



Sickness Absence Management Policy

DECEMBER 2012



Quality | Equality | Access | Partnership

Sickness Absence Management Policy Document

CONTENTS

	Page No.
1. Introduction	4
2. Purpose	5
3. Policy Principles	6
4. Sickness Absence Procedure	8
4.1 Notification	8
4.2 Certification	9
4.3 Unauthorised Absences	9
4.4 Exclusion from Sickness Allowance Payments	9
5. Unacceptable Level of Sickness Absence	10
6. Well Being and Preventative Action	11
7. Equality Act	11
8. Rehabilitation Measures	12
9. Terminal Illness	12
10. Short Term Absence	12
11. Long Term Absence	12
12. Management Monitoring Arrangements	13
11.1 Recording	13
11.2 HR/Payroll System	13
11.3 Early Intervention	13
11.4 Return to Work Meeting	14
11.3 Formal Absence Meeting	14
11.4 Absence Review Follow Up Meeting	16
11.5 Regular Contact	17
13. Case Management	17
14. Pregnancy Related Absences	17

15.	Unpaid Leave of Absence	18
16.	Sick Pay Scheme	18
17.	Meeting Outcomes	18
	17.1 Support and Assistance	18
	17.2 Action short of Dismissal	18
	17.3 Ill Health Retirement	19
	17.4 Dismissal	19
18.	Guidance Booklets	20
19.	Annual Leave	20
20.	Training	20
21	Data Protection Act 1998	21
21.	Miscellaneous Issues	21
22.	Review	21

DRAFT

POLICY STATEMENT



East Ayrshire
COUNCIL

1. INTRODUCTION

- 1.1 As an organisation which genuinely believes in continually striving for improvement, East Ayrshire Council is committed to attaining high attendance levels and minimising sickness absence levels within the workforce.
- 1.2 A culture of joint co-operation needs to be maintained, whereby all parties work together to achieve a highly motivated workforce committed to achieving these aims of maximising attendance.
- 1.3 East Ayrshire Council recognises that while the vast majority of employees do achieve and sustain high standards of attendance, there may be occasions that a certain level of absence may be necessary due to sickness.
- 1.4 The Policy is designed to assist Managers to monitor, control and improve attendance levels and to reduce the adverse impact of sickness absence on employees and service delivery.
- 1.5 Good practice will be adopted when recognised and to promote continuous improvement in sickness absence, Services will continuously monitor their performance against the Council wide sickness absence targets.
- 1.6 A key feature of the Policy will be the consistent application of its provisions. Management discretion used appropriately will when used with other supportive measures, provide employees with appropriate support to improve their attendance levels where possible/practicable.
- 1.7 The Policy provides a process for managing attendance which may result in action being taken up to and including dismissal on capability grounds.
- 1.8 Managers will ensure that employees are made aware of the Policy and that their attendance will be monitored against the standards set by the Council.
- 1.9 Where sickness absence relates to a disability, managers will comply with the requirements of the Equality Act 2010 and the duty to make reasonable adjustments with advice from Human Resources.
- 1.10 Medical information relating to cases will be kept confidential.
- 1.11 The Council has agreed to deal with absence which is regarded as having reached an unacceptable level and this is detailed in paragraph 5 of the Policy.
- 1.12 Further detailed advice and guidance for managers and employees on the Policy and Procedures is contained in the separate Manager's Guidance and Employee Guidance booklets.

