

APPENDIX 1b – ATTENDANCE POLICY GUIDANCE

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Key of abbreviations within this document

AMS	–	Absence Management System
BS	–	Business Support
CMT	–	Corporate' Management Team
EC	–	Employee Counselling
FOI	–	Freedom of Information
HOS	–	Head of Service
HR	–	Human Resources
H&S	–	Health and Safety
NILGOSC	–	Northern Ireland Government Officers' Superannuation Committee
NJC	–	National Joint Council
OH	–	Occupational Health

Section one

Introduction

Why do we have this booklet?

This booklet is to be used in conjunction with the attendance policy.

The aim of the booklet is to assist managers in dealing with the practicalities around the management of attendance and to ensure that staff know what to expect and what is expected of them in the management of their attendance.

Belfast City Council has responsibilities and obligations to various people and groups, both internally and within the community. This includes:

- customers (internal and external);
- employees;
- the wider community and suppliers of funding, including ratepayers;
- grant awarding bodies; and
- central government.

In order to carry out our duties effectively and efficiently we must consider fully the needs and expectations of each of these groups and try to optimise relationships between them. The council's employees are central to this process, and our success depends on the contribution of employees. We therefore want a culture where all employees work together to maximise productive attendance for the benefit of all of our stakeholders.

As an employer, the council is concerned about the health, safety and well-being of **all** its employees, and commits itself to promoting good health throughout the organisation.

The council recognises that it is inevitable that employees will experience periods of ill health which prevent them from attending work. It will ensure that all such sickness absences are treated fairly and sympathetically, and is committed to providing appropriate support and encouragement to employees who are absent.

The council will take all reasonable steps to assist employees to return to work.

Who is covered by our policy?

This policy relates to all permanent, fixed term and temporary employees.

Section two

Everyone has a part to play

Employees

Employees are required to contribute to attendance management by:

- attending work when fit to do so;
- being fully aware of the provisions and requirements of the National Joint Council (NJC) sickness scheme and the council's attendance policy;
- reporting absence as outlined in the policy (see Appendix 1 for reporting procedure), taking part in return to work interviews and attendance review meetings;
- attending an examination or interview with a registered medical practitioner nominated by the council in the first instance and thereafter with a health professional nominated by Occupational Health (OH);
- producing doctor's statements for each occasion of absence, if required;

- producing doctor's statements if they fall sick during a period of annual leave;
- producing self certificates (SC2) for sickness absence immediately preceding or following annual leave, public or statutory holiday;
- producing a note from their GP if they go on holiday during a period of sickness to confirm that the holiday would be beneficial to their recovery;
- highlighting to, and co-operating with management in identifying issues where absence can be prevented or reduced;
- not undertaking any activity which might be harmful to their speedy return to work;
- complying with any reasonable treatment of any medical condition to ensure the earliest recovery;
- making their manager or relevant officer aware if they believe their absence may be attributed to a disability or pregnancy related and, where appropriate, discussing potential adjustments that could be made to facilitate a return to work; and
- co-operating with the manager or relevant officer to achieve an acceptable level of attendance.

Senior managers

Senior managers (including the Chief Executive, chief officers and heads of service) are in the main responsible for the following aspects of managing attendance:

- The achievement of reduction targets for the council, their departments and sections.
- Monitoring attendance levels for the council, their departments and sections.
- Agreeing and ensuring delivery of plans or actions for improvement in the council, department or section.
- Ensuring effective communication within the council, department or section.
- Ensuring clarity of roles and responsibilities for attendance management within the council, department or section.
- Implementation of the attendance policy at the higher level of the procedures.
- Ensuring compliance with the policy within the council, department or section.

Managers or relevant officers

Managing attendance is primarily a line management responsibility. However, there may be circumstances where attendance will be managed by an officer other than the line manager depending on the structures within the various sections. (Chief officers are responsible for ensuring that roles and responsibilities are allocated and documented within their department).

