

Attendance Management Policy

1.0 Introduction

- 1.1 The Council values the contribution of its employees and understands that high levels of attendance positively impacts on our service delivery and our ability to adapt and respond to change.
- 1.2 The aim of this policy is to support all our employees to achieve and maintain high levels of attendance wherever possible, recognising that some absence will be inevitable. The policy is designed to ensure that attendance matters are dealt with in a fair, focused, and reasonable manner.

2.0 Associated and Alternative Procedures

- 2.1 The Council recognises that the management of attendance needs to be part of a wider approach; therefore, it has a number of associated and alternative policies, procedures and guidance documents, which are available on the intranet or a copy could be requested from your Line Manager.
- 2.2 This policy includes capability dismissals which may be invoked as a result of health related matters. Capability issues that relate to the skills, knowledge or abilities of an employee will normally be dealt with under the Council's Capability Procedure.
- 2.3 Failure to comply with or any abuse of this policy could lead to formal disciplinary action. This could include, for example, failure to follow the attendance management procedures including notification, certification, keep in touch arrangements or attendance at OHU appointments, where absences are believed not to be due to genuine illness or if an employee knowingly gives false information or false statements about their absence. In proven cases of gross misconduct it could lead to dismissal (e.g. absent on sick leave and inappropriately working elsewhere). This list provides examples only and is not exhaustive. See also Section 4.2.
- 2.4 The Council may determine that issues will be considered concurrently or under an alternative procedure where it considers it appropriate to do so.

3.0 General Principles

- 3.1 The Council will achieve the aim of this policy by:
 - Promoting health, safety and well-being;
 - Monitoring levels of sickness absence;
 - Valuing and recognising good attendance;
 - Offering support to employees that are sick and unable to attend work;
 - Actively managing employees during periods of absence and their return to work;
 - Applying procedures to deal with unjustified and/or high levels of absence;
 - Exploring the options available to support an employee's return to work;
 - Adopting a consistent, fair and focused approach.

- 3.2 Where an employee, due to sickness, is no longer deemed capable of performing their duties, the Council will explore all reasonable alternatives, such as reasonable adjustments, redeployment, re-training and rehabilitation.
- 3.3 The Council recognises that on occasions, having exhausted all of the options, it may be necessary to seek to dismiss an employee on the grounds of capability. Such decisions may be made whilst the employee is in receipt of sick pay or still at work.
- 3.4 The management of attendance and well-being are the responsibility of everyone within the Council, including Elected Members, Chief Officers, managers, employees and HR&OD. A summary of the main responsibilities of employees and managers are detailed in Appendix 1; however the lists are not exhaustive and should be read in conjunction with the full policy.
- 3.5 HR Advisers, the Occupational Health Unit, the Health and Safety team, and Senior Managers are available to provide support, guidance and advice to managers during the attendance management process.
- 3.6 The Council is aware of its responsibilities in relation to equality and diversity and will consider the individual circumstances of employees, this may include, for example, the consideration of reasonable adjustments.

4.0 Payment for Sickness Absence

- 4.1 Employees are entitled to receive payment for sickness absence in accordance with their terms and conditions of employment, which are set out in an employee's Statement of Particulars.
- 4.2 However, employees who fail to comply with the requirements of this policy could have their occupational sick pay withheld, and could be subject to formal disciplinary action. For example, this could include situations where:
- An employee fails to follow notification or certification procedures.
 - An employee fails to maintain contact or fails to attend meetings.
 - Absence is due or attributable to deliberate conduct prejudicial to the employee's recovery; the employee's own misconduct or neglect; active participation in professional sport or injury while working in the employee's own time on their own account for private gain or for another employer.
 - A return to work cannot be agreed with an employee, but management has sufficient evidence to consider that the employee is fit to return, with or without adjustments.
 - An employee provides misleading or false statements or repeatedly abuses the occupational sick pay scheme.

Please note: These are examples only and therefore this list is not exhaustive.

- 4.3 An employee may not be entitled to occupational sick pay if damages are recoverable from a third party. Advice should be taken from HR&OD.

Sickness Absence Procedures

5.0 Notification of sickness absence

- 5.1 Employees must personally telephone their line manager or designated contact on the **first day of absence by 9.30am**, or at an agreed alternative time which has

been made clear by the employee's line manager. It is not acceptable for an employee to notify their line manager or designated contact of their absence by email or text message.