2. PURPOSE

- 2.1** The Policy is intended to provide a comprehensive framework for East Ayrshire Council to secure the attendance of all employees throughout the working week. The Council's target for sickness absence rates is to be in the first quartile of Councils as set by Audit Scotland in their annual report of corporate Statutory Performance Indicators.
- 2.2** East Ayrshire Council encourages a culture that places a value on good attendance and recognises the efforts which employees make to remain at their work or return to work. Everyone in the workforce, at all levels, feels the impact of ill health and sickness absence. Clearly the implications of non-attendance can have a high cost both in terms of the level and quality of service provided by the Council and the additional pressure placed upon team members by that absence. East Ayrshire Council will, therefore, ensure that it has sickness absence Procedures which are simple, fair, and consistently applied and which are supportive and respond appropriately to all employees who suffer ill-health but which also ensure that the Council continues to meet its business needs to deliver quality services within the community.
- 2.3** The Policy and related Procedures will enable Managers to identify potential problems quickly and liaise consistently and effectively with employees on matters relating to sickness absence. Ineffective absence management can lead to increased casual, short term absences and more costly long term absences where short term absences are left unmanaged for a long period.
- 2.4** It is the responsibility of Managers to manage and monitor sickness absence within their workgroup and to ensure that the requirements of the Sickness Absence Management Policy are met. The term Manager, used throughout the Policy, applies to any employee who has delegated authority to undertake supervisory responsibilities in relation to sickness absence management.
- 2.5** To deliver quality services, levels of attendance must be monitored and managed across all employee groups. By encouraging the application of best practice management techniques, the Council aims to secure good employee attendance levels by promoting a stimulating and co-operative working environment in which every employee is motivated to attend work and make a contribution to the delivery of quality Council services. To this end, the Council intends to pursue best practice in the following areas:-
- ◆ Developing Council-wide sickness absence policies;
 - ◆ Actively managing short and long term sickness absence;
 - ◆ Identifying preventative strategies and tackling issues before they become problems;
 - ◆ Offering employee counselling, occupational health services and other supportive measures;
 - ◆ Setting targets and devising strategies for absence improvement;
 - ◆ Measuring, monitoring and acting on information about absence.

- 2.6 Managers should be aware of their employees' health issues and be in a position at an early stage to assist in recovery measures to enable employees to return to work as early as practicable. This can only happen when managers have meaningful discussions with their employees to talk over the issues involved. This will enable managers to be aware of the actual and potential impact on service delivery.
- 2.7 The Policy takes into account best practice principles and approaches to managing sickness absence and covers all categories of absence.
- 2.8 All employees, including those who are employed on a temporary basis have a responsibility to understand and comply with the Policy. All employees will be expected to understand and comply with any changes. Managers will be made aware of the Policy and any associated changes through appropriate training.
- 2.9 The Sickness Absence Management Policy and Procedures applies to all employees within the Council.

3. POLICY PRINCIPLES

- 3.1 Everyone has a responsibility to comply with the Policy and in order to maintain a low absence culture and to effectively manage absence, all parties must be aware of their individual and collective responsibilities:

The Council

- is responsible for the health, safety and welfare of its employees;
- is committed to the identification, assessment and management of work related health risks;
- will promote health initiatives through the Healthy Working Lives Programme aimed at providing employees with support in maintaining good health;

Executive Directors and Heads of Service

- are responsible for managing absence within their department/service;
- will ensure that managers monitor absence and carry out absence and follow-up reviews in accordance with the Council's Policy;
- will ensure the appropriate recording of absence statistics within their department/service.

Managers

- will provide employees with a safe working environment by ensuring all risk assessments are completed and encourage employees to adopt a healthy lifestyle;

- will be personally responsible for managing/dealing with absence within their own work group and must not abdicate this responsibility;
- will maintain and actively monitor records of absence for each individual employee within their work group and take appropriate management action in accordance with the Council's Policy.

Occupational Health Service

- will support Managers in the application of the Council's Policy by providing relevant detailed medical reports;
- will provide support and advice to employees on health issues;
- will determine as early as possible whether or not an employee is fit to continue to undertake the duties of their post with regard to other medical reports where appropriate e.g. GP or consultant;
- will assist in the promotion of health initiatives and contribute to the Council's safe systems of work.

Employees

- should maximise their attendance at work and keep absence to a minimum;
- should adhere to the reporting and notification timescales for reporting absence outlined in the Policy;
- should be aware that their own lifestyle can have an adverse effect on their attendance at work.
- should be aware of the impact which their absence has on service delivery and their colleagues

Human Resources

- will co-ordinate, monitor and report on absence within the Council;
- will support managers to implement the Policy;
- will maintain, review and update the Policy as necessary.

3.2 Through the corporate, Departmental and work specific induction process, all employees must be informed of the following :-

- ◆ that their capability and attendance will be monitored by their immediate line manager;
- ◆ of the notification procedures for absence of any kind;
- ◆ of the benefits, support and welfare provisions and services which are available to them;

- ◆ that failure to comply with the Procedures may result in sickness allowance payments being stopped or suspended. Where their absence or conduct gives rise to serious concern, disciplinary action may be taken in accordance with the Council's Disciplinary Policy and Procedures.
- ◆ that they will be treated in a fair and consistent manner and will be encouraged to seek help with any problems they might have which may result in their non-attendance at work;
- ◆ that employees who suffer ill health will be treated fairly. With degenerative or terminal illness the employee may still be able to attend work but may still need special consideration related to work.
- ◆ of notification of any early retiral options or schemes

4. SICKNESS ABSENCE PROCEDURE

4.1 NOTIFICATION

4.1.1 Employees who are absent from work due to sickness or accident must conform to the following procedure:-

On first day of sickness absence, before the start of the working day if possible or within 1 hour of normal start time, they must speak directly to their Manager or appropriate alternative managerial contact when reporting absence or in extreme circumstances arrange for someone on their behalf to speak directly with the appropriate Manager. Teachers should notify the school as soon as is practicable.

