

ABSENCE MANAGEMENT POLICY

Policy Statement

The Council is committed to the care and well being of its employees, but high levels of attendance at work are required if services are to be provided effectively.

The Council has established procedures for reporting, monitoring and managing sickness absence that are based upon principles of fairness and support while maximising operational efficiency.

All non-sickness related absences, including leave for emergency or compassionate reasons, are covered in the Staff Handbook.

1. Scope

This policy applies in full to all staff following their probationary period with the following exception. The Cabinet have approved a separate procedure for members of the Corporate Management Team (CMT), the District Treasurer or Monitoring Officer that would be used should the Formal stages of absence management be required for any member of this group.

If sickness absence issues arise during the staff member's probationary period the provisions of the Probationary Disciplinary & Contract Termination Procedure will apply, rather than this procedure.

2. Legislation and Codes of Practice

- Health and Safety at Work etc Act (1974) as amended
- Data Protection Act (1998)
- Access to Medical Records Act (1990)
- Disability Discrimination Act (2005).
- ACAS Code of Practice Disciplinary & Grievance Procedures (2009)

Whilst employees at Chichester Contract Services and Westgate Leisure have different sickness absence payment schemes and sickness reporting requirements, in accordance with locally determined terms and conditions, this policy applies to the management of sickness absence for all employees.

3. Policy Standards

3.1 The Council will deal with absences in a compassionate and fair manner. Where a work problem or a domestic problem is contributing to a poor health record or attendance the Council will be supportive and, where operationally viable, implement either short term or permanent changes to current working practices.

3.2 The Council publicises in the Staff Handbook information about the circumstances in which annual leave (including possibly an advance of part of the following year's allowance), flexitime credits, unpaid leave and

compassionate leave might be available to cover an urgent need for a member of staff to be absent from work. The Council will aim to be flexible in reviewing requests under these headings to meet urgent needs for absence, subject to operational demands. There are also certain statutory rights (under Time-Off for Dependants legislation) to short-term unpaid leave to assist dependants (principally family members within the same household). Your line manager or the Personnel Section can provide advice on this.

- 3.3** The responsibility for attending work on a regular basis and for reporting sickness lies with the employee. Staff will need to be aware that a failure to follow procedures may lead to a decision to withhold sickness payments or to action under the Disciplinary & Contract Termination Procedure.
- 3.4** If the employee's sickness/health or attendance means that they cannot attend work regularly then the provisions of this policy will be applied. If their health means that they are able to attend work but are unable to do their job the provisions of the Capability Policy may be applied as well as or instead of the Absence Management Policy.
- 3.5** The current procedure for absence reporting is set out in Appendix 1 "Absence Notification and Sickness Certification" shown after this policy in the Staff Handbook.
- 3.6** Responsibility for monitoring and managing absence levels lies with supervisors, service managers and Directors. Managers, with support and guidance from Personnel, will deal with issues compassionately and fairly while having responsibility for maintaining consistent levels of service and to challenge abuse.
- 3.7** It is important to maintain corporate consistency in how absence management is handled. Therefore Personnel review sickness records at regular intervals and pass this information to Directors and Assistant Directors. A quarterly report is also sent to CMT and an annual report to the Corporate Governance and Audit Committee.
- 3.8** All information relating to individual sickness absence will be treated as confidential and will only be available to line management within the employee's Directorate, the employee and Personnel.
- 3.9** It is important to state that if staff are on long-term sick leave for a very long period of time or if they have excessive bouts of short-term less serious sickness absence their employment is liable to be terminated.
- 3.10** Whilst every case will be treated on its own merits it is unlikely that an employee's job will be held open for them if they are off work for a period exceeding 12 months, unless at the end of 12 months their return to work is expected within a short period of time.
- 3.11** The provisions above do not mean that staff on long term sick will generally have their job held open for them for 12 months. An employee may have his

or her employment terminated before 12 months depending upon the circumstances of the case.

- 3.12** The impact of sickness absence on service delivery is likely to mean that arrangements are required to deal with this in the short term as well as the long term, for example by employing temporary staff.