- 5.2 The employee must inform the manager of the reason for absence, anticipated length of absence and discuss any support which may assist them in returning to work. The manager will report and record the absence in line with Council procedures.
- 5.3 On the **4th calendar day** of absence, employees must personally telephone their line manager to confirm their continuing absence, provide an estimated date of return and discuss support which may assist them in returning to work. Please note: weekends count towards calendar days of absence. In addition, if the 4th calendar day falls on a non-working day for your service area you must telephone in on the next working day.
- 5.4 This is the minimum reporting schedule. Your service area may advise you of alternative absence reporting requirements. You should be clearly informed of any variation to this notification arrangement by your line manager.
- 5.5 In **exceptional circumstances**, where it is not possible to call personally due to serious illness or injury, employees should arrange for their representative to inform the Council at the earliest possible opportunity.
- 5.6 Where an employee believes that their absence has been caused by work or something that has happened at work they must inform their manager of this and arrange for an accident report to be completed. Managers should consult with an HR Adviser and the Health and Safety team and undertake any appropriate investigation.

6.0 Certification

- 6.1 Every absence has to be certified to ensure prompt and correct payment of contractual and statutory sick pay and to maintain accurate records.
- 6.2 From the 8th calendar day of absence (including weekends), employees must ensure their absence is covered by a Doctor's Statement of Fitness for Work (Statement). Where the absence is ongoing, employees must continue to submit concurrent Statements for the whole period of absence.
- 6.3 If an employee's frequency or amount of absence is of concern the notification and certification requirements maybe amended. For example, the employee may be required to submit a Statement for all periods of absence; the Council will reimburse the cost of any fee charged.
- 6.4 Whilst it is accepted that a Statement issued by a GP provides the physician's opinion of the individual's medical condition, the Council may seek the opinion and advice of the Occupational Health Unit with regard to the employee's condition in relation to the specific requirements of the job role and their fitness for work.

7.0 Monitoring

- 7.1 Managers are responsible for recording all sickness absence in accordance with Council procedures. The Council will use this information to monitor progress

against performance targets and address particular concerns. The responsibility to monitor sickness absence rests with all managers and Chief Officers.

- 7.2 Absences that are disability related or caused by a pregnancy related illness should be recorded as such, to enable managers to take these factors into consideration when deciding on an appropriate cause of action.

8.0 Keeping in Touch

- 8.1 Managers and employees have a responsibility to maintain regular contact during any period of sickness absence. Where the absence is likely to extend beyond 8 calendar days, keep in touch arrangements should be agreed, which will be appropriate to the individual circumstances, and may develop throughout the absence.

- 8.2 Keep in touch discussions are useful two way discussions to:
- Understand the nature and potential length of the absence and any changes/progress/updates,
 - Identify appropriate support and interventions, which may assist a return to work,
 - Share work updates and changes which may occur during the absence.

9.0 Annual Leave and Sickness Absence

- 9.1 If an employee is sick during a period of pre-booked annual leave, the leave must be cancelled in advance or the absence must be covered by a Doctor's Statement (regardless of the duration of the sickness) otherwise the annual leave will be deemed to have been taken.

- 9.2 An employee requires prior permission to take a vacation during a period of sickness absence. The Chief Officer (or their designated officer) will decide if such a request is acceptable and may take advice from the Occupational Health Unit. Employees may be asked to provide medical consent from their GP or specialist that the vacation will not be detrimental to their recovery. If an employee fails to gain approval prior to taking a vacation, this may result in the withholding of occupational sick pay and could lead to formal disciplinary action.

- 9.3 Where permission is granted for annual leave during a period of sickness absence, the payment of any occupational sick pay entitlement (as appropriate) will cease during that period and the appropriate payment for the annual leave will be made. The appropriate deduction from the annual leave entitlement must be made. If an employee qualifies for SSP, this payment would continue during the annual leave payment. The SSP would count toward any holiday payment made.

10.0 Short and Medium Term Sickness Absence Procedure

- 10.1 Short term absence is defined as any single period of absence up to a maximum of one week. Medium term absence is defined as any single period of absence of more than one but less than four weeks.