Where the relevant Manager is not available then they should leave a contact number to enable the Manager to contact them later that day, whenever practicable or as soon as possible thereafter. Emails or texts messages are not accepted as an appropriate method of communication other than when they are agreed for use as a reasonable adjustment in disability cases.

4.1.2 Employees absent from work due to sickness should provide the following information:-

1. The nature of their illness, or other reason for their absence;
2. How long they expect to be ill/absent;
3. An estimated date of return;
4. Their intentions e.g. going to doctor, hospital etc;
5. Where appropriate, advise of any work appointments that have been made, attendance expected at meetings, training courses, important work etc so that alternative arrangements can be made in their absence;
6. Their telephone number or personal contact point (this is needed in case the Manager needs to contact the employee).

4.1.3 If the employee does not return to work by the third calendar day, then on the fourth calendar day of absence they are required to contact their Manager and should intimate a likely return date.

4.2 CERTIFICATION

- 4.2.1** For an absence of **seven calendar days or less**, the employee must submit a self-certificate form and submit it to their Manager on the day they return to work unless a Medical Practitioner has issued a Fit Note from day one that covers the absence..
- 4.2.2** For an absence continuing for **more than seven calendar days**, in addition to completing a self-certificate, the employee must consult a Medical Practitioner and obtain a Fit Note. The certificate must be forwarded immediately to the Manager. If the absence is likely to continue beyond the date shown on the medical certificate the employee should consult their Medical Practitioner again and submit additional medical certificates timeously to cover the absence. Regular contact will be maintained with them by their Manager.
- 4.2.3** If the employee's health improves, they will be expected to return at the end of the period and under any specific rehabilitation measures agreed where applicable.

4.3 UNAUTHORISED ABSENCES

- 4.3.1** When an employee's absence is not supported by appropriate documentation or where the correct notification procedure has not been followed, this will be regarded as unauthorised absence and sickness absence payments will be withheld. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.
- 4.3.2** However, if, after investigation and consideration of the circumstances and any explanation given, the absence remains unauthorised, pay will not be re-instated and the matter will be dealt with under the Council's Disciplinary Policy and Procedures. This will not prevent the absence itself being dealt with under the provisions of this procedure.

4.4 EXCLUSION FROM SICKNESS ALLOWANCE PAYMENTS

- 4.4.1** Sickness allowance payments will not be paid in the following circumstances if an employee:-
- ◆ has less than 26 weeks continuous service (18 weeks in respect of teachers);
 - ◆ becomes ill while on strike action;
 - ◆ on the first day of sickness has already exhausted or subsequently exhausts sickness allowance entitlement;
 - ◆ on the first day of sickness is in legal custody or is subsequently taken into legal custody;
 - ◆ fails to adhere to or to continue to fails to adhere to the required notification and certification requirement;.
 - ◆ is absent on maternity leave;

- ◆ is absent due to their misconduct or negligence, active participation in sport for payment, or injury while working in their own time for another employer or for private gain;
- ◆ is guilty of conduct prejudicial to recovery;
- ◆ fails without good reason to attend a medical examination with the Council's Occupational Health Adviser;
- ◆ terminates or has their contract of employment terminated.

4.4.2 Where any employee's abuse which constitutes misconduct arises from any of the above then it will be dealt with under the provisions of the Council's Disciplinary Policy and Procedures. This will not prevent the absence itself being dealt with under the provisions of the procedure.

4.4.3 Where an employee fails to attend for a medical appointment with the Council's Occupational Health Service without good reason, then their pay or sickness allowance may be withheld and disciplinary action may be considered.

