having a supportive and effective absence management policy in place will assist with employee morale, demonstrating the Council as a caring employer. Levels of morale are linked to productivity, resource efficiency and the delivery of cost effective services. As the organisation plays a key role in fostering an environment where the local economy can thrive having an engaged workforce delivering cost effective services is a key requirement.

2.0 RESPONSIBILITIES

2.1 Senior Management

Are responsible for overseeing the implementation of this policy, leading strategic initiatives to reduce sickness absence and promoting a positive health, safety and wellbeing culture.

2.2 Line Managers

Are responsible for recording and monitoring absence levels and for implementing this 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.

2.3 Employees

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.

3.0 PROCEDURE

3.1 REPORTING AND RECORDING SICKNESS ABSENCE

3.1.1 Notification

If an employee is unable to come to work, they must notify their line manager as soon as possible and generally within one hour of their normal start time. For employees contracted to work according to rotas and/or with early/late start times, contact should be made **prior to the start of their shift**.

An employee 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 is 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. Employees should not wait until their next scheduled work day to tell their manager about sickness absence.

3.1.2 Certification Requirements

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.

Non-compliance with absence reporting or certification procedures could result in disciplinary action and employees will not normally be paid for periods of unauthorised absence.

3.2 RETURN TO WORK

3.2.1 Return to Work Discussion

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. Return to work discussions are 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 Supporting Attendance and Wellbeing policy applies to them and what may occur if there is further absence

3.2.2 Phased Return

A phased return to work (usually for a period of up to 4 weeks, unless there are exceptional circumstances) may be offered to employees who have been absent for a prolonged period of time. 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. Details on phased return are available on the People Anytime portal or from line managers.

3.3 MEDICAL REFERRAL

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. 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.

3.4 THE SUPPORTING ATTENDANCE PROCESS

This procedure applies in relation to managing all absences including intermittent absences and/or continuous long-term absences. At each stage the line manager must make sure that the employee is made aware of the procedure, the next steps of the process and the consequences of further absences.

Where an employee is absent from work, managers should continue to keep in touch regularly 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.

Employees are permitted to request a manager of the same gender to consider matters under the formal stages of this procedure, and this will be granted where practical.

3.5 **RIGHT TO BE ACCOMPANIED**

At any formal meeting in the Supporting Attendance and Wellbeing procedure an employee 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.

3.6 **ABSENCE TRIGGERS**

In order to manage absence there are trigger levels that, if met, place the employee into the formal Supporting Attendance and Wellbeing procedure. The triggers are as follows:

- **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).

3.7 **PROCEDURAL STAGES**

There are 3 stages within the Supporting Attendance and Wellbeing procedure. Once a trigger level is met an employee will be entered into the first formal stage of the process, Stage 1. The manager should issue a letter inviting the employee to the Stage 1 Attendance Review Meeting.

3.7.1 STAGE 1

Stage 1 Attendance Review Meeting

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. The manager will set a review period during which absence will be monitored and improvements in attendance sought. It is recommended that the review period is no longer than 12 weeks.

Stage 1 Outcome Meeting

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.

There are three 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.

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.

3.7.2 STAGE 2

Stage 2 Attendance Review Meeting

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 is recommended that the review period is no longer than 12 weeks.

Stage 2 Outcome Meeting

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.

There are 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.

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

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 to explain the reason that 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 (see section 4.0), must be investigated and ruled out as alternatives.

3.7.3 STAGE 3

Stage 3 Attendance Review 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 is 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.

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.

The employee will be invited to a Capability/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.

Stage 3 Capability / Conduct Assessment Meeting

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

The meeting 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

The purpose of the meeting is 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).

At the 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.

There are three potential outcomes to the Stage 3 Capability / Conduct Assessment Meeting;

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 Supporting Attendance and Wellbeing 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 Supporting Attendance and Wellbeing procedure.

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.

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.

The reason for termination of employment 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 does not 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.

3.7.4 APPEAL

The employee has the right of appeal against dismissal **within 10 working days of receipt of written notification** of the decision. 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.

4.0 ILL HEALTH RETIREMENT

If an employee meets the qualifying requirements as a member of the Local Government Pension Scheme and where it is appropriate for an ill-health retirement assessment to be requested this should be considered. An ill health retirement assessment is carried out by an Independent Registered Medical Practitioner through an approved occupational health service. The occupational health service will assess the employee against the ill health retirement criteria contained within the Local Government Pension Scheme Regulations and can make one of two assessments, if ill health retirement applies;

1. The employee meets the criteria for a Tier 1 ill health retirement
2. The employee meets the criteria for a Tier 2 ill health retirement

In both cases, the employee should immediately be managed in line with the guidance on ill health retirement (available on the People Anytime portal or from line managers.). Where the employee does not meet the criteria for either a Tier 1 or Tier 2 ill health retirement, a Capability Assessment Meeting will be arranged.

If the outcome of a Capability Assessment Meeting is to dismiss an employee who is currently absent, and the medical evidence suggests that they may be unlikely to return to work within a reasonable timescale, a Tier 3 gratuity will be paid if;

- the employee is a current member of the Local Government Pension Scheme (LGPS), with 2 or more years' service in the Scheme
- an ill-health retirement assessment has been undertaken and it is confirmed that ill health retirement does not apply

This gratuity is equivalent to one week's pay for each completed year of continuous service up to a maximum of 30 weeks. This payment will be made in addition to any pay in lieu of notice and only applies to dismissal on grounds of lack of capability due to ill health.

The ill health retirement provisions and process for teachers/SNCT employees are separate and are available on the People Anytime portal or from line managers.