Managers or relevant officers are responsible for:

- identifying issues which impact on the levels of sickness absence within their section and taking appropriate action to manage unacceptable levels of absence.
- making appropriate early contact with the employee and maintaining contact throughout the period of illness.
- ensuring that employees follow all aspects of the procedures for reporting absence (see Appendix 1).
- contacting employees should they fail to report their absence, suspending sick pay and implementing the disciplinary procedure for unauthorised absence where appropriate.
- conducting an effective and supportive return to work discussion and completing the return to work interview form (**See Section 4**).
- noting employee's absence and forwarding details to relevant business support (BS) officers.
- ensuring absence returns are completed and returned to relevant BS officers for absence monitoring and sick pay purposes.
- constantly reviewing every employee's attendance record in accordance with the policy.;

- conducting attendance review meetings and taking appropriate action including issuing warnings.
- ensuring that a new employee, as part of the induction process, is made aware of and understands the rules and procedures for attendance management.
- ensuring referrals to OH are made - particularly when absence levels have reached the trigger points under the attendance procedure or where it appears it will reach 20 working days or more in the case of long term absence.
- encouraging attendance at employee counselling (EC) appointments.
- immediately notifying EC when an employee reports with stress.
- ensuring OH or EC referral forms are completed and the employee is made aware of the reason for referral.
- exploring, in conjunction with OH and EC, any requirements or options for reasonable adjustments for disability related cases i.e. restricted duties, rehabilitation, phased return, re-training, re-deployment, and taking action where appropriate.
- seeking specialist help and advice from the relevant BS, Human Resources (HR), OH or EC officer when required.
- deciding on appropriate action, where required, when an acceptable level of absence is not achieved, taking into account the circumstances of the case. The manager or relevant officer should take into account the outcomes of the return to work contact or discussion, meetings, warnings issued and advice from the OH or EC where appropriate.
- following other relevant policies laid down by the council (**see section 12**).
- acting fairly and consistently and in a manner sensitive to individual cases (for example gender issues) in applying the appropriate procedures and in applying basic controls.

Business Support

While the primary responsibility for attendance management lies with managers or relevant officers, BS provides an important source of advice and has a central role to play in facilitating and supporting managers and relevant officers in their efforts to manage employee attendance.

This facilitation and support is provided by senior BS staff through:

- providing managers with professional advice and interpretation of the policy in relation to attendance management;
- identifying training needs and liaising with HR to organise any necessary training;
- ensuring all computerised systems relating to attendance are maintained;
- distributing monthly reports to managers setting out those employees who have been absent in that month;
- reviewing monthly reports and advising managers on any areas of non-compliance or any further action that needs to be taken;
- raising issues of non-compliance or any further action that needs to be taken at management team meetings;
- participating in compliance meetings with HR;
- setting up case reviews in liaison with HR;
- ensuring consistency and fair treatment across the department in the application of the policy; and
- providing advice and assistance in cases that have reached the final stages or in complex cases where early intervention is needed.

(Chief officers are responsible for ensuring that roles and responsibilities of BS at sectional and departmental levels are allocated and documented).

Human Resources

The primary role of HR is to support and advise departmental BS and to monitor the application of the policy. Support and advice is provided through:

- overseeing the recruitment and selection process - by arranging and checking results of pre-employment medicals and referees' reports and taking appropriate action on information received;
- induction training for new employees to ensure that the rules and procedures associated with attendance management are clearly understood;
- providing training to line managers and BS staff to ensure they are equipped with the necessary knowledge and skills (procedural and interpersonal) to manage attendance effectively;
- providing quarterly absence reports to CMT and committee;
- reviewing monthly reports and advising BS on any areas of non-compliance or any further action that needs to be taken at compliance meetings;
- involvement in complex cases, when necessary or where early intervention is needed;
- sitting on panels where a decision to dismiss may be taken;
- ensuring consistency and fair treatment across the council in the application of the policy; and
- reviewing the policy and this booklet to evaluate their appropriateness.