5. UNACCEPTABLE LEVEL OF ABSENCE

5.1 The Council has agreed to deal with absence which is regarded as having reached an unacceptable level as follows:

Where employees have had 3 spells of absence in a rolling 6 month period or where absence exceeds 8 working days within a 12 month rolling period, Formal Absence Review Meetings will take place between the employee and their manager to discuss the sickness absence level. **Note: one day or more is defined as a spell of absence.**

5.2 The Formal Absence Review Meetings are intended to allow a Manager and employee to discuss the absence and to identify ways in which attendance levels can be improved. The procedure and outcomes of Formal Absence Review Meetings are detailed in paragraph 12.5.

5.3 Employees with Unacceptable Levels of Sickness Absence will be dealt with under the Council's Disciplinary Policy and Procedures with due account being taken of any mitigating factors e.g.

- previous good attendance record which has not previously led to any disciplinary action;
- disregard pregnancy absences;
- disregard absences specifically aligned to employee's disability;
- take into account operations associated with absence
- industrial injury which relates to the absence which has been recorded in the appropriate Accident Report Form and been investigated
- underlying medical conditions

5.4 The employee will be able to appeal against any disciplinary action taken in line with the provisions of the relevant Disciplinary Policy and Procedures.

6. WELLBEING AND PREVENTATIVE ACTION

- 6.1** The Council actively seeks to encourage employees to adopt and pursue healthy lifestyle options which can contribute to better health, a positive work-life balance and lead to lower sickness absence levels.
- 6.2** As part of its support measures, the Council offers a confidential employee counselling service, physiotherapy and supports the Health Working Lives Scheme.
- 6.3** The Council's Occupational Health Service supports better employee attendance via Occupational Health reporting; rehabilitation measures; physiotherapy and active case management including case conferences and case meetings either before or after the medical examination.
- 6.4** The Occupational Health Service supports employees' return to work by providing medical information to assist Managers to make relevant decisions. The Occupational Health Service will determine if an employee is fit to continue in their current role.
- 6.5** In addition, the Council will assist employees, as appropriate, where it can be demonstrated by the Council's Occupational Health Service that an employee's return to work can be accelerated by temporary alternative employment or that alternative medical assistance may be of benefit. In this latter regard, the Occupational Health Service will liaise with the employee's doctor.
- 6.6** In appropriate cases, the Council will consider supporting an employee to remain on sick leave but to return to work for therapeutic reasons. During this period the employee will not be expected to perform the normal duties of their post and will remain under close supervision. In such circumstances the employee will be required to submit documentation from their GP indicating their support of a return to work for therapeutic reasons.

7. EQUALITY ACT

- 7.1** The Council will take into account the provisions of the Equality Act 2010 as well as the current medical information available on the employee prior to any formal action being taken as a result of an employee's sickness absence record.
- 7.2** This will include making reasonable adjustments to any working arrangements that place a disabled employee at a disadvantage compared with others who are not disabled.
- 7.3** Transgender employees who transition from male to female or from female to male hormonally and/or surgically will receive appropriate support at all the different stages in their transition, as necessary.
- 7.4** The Government's Department for Works and Pensions, Disability Services Team may be contacted for general advice or to assist in reviewing individual cases. This can be arranged via Human Resources Officers.

8. REHABILITATION MEASURES

- 8.1** A flexible approach will be considered to help employees settle back into a work routine following a lengthy period of absence.

9. TERMINAL ILLNESS

- 9.1** Where an illness or medical condition is diagnosed as one from which the employee will not recover i.e. their illness/condition is terminal, employees will not be subject to any formal action under the Sickness Procedures. At all times, the employee will be dealt with sympathetically and treated with respect and dignity. Any medical referrals will only be to assist with the employee's wellbeing. The options available will be discussed at the appropriate time taking into account their individual circumstances.

10. SHORT TERM ABSENCE

- 10.1** **Definition:** Short term sickness absence is regarded as absence of at least one day and less than 28 calendar days.
- 10.2** Frequent short-term absences may be indicative of underlying health problems. The Council is concerned that such problems are addressed early to assist the employee and avoid organisational difficulties.
- 10.3** Persistent short-term absences will require to be discussed between Managers and employees in Formal Absence Review Meetings with a view to ascertaining the reasons for absence and where appropriate support measures can be put into place to assist employees to reduce future absences.
- 10.4** Where cause for concern is identified, this will be discussed with the employee who will be informed of the required attendance improvement. Where deemed appropriate, disciplinary action will be taken against the employee based on their sickness absence record. The employee will also be advised of the potential implications of these improvements not being met. A formal record of this discussion and its outcome will be made with copies to management, Departmental Human Resources Officer and the employee.
- 10.5** Where there is a problem of short term absence which shows no signs of improvement then a doctor's certificate may be requested for frequent periods of absence of less than seven calendar days if appropriate. In these circumstances, any cost incurred in obtaining the medical certificate will be reimbursed by the Council.