Return to Work Interview

- 10.2 Employees must complete a Sickness Declaration Form upon return to work. This form acts as certification of the first 7 days of absence.
- 10.3 Managers must conduct a return to work interview with their employees for **every absence**, on the first day of the return to work, or at the earliest possible opportunity. This interview should always be completed by the manager, unless

there is good reason for changing this. The purpose of the interview is to discuss the absence, the reason(s) for it and to identify any potential problems or difficulties the employee may be experiencing at an early stage. Together the employee and the manager should look to identify support or interventions which may prevent further absences. These meetings also communicate to employees that managers consider attendance management is important.

- 10.4 The manager will complete a record of the discussion, which the employee will be asked to sign. This will be held on the employee's personal file.

Informal Stage

- 10.5 Where an employee's attendance is of concern or where the employee has 3 occasions of sickness absence within a 6 month period this will trigger an informal attendance review meeting. The 3 occasions of sickness may include periods of short, medium or long term absence. Advice can be sought from HR&OD.
- 10.6 The manager should arrange a meeting with the employee to review the occasions of sickness absence and to try to identify how future occasions of sickness absence can be prevented. The meeting should be conducted in a positive manner with the aim of achieving an improvement to the employee's attendance.
- 10.7 At the meeting the manager should have full details of the absences, including the dates, length, reasons, and any other relevant information e.g. medical information.
- 10.8 The format of the meeting will be appropriate to the individual circumstances. The meeting may include:
- A review of each absence being considered, including the dates, length and reason(s) for each absence,
 - A discussion about any support the employee is receiving or has received in relation to the reasons for each absence,
 - A discussion about the impact the absences have had on the service,
 - A discussion about how further absences could be prevented going forward,
 - A discussion and consideration to any support and assistance that could help the employee to improve their attendance going forward, this may include a referral to the Occupational Health Unit,
 - A review and update of risk assessments, (if appropriate),
 - Setting and agreeing targets and actions for improvement,
 - An employee may also be advised at this meeting that if the attendance does not improve to a satisfactory level then formal attendance management procedures may commence, which may result in formal action.
- 10.9 The manager will complete a record of the discussion, which the employee will be asked to sign. The form will be held on the employee's personal file and the employee should be given a copy.

Formal Attendance Review Meeting

- 10.10 If an employee reaches 5 occasions of sickness absence in a 12 month period or following the informal stage, attendance levels remain of concern the employee will be invited, in writing, to a Formal Attendance Review meeting. The 5 occasions of sickness absence may include periods of short, medium or long term absence. Where concerns about attendance are sufficiently serious, the manager may convene a Formal Attendance Review, or a Formal Stage 3 meeting, without having first carried out the previous stages referred to in this procedure.

- 10.11 The manager supported and advised by HR&OD will meet with the employee. The employee will receive at least 5 working days notice of the meeting. The written notification will give the time and place of the meeting and will advise the employee of their right to be accompanied by a work colleague or trade union representative. The letter will advise of the reason for the review and set out details of the absences to be considered. The letter of notification will state that formal action is a potential outcome of the meeting. The employee can present a written statement prior to the meeting should they wish to do so.
- 10.12 During the meeting the employee will be given the opportunity to discuss and explain their absences, provide any other information they feel is relevant, identify any support or interventions they feel would assist them in improving their attendance and ask questions before any decision is reached.
- 10.13 The possible outcomes of this meeting may include:
- No formal action (informal action may be taken)
 - Formal Action

Informal Action

- 10.14 Where appropriate, informal action may be identified, for example, this could include actions such as requiring the employee to submit a Doctor's Statement for every period of absence or making a referral to the Occupational Health Unit. The employee may also be informed that if their attendance does not improve to a satisfactory level then this may lead to formal action being taken. The manager will complete a record of the discussion, which the employee will be asked to sign and should be given a copy. The form will be held on the employee's personal file.

Formal Action – Stage 1 First Written Warning

- 10.15 After a full discussion with the employee, followed by a consideration of the facts, the employee may be issued with a first written warning (see also Section 10.29). If a first written warning is issued, the manager should:
- Explain to the employee the impact their absence is having on the service and why their attendance must improve,
 - Inform the employee of the improvement in their attendance which is required,
 - Explain any actions, support or interventions that have been identified and explain how these will be implemented and monitored,
 - Review and update risk assessments (if appropriate),
 - Explain the level of formal warning that is being issued, why, and how long this formal warning will remain live, subject to a satisfactory improvement in their attendance,
 - Explain that their attendance will continue to be monitored, and make it clear that failure to improve their attendance to a satisfactory level may lead to further formal action up to and inclusive of dismissal,
 - Inform the employee of their right of appeal.
- 10.16 This meeting must be followed up in writing to the employee and a copy should be held on the employee's personal file. Formal warnings will be considered to be disregarded for disciplinary purposes after a period of 12 months satisfactory attendance.
- 10.17 The manager must continue to monitor and review the employee's absence. Support, interventions or actions that have been agreed should be implemented. If

the employee's attendance improves and meets the required attendance standard this should be recognised. However, if attendance continues to be of concern, the employee should be invited in writing (as set out in Section 10.11) to attend a further Formal Attendance Review meeting.

