

Appendix 1 : Absence management procedures

Three Levels of management are involved in specific responsibilities within the Absence Management Policy:

- Line Manager – chairs Stage 1 of the Absence Management Procedure
- Head of relevant service – chairs stage 2 of the Absence Management Procedure
- An independent member of CMT (with delegated authority to dismiss) – chairs the Stage 3 hearing of the Absence Management Procedure

People Services responsibilities

People Services will advise managers in the application of this policy and attend meetings/ hearings as required by the policy.

The same standards apply to Trade union representatives as to all other employees. However, where application of formal action (this includes stages 1,2 and 3) is being considered against a trade union official or Representative, managers must first discuss with People Services, who in turn will discuss the case with a Senior Trade union official, in accordance with ACAS Code of Practice.

Absence Management Procedures – informal stage

A return to work discussion must take place after every absence to:

- Discuss absences and identify any underlying reasons
- See what assistance can be offered e.g. Reasonable adjustment, OH advice
- Advise employees of absence management policy and trigger points
- Maintain records of all discussions

Employees on long term absence must maintain contact with the Line Manager during the absence. The frequency of this communication should be agreed between the employee and Line Manager. Managers must ensure that:

- This is done in a non-intrusive way
- Manager sends copies of any key or relevant communications sent to staff eg. Bulletins.
- Changes in sick pay entitlement should be communicated to the employee e.g reductions to half/ nil pay.
- Employees are made aware that they can access the Employee Assistance helpline.

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Stage 1- absence management meeting

Where an employee’s absence hits the trigger points, the employee will be requested, in writing, to attend a stage 1 meeting with their line manager.

Employees will be given at least 5 working days notice requesting their attendance at the meeting and their right to be accompanied by a Council work colleague or recognised trade union officer/ representative.

Prior to meeting, management will ensure the employee receives:

- a copy of this policy,
- full list of their absences,
- copies of any return to work discussions,
- any relevant 121 notes,
- reasonable adjustment request form and
- any advice from OH where this has been requested

NB People Services may also be in attendance (in exceptional circumstances)

During the meeting managers will:

- refer to the list of absences, with reason and advise employees that the level of absence has reached a trigger point
- discuss the level of absences and explore areas possibly associated with the absences e.g. absences caused by disability or personal, family or work related problems.
- Establish whether there is any underlying cause for the absences and what, if any, action/ support is required. Discuss any reasonable adjustments if applicable (complete Reasonable Adjustment Agreement Form)
- Refer to OH for advice on fitness to undertake duties, reasonable adjustments and/or advice on ongoing health. A referral to OH does not always need to be carried out at stage 1. It is for management to determine whether it is appropriate or not taking into account all the circumstances of the absence. If a referral is made managers will arrange a separate meeting to discuss the OH report if is not received in time for the Stage 1 meeting. If the manager has tried to obtain OH advice but the employees fail to attend or give consent to the release of the report, any decisions made at the absence management meetings will be made without the benefit of this information.
- Discuss pay status if employee has had considerable time off work i.e. when employee’s pay reduces to half/ nil sick pay.

Possible actions from the meeting could be:

- Reasonable adjustments considered
- OH referral carried out
- Redeployment investigated (if appropriate due to an underlying medical condition and it has been recommended by OH)

A review period should be set for 2 months, or in exceptional circumstances this can be extended to 4 months). For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Employees at work when a stage 1 meeting takes place will have a new trigger set for the length of the review period. Triggers will be pro rata'd to the length of the review period e.g this could be no absences for a 2 month review. Should the absences continue to be a concern prior to the review period ending the end of the review period will be brought forward.

Employees should be aware that if their attendance does not improve, they will be invited to a stage 2 meeting (with the Head of Service) and if after stage 2 there is still no improvement in the sickness absences, a stage 3 hearing will be arranged and a possible outcome of this could be dismissal.

The outcomes of stage 1 meeting will be confirmed at the meeting and also confirmed in writing to the employee (See Stage 1 Outcome Letter).

The outcomes of the meeting include:

Explain Absence Management Policy and Procedure and possible actions from the meeting. These could be:

- Reasonable adjustments considered.
- OH referral carried out.
- Redeployment investigated (if appropriate due to an underlying medical condition and it has been recommended by OH).

Set a review period for 2 months, or in exceptional circumstances this can be extended to a maximum of 4 months. For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Stage 1 – absence management review

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed. The Line Manager will record and gather the following information:

- Attendance during the review period (including the last 12 months), including sickness reasons.
- Return to work interview records
- If applicable review latest OH report
- Supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 1 Meeting.