11. LONG TERM ABSENCE

- 11.1** **Definition:** Long term absence is defined as continuous absence from work of more than 28 calendar days.
- 11.2** Where long term absence is of concern, early intervention, effective management and effective controlled rehabilitation and phased return to work could reduce costs and improve productivity. Managers must monitor absence effectively so that any problems related to sickness absence are not treated casually.

11.3 In accordance with the Conditions of Service, employees may be referred for a medical examination at any time. This will assist in determining what support or rehabilitation measures can be put into place to assist the employee to return to work.

11.4 Employees who have been on sick leave for a continuous period of 28 days will, where deemed appropriate, have a meeting with their Manager to discuss their sickness absence at a Formal Absence Review Meeting. Discretion should be exercised where for example the employee is hospitalised.

12. MANAGEMENT MONITORING ARRANGEMENTS

12.1 RECORDING

12.1.1 Managers must ensure that all sickness absences are recorded and notified to Payroll on the first day of absence or as soon as possible thereafter. This information is used to:

- ensure timely notification of changes to sick pay payments i.e. a reduction to half pay or no pay
- produce corporate and departmental sickness absence reports
- produce reports of formal action taken
- monitor the effectiveness of the Council's sickness absence arrangements

12.1.2 Each manager is required to monitor attendance levels within their teams and apply the formal stages as outlined in the Policy.

12.2 HR/PAYROLL SYSTEM

12.2.1 To ensure that the sickness absence policy is applied effectively it is essential that effective monitoring procedures exist. The Council's HR/Payroll system will assist in the collation of accurate and timely sick absence data within the Council. This will provide easily accessible management information and assist Managers in the following areas:-

- Establishing any sickness absence trends amongst their workgroup;
- Providing appropriate trigger mechanisms
- Producing accurate sickness absence statistics;

The Human Resources Service will be responsible for the monitoring of the Policy and Procedures.

12.3 EARLY INTERVENTION

12.3.1 Early intervention is considered to be one of the most effective elements of a return-to-work plan, as is consistent monitoring to ensure that support measures including physiotherapy, Employee Counselling Service etc are put in place to enable an employee's return to work to be sustained.

12.3.2 In cases where absences due to a musculoskeletal condition or stress is stated on an employee's first Statement of Fitness for Work or self certificate, the Council's Occupational Health Service will be contacted by the Human Resources Team. Occupational Health will immediately phone the employee concerned to discuss the position, related support measures and may arrange a medical examination.

12.3.3 Where an employee has been absent for a continuous period of 28 days and unless there are exceptional circumstances, then they will be referred to the Council's Occupational Health Advisor for a medical examination.

12.4 RETURN TO WORK MEETING

12.4.1 On the first day following an employee's absence, the manager should ensure that they conduct a Return to Work Meeting with the employee concerned as soon as practical and ensure that they complete and forward the necessary paperwork to Payroll.

12.4.2 This meeting allows the manager to express a proper interest in the welfare of the employee and gives the employee the opportunity to express any health, welfare or job related problems which they might have. The meeting is designed to maintain effective communication between employees and their line managers and to offer appropriate support and assistance. They must not be used to intimidate employees or to place undue pressure upon them.

12.4.3 This will be a formally documented process normally face to face but may in certain circumstances be by telephone. To ensure consistency a template is available for Managers detailing the issues which they should cover during the Return to Work Meeting.

12.5 FORMAL ABSENCE REVIEW MEETING

12.5.1 Where an employee has had 3 spells of absence in a rolling 6 month period or where absence exceeds 8 working days within a 12 month rolling period then a Formal Absence Review Meeting must take place between the employee and their Manager to discuss the employee's sickness absences and to identify what additional support measures can be provided to improve the employee's attendance and wellbeing.