Occupational Health services

The OH team is able to offer independent advice and guidance and, where necessary, undertake work on behalf of management to assist managers in making decisions. The OH team, in relation to the management of sickness absence, can give advice on whether or not the employee:

- has a substantive underlying medical condition;
- may have a disability which falls under the Disability Discrimination Act (DDA);
- is fit to return to their current post (indicating timescales);
- should be considered for rehabilitation, further treatment, specialist tests or consultancy;
- is fit to return to their current post with modifications to the job or work environment (such will normally require a risk assessment or workplace evaluation, which the Health and Safety (H&S) team will get involved in;
- should be considered for a phased return to work (usually no longer than six weeks);
- is likely to have future absences (based on current conditions);
- is unfit at present and will need to be reviewed (indicating time scales);
- is not fit to perform the duties of their current post and that redeployment may be an option for consideration (either on a temporary or permanent basis);
- is unfit to work and is likely to be a candidate for ill health retirement with possible access to pension benefits. In such cases OH will complete a report recommending retirement on the grounds of ill health. Note: the Northern Ireland Local Government Officer's Superannuation Committee (NILGOSC), will make their assessment based on the likelihood of the employee being capable of undertaking gainful employment before the age of 65
- is unfit to undertake the requirements of their post or any other work in the council into the foreseeable future, **but** may be fit in the future and therefore cannot be recommended for ill health retirement. In these circumstances it is likely that the employee will be dismissed on the grounds of medical incapability; and

At the point when it is felt appropriate to refer an employee's case to OH the manager or relevant officer must complete the appropriate sections of the referral form, (see Appendix 2).

Employees should also be made aware of the reason for the referral (See Appendix 3). Managers or relevant officers should ensure that employees attending OH are given the enclosed OH information explaining the referral process, (see Appendix 4).

OH will complete the relevant sections of the referral form and return it to the manager or relevant officer. They will discuss options with the manager or relevant officer, such as redeployment, phased return and adjustments, to determine whether or not such options are feasible based on all the circumstances of the case.

Employee Counselling services

The EC team is also able to provide completely independent and confidential guidance and advice, and to assist individuals and managers in making decisions.

They will be able to give similar opinions to those listed above for OH services, though more from a psychological perspective and will often work in close liaison with OH.

EC are also able to assist in mediation services where workplace conflicts are having an adverse impact on one or more individuals.

Where the manager or relevant officer has advised EC of a stress related case, an EC officer will contact the employee within three working days to offer assistance and to identify any potential workplace issues in need of redress. The EC officer will then contact the manager or relevant officer who made the referral to provide an update.

Where the manager or relevant officer has contacted EC and an appointment has been made with an employee counsellor, the manager or relevant officer must complete the appropriate sections of the referral form (see Appendix 2).

EC will complete the relevant sections of the referral form and return it to the manager or relevant officer. They will discuss options with the manager or relevant officer, such as redeployment, phased return or adjustments, to determine whether or not such options are feasible based on all the circumstances of the case.

Section three

Reporting an absence

Reporting procedure

When employees are unable to attend work because they are ill or injured, they are required to follow the reporting procedure (see Appendix 1).

The employee must take all reasonable steps to personally speak to their manager or nominee, unless there are exceptional circumstances which prevent this such as hospitalisation. When a manager or nominee is unavailable, the employee may ask a colleague to pass the details on to the manager or nominee. However, the employee should be aware that the responsibility for reporting absence is solely theirs.

Please note that Saturdays and public holidays must be included when calculating absence for reporting purposes, even when Saturday is not a normal working day. Sunday should only be included if it is a normal working day.

In accordance with the sickness reporting procedure it is important that the employee keeps their manager or nominee informed of their sickness absence at regular intervals.

If an employee is unable to return as expected they must inform their manager or nominee the day before their expected return.

Employees are only permitted to undertake other employment whilst claiming sick pay in exceptional circumstances. He or she must submit a request to undertake other employment to the manager or relevant officer. The manager or relevant officer will consult with the relevant senior BS officer and will refer the employee to OH. Where OH support the employee's request the manager or relevant officer, in liaison with the relevant senior BS will approve the employee's request.

Unauthorised absence

An employee who has failed to follow the procedure for notifying absence is considered to be absent without permission.