At the end of the review period a discussion with the employee regarding their health takes place. The discussion is to gain information from the employee regarding his/her health and attendance e.g. any improvement(s), anticipated return to work and advise the employee

that they are at the end of the review period and a decision will be made whether they are escalated to Stage 2 and this will be communicated to them as soon as possible.

NB: if the employee would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied. However, the Council wishes to ensure employees feel supported and comfortable with the process. If the employee's representative is unable to attend the date provided, the meeting may be postponed. If so, it will be rearranged within 5 working days or as soon as is practicable, to avoid delaying the process.

Managers may use the Review Checklist to gather the information and will share the Review Checklist with the employee. Management will then discuss the information gathered and review with the Head of Service. Outcomes of the review are as follows:

Escalate to Stage 2 Meeting - Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 2. Head of Service approval will be obtained.

Extension of Review Period - Further time is required so an extension of 2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 4 months). Senior Manager approval is required.

12 Months 'Live' Period - If the employee's absences have improved to the expected level:

- Manager encourages employee to sustain this.
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.
- If employee has further absences within this 12 month period and, on a 12 months rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Head of Service, for the Head of Service to determine whether the employees circumstances are progressed to a Stage 2 Meeting or a further review period is to be identified.

Stage 2 - absence management meeting

Following on from stage 1 review if the employee's attendance has not improved to an acceptable level they will be requested, in writing, to attend a stage 2 meeting.

The stage 2 meeting is conducted by the relevant Head of Service.

Employees will be given at least 5 working days notice requesting their attendance at the meeting and their right to be accompanied by a Council work colleague or recognised trade union officer/ representative.

Prior to meeting, management will ensure the employee receives:

- a copy of this policy,
- full list of their absences,
- copies of any return to work discussions,
- previous stage 1 meeting invite and outcome letters,
- stage 1 review checklist
- any relevant 121 notes,
- reasonable adjustment request form and
- any advice from OH where this has been requested

NB People Services may also be in attendance (in exceptional circumstances)

If a referral to OH has not yet taken place, management are advised to complete a referral at this time in order to seek medical advice regarding the employee absences. OH referral should not delay the stage 2 meeting; a separate meeting with the employee can be held to discuss the OH report when received.

During the meeting managers will:

- refer to the list of absences, with reason and advise employees that the level of absence has reached a trigger point
- discuss the level of absences and explore areas possibly associated with the absences e.g. absences caused by disability or personal, family or work related problems.
- Discuss any progress, improvements or deterioration in the employee's health and explore any reasons why they have not improved. Management will be required to demonstrate what action and discussions have taken place with the employee.
- Establish whether there is any underlying cause for the absences and what, if any, action/ support is required. Discuss any reasonable adjustments if applicable (complete Reasonable Adjustment Agreement Form)
- Consider employee working in a different capacity until fully fit to resume normal duties (this advice may be given by OH or the GP or on the Fit note).
- Refer to OH for advice on fitness to undertake duties, reasonable adjustments and/or advice on ongoing health. If a referral is made managers will arrange a separate meeting to discuss the OH report if it is not received in time for the Stage 2 meeting. If the manager has tried to obtain OH advice but the employees fail to attend or give consent to the release of the report, any decisions made at the absence management meetings will be made without the benefit of this information.
- Discuss pay status if employee has had considerable time off work i.e. when employee's pay reduces to half/ nil sick pay.

Possible actions from the meeting could be:

- Reasonable adjustments considered
- OH referral carried out
- Redeployment investigated (if appropriate due to an underlying medical condition and it has been recommended by OH)

A review period should be set for 2 months, or in exceptional circumstances this can be extended to 4 months). For employees who are absent and return to work prior to the end of the review period, the review period will end and the review discussion should take place.

Employees at work when a stage 2 meeting takes place will have a new trigger set for the length of the review period. Triggers will be pro rata'd to the length of the review period e.g this could be no absences for a 2 month review. Should the absences continue to be a concern prior to the review period ending the end of the review period will be brought forward.

Employees should be aware that if their attendance does not improve, they will be invited to a stage 3 hearing and a possible outcome of this could be dismissal. The manager should explain that the aim of this policy is to help employees return to work and it is hoped dismissal will not be the outcome.

The outcomes of stage 2 meeting will be confirmed at the meeting and also confirmed in writing to the employee.

Stage 2 – absence management review

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed. The Line Manager will record and gather the following information:

- Attendance during the review period (including the last 12 months), including sickness reasons.
- Return to work interview records
- If applicable review latest OH report
- Supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 2 Meeting.