12.5.2 If the absence involves short term absence, the Absence Review Meeting will allow the manager to: -

- a) Identify the frequency and reason for absences and ensure that the employee is aware that their absence record is giving cause for concern;
- b) Advise the employee to seek proper medical attention if there is an underlying medical problem. A medical report could be requested from the employee's Doctor, if appropriate. Alternatively, the employee can be referred to the Council's Occupational Health Service;
- c) Where appropriate, inform the employee that continued absences can have a detrimental impact on service delivery;

- d) Give consideration to an employee's personal problems and possible ways of helping the employee resolve them, for example, referring them to the Employee Counselling Service;
- e) Agree a reasonable period of time over which the employee's attendance can be assessed against the standard expected. Advise employee of the date of the Absence Review Follow Up Meeting;
- f) Indicate what the next step will be if the employee fails to reach the standard required. These standards or targets should be specified. A letter will be issued to the employee confirming the facts, the action to be taken and specifying what may happen if attendance is not improved.
- g) Review any mitigating circumstances and make a decision either to :
 - take no formal action and arrange a date for an Absence Review Follow Up Meeting, if appropriate. May also put into place an improvement plan.

OR

 - determine that a Disciplinary Hearing should be held. Thereafter a Disciplinary Hearing will be held in accordance with the Council's Disciplinary Policy and Procedures. The employee will be able to appeal against any disciplinary action taken.

12.5.3 If the absence involves long term absence, the Absence Review Meeting will allow the manager to: -

- i. Seek to establish the reasons for absence and its likely duration. The employee's doctor should be contacted, by the Occupational Health Service, in order to establish the likely length of the absence and the long-term effect on capability in relation to job performance and attendance at work. The employee will be asked to attend the Council's Occupational Health Service to enable a medical assessment to be prepared.
- ii. Consider varying the standard working patterns if this would enable the employee to return to work.
- iii. Consider offering alternative employment if the employee is unable to return to their current job based on advice from the Occupational Health Service. Even if arranged on a short term basis this can assist the employee's long term recovery whilst also providing service support to the employing department. For full guidance refer to the Council's Redeployment Policy and Procedures.
- iv. Inform the employee that long term absence due to ill health may be having an impact on their workgroup and jointly explore possible measures to enable the employee to return to work bearing in mind the needs of the Council at the time.
- v. Review any mitigating circumstances and make a decision either to :

- take no formal action and arrange a date for an Absence Review Follow Up Meeting, if appropriate. May also put into place an improvement plan.

OR

- determine that a Disciplinary Hearing should be held. Thereafter a Disciplinary Hearing will be held in accordance with the Council's Disciplinary Policy and Procedures. The employee will be able to appeal against any disciplinary action taken

vi. Indicate what the next step will be if the employee fails to reach the standard required. These standards or targets should be specified. A letter will be issued to the employee confirming the facts, the action to be taken and specifying what may happen if attendance is not improved.

12.6 ABSENCE REVIEW FOLLOW UP MEETING

12.6.1 An Absence Review Follow Up Meeting must be conducted to review absences of employees who have already attended a Formal Absence Review Meeting. The meeting will focus on the employee's absence record over the review period to establish if there has been any significant improvement in attendance during the review period and will determine whether or not any further action is necessary. The follow up meeting will be held not later than 3 months from the date of the initial meeting or earlier if considered necessary by the Manager.

12.6.2 The aim of the meeting is to:-

- i. Establish if there has been any improvement in attendance during the review period and whether the employee has met the targets set at the Absence Review Meeting.
- ii. Inform the employee that absence due to ill health may be having an impact on their workgroup and jointly explore possible measures to enable the employee to return to work bearing in mind the needs of the Council at the time.
- iii. Review any mitigating circumstances and make a decision either to :
 - take no formal action and arrange a date for a further Absence Review Follow Up Meeting, if appropriate. May also put into place an improvement plan.

OR

- determine that a Disciplinary Hearing should be held. Thereafter a Disciplinary Hearing will be held in accordance with the Council's Disciplinary Policy and Procedures. The employee will be able to appeal against any disciplinary action taken

- iv Determine whether a further Follow Up Absence Review Meeting should be held as determined by the Manager to ensure that the employee continues to achieve a satisfactory level of attendance at work.
- v Indicate what the next step will be if the employee fails to reach the standard required. These standards or targets should be specified. A letter will be issued to the employee confirming the facts, the action to be taken and specifying what may happen if attendance is not improved.

12.7 REGULAR CONTACT

- 12.7.1** Managers will keep in regular contact with employees during their initial 4 weeks of absence on a frequency dependent upon individual circumstances and thereafter at least once per week during the period of absence. This is seen as a positive approach to ensure that employees do not feel that their absence has been ignored by management.
- 12.7.2** Employees are free to contact their Manager, Human Resources Officer, The Human Resources Service, Council's Occupational Health Service, Employee Counselling Service or Trade Union Representative, if applicable at any time during their absence to seek advice and are encouraged to do so.
- 12.7.3** Employees on sick leave must be available for the Council to contact regarding their sickness absence unless days fall within a closure period as appropriate. Employees who are planning to be away from their homes for a period of more than 2 days should advise their Manager of their intentions.