Formal Action – Stage 2 Final Written Warning

- 10.18 After a full discussion with the employee, followed by a consideration of the facts, the employee may be issued with a final written warning where their attendance has failed to improve to a satisfactory level whilst the prior warning is still "live". See also Section 10.29. If a final written warning is issued the manager should:
- Explain to the employee the impact the absence is having on the service and why attendance must improve,
 - Inform the employee of the improvement in their attendance which is required,
 - Explain any actions, support or interventions that have been identified and explain how these will be implemented and monitored,
 - Review and update risk assessments (if appropriate),
 - Explain the level of formal warning that is being issued, why, and how long this formal warning will remain live, subject to a satisfactory improvement in their attendance,
 - Explain that their attendance will continue to be monitored, and make it clear that failure to improve their attendance to a satisfactory level may lead to their dismissal,
 - Inform the employee of their right of appeal.
- 10.19 This meeting must be followed up in writing to the employee and a copy should be held on the employee's personal file. Formal warnings will be considered to be disregarded for disciplinary purposes after a period of 12 months satisfactory attendance.
- 10.20 The manager must continue to monitor and review the employee's absence. Support, interventions or actions that have been agreed should be implemented. If the employee's attendance improves and meets the required attendance standard this should be recognised. However, if attendance continues to be of concern, the employee should be invited to attendance a further Formal Attendance Review.

Formal Stage 3 – Dismissal with Notice

- 10.21 If the employee's attendance has failed to improve to a satisfactory level during the period that the Final Written Warning is still "live" the case will be considered by a Senior Manager. See also Section 10.29.
- 10.22 The Senior Manager, who will be advised and supported by HR&OD, will meet with the employee. At least 5 working days notice will be given and the notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a work colleague or trade union representative. The employee will be informed in writing of the reason for the meeting and set out the details of the absences to be considered. The letter should also refer to any relevant information relating to the absences, details of return to work interviews and previous attendance review meetings, any relevant medical information and details of any informal or formal action already taken or support provided. The letter of notification will state that dismissal is a potential outcome of this meeting. The employee can present a written statement prior to the meeting should they wish to do so.

- 10.23 During the meeting the employee will be given every opportunity to discuss and explain their absences, provide any other information they feel is relevant, identify any support or interventions they feel would assist them in improving their attendance and ask questions before any decision is reached.
- 10.24 As a result of this meeting, following a full discussion with the employee, followed by a consideration of all of the facts and there is no other reasonable alternative the employee will be dismissed with notice. It may be appropriate for the employee to be paid in lieu of notice. The decision and the reason for it will be conveyed in writing to the employee and will also identify their right of appeal.

Right of Appeal

- 10.25 If an employee wishes to appeal against a decision to instigate formal action they should submit their appeal in writing to their Chief Officer within 10 working days of receipt of the outcome letter setting out their reason for appeal. An Appeal Hearing will then be arranged without unreasonable delay. The employee will be invited to the Appeal in writing, which will include notification of their right to be accompanied by a trade union representative or an appropriate work colleague and any relevant documentation which will be provided to those hearing the Appeal.
- 10.27 For formal warnings, the Appeal will be heard and determined by a Chief Officer (or their authorised officer), advised by the Director of HR&OD (or their authorised officer). The chosen panel for the Appeal will, wherever possible, not previously have been involved in the specific process, so that an independent review of the decision can be made.
- 10.28 In cases of dismissal or demotion, the Appeal will be heard and determined by the Elected Members' Appeals Panel, advised by the Director of HR&OD (or their authorised officer). The Head of Law and Governance (or their authorised officer) will be appointed Secretary to the Appeals Panel. If a Member of the Appeals Panel is related to, or acquainted outside normal working relationships with the appellant, it shall be a matter for the Member to inform the Panel accordingly and leave the meeting.
- 10.29 The decision made at the Appeal will be confirmed in writing to the employee and will be final with no further internal right of appeal.