At the end of the review period a discussion with the employee regarding their health takes place. The discussion is to gain information from the employee regarding his/her health and attendance e.g. any improvement(s), anticipated return to work and advise the employee that they are at the end of the review period and a decision will be made whether they are escalated to Stage 2 and this will be communicated to them as soon as possible.

NB: if the employee would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied. However, the Council wishes to ensure employees feel supported and comfortable with the process. If the employee's representative is unable to attend the date provided, the meeting may be postponed. If so, it will be rearranged within 5 working days or as soon as is practicable, to avoid delaying the process.

Managers may use the Review Checklist to gather the information and will share the Review Checklist with the employee. Management will advise the employee that they are at the end of the review period and a decision will be made whether they are escalated to stage 3 and this will be communicated to them as soon as possible. Outcomes of the stage 2 review are as follows:

Escalate to Stage 3 Hearing - Where an employee has not reached the attendance expected or they have not returned to work during the review period, these absence cases should be escalated to Stage 3. Stage 3 chair approval will be obtained. Head of Service approval will be obtained.

Extension of Review Period - Further time is required so an extension of 2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 4 months). Stage 3 Chair approval will be obtained.

12 Months 'Live' Period - If the employee's absences have improved to the expected level:

- Manager encourages employee to sustain this.
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.
- If employee has further absences within this 12 month period and, on a 12 months rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Head of Service, for the Head of Service to determine whether the employees circumstances are progressed to a Stage 3 Hearing or a further review period is to be identified.

Stage 3 – Absence Management Hearing

Following a Stage 2 review, if the employee's attendance has not improved to a satisfactory level, they will be requested in writing to attend a Stage 3 Absence Management Hearing with their Head of Service and an independent member of CMT with authority to dismiss (Chair). The member of CMT with authority to dismiss is the chair and independent decision maker at the hearing.

Employees will be given at least 10 working days notice requesting their attendance at the hearing and advising of their right to be accompanied by a Council work colleague or recognised trade union officer/ representative. Five working days prior to the hearing, management should provide the employee and the Stage 3 attendees with a full list of their absences, copies of any return to work discussions, previous stage 1 and 2 meeting invites and outcome letters, stage 1 and 2 review checklist, any relevant 121 notes, reasonable adjustment forms and any advice from OH.

Management should advise the employee if they wish to provide additional documentation which is not included within the pack, it should be received no less than 7 working days prior to the hearing in order to avoid unnecessary delays.

Management must ensure they have obtained recent OH advice. If the manager has tried to obtain OH advice but the employees fail to attend or give consent to the release of the report, any decisions made at the absence management meetings will be made without the benefit of this information.

NB People Services will also be in attendance at the hearing.

During the hearing, the Chair will:

- refer to the list of absences, with reason and advise employees that the level of absence has reached a trigger point
- discuss the level of absences and explore areas possibly associated with the absences e.g. absences caused by disability or personal, family or work related problems.
- Discuss any progress, improvements or deterioration in the employee's health and explore any reasons why they have not improved. Management will be required to demonstrate what action and discussions have taken place with the employee.

The Chair will consider the following questions:

- Are the absences caused by a disability or personal, family or work related problems?
- Where appropriate has the relevant supporting policies been utilized such as special leave?
- Does the OH advice indicate the employee is likely to return to work in the near future?
- Have the employee's absences changed from short term to long term or vice versa and that reasonable time has been given to consider the employee's absence and seek further OH advice if required
- Is management satisfied that advice/ reasonable adjustments have been considered/ made and given an opportunity to have an impact on the employee's level of attendance, bearing in mind the length of absence, impact on the service area and the position the employee holds?

Where there is any underlying medical condition and the OH report refers to suitability for alternative employment, the Chair should check that the option of redeployment been considered/ offered/ discussed with the employee. Where appropriate the Chair can suggest other options or reasonable adjustments to try and improve the employee's attendance, including; the need for further involvement from OH.

OH advice received should be referred to, particularly in relation to any adjustments, changes in hours or duties, or specialist equipment which have been recommended and establish whether they have been put in place.

The option of Permanent Ill Health (PIH) may apply to employees who have been on long term sickness absence and it is considered unlikely they will be able to return to work and are a member of the Local Government Pension Scheme. The Chair will need to make them aware that permanent ill health retirement could be considered. Management should seek advice from People Services for further information on this.

Consideration may be given as to whether there is the need to re-refer the employee to OH for further advice on fitness to undertake duties, any reasonable adjustments or advice regarding ongoing health. The Chair will need to advise the employee that they will arrange a separate meeting to discuss the OH report once it is received. If a further referral is made the manager may arrange a separate meeting to discuss the OH report once it is received. If the manager has tried to obtain OH advice but the employee fails to attend these appointments or refuses to give consent to release the report, any decisions made at the absence management meetings will be made without the benefit of this information.