13. CASE MANAGEMENT

- 13.1** Where considered relevant by management to assist in the management of an employee's sickness absence then a case conference can be arranged between representatives of the department concerned, Occupational Health Service and Human Resources. The meeting can take place prior to an employee's medical examination or following a medical examination.
- 13.2** Where it is considered relevant to the management of an employee's sickness absence then a case meeting can be arranged between representatives of the department, Occupational Health Service, Human Resources and the employee concerned together with their Trade Union Representative, if appropriate..

14. PREGNANCY RELATED ABSENCES

- 14.1** All pregnancy related absences will be taken into account in respect of the Council's triggers for Formal Absence Review Meetings to assist in the management of sickness absence.
- 14.2** However, no disciplinary action will be taken by management on any absences relating to pregnancy where the employee has met the sickness absence reporting and certification procedures.

14.3 Where, a pregnant employee falls sick as a result of a pregnancy related illness within four weeks of the date on which the baby is due, then maternity leave will be initiated with effect from the first day of absence.

15. UNPAID LEAVE OF ABSENCE

15.1 On expiry of paid sick pay, employees can apply for a period of unpaid leave of absence which gives them additional time, beyond full and half pay to make a recovery and return to work.

15.2 The period of unpaid leave of absence will be dependent upon individual circumstances up to a maximum of 12 months. Blocks of 3 months unpaid leave will be granted where the Council's Occupational Health Service states that there is a prognosis of a likely return to work within the 6 month timescale.

16. SICK PAY SCHEME

15.1 Full details of the Sickness Allowance Scheme are contained in the Conditions of Service for Local Government Employees, Chief Officers and Craft Operatives. These are available from Human Resources Offices or the Human Resources Service.

17. MEETING OUTCOMES

17.1 SUPPORT AND ASSISTANCE

17.1.1 Appropriate support and assistance will be given to Managers to assist them in monitoring and reviewing sickness absence records. A representative from Human Resources must be in attendance at every Disciplinary Hearing.

17.1.2 Where a Manager has reasonable grounds to believe that there will be no improvement in an employee's attendance in the foreseeable future following confirmation from the Council's Occupational Health Service then the matter must be dealt with sensitively. The following options are available to Managers:-

- ◆ redeployment on grounds of capability may be appropriate, although in some cases retiral on the grounds of ill-health may also be an option.
- ◆ If these options are not possible then there may be no other alternative than proceed under the Disciplinary Policy and Procedures.

17.2 ACTION SHORT OF DISMISSAL

17.2.1 Where the decision of the Disciplinary Hearing appointed to hear an employee's case results in action short of dismissal then the employee will receive a letter advising them of the decision as outlined in the Council's Disciplinary Policy and Procedures. Employees will have the right of appeal against any disciplinary decision taken.

17.2.2 Where an established pattern of self-certification emerges the Council retains the right to request that employees provide a Doctor's certificate for every absence, however short, for an agreed period of time unless the Manager is aware of special circumstances regarding these earlier sickness absences. Where there is a charge levied the Council will meet the cost of any Doctor's certificate.

17.2.3 Employees who have failed to improve their attendance and have been referred to the Occupational Health Advisor and/or any other relevant outside agency and no mitigating circumstances have been found will be dealt with under the Council's Disciplinary Policy and Procedures.

17.3 ILL HEALTH RETIREMENT

17.3.1 Where the Council's Occupational Health Service advises that an employee is permanently unfit to carry out the duties of their post or a comparable post, a meeting will take place with the employee to advise them of the decision. Where no suitable alternative employment can be identified under the Council's Redeployment Policy, in conjunction with any training or retraining which would facilitate alternative employment, the employee will be informed that:

- (a) for employees covered by the provisions of the Local Government Pension Scheme, their employment will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits; or
- (b) Employees who are not members of the Local Government Pension Scheme, and therefore cannot access the Scheme's provisions will be dismissed on the grounds of capability due to ill health.
- (d) for employees covered by the provisions of the Teachers Superannuation Scheme, their employment will be terminated on grounds of capability due to permanent ill-health; or
- (e) Employees covered by the provisions of the Teachers Superannuation Scheme and who are not members and therefore cannot access the Scheme's provisions will be dismissed on the grounds of capability due to ill health.