5.0 SUPPORT AND WELLBEING

Small changes in the workplace and personal lives can make big differences to the wellbeing of employees and in turn can reduce absenteeism. Relevant information can be found on the Employee Good Health Group page which includes wellbeing toolkits, advice on good health and training available. See link below.

http://thezone/AskHR/HealthandSafety/YourHealthSafetyandWellbeing/HS_your_health_and_safety.asp

5.1 SPECIAL LEAVE AND EMPLOYEE AIDE

It may be necessary for an employee to be absent from work due to reasons other than illness and it is important that all absence is correctly labelled and recorded. Special leave provisions are available to support employees when they require time off for personal reasons. Information about the special leave arrangements are on the People Anytime portal (see link below) or available from line managers (teachers/SNCT employees have separate special leave provisions). In addition to these arrangements, Employee Aide is a provision to assist employees to deal with unexpected family, personal or domestic problems and provide managers with more flexibility in dealing with requests for time off when these situations arise.

<https://peopleanytime.aberdeencity.gov.uk/leave/special-leave/>

5.2 ANNUAL LEAVE

Those employees who have choice over their holiday periods should be encouraged to use their annual leave proportionately throughout the year to prevent stress and tiredness.

5.3 COUNSELLING SERVICE

The Council provides a free, confidential, 24-hour counselling service 365 day per year, Time for Talking. Details can be found under the link below.

<http://www.timefortalking.co.uk/>

5.4 FLEXIBLE WORKING

As part of the Smarter Working Guidance, employees can request to work flexibly. Managers should consider the options under Smarter Working when managing an employee under the Supporting Attendance and Wellbeing Policy. The Guidance document is available on the People Anytime portal or from line managers. See link below.

<https://peopleanytime.aberdeencity.gov.uk/people-management/flexible-working/>

5.5 STRESS INFORMATION

Information about stress, its causes and techniques and measures to control and manage stress is available on the People Anytime portal. See link below.

http://thezone/AskHR/HealthandSafety/HS_policies_and_procedures.asp

5.6 MENOPAUSE

As an organisation with a significant number of female employees the Council has a responsibility to consider any potential wellbeing concerns specific to this group. Information in relation to the menopause and employment can be found under the link below.

http://thezone/News/in_20180115_menopause.asp

5.7 EQUALITY AND DIVERSITY

The Council promotes equality of opportunity and is committed to having a diverse workforce where everyone is valued and respected. The Equality and Diversity policy is available on the People Anytime portal or from line managers. See link below.

<https://peopleanytime.aberdeencity.gov.uk/people-management/equality-and-diversity-3/>

5.8 EXTENSION OF OCCUPATIONAL SICK PAY

The Council recognises the difficulties that employees in the terminal phase of an illness may encounter financially if their occupational sick pay ceases due to their length of time off sick. A continuation of occupational sick pay can be requested in order to ease the stress of financial commitments placed on employees and their families. The Extension of Occupational Sick Pay Guidance is available on the People Anytime portal or from line managers. See link below.

<https://peopleanytime.aberdeencity.gov.uk/pay/sick-pay/extension-of-occupational-sick-pay/>

6.0 USEFUL CONTACTS

Access to Work - www.gov.uk/access-to-work/overview

Healthy Working Lives - www.healthyworkinglives.com

7.0 OTHER ABSENCE RELATED CONSIDERATIONS

7.1 ABSENCE RELATED TO DISABILITY

The Equality Act 2010 defines disability as “A physical or mental impairment which has a substantial and long term adverse effect on an individual’s ability to carry out normal day to day activities”.

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 in an effort to accommodate a person with a disability, so that they are not placed at a substantial disadvantage when compared to non-disabled employees. Some examples of these may be:

- making adjustments to 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

Managers should also be aware of 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.

Disability-related sickness absence should be managed under the Supporting Attendance and Wellbeing Policy. 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.

7.2 ABSENCE RELATED TO PREGNANCY

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.

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.

It should be noted that 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). Refer to the Maternity Guidance for full details, available on the People Anytime portal or from line managers.

7.3 INDUSTRIAL ACCIDENT

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.

7.4 SUBSTANCE MISUSE

Where an employee's absence can be reasonably attributed to a substance misuse problem, absence(s) will be managed in line with the Supporting Attendance & Wellbeing policy. The Managing Substance Misuse policy and procedure is available to support the employee in these circumstances, provided the employee is willing to accept such help and support and follow an identified treatment or support programme. The policy/procedure is available on the People Anytime portal or from line managers.

7.5 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.

7.6 **ABSENCES RELATED TO MENTAL HEALTH**

Mental health conditions should not be a barrier to effective working. Providing employment and maintaining people in work is a positive way of supporting individuals who have, or are recovering from, mental health conditions. A positive working environment and appropriate support at work has a significant impact on reducing stress related sickness absence and improving long term outcomes for employees.

An employee suffering from a mental health condition may return to work and continue to undergo treatment for their condition. Managers should provide appropriate support to employees in this scenario in conjunction with advice from the Occupational Health Service ensuring that monitoring is undertaken and supervision available. The Council's policy on Mental Health and Wellbeing in the Workplace is available under the Health and Safety pages on the Zone or from line managers.

7.7 **ABATEMENT OF ANNUAL LEAVE**

If an employee has been absent due to sickness (other than pregnancy related) for 90 days or more (either one period of sickness or an aggregate of more than one period) over a rolling period of the previous 12 months, annual leave will be abated to a period proportionate to the actual service given during the leave year (excludes teachers and SNCT employees). However, annual leave will **only** be abated to the statutory minimum of 28 days (pro-rated for part-time employees) and inclusive of available public holidays.

8.0 **REVIEW OF THE POLICY**

People and Organisation will review this policy every 3 years. It will nevertheless be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.