4. Stages of the Absence Management Policy

Table 1

Absence Management Policy	
Informal Stage * No right to be represented * No right of appeal	Return to Work meeting
	Absence Management Interview
Stage 1 * Right to be represented * Normal period valid for: 6 – 18 months * Appeal	Formal Written Caution
Stage 2 * Right to be represented * Normal period valid for: 18 – 24 months * Appeal	Final Written Caution
Stage 3 * Right to be represented * Appeal	Dismissal with notice

4.1 Return to Work meeting

Following the employee's return to work, it is important for both welfare and operational reasons that the line manager contacts the employee to enquire about their health and well-being.

After any absence the line manager should carry out a **Return to Work meeting** with the staff member. Often this may only need to be short. This is to enquire about the staff member's health and wellbeing, to consider whether a risk assessment may be necessary and to ensure that any other appropriate measures / adjustments are discussed. It is good practice to complete a file note of this meeting, although this would not be necessary in every instance. If this is done it must be copied to the staff member. At minimum the manager should record the fact that they have discussed the absence with the staff member on a given date. If a risk assessment is necessary then the manager must ensure that this is completed. At this stage, the manager may choose to explore the reasons for the absence in greater detail in consultation with Personnel where appropriate.

4.2 Absence Management Interview

Where an employee's sickness absence has been either:

- (i) 10 days or more in the preceding twelve months. Where the employee is part-time, this will apply on a pro rata basis.
- (ii) 5 or more periods in the preceding twelve months
- (iii) or where the pattern of absence gives cause for concern or where management has genuine other cause for concern

the line manager must conduct an **Absence Management Interview and complete the interview form shown below (see Appendix 2).**

Please note that throughout the Absence Management Policy where points (i), (ii) and (iii) above apply the staff member's previous sickness absence record *prior* to the assessment period of 12 months may also be taken into account. This includes both where the staff member's previous sickness record has been good as well as where it has been poor. The previous record should be considered when deciding on the appropriate steps to be taken.

The Absence Management Interview will normally be attended by just the employee and their line manager. This meeting is intended to be supportive, offering the services of both section management and the Personnel Section in helping to resolve any recurring health problems and improve their attendance record.

An Absence Management Interview Form must be completed by the line manager and a copy must be sent to the employee and the Personnel Section for inclusion on the employee's personal file. This form can be found in Appendix 2. The employee may wish to submit a separate note of their views about the reasons for absence etc.

A basic counselling service is offered by Personnel and if considered appropriate external counselling may be offered. At the same time the manager will where appropriate draw to the employee's attention the impact that high levels of sickness can have on the Council's operational effectiveness.

4.3 Monitoring

The manager will monitor the employee's absence during the period following the first meeting and would normally implement a programme of monthly support meetings to review attendance levels and the options for assisting the employee. Notes of all such meetings should be made and a copy sent to the employee. All records must be kept confidentially and securely.

4.4 Disability

- If the employee has a recognised disability and a formal Caution is being considered then their disability related sickness absence should be distinguished from their non-disability related sickness absence.
- The formal stages of this policy would still apply but with higher levels of disability related sickness absence usually being accepted.
- The extent to which a greater degree of disability related sickness absence would be accepted would depend on various factors. These would include the nature of the disability, the type of duties that the employee's post involves and the impact operationally and financially that their absences have.
- Each situation involving an employee with a disability needs to be treated individually depending on the circumstances i.e. it may be justifiable to accept more sickness absence in one case than it would be in another.
- Whilst disability related sickness absence should be treated differently it is not reasonable for it to be completely disregarded.
- Where judged appropriate, assistance to the employee may include changes to the workplace environment or equipment used, either on a temporary or permanent basis, and where necessary further training and support. Full consideration of the need to make reasonable adjustments for any employee with a disability will take place.

4.5 Role of Occupational Health

The Personnel Section may refer the staff member to the Council's occupational health service who may request a report from the staff member's GP, with the written consent of the employee. The employee has the right to see any report from their GP before it is sent to the occupational health service. Provided that there are reasonable grounds to believe that a serious health issue exists or that the staff member has had a significant amount of sickness absence, the Council is entitled at any time to require him or her to undergo a medical examination by a medical practitioner appointed by the Council.

