



Supporting Attendance Guidance

January 2022

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Supporting Attendance Guide

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1. Introduction

This Guide should be read in conjunction with the Supporting Attendance Policy. It seeks to provide more detail and guidance than necessary in a policy document, but which may be useful to managers in managing absence in their teams.

2. Reporting

For service delivery to be maintained and to provide a duty of care, it is essential for Managers to know as soon as possible when an employee is unable to attend work due to illness. Non-attendance at work at an expected time without notification is likely to cause concern for the employee's wellbeing and following consultation with HR, emergency contacts may be contacted to ensure the employee is safe.

Absence without contact may be treated as "unauthorised absence" and addressed accordingly.

Employees are required to notify their manager as soon as they know that they are not fit to attend work on their first day of absence, and should keep their manager informed each day of their progress in the case of ongoing absence (unless other arrangements are agreed with the manager due to the nature of the illness).

An employee must not contact their Manager by text, email or via a colleague, unless there are exceptional circumstances. This could include if the employee is hospitalised and is unable to telephone in person; only then arrangements for someone else to telephone on their behalf. The employee must make direct contact with their Manager as soon as possible thereafter.

Should the Manager be unavailable, the employee should report their absence to either their Manager's nominated representative or another senior officer within their section. It may be helpful to agree amongst teams in advance, who this would be.

3. Paperwork and recording

The employee must provide the Manager with details of their illness or injury, their anticipated length of absence and any work commitments that need organising. In almost all circumstances the appropriate person to inform about illness will be the employee's manager. However, there may be exceptional circumstances where this is not appropriate (eg due to the nature of the illness and cultural sensitivities) and if an employee feels this is the case, they should inform HR who will have a discussion with the employee and determine the best way forward with the employee, balancing the sensitivities and requirements for confidentiality around health issues, with the need for consistency and effective management.

If the employee believes that their absence may have been caused by something that happened at work, they should inform the Manager of this immediately who will arrange for an IR1 Accident/Incident Report Form to be completed (available on the intranet here), if they haven't

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already done so. The Accident Report Form should be sent to the Environmental Health team as soon as possible, with copies to the appropriate officers as indicated on the form.

The Manager receiving the call or contact, must record the absence details onto the HR System immediately.

4. Occupational Health

The purpose of the assessment is to provide clear, impartial, professional, OH advice to the council and the employee. The assessment is conducted by telephone or a face-to-face consultation with Healthcare RM.

The benefit of attending the assessment is that it gives employees the opportunity to discuss their medical history, with an Occupational Health professional, and how it impacts on their work. The Occupational Health professional can review all the circumstances relating to the referral, thereby providing the council and the employee with fair and objective advice about their health and work, both in the short and longer term.

The report will deal with the functional work issues rather than the clinical (medical) issues. By functional it is meant what an employee can or cannot do at work and over what timescales. Employees can be reassured that the highly confidential clinical (medical) aspects can remain strictly between them and Occupational Health.

All reports from Occupational Health will be made to HR and will be treated in confidence. On receipt of the report, HR will provide a copy of the report to the Manager who has a direct involvement in dealing with the sickness absence emphasising the need for confidentiality.

5. Short Term Sickness – How to Manage a Return to Work Conversation

Upon return to work following sickness absence the Manager should arrange to have a private conversation with the employee, ideally during the first day back of the employee's return to work.

The purpose will be to

- welcome the employee back to work,
- ensure that there is an accurate record of the absence,
- discuss the reasons for the absence and current record of attendance, appropriate certification, and whether a referral to Occupational Health is appropriate.
- explore if any adjustments or support may be needed
- update the employee on work issues
- advise the employee that they will be invited to a Initial / Second / Case Review sickness absence meeting if this is appropriate (ie if a short term sickness trigger has been hit)

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If the absence is work related which has resulted in the employee being unable to perform their full range of their normal duties, the Manager should ensure that an Accident /Incident form has been submitted to the Health and Safety Adviser and copied to the appropriate officers as indicated on the form.

An accurate, agreed record of the meeting should be entered onto the council's Return to Work meeting form. Managers should forward this record to HR, with a copy given to the employee.