Additional Information

- 10.30 As referred to above, there may be instances where concerns about attendance are sufficiently serious to warrant the procedure being implemented at a formal attendance review stage or final stage of the procedure without having progressed a matter through the previous stages. HR&OD will provide advice.
- 10.31 After consideration of all of the facts, a decision may be taken to extend the period that a formal warning will remain "live". This will be dependent on the individual circumstances and will be confirmed in writing to the employee.
- 10.32 When instigating any formal action under this policy, managers are not challenging the legitimacy of the absence. They are stating clearly that the absence level is such that it cannot be tolerated by the Council. See also, Sections 2.3 and 4.2.

11.0 Managing Long Term Absence

11.1 Long term absence is defined as any single period of absence over four weeks.

11.2 When dealing with long term sickness absence cases, managers must make early consideration of the potential options and outcomes for the employee based upon medical and other professional advice. This information will be used to inform discussions in the Attendance Review meetings, medical referrals and support that can be offered.

Keep in Touch

11.3 Managers and employees both have a responsibility to maintain regular contact during any period of absence. Keep in touch arrangements should be agreed when an absence is likely to exceed 8 calendar days of absence.

Medical Advice

11.4 The aim of seeking medical advice is to understand the absence, identify the likely duration of the absence and identify any support that could assist the employee in making a partial or full return to work at the earliest opportunity.

11.5 Managers should seek medical advice in all cases where an absence extends beyond four weeks and a return to work date has not yet been determined.

11.6 Earlier referrals to OHU should be made where it is indicated that the absence may be long term or the complexity or nature of the illness suggests this may be beneficial.

11.7 Managers should immediately refer employees to the Occupational Health Unit where the absence relates to a muscular skeletal condition or where the absence is stress related.

Formal Attendance Review Meetings

11.8 Managers should ensure that regular Formal Attendance Review meetings are conducted regardless of any anticipated date of return or the nature of the employee's illness or injury. This is to ensure that the employee does not feel isolated during a period of absence, appropriate support can be identified at the earliest opportunity and where appropriate, the employee can maintain an understanding of the potential long term implications for their employment.

11.9 When arranging the Formal Attendance Review meetings, consideration may be given to the timing, nature and location, depending on the individual circumstances and medical advice.

11.10 Support and interventions will be considered at the Formal Attendance Review meetings and could include phased return, temporary or permanent arrangements, dependant upon medical advice, individual circumstances and business needs. These could include:

- Reasonable adjustments e.g. changes in workloads, work practices or work patterns,
- Redeployment in line with the Council's Redeployment Policy,
- Rehabilitation,
- Re-training

First Meeting

11.11 The first meeting will normally be held between the manager and the employee. The meeting will be used to discuss and consider:

- The employee's absence,
- Identify appropriate support and interventions,
- Review and update risk assessments (as appropriate),
- Provide updates on any developments at work,
- Set and agree actions, which may include a referral to OHU,
- Identify a return to work date/set a date for the next review meeting.

11.12 Further Formal Attendance Review meetings must then be held regularly and immediately following a receipt of a medical report. The manager will arrange this meeting with the employee and will be supported by HR&OD. The employee can be accompanied by a work colleague or trade union representative. The discussions held in these meetings will differ depending on the individual circumstances of the employee and their reason for absence, the discussions may include:

- The reason for the employee's absence and any changes or updates,
- The points discussed in previous meetings,
- Any medical reports or other appropriate information available,
- Any further support the Council could offer to assist the employee in returning to work,
- Relevant risk assessments (as appropriate),
- Work updates,
- The appropriate options available to resolve the absence,
- The identification of a return to work date and a return to work plan (where possible),
- Setting a date for the next Formal Attendance Review meeting.

11.13 At appropriate points in the absence, managers must ensure that employees understand the possible consequences of continued absence e.g. dismissal.

11.14 Following all Formal Attendance Review Meeting, managers must confirm the discussions in writing, including any agreed action points. A copy of this letter will be held on the employee's personal file.