If the staff member declines to participate in the Occupational Health process, the Council would then have to proceed with managing the situation on the basis of the more limited information available to it.

In cases where the employee has a known disability, or informs us of this, which may be relevant to their employment and / or the amount of sickness absence that they are incurring, an Occupational Health report should normally be obtained before the first formal Caution stage is reached.

Prior to issuing a Final Written Caution under this policy the Council would obtain an Occupational Health report if this has not been done already. This would apply whether or not the employee had a recognised disability in order to ensure that we were aware of any underlying medical condition or disability.

The Council is entitled to require any employee to obtain a medical certificate from his/her doctor at any time, irrespective of the duration of absence. However, if the duration of absence is less than seven days, the Council will in these circumstances refund any reasonable costs involved in obtaining a certificate.

- 4.6** Home Visits - In appropriate circumstances, staff from the Personnel Section and / or the employee's manager may visit an employee at home to discuss progress towards recovery and to assist in any other way. Such welfare visits will normally be for absences of two weeks or more but may also be carried out at any time for employees who have experienced high levels of short-term illness.
- 4.7** If any employee has more than one month's sickness absence in one bout then the initial stage described in section 4.2 above can be missed out and the line manager, in conjunction with a Personnel Officer or Personnel Manager, should instead meet with them for a Formal Absence Management Meeting (see 4.9 below). Full consideration of the welfare and health needs of the employee, with a referral to occupational health if appropriate, would form a part of this. Where a staff member is returning to work after a longer term period of absence, a return to work programme should be discussed and implemented as necessary.
- 4.8** Phased return to work - Where the employee's GP or the occupational health service have decided that the staff member should return to work on a phased return basis then the hours not worked will be recorded as sick leave and paid accordingly.

4.9 Formal Absence Management Meeting

Action under the formal elements of this procedure will not be taken without a formal meeting, organised by Personnel, and all meetings will be conducted by a nominated manager, usually the employee's line manager or more senior manager within their service. All formal Absence Management meetings must be referred to a senior member of Personnel staff before the meeting takes place to ensure compliance with this Policy.

A member of the Personnel staff at Personnel Officer level or above will normally be present and play an active role at the meeting.

An Absence Management meeting that may result, if proven, in a Written Caution (Stage 1) or a Final Written Caution (Stage 2) will normally be carried out by the employee's line manager but may in exceptional circumstances be conducted by another manager.

An Absence Management meeting that may result, if proven, in dismissal will normally be carried out by a Director or Assistant Director. Exceptionally this may be delegated to a manager one level below this.

Unless a shorter period is mutually agreed, the member of staff shall be given not less than two working days' notice in writing of the meeting arrangements. The letter, which will be sent by the Personnel section, will outline the level of absence and shall be accompanied by a copy of this policy along with any other relevant documentation that may be discussed e.g. the employee's absence record, copies of file notes; Absence Management Interviews and medical reports. The letter will contain the meeting arrangements and an instruction to attend.

The letter shall remind the employee of his/her right to be accompanied by a work colleague or a Trade Union representative and must clearly state the issues to be considered at the meeting including the employee's absence record.

In line with the provisions of the Employment Relations Act 2004 the employee's work colleague or a Trade Union representative may address the meeting in order to put the employee's case; sum up the employee's case; respond on the employee's behalf to any view expressed at the meeting and confer with the employee during the meeting. The representative does not however have the right to answer questions on the employee's behalf. Before the formal meeting takes place the employee should inform Personnel who they have chosen to accompany them.

The nominated manager must act reasonably in considering any request for a postponement of the meeting if the staff member considers that more time is needed for the preparation of his/her response.

If the staff member is ill and unable to attend the meeting or if the staff member's representative is not able to attend the meeting it will be re-arranged. In these circumstances the staff member will be notified that further requests for a deferment may be refused and that, in the absence of the employee at future re-arranged meetings, the nominated manager may need to proceed to chair the meeting and to make a judgement on the information available to him/her at that time.