In the case of an employee returning to work following a lengthy absence and/or on a phased return to work basis this return to work conversation process will be replaced by the ongoing conversations regarding the employee's return to work under the long term sickness absence process and may also include a back to work induction if appropriate. The HR team will support managers with these planned returns.

Short Term Sickness – Managing the Procedure Step by Step

Step 1: Invitation to Initial Sickness Absence Meeting

On the employee reaching a trigger point, the employee's line manager will invite them in writing to an Initial Sickness Absence Meeting.

The written invitation to the Initial Sickness Absence Meeting should give the employee at least 7 calendar days' notice of the meeting, enclose their sickness absence record and any relevant letters (eg from Occupational Health). The letter should advise the employee who will be present and that the employee can be accompanied by a colleague or trade union official.

The letter should explain to the employee that the purpose of the meeting is to review their attendance level.

The letter should advise the employee that a possible outcome of the meeting is that a review period may be set. A template letter is available in the Supporting Attendance Toolkit.

Step 2: The Initial Sickness Absence Meeting

A trade union representative or a colleague may accompany the employee and advice from HR can be sought.

Where an employee's absence meets a trigger, a Sickness Absence Initial Meeting should be conducted to consider all of the circumstances surrounding the absence (including any which are protected characteristics under the Equality Act), look at any support which could be offered, set targets for improvement and give a final formal advice where appropriate.

The meeting outline will usually follow the below structure:

Welcome to the employee

Introductions if necessary

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Manager to outline the purpose of the meeting to consider all of the circumstances surrounding the absence (including any which are protected characteristics under the Equality Act), look at any support which could be offered and set targets for improvement. Stress that this process is about supporting attendance and that we accept that absence is genuine.

Share the absence record and discuss these episodes and the reasons for absence with the employee, particularly considering whether the absence is due to a protected characteristic under the Equality Act (eg disability etc)

Discuss whether there are any areas where the employee could make changes to positively impact on their health and attendance. Discuss whether there are any areas where the council could make changes to support the employee in positively impacting on their health and attendance.

Discuss whether OH referral might be of benefit, or if advice has already been sought, discuss the report. Adjustments which might be recommended by OH include changes to the workload, work practices or work pattern or the possibility of redeployment.

Explain that this is the Initial meeting, if absence levels do not meet targets then at a Second Short Term Sickness Absence meeting a final formal advice might be given and if the targets are still not met then a Short Term Sickness Case Review Meeting would be held where a possible outcome would be ending the contract due to capability – ill health.

Agree what actions will be taken by the parties.

It may be appropriate at this stage to adjourn the meeting for the manager to consider the options available with their HR support these include:

Set targets for improvement including the time period over which improvement should be achieved (usually 3 months but this may vary dependent on the circumstances of each case but in any case should be no less than 1 month). The employee may also be required to submit a fit note from their doctor for every instance of absence from their first day of absence (associated costs incurred will be reimbursed by the council).

Decide to take no further action: this will only be appropriate where there are extenuating circumstances which are unlikely to recur (eg if a trigger was hit following a close bereavement) and should be discussed with HR.

Decide to extend the review period without giving a final formal advice whilst further advice is sought from OH or other sources.

Reconvene to inform the employee of the decisions made.

Confirm when the case will be reviewed again.

After the Initial Sickness Absence Meeting, the line manager will set out in writing what has been decided as a result of the Initial Sickness Absence Meeting, for example, the details of any formal review period, or if the decision is that no further action will be taken at this time. The letter, which we put our **customers first** - we are **positive** about **working with others** - we **value** our **employees**

should be provided to the employee within 7 calendar days of the meeting, should include details of any steps or targets that have been agreed for either party to take to help the employee to improve their attendance, and any support that the organisation is providing for the employee. Decisions should be explained within the letter.

Generally speaking if an employee has hit a trigger then it will be appropriate and consistent to set a review period for improvement, however each case is unique and in limited circumstances, for example if there are extenuating reasons for the absences, the outcome of an Initial Sickness Absence Meeting (and later meetings in the process) could be that the manager decides that it is not appropriate to move the employee to set a formal review period. This should be discussed with HR.