When an employee has been absent without making contact, the manager or relevant officer must contact the employee by letter, stating that contact must be made by a specified date (five days from the date of the letter) and pay will be suspended until a valid reason for the unauthorised absence has been given. (See Appendix 5 for sample letter).

If no response is forthcoming within the period, the manager or relevant officer should consult with the relevant senior BS representative. A further attempt to contact the employee should be made by the manager or relevant officer. This should be appropriate in the circumstances and may include the manager or relevant officer telephoning, or making contact through a trade union representative, colleague or EC. Where every opportunity to contact the employee has failed disciplinary action should then be considered in accordance with the council's disciplinary procedure.

If the issue of unauthorised absence is not satisfactorily resolved at the return to work interview, the manager or relevant officer will arrange a further meeting to discuss the unauthorised absence (see Appendix 6) and will make a decision based on the information provided by the employee as to whether or not to reinstate the sick pay or initiate the disciplinary procedure. (See Appendix 7 and 8 for sample letters confirming decision).

Appeals against suspension of sick pay in such circumstances can be made by the employee to the head of service or the director's nominee.

Holidays and sickness

If an employee falls sick during a period of annual leave, a doctor's statement should be obtained as soon as possible, whatever the period of absence anticipated. The employee will be regarded as being on sick leave from the date of the doctor's statement.

A self certificate (SC2) must be completed from the first day of absence for sickness absence immediately preceding or following annual leave, public or statutory holiday and must be provided on the day the employee returns to work.

If an employee is receiving sick pay this will continue if a public, extra statutory or concessionary holiday falls during such sickness absence. No substitute holiday will be given.

Where an employee is retired or dismissed on attendance grounds, annual leave not taken in the current leave year will be paid on a pro-rata basis up to the date of termination.

An employee who wants to go on holiday while absent due to sickness must submit to their manager or relevant officer a letter from their doctor stating that the holiday is beneficial to their recovery. The employee should ensure that they give adequate notice for an appointment to be made with OH, should management require further information.

An employee taking an unauthorised holiday during a period of sickness will lose pay and could be dealt with under the disciplinary procedure.

Additional doctor's certificate

Employees may be asked to produce doctor's statements for all absences when a decision has been taken to issue a warning under the attendance procedure.

A review period will be set with the line manager or relevant officer, this will be a (minimum three months to be reviewed thereafter). The manager or relevant officer will write to the employee to confirm the outcome of this review. (See Appendix 9 for template letter).

Failure to produce the doctor's statements without reasonable cause will result in a deduction of pay for the period of sickness absence not covered by the required doctor's statement.

Appeals against suspension of sick pay in such circumstances can be made by the employee to the head of service or the director's nominee.

Where the council requires a doctor's statement (outside of the normal circumstances for issuing doctor's statements), the council will reimburse the employee the cost of such a certificate on the provision of a receipt.

Medical examination

It is a condition of employment that employees are required to attend a medical examination by a registered medical practitioner nominated by the authority in the first instance and thereafter with a health professional nominated by OH. (**See Section 2 Page 3**)

Where an employee refuses to give consent for the OH doctor to either (i) release their occupational health report, (ii) seek further medical evidence or (iii) to undergo an independent medical examination, a decision will be taken based on the information available. In these circumstances the manager or relevant officer should consult with the relevant BS representative who should consult with ER.

An independent medical opinion can be requested by the council or the employee if the employee's own doctor and the council's doctor disagree. Every effort will be made to ensure appointments are made speedily. BS will arrange such appointments.

All medical opinions, including the independent medical opinion must be taken into consideration by the manager in reaching a decision. Where the independent medical opinion and the OH opinion differ, advice must be sought in all cases from the relevant senior business support representative. If necessary, Corporate HR and Legal advice may be sought.

A list of names of independent doctors is available from Corporate HR. The employee can nominate three independent doctors from the list and one will be chosen by management based on the earliest appointment available. If an employee fails to nominate, the manager or relevant officer will select from the list.

The cost of the examination will be met by the council. Where it is necessary to obtain a second medical opinion, it will be provided by an independent medical practitioner.