17.3.2 Where an employee provides written evidence that their GP or specialist disagrees with the Occupational Health decision, Management will review the case and, if necessary, a further independent medical opinion will be obtained which will be used to reach a final decision.

17.4 DISMISSAL

17.4.1 Where the decision of the Disciplinary Hearing appointed to hear an employee's case results in dismissal on the grounds of capability due to ill-health then the employee will receive a letter advising them of the decision as outlined in the Council's Disciplinary Policy and Procedures. Employees will have the right of appeal against the dismissal decision taken.

17.4.2 In the cases of long term sickness absence where termination of employment on the grounds of ill health is considered, action will only be taken if the following steps have been made :-

- a) The employee has been counselled;
- b) All Rehabilitation Measures have been addressed;
- c) The possibility of alternative work has been considered;
- d) The employee has been formally advised that continued absence may result in termination of employment.

18. GUIDANCE BOOKLETS

18.1 To assist Managers, a series of Practical Guidance Charts which outline the process to be carried out under a number of different situations as well as Guidance Notes on the mitigating factors to be taken into consideration prior to any disciplinary action have been developed. These are contained in the Manager's Guidance Booklet.

18.2 The Booklet is intended as an aid to good management practice and employee relations, enabling Managers to deal with employees fairly and consistently when deciding on future courses of action.

18.3 An Employee Guidance Booklet which explains the Council's sickness absence notification and certification processes is also available for all employees.

18.4 Updated Guidance Booklets will be issued to managers and employees following any revisions to the Council's Sickness Absence Management Policy. Copies will also be issued at corporate induction days or at job induction to ensure that all new employees are aware of the Policy.

19. ANNUAL LEAVE

19.1 Managers must advise employees of the impact on their annual leave entitlement and public holidays arising from the absence through illness. This may be discussed at either Formal Absence Review Meeting or during regular contact with employees on long term absence, as appropriate.

20. TRAINING

20.1 The Council provides a training course on "Managing Sickness Absence". Managers with responsibilities for employees are encouraged to attend additional courses which will ensure that they have the necessary interpersonal skills to manage absence successfully within their workgroup.

20.2 Trade Union representatives will be encouraged to attend appropriate training courses to assist them in their role in managing absence.

21. DATA PROTECTION ACT 1998

21.1 The Council fully complies with the provisions of The Data Protection Act, and observes the principles of the Act by maintaining the confidentiality of all personal sickness absence information held manually or in the council's information systems.

22. MISCELLANEOUS ISSUES

22.1 This Policy is concerned only with sickness absence. Reference should be made to separate Special Leave guidelines for information on how to deal with absences including, maternity leave, bereavement, jury duty etc.

22.2 Human Resources Officers are available to provide comprehensive support and advice on any issues relating to absence management. This includes a counselling service and action to help overcome problems.

22.3 Human Resources along with the Health and Safety Section also offers specialist advice in relation to health and safety issues such as assessment of risk, preventative measures and environmental and ergonomic aspects of workplaces and jobs.

22.4 The Health, Safety and Welfare at Work Policy outlines the Council's arrangements to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.

23. REVIEW

23.1 The Policy and Procedures will be reviewed as necessary following any changes in relevant legislation or operational requirements.

**Human Resources Services
December 2012**

This document is also available, on request, in braille, large print or recorded on to tape, and can be translated into Chinese, Punjabi, Urdu, Gaelic and Polish.

Ma tha sibh airson fiosrachadh fhaighinn ann an cànan sam bith eile, cuiribh brath thugainnaig an t-seòladh a leanas.

اگر آپ یہ معلومات کسی اور زبان میں چاہتے ہیں تو براہ کرم ہماری سہجے ویب سائٹ سے رابطہ کریں۔

閣下如需要這份資料的其他語言版本，請透過以下的地址與我們聯絡。

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ
ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰ ਹੇਠ ਦਿੱਤੇ ਗਏ ਪਤੇ ਤੇ
ਸੰਪਰਕ ਕਰੋ ।

Dokument dost pny jest równie w alfabecie Braille'a, w wersji z powi kszonym drukiem lub w formie nagrania d wi kowego na kasecie. Na yczenie oferujemy tak e tłumaczenie dokumentu na wybrany j zyk.



East Ayrshire
COUNCIL