An adjournment at a Stage 3 Hearing should take place to allow consideration regarding the employee's attendance and medical condition in relation to the outcomes of the hearing, which might include:

Dismissal - If the Chair decides to dismiss the employee on the grounds of 'Some Other Substantial Reason' or 'Capability' (if underlying medical condition), they will outline the reasons why, provide information on the employee's notice period. If applicable redeployment opportunities will continue during the employee's notice period. If the employee has been granted Ill Health Retirement under the Local Government Pension Scheme, in addition to the Stage 3 Outcome Letter a separate letter will be sent to confirm the outcome of relevant tier 1, 2 or 3.

Set Review Period - Further time is required so a review period of 2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 4 months). As part of this review they can consider the following outcomes:

- Reasonable adjustments considered.
- OH referral carried out.
- Redeployment investigated (if appropriate due to an underlying medical condition and recommended by OH).

For employees who are absent from work then return to work prior to the end of the review period, the review period will end and the review discussion should take place.

For employees that are at work when the Stage 3 Hearing takes place a new trigger will be set for the length of the review period. This will be pro rota'd down to the length of the review period, e.g. this could be no absences for a 2 month review.

Should the employee's absence levels continue to be a concern prior to the review period ending the end of the review period will be brought forward. The Chair will need to be satisfied the employee is aware of the Absence Management Policy and Procedure and is also fully aware of the procedure. The employee should be made aware that if their attendance does not improve, they will return to a Stage 3 Hearing and a possible outcome of this meeting could be dismissal.

The outcome of the Stage 3 Hearing will be confirmed at the hearing and also confirmed in writing to the employee.

NB: Chair should discuss pay status if the employee has had a considerable amount of time off work, i.e. when the employees pay reduces to half/nil sick pay

Stage 3 – absence management review

Following the end of the review period, which may be earlier if absences occur, the employee's absence levels need to be reviewed, using the Review Checklist. The purpose of the Stage 3 Review is for the relevant Head of Service to gather the following information for the Chair to make a decision as to how to progress a case:

- Attendance during the review period (including the last 12 months), including sickness reasons.
- Return to work interview records
- If applicable review latest OH report
- Review any supervision notes where the employee's attendance and wellbeing have been discussed.
- Reasonable adjustment request form
- Management reviews whether the employee's absences have improved as per trigger set at the Stage 3 Hearing.

At the end of the review period, a discussion with the employee to gain information from them regarding any improvement in the employee's health and attendance.

NB: If the employee would like a Council work colleague, recognised Trade Union Officer or recognised Trade Union Representative to accompany them, it is recommended that managers agree to this. It is not a requirement for the employee to be accompanied. However, the Council wishes to ensure employees feel supported and comfortable with the process. If the employee requests a face to face review meeting with a representative but they are unable to attend on the date provided, the meeting may be postponed and if so will be rearranged within 5 working days or as soon as is practicable. This is in order to avoid delaying the process.

The Head of Service will use the Review Checklist to gather the information. The manager will share the Review Checklist with the employee. Management will need to make the employee aware that they are at the end of the review period and a decision will be made whether to conduct a further Stage 3 hearing.

Outcomes of the stage 3 review include:

Conduct a further Stage 3 Hearing - Where an employee has not reached the attendance expected or they have not returned to work during the review period, a further stage 3 hearing will be arranged. Where possible it will be chaired by the Chair of the original stage 3 hearing.

Extension of Review Period - Further time is required so an extension of 2 months is set. There may be circumstances where it is appropriate for this to be either reduced or extended (in exceptional circumstances to a maximum of 4 months). Stage 3 Chair approval will be obtained.

12 Months 'Live' Period - If the employee's absences have improved to the expected level:

- Manager encourages employee to sustain this.
- Employee enters 12 month 'live' monitoring period, commencing when the review period ended.
- If employee has further absences within this 12 month period and, on a 12 months rolling basis, the absence(s) cause the Council's trigger points to be hit, the manager would review the absence record together with the Head of

Service, for the Head of Service to determine whether the employees circumstances are progressed to a Stage 3 Hearing or a further review period is to be identified.

Appeal

If at the stage 3 hearing the employee is dismissed the employee has the right to appeal against their dismissal under this procedure. Appeals must be made in writing, outlining the grounds of appeal within 10 working days of the date on which the decision is confirmed in writing.