12.0 Potential Outcomes

12.1 The potential outcomes for an employee on long term sickness are:

Return to Work

12.2 When it is expected that an employee may soon be able to return to work, the manager should work with the employee to agree an expected date of return and develop a return to work plan, in accordance with appropriate medical advice. The plan should be in writing, have clearly defined timescales and be subject to monitoring and review by the line manager. The employee should be given a copy of the written plan. Where appropriate, further advice may be required from an HR Adviser, Occupational Health Unit, and the Health and Safety team. The manager should use this plan to monitor and review the employee's progress following a partial or full return to work from long term absence. Where necessary this may include further medical or specialist reports and advice.

- 12.3 A phased return may be considered appropriate at any stage of absence to enable an employee to return to work, sooner than might otherwise have been possible. A phased return involves a temporary change to working arrangements such as a:
- Change in working hours or working pattern,
 - Change in work location,
 - Change to workload and/or responsibilities
 - Or a combination of any of the above.
- 12.4 The first 4 weeks of a phased return will be paid at the employee's normal rate of pay. Employees may use accrued annual leave as part of a phased return plan. An extension of a phased return may be considered dependant upon individual circumstances and business needs. In such cases advice will be taken from an HR Adviser and the Occupational Health Unit.
- 12.5 A return to work interview should be held by the manager with the employee on their first day of return, or at the earliest possible opportunity. The appropriate paperwork should be completed and the return to work plan should be discussed.

Prognosis Remains Uncertain

- 12.6 Where a prognosis for a return remains unclear, the manager must ensure that the employee is informed at appropriate points in the absence that continued absence cannot be sustained indefinitely. The employee should be clear that decisions may need to be made about their continuing employment which may lead to a decision to dismiss due to their incapability to undertake their job due to ill health.
- 12.7 In the circumstance that an employee's absence may be sustained for a further period, a definite review date must be set and advice taken from HR&OD.
- 12.8 Where it is deemed that an employee's absence cannot be sustained and it is proposed to dismiss the employee, the manager must ensure that all reasonable approaches to support the employee's return have been explored.
- 12.9 Capability dismissal may also be a potential outcome, in situations where an employee has returned to work in a limited capacity, which can no longer be sustained. The manager must ensure that all reasonable approaches to sustain the employee's return have been explored.

Capability Dismissal

- 12.10 In the case of a potential dismissal, the manager must inform the employee at appropriate points in the absence that there is a possibility of dismissal if a return to work is not agreed. Where dismissal is a potential outcome, the employee should be aware of this in advance of the meeting.
- 12.11 If dismissal is a potential outcome, the case will be considered by a Senior Manager.
- 12.12 The Senior Manager, who will be advised and supported by HR&OD, will meet with the employee. At least 5 working days notice will be given and the notification will give details of the time and place of the meeting and will advise the employee of their right to be accompanied by a work colleague or trade union representative. The employee will be informed in writing of the reason for the meeting. The letter will include any relevant information relating to the absence(s), such as details of previous attendance review meetings, support and interventions that have been

implemented and offered, and relevant medical information and advice. The letter of notification will state that dismissal is a potential outcome of this meeting. The employee can present a written statement prior to the meeting should they wish to do so.

12.13 The employee will have a full opportunity to state their case and put forward any relevant information prior to any decision being taken.

12.14 As a result of the meeting, the Senior Manager may determine that:

- Further actions are required. A review date will be set when the case will be reconsidered, or
- The employee is dismissed with notice, subject to the right of appeal. It may be appropriate for the employee to be paid in lieu of notice.

12.15 The decision will be confirmed in writing to the employee and will also indicate his/her right of appeal where appropriate.

Right of Appeal

12.16 If an employee wishes to appeal against a decision to dismiss they should submit their appeal in writing to their Chief Officer within 10 working days of receipt of the outcome letter setting out their reason for appeal. An Appeal Hearing will then be arranged without unreasonable delay. The employee will be invited to the Appeal in writing, which will include notification of their right to be accompanied by a trade union representative or an appropriate work colleague and any relevant documentation which will be provided to those hearing the Appeal.

12.17 In cases of dismissal, the Appeal will be heard and determined by the Elected Members' Appeals Panel, advised by the Director of HR&OD (or their authorised officer). The Head of Law and Governance (or their authorised officer) will be appointed Secretary to the Appeals Panel. If a Member of the Appeals Panel is related to, or acquainted outside normal working relationships with the appellant, it shall be a matter for the Member to inform the Panel accordingly and leave the meeting.

12.18 The decision made at the Appeal will be confirmed in writing to the employee and will be final with no further internal right of appeal.