It may be appropriate to conduct the meeting at the employee's home as whilst the employee may not be well enough to attend work, they may be sufficiently well for a meeting to proceed at their home.

The Council may require the employee to produce a medical certificate or doctor's letter confirming that he/she is unfit to attend a formal Absence Management meeting (for which the fitness criteria may be different from that required for attendance at work).

At the meeting, the nominated manager must ensure that the available information about the situation is properly discussed. He/she must also

ensure that the member of staff and his/her representative have every opportunity to question the management representative/s and to present their own views to the meeting together with any other relevant information, if appropriate. The nominated manager must allow reasonable opportunities for comfort breaks and for the staff member to consult his/her accompanying union representative.

The nominated manager must ensure that all the factors which might be taken into account in his/her decision are disclosed during the meeting. The nominated manager may call whomever he/she chooses to contribute to the meeting, irrespective of whether or not they have previously been involved in the process, in order to ensure that all relevant factors are considered before reaching a decision.

At the conclusion of the meeting, the nominated manager will adjourn the meeting to consider matters. He/she will then reconvene the meeting to announce his/her decision. Every effort will be made to reach a decision on the day of the meeting but if this is not possible the meeting will be adjourned in order to allow sufficient time for a decision to be reached. The adjournment will be as brief as possible and the meeting re-convened at the earliest opportunity.

The various stages in the process do not represent a sequence that has to be followed at all times. The decision to issue a Stage 1 or 2 Caution will be based on the nature of the absence; the need to act reasonably; the staff member's overall attendance record and the need to manage absence issues consistently and fairly. This means that the nominated manager may, quite legitimately, issue the member of staff with a Stage 2 Final Written Caution or rather than commence the process with a Stage 1 Written Caution.

If an employee has frequent bouts of short term non serious absence a Stage 1 Written Caution may be issued shortly after an Absence Management Interview has taken place but in the cases of longer term sickness the decision may be taken to monitor the situation but take no formal action until the reason for the absence and/or the likely date of return is known. In cases like this when a Caution is issued it would normally be at Stage 1 but might on occasions be at Stage 2.

4.10 Stage 1 - Formal Written Caution

The Caution will be confirmed in the form of a letter sent to the employee within seven working days of the conclusion of the formal meeting and will state:

- The reason for the issue of the Caution and its duration (normally valid for a period of 6 - 12 months but not to exceed 18 months)
- Details of any remedial action or improvement required.

- Confirmation of the consequences of a re-occurrence or failure to improve.
- Monitoring may be month by month or for agreed longer periods.
- The Caution will remain valid until its expiry date, at which time, provided the employee's attendance has improved to a satisfactory level it will be removed from the employee's personal file.
- The letter will contain details of the staff member's right of appeal.

4.11 Stage 2 - Final Written Caution

The Caution will be confirmed in the form of a letter sent to the employee within seven working days of the conclusion of the formal meeting and will state:

- The reason for the issue of the Caution and its duration (normally valid for a period of 18 months but not to exceed 24 months).
- Details of any remedial action or improvement required.
- Confirmation of the consequences of a re-occurrence or failure to improve. The letter should make clear that dismissal is a likely consequence if the employee's attendance does not improve and reach a satisfactory level and the improvement is sustained.
- Monitoring may be month by month or for agreed longer periods.
- The Caution will remain valid until its expiry date, at which time, provided the employee's attendance has improved to a satisfactory level it will be removed from the employee's personal file.
- The letter will contain details of the staff member's right of appeal.

4.12 Stage 3 - Dismissal

If the nominated manager concludes that dismissal is appropriate, notice will always be given, but the employee may not be required to work during their notice period. The letter to confirm dismissal will normally be dispatched within five working days of the conclusion of the disciplinary hearing and will confirm whether or not the notice period is to be worked. The staff member's appeal rights must be described.

Before the decision is taken to dismiss, a thorough review of the employee's sickness absence record, including the number of days sickness and the reasons for absence, must have taken place during the formal Absence Management meeting. If deemed necessary and appropriate a medical opinion will also be taken into account.