Attendance at meetings

Employees will be asked to attend meetings regarding attendance and must take all reasonable steps to attend. These may be organised during a period of sick leave, unless OH or EC state that the employee is unable to attend. In these circumstances, if attendance is not possible, the employee will be given the opportunity to put forward his or her case in writing, and will be encouraged to enlist support from a union representative or colleague in drafting his or her case for submission.

Where a meeting has been scheduled and the employee advises they are unable to attend on that day, the manager or relevant officer should arrange another meeting within five working days if possible. The employee can request another date so long as it is reasonable and is no more than five working days after the original date (unless extended by mutual agreement).

Should an employee fail to attend a meeting without a reasonable explanation, the manager or relevant officer will write to the employee informing them that the meeting will be re-scheduled within five working days if possible and the employee will be advised that failure to attend this meeting will result in a decision being taken in the employee's absence, (See Appendix 34).

Contact with infectious diseases

There may be situations when an employee is advised by his or her GP or the hospital not to attend work because he or she has been in contact with someone who has an infectious disease. In these circumstances, the employee should provide written notification from the GP or hospital that he or she is unable to attend. The employee will be entitled to normal pay and will not be regarded as being sick during such a period of absence (see appendix 38 for list of recognised infectious diseases. This list is not exhaustive. Advice may need to be sought from the Public Health Agency

Fitness to return to work/Doctor's Certificates

When assessing fitness to return, management will discuss with the employee any possible adjustments on the GP's fit note at the absence/ return to work meeting. Management will decide what reasonable adjustments the department can put in place to assist an employee to return to work. Employees may be able to return to work before the end of the statement period where the doctor has advised that they are unfit for work. This may be because they have recovered faster than the doctor expected, or because the doctor did not know of ways in which BCC could support an employee's return to work. If the employee agrees with the line manager that it is appropriate for them to return to work, they do not need to wait until the end of the statement period to return. This will normally be enough for the manager or relevant officer to ensure that the employee is fit to return to work, and that they can undertake their duties safely in compliance with health and safety requirements. Where there are any concerns, these should be discussed with the employee, and, if necessary, health and safety advice should be sought.

Section four

What happens at absence meetings?

Return to work meeting

A return to work meeting will be conducted by the manager or relevant officer as soon as possible but always within three working days of the employee's return to work, or as soon as possible thereafter taking account of work patterns. (See Appendix 10 for aide memoire).

This is a one to one informal meeting. In exceptional circumstances, such as where the employee has a disability, the employee may request that they be accompanied by a trade union representative or colleague.

The primary purpose of the meeting is to be supportive and to provide assistance in the employee's return to work. Normally, therefore, the manager or relevant officer will use the meeting to confirm the reason for the absence and, if appropriate, to investigate if there are any underlying reasons or likelihood of recurrence or pattern of absence emerging.

It is appropriate to make observations if non-attendance seems to form a pattern. For example, if regular absences around weekends or periods of rest days or absences that appear to fall during school holidays, or at busy periods at work. You may also need to question whether the absence may be more appropriately categorised e.g. as special leave. If the employee suggests or you suspect that the absence may be work related, it is important that this is promptly investigated and appropriate action taken. If the employee indicates they injured themselves away from work, record this.

Where the employee is returning from a long term absence, the manager or relevant officer should also use the meeting to inform the employee of changes or developments in the workplace, and to offer support to help them cope with their return.

In situations where the employee works remotely from his or her manager or relevant officer, suitable arrangements must be made locally for reporting for duty upon return to work. It is suggested that in these circumstances the employee should speak to his or her manager or relevant officer by telephone on the first morning of his or her return to work, and that he or she should meet with the manager or relevant officer as soon as possible but always within three working days. It is important to maintain appropriate relationships with remote employees and local management must ensure that suitable arrangements are put in place.

Where requested, and where possible, it may be appropriate for the return to work meeting to be carried out by a manager or relevant officer of the same gender as the employee. A more senior manager may also carry out a return to work meeting if appropriate.