The Manager should agree regular, informal review meetings at agreed intervals with the employee to provide feedback on whether targets are being met, to review if the support measures and adjustments are working and to establish whether attendance is improving.

A template outcome letter is available within the Supporting Attendance Toolkit.

If, following the end of the review period there has been no absence, the manager may confirm the end of the process with the employee and send them a letter to confirm this.

A template letter is available within the Supporting Attendance Toolkit.

No further action

In limited circumstances, for example if there are extenuating reasons for the absences, the outcome of an Initial Sickness Absence Meeting could be that the manager decides that it is not appropriate to move the employee to a formal review period or to extend the review period.

If the decision is that no further action will be taken, the letter should inform the employee of this and provide an explanation for the decision.

Review Periods

The Manager will determine and give reasons for an appropriate review period which they consider sufficient to enable a proper assessment of the situation to be made. Each situation will differ and therefore this policy is not prescriptive on the time period. However, there should be a minimum period of one calendar month between each formal stage of the Supporting Attendance Policy and in most cases of short-term absence it is likely that the target will be set for a three-month period, to enable the Manager to assess the situation fully. In all cases, HR will provide advice to all parties regarding the review period.

The Manager should agree regular, informal review meetings at agreed intervals with the employee to provide feedback on whether targets are being met, to review if the support measures and adjustments are working and to establish whether attendance is improving.

Step 3: Invitation to Second Sickness Absence Meeting

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The Second Sickness Absence Meeting, will be held by the Manager or their designated Manager at the agreed time and depending on the details of the case will conclude the formal process (if it is considered that absence has improved to target levels) or will progress to a final formal advice.

This meeting will be to review progress following the Initial Sickness Absence Meeting.

The written invitation to the Second Sickness Absence Meeting should give the employee at least 7 calendar days' notice of the meeting, enclose their sickness absence record and any relevant letters (eg from Occupational Health, the Initial Sickness Absence Meeting letter and any reviews). The letter should advise the employee who will be present and that the employee can be accompanied by a colleague or trade union official.

The letter should explain to the employee that the purpose of the meeting is to review their attendance level.

The letter should advise the employee that a possible outcome of the meeting is that they may be given a final formal advice relating to absence, with a review period. A template letter is available in the Supporting Attendance Toolkit which gives details about the purpose of the meeting and advises that a possible outcome is that a final formal advice relating to absence is given.

Step 4: Second Sickness Absence Meeting

A Second Sickness Absence Meeting should be conducted to review progress following the Initial meeting. It will cover many of the same elements as the Initial meeting but with a focus on whether targets have been achieved. If not then a final formal advice will usually be given.

The meeting outline will usually follow the below structure:

Welcome to the employee

Introductions if necessary

Manager to outline the purpose of the meeting to consider progress following the Initial Sickness Absence Meeting.

If targets have been met inform the employee that no further action is required at this stage. If any further absences occur within 6 months then this would be referred to an Initial Short Term Sickness Meeting and confirm any ongoing support required.

If targets have not been met then consider all of the circumstances surrounding any absence (including any which are protected characteristics under the Equality Act), look at any support which could be offered and set targets for improvement. Stress that this process is about supporting attendance and that we accept that absence is genuine.

Share the absence record and discuss these episodes and the reasons for absence with the employee, particularly considering whether the absence is due to a protected characteristic under the Equality Act (eg disability etc)

Discuss whether there are any areas where the employee could make changes to positively impact on their health and attendance. Discuss whether there are any areas where the we put our **customers first** - we are **positive** about **working with others** - we **value** our **employees**

council could make changes to support the employee in positively impacting on their health and attendance.

Discuss whether OH referral might be of benefit, or if advice has already been sought, discuss the report. Adjustments which might be recommended by OH include changes to the workload, work practices or work pattern or the possibility of redeployment.

Explain that this is the Second Short Term Sickness Absence meeting, if absence levels do not meet targets then a Short Term Sickness Case Review Meeting would be held where a possible outcome would be ending the contract due to capability – ill health.

Agree what actions will be taken by the parties.