Dismissal letters will be prepared in consultation with Personnel and will normally be issued by a member of the Corporate Management Team. All other outcomes (Cautions) will be confirmed in letters issued by Personnel.

4.13 Appeals

Should an employee wish to appeal against a Caution or dismissal, he/she must write to the Executive Director of Support Services and the Economy within ten working days of the date of receipt of written notification of Caution or Dismissal. The letter requesting an appeal must state the grounds of appeal under one or more of the following headings:

- severity of the action;
- the findings of the hearing on a point of fact which is pertinent to the decision of the hearing;
- a failure to adhere to the procedure or
- some other stated reason

The Executive Director of Support Services and the Economy or other nominated officer will convene an Appeal Panel, normally within 28 working days after receipt of the letter of appeal, at which the member of staff will present his/her grounds of appeal and may be accompanied by a work colleague or Trade Union representative (Shop Steward or Full-time official)

For action up to and including a Final Written Caution, the Appeal Panel will normally consist of a Director or Assistant Director and senior member of the Personnel team. Members of the original panel that issued the Caution being appealed against cannot be members of the Appeal Panel.

For action resulting in Dismissal, the Appeal Panel shall consist of one member of the Corporate Management Team and a senior member of the Personnel team. Members of the original panel that dismissed the employee cannot be members of the Appeal Panel.

Any Director or Assistant Director or other officer nominated by the Executive Director of Support Services and the Economy may be selected to sit on an Appeals Panel. A representative from the legal department may provide legal advice to members of an Appeal Panel.

The employee and / or their representative should present their grounds for making the Appeal to the Appeal Panel. The Appeal Panel must ensure that both parties are provided with the opportunity to present their views to the panel about all the issues raised. Either side may raise any issue relevant to the case. It is the Panel's responsibility to ensure that it sufficiently tests the evidence presented to it prior to making its decision. New evidence can be

presented and will be considered. New documentation or evidence to be introduced at the Appeal must normally be made available by both sides to all parties at least two working days before the Appeal hearing.

The Appeal Panel may confirm or reverse the action taken by management, impose a lower level Caution or reduce the period for which the Caution is valid.

The Appeal Panel's decision will normally be notified to the staff member within ten working days (five working days if an Appeal against Dismissal) of the conclusion of the appeal hearing. The Panel's decision will be final subject to a member of staff's statutory rights.

If following an appeal against dismissal the member of staff is re-instated he/she will be re-instated without a break in service.

5.0 Safeguards for Union Representatives

In the event of a formal absence management meeting being considered for an accredited union representative, the full time union official must be notified of the intention to hold this meeting if the employee gives their agreement to this. The union official should be offered the opportunity to discuss the matter with a management representative.

6.0 Procedural Standards

Nothing in this policy shall prevent the Council from (a) suspending sickness scheme payments and/or (b) initiating disciplinary proceedings at any time in the event of abuse of the sickness scheme, including evidence of staff working for another employer or on their own account during a period of sickness absence.

The sickness payment scheme exists to provide support to staff during illness in order to facilitate their return to work and is not an entitlement in itself. Having regard to the care and well-being of staff, nothing in this policy or in the references in national conditions of service or employment contracts to paid periods of sickness absence shall prevent the Council from (where appropriate) terminating the staff member's employment (or treating a contract as having terminated) before the expiration of those periods on the grounds of ill-health, whether permanent or not.

Any employee who feels that he/she has been unfairly treated in the sickness monitoring/management process has the right to raise the issue under the Council's Grievance Procedure.

7.0 Equality Impact Assessment

7.1 This policy applies equally to all staff whether they are full-time or part-time and the provisions of the policy will be implemented to ensure that staff will not be subject to discrimination, directly or indirectly, on grounds of gender,

ethnicity, religious belief; sexuality or unjustifiably on grounds of age or disability.

- 7.2** Disability - the Council will ensure that the Disability Discrimination Acts 1995 and 2005, prohibiting unjustified direct or indirect discrimination on the grounds of disability, are fully adhered in the carrying out of this policy. Where an employee has a disability that affects their ability to attend fully for work, higher levels of related sickness absence will be accepted, with this varying depending on the circumstances.

July 2010