A return to work form (Appendix 11) will be completed as a result of the meeting.

Evidence has shown that effective return to work contact or discussions are the key to managing sickness absence. To be effective the contact or discussion must:

- always be undertaken;
- if possible, be undertaken on the first day back at work but in any case within three days;
- establish and record the facts;
- where appropriate, explain the effect of the employee's absence e.g. on the service, overtime costs; and
- determine what assistance the employee may require to improve their attendance record.

The return to work contact or discussions should cover:

- welcome back;
- disclosure of information details, as outlined on page 14;
- enquire about health and confirm reason for absence;
- confirmation of absence history, occasions and days;
- confirmation of previous action;
- where appropriate, impact of absence;
- ideas for improving, including where appropriate, support, rehabilitation, and workplace adjustment options;
- where appropriate, consequences and future action required; and
- completion and signing off form.

Review meeting

An informal review meeting will normally be held by the manager or relevant officer where an employee has five working days' absence in a rolling 12 month period. (See Appendix 12 for aide memoire).

The review meeting should cover:

- disclosure of information details, as outlined in **paragraph below**;
- confirmation of absence history, occasions and days;
- confirmation of previous action;

- discussion on possible underlying reasons where appropriate;
- where appropriate, discussion on impact of absence;
- where appropriate, explanation of the consequences of further absence, i.e. action being taken under the attendance procedure;
- offer of assistance and support to the employee; and
- confirmation that employee is aware of policy and provision of a copy if necessary.

The review meeting will normally be held separately to the return to work interview. However, where the employee is in agreement, the review meeting may be held concurrently with the return to work interview where an employee has reached the trigger for a review meeting on his or her return to work.

A review **meeting** form (Appendix 13) will be completed as a result of the meeting.

Absence History

In order to determine whether or not patterns in absence exist, the manager should examine the employee's absence history. e.g. where an employee with no proven good attendance record has fallen just below the triggers every year since their employment began; where an employee is intermittently falling just below the triggers; where the employee's absence may improve for a year or two but then dips again; where an employee tends to be absent at certain times of the year.

The absence history may also be taken into account when determining if discretion should be applied to the absence. e. g. the manager should consider applying discretion where an employee has demonstrated several years of very good attendance. Where discretion has been applied on a number of occasions over several years, with no improvement, a decision may have to be made that the recurring level of absence cannot be sustained.

The above examples demonstrate the need to examine the absence history over several years.

Absence history should be examined in all cases when an employee reports sick. Where the history indicates any potential issues, this should be discussed in detail with the employee and a record made of the discussions. Such discussions should take place at return to work interviews, review meetings, meetings under the standards of attendance, and/or long term sickness meetings.

No action should be taken unless it is in compliance with the policy and booklet.

Disclosure of information

To ensure a best practice approach to the disclosure of information in line with the Data Protection Act 1998 and the Freedom of Information (FOI) Act 2000, all employees and their representatives who are required to attend meetings regarding their attendance must be advised at the beginning of the meeting that their name and the information they provide may be disclosed in response to a data subject access or FOI request.

All the attendees should then be asked for their consent to disclose their name and the information provided by them during the course of the meeting in the event of a request being received by the council. If consent is not given, an explanation should be sought and recorded. If a request is received by the council, management will take these reasons into account when responding to the applicant.

In addition, all attendees should be advised that in the event of a specific request being received by the council, management will, where appropriate, in view of the fact that circumstances may have changed during the intervening period, consult with those attendees concerned to ascertain their views on disclosure.

It should be emphasised to all attendees that the final decision regarding the disclosure of their name and the information they provide rests with the council as it is the data controller as defined by the Data Protection Act 1998.

Personal data, including medical information about an identifiable individual is normally only disclosed to that particular person, unless he or she consents to its disclosure to another person or the council is required to disclose it to comply with a statutory obligation. However, it should be noted that all other information which is not personal data will normally be disclosed, unless the individuals concerned provide valid reasons for non-disclosure such as fear for personal safety or harassment. Where the reasons given are considered to be valid, management will remove the names or other identifying particulars of individuals, or present the information in a different format.