Additional Information

12.19 In most circumstances it would not be appropriate to issue a Written or Final Written Warning to an employee who is on long term sickness absence. However, employees should be advised at appropriate points in their absence that there is a possibility of dismissal if a return to work is not agreed.

12.20 Where it is deemed an employee's absence cannot be sustained, prior to a decision to dismiss, managers must ensure that all reasonable options to support the employee's return have been thoroughly explored, for example redeployment, re-training, reasonable adjustments. In all cases managers must be able to demonstrate that a full and fair procedure has been followed.

Retirement on the Grounds of Ill health

12.21 In cases of ill health where the specific criteria, as defined in the Local Government Pension Scheme Regulations, are met, retirement on grounds of ill health may be a potential option.

- 12.22 In cases of long term ill health where the specific criteria are not met, termination of contract of employment on grounds of incapability may be considered.
- 12.23 Prior to the termination of the contract of employment due to either of the above reasons, it is important that the managers, in consultation with the Occupational Health Physician, have explored the possibilities of rehabilitation, reasonable adjustments, redeployment and re-training.
- 12.24 Where the request for retirement on grounds of ill health is driven by the employee, the employee, by submitting such an application, is accepting that, as a result of ill health or infirmity of body or mind, they are permanently incapable of discharging efficiently the duties of their employment until the normal age of retirement which is 65 years. If their application fails to meet the criteria of retirement on grounds of ill health, termination of contract on grounds of incapability may be the only option.
- 12.25 On receipt of a certificate of permanent incapacity, issued by an independent, duly qualified registered medical practitioner, the employee should be notified. Managers should, with advice from the HR&OD Adviser, arrange to formally meet with the employee to explain the meaning and implications of the certificate. Prior to this discussion, managers should try to obtain details of final payments, such as notice pay, holiday pay, pension estimates where possible. It is important to ensure that the employee understands the details and the implications of the actions.

13.0 Work-related Ill Health or Injury

- 13.1 Where an employee's ill health or injury has been caused by work it must be reported as soon as possible following the Council's accident reporting procedures which are contained within the Health and Safety Code of Practice. Further advice and support should be obtained from HR&OD and the Health and Safety team.

14.0 Personal Injury Claims

- 14.1 Where an employee's absence results in a personal injury claim it is important that HR&OD and Council's Insurance team are involved in such cases at the earliest possible opportunity. Managers should, however, continue to manage such cases in line with this policy ensuring that all positive outcomes are explored ensuring that any issues which may have contributed to the individual's illness or injury have been fully explored and addressed prior to their return.

Appendix 1 - Summary of Responsibilities

It is an **employee's responsibility** to:

- Attend work unless unfit to do so.
- Look after their general health and wellbeing and, where necessary, to promptly seek medical attention or other support to maintain high levels of attendance.
- Raise concerns with their manager or another appropriate person e.g. their health and safety representative, if they believe that their job is making them ill or contributing to their ill health.
- Understand the requirements of this policy and follow the sickness absence procedure for every absence; this includes, for example, notification, certification and keep in touch requirements.
- Attend and participate fully in discussions in attendance review meetings and OHU appointments to identify ways to support a return to work or to identify an early prognosis of ongoing illness.
- Complete a sickness declaration form on return to work, and participate in a return to work interview.

It is a **manager's responsibility** to:

- Understand the requirements of this policy and other associated procedures and to have participated in any appropriate training.
- Proactively manage absence from work in accordance with this policy.
- Ensure employees receive an appropriate induction, training and support relevant to their job role, which includes ensuring employees are aware of their responsibilities in relation to this policy.
- Ensure that appropriate policies, risk assessments, monitoring activity and the performance management framework are in place to safeguard employee health and well-being. This may include using the Health and Safety Executive Management Standards.
- Respond to any work related issues which may impact on an individual's performance and wellbeing, and provide appropriate support.
- Recognise the impact external factors can have on the well being of employees, and consider the options available e.g. flexible working, physiotherapy, counselling, other forms of leave, and training.
- Ensure that good attendance is encouraged and recognised.
- Record all absences in line with Council procedures and monitor and analyse team and individual records to identify and address trends and issues.
- Inform an employee at appropriate points of the potential implications of their continued absence, where decisions may need to be made about their continuing employment.
- Maintain an awareness of their responsibilities in relation to the equality and diversity.