It may be appropriate at this stage to adjourn the meeting for the manager to consider the options available with their HR support these include:

Set targets for improvement including the time period over which improvement should be achieved (usually 3 months but this may vary dependent on the circumstances of each case but in any case should be no less than 1 month). The employee may also be required to submit a fit note from their doctor for every instance of absence from their first day of absence (associated costs incurred will be reimbursed by the council).

Decide to give a final formal advice: this will be appropriate in most cases at this meeting (exceptions might be, for example, where on discussion it transpires that absences have been due to pregnancy etc)

Decide to take no further action: this will only be appropriate where there are extenuating circumstances which are unlikely to recur (eg if a trigger was hit following a close bereavement) and should be discussed with HR.

Decide to extend the review period without giving a final formal advice whilst further advice is sought from OH or other sources.

Reconvene to inform the employee of the decisions made.

Confirm when the case will be reviewed again.

After the Second Sickness Absence Meeting, the line manager will set out in writing what has been decided as a result of the Second Sickness Absence Meeting, for example if a final formal advice is being issued and the employee has been placed on a formal review period, or if the decision is that no further action will be taken. The letter, which should be provided to the employee within 7 calendar days of the meeting, should include details of any steps or targets that have been agreed to help the employee to improve their attendance, and any support that the organisation is providing for the employee.

A template letter is available in the Supporting Attendance Toolkit.

Step 5: Invitation to Short Term Sickness Absence Case Review Meeting

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If previous stages have not resulted in maintained and consistent attendance, a case review meeting will be held by the appropriate Manager, more senior than the line manager. This review meeting will review a report compiled by the employee's manager (a template is available in the Supporting Attendance Toolkit), and will give the employee a chance to respond.

A letter inviting an employee to a Short Term Sickness Absence Case Review Meeting is available in the Supporting Attendance Toolkit and advises the employee that at this meeting, dismissal may be an option.

Step 6: Short Term Sickness Absence Case Review Meeting

At the Short Term Sickness Absence Case Review Meeting, a manager more senior than the line manager (Operational Manager or more senior) will chair, supported by a member of HR.

The Chair will ask the manager to present their report to the meeting,

The Chair and HR support will ask any questions of the manager and HR advisor about the report

The employee will ask any questions of the manager and HR advisor about the report

The Chair will ask the employee to present their case

The Chair and HR support will ask any questions of the employee about their case

The manager and HR advisor will ask any questions of the employee about their case

The Chair will ask if the manager and employee wish to sum up their key points

The Chair will adjourn the meeting

The meeting will reconvene for the Chair to deliver the panel decision and advise of the right to appeal if dismissal or a final formal advice is given OR to advise the employee of when they can expect the decision if a decision cannot be made on the same day.

The Manager will write to the employee within 7 consecutive calendar days of this final review meeting, confirming the points discussed and actions agreed and if the decision is to dismiss. The employee will be given the right of appeal. A copy of this letter will be placed on the individual's personal file for reference and a template letter is available in the Supporting Attendance Toolkit.

6. Long Term Absence

How to keep in touch

In the case of long-term absence, managers and employees have a mutual responsibility to maintain regular contact. This has the benefit of keeping the manager informed as to the employee's progress, but also supports the employee's wellbeing in that it keeps them connected and informed about the workplace so that sickness does not become isolating. It is recommended that at the start of a period of sickness absence which seems likely to become long term, the manager and employee agree how contact will be maintained and agree a frequency for contact.

Contact can be in person either in the offices or another mutually agreed location (due regard should be given to confidentiality) including the employee's home, but may also be done online remotely, by telephone or updates may also be sent by email. Where agreed by Occupational Health it may be appropriate for contact to be **only** by email or letter, but as this can be quite isolating for the employee and may be unhelpful in facilitating an effective return, this route will only be agreed on Occupational Health recommendation.

In the event an employee states they would prefer a contact other than their Line Manager, the council will consider the reasons, which may include seeking advice from Occupational Health, and work with HR to identify an alternative contact.

In addition to an employee's informal contact with their manager, the HR team will support managers in holding more structured long term sickness review meetings.

Long Term Sickness Review Meetings

The HR team will support managers will managing long term sickness and the allocated HR representative will discuss when it would be appropriate to hold a long term sickness review meeting with the manager.

Depending on issues including the nature of the illness, the length of the illness and Occupational Health advice an employee experiencing a period of long term ill health may have several long term sickness review meetings over the course of their absence. These will normally be summarized in writing to the employee by the manager following the meeting.

A long term sickness absence review meeting will usually consist of the following elements:

- Welcome to the employee

- Introductions if necessary

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Manager to outline the purpose of the meeting to keep in touch regarding the current absence, get an update from the employee and consider how we can support further, whether this is a return to work or other support.

Employee to be invited to update on their current situation and health

Discussion of this and any other information received from Occupational Health and sick pay situation

Depending on the nature of the absence it may be appropriate discuss:

- plans for a return to work including any adjustments or support required
- the possibility of ill health retirement
- the possibility of termination of contract due to capability – ill health.
- the possibility of redeployment on health grounds
- the date for the next long term sickness review meeting.

Manager to update on any changes or information relevant to the employee's service or team if appropriate.

Confirm if a letter will be sent summarizing the discussions from this meeting.

Long Term Sickness Case Review Meeting

The council will try to support employees to return to work, accommodating reasonable adjustments, considering redeployment etc wherever possible. However sometimes a return to work will not be possible at all, will not be possible to the same role, or is not likely to be possible in the reasonably foreseeable future.

In such circumstances it will be necessary to hold a Formal Long Term Sickness Case Review Meeting.

The purpose of the Formal Long Term Sickness Case Review Meeting will be to consider all the information put forward by the employee and Manager and whether there are any further actions that the council could take to assist the employee in continuing their employment, if not then whether employment should be terminated due to the employee's ill health.

The chair at the Long Term Sickness Case Review Meeting will be an Operations Manager or more senior. They will be accompanied by a representative from HR.

An employee may be represented by a trade union representative or accompanied by a colleague.

The employee will be given at least 7 consecutive calendar days written notice of the intention to hold a Case Review Hearing and will be advised of their right to bring a colleague or union representative to the meeting. A template letter is available in this pack and will be accompanied by a report written by the manager with support from their HR representative, for which a template is also available in this pack.

The employee and/or their representative will be given the opportunity to state their case.

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Others involved in the employee's case such as their immediate Manager or next level manager will also be asked to provide information on what actions and support measures have been taken.

When reaching a decision about whether or not there is no alternative to terminate employment, the chair will consider issues such as:

- Representations made by the employee and/or their representative.
- The impact of the employee's absence and ill health on other employees and service delivery.
- The employee's absence record.
- Financial and cost implications.
- What actions and support measures have been taken to attempt to enable the employee to continue in employment, including consideration about adjustments and redeployment. If a role which the employee may be able to do is available as an alternative to dismissal, it may be offered as a redeployment (subject to Occupational Health confirmation of its suitability and the relevant manager's assessment of the employee's ability to undertake the role). If the employee accepts this offer of alternative employment they accept it on the offered terms in relation to pay and hours (ie pay protection is not applicable).
- Medical advice received including any information about whether ill health retirement may be a possibility.
- Requirements of the Equality Act 2010

This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, whilst balancing the needs of the employee and of the council.

If all the information presented at the meeting satisfies the Chair that, despite all reasonable efforts to facilitate attendance at work, the employee remains incapable of achieving and sustaining satisfactory standards, the reason for dismissal will be by incapability by issue of the appropriate notice (i.e., contractual or statutory, whichever is the longer and applies; HR will advise).

The employee will be informed of the decision and this decision will be confirmed in writing within 7 consecutive calendar days. Where a decision to dismiss has been made, the letter will also inform the employee of notice and date of termination of employment.

Where there is sufficient medical evidence that an employee is no longer capable to fulfil the requirements of their job, and all suitable alternative employment opportunities have been exhausted, the council reserves the right to terminate employment before the expiry of contractual sick pay on the grounds of capability. This process would be looked at on a case-by-case basis.

Where decisions are made regarding termination of employment; the employee will have the right of appeal against the decision.

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