Management may also decide to withhold certain information when the release of such information may prejudice a criminal investigation.

It should be specifically explained to all attendees that if they refer to someone during the course of the meeting, even if that third party is not directly involved in the meeting, the third party may make a request for information resulting in the disclosure of the parts of the statement that are relevant to them.

The information outlined above should be made known to all employees and representatives at the commencement of every meeting regarding attendance.

Use of tape recording

There may be occasions when a manager or relevant officer may wish to tape record meetings held under the attendance procedure.

The use of tape recording ensures accuracy of minutes, particularly in complex and prolonged meetings and in cases where officers are not experienced in minute taking. It does not detract from normal minute taking at the meeting but is an additional source of reference and allows a wider range of officers who do not have secretarial skills to be used.

At the commencement of the meeting, the chair will state that the recording is to be used unless there is an objection raised. If an objection is raised, then the meeting will proceed without the tape recording.

Once the proceedings have concluded the minutes of the meeting will be typed up, using the tape recordings and they will be kept in the case file. The tapes will normally be wiped by the person typing the minutes after three months of the case closing. Tapes may be held for longer in certain circumstances e.g. where a fair employment or industrial tribunal is lodged or where a FOI request has been received or minutes are in dispute and have not been resolved within the normal three month period. In such cases, the tapes will be wiped immediately after the matter has been concluded.

Section five

The standards of attendance required

Standards of attendance

The triggers for action under the council's attendance procedure are as follows:

Attendance will normally be regarded as warranting action under the attendance procedure if an employee has:

- Stage one: Over the preceding 12 months, the employee has either six separate periods or a total of 12 working days absence.
- Stage two: Over the next 12 months, after a stage one warning, the employee has either a further three separate periods or a further 12 working days absence.
- Stage three: Over the next 12 months, after a stage two warning, the employee has either a further three separate periods or a further 12 working days absence.
- Stage four: Over the next 12 months, after a stage three warning, the employee has either a further three separate periods or a further 12 working days absence.

Although these are the normal attendance standards, the exact standards and review periods applied to employees under the attendance procedure may be tailored to an employee's special circumstances. For example, a longer review period may be set where the manager or relevant officer is exercising his or her discretion to reflect that the employee has a disability or where the council and an employee are testing out adjustments to the workplace intended to enable the employee to meet the attendance requirements.

A warning may be issued before the employee reaches the above triggers points in exceptional circumstances where a pattern of absence has been identified. The manager or relevant officer must consult with the relevant BS representative before taking such action. A pattern of absence could be where an employee has been absent on a particular day, either side of weekends, or before deadlines. It could also be when the employee has fallen just outside the trigger points or where there is a mixture of short term and long term absence.

The attendance procedure

There are four stages in the attendance procedure as outlined above.

If an employee's absence meets the triggers outlined above at stage one to three, they will be required to attend a meeting at which a warning will be issued, unless there are exceptional circumstances. The arrangements for stage four meetings and possible outcomes are outlined later in this section.

A warning will be issued at stage one to three of the attendance procedure in most cases. However, individual circumstances such as disability related or maternity related absences must be taken into account when determining appropriate action. (**See section 9** below for further advice on such matters). The decisions taken by management must be recorded on the relevant IT system e.g. stage one, two and three warnings. It is particularly important that if a manager or relevant officer decides not to issue a warning in a particular case, the reason is also recorded on the relevant IT system. Advice in this regard should be sought from BS and ER if necessary.

Decisions taken at each stage of the attendance procedure should be based on up to date information about the employee's case. Warnings at stage one and two can be issued without an Occupational Health/Employee Counselling opinion, if this is agreed between the manager and the employee. If however, the employee or management believe more information is necessary then a referral to occupational health or employee counselling must be made.

If employee wishes to be referred to Occupational Health/Employee Counselling at Stage 1 or 2, the manager should offer to bring employees back to discuss the report. The manager will explain that if the report does not highlight anything that needs to be considered as part of the decision, the Stage 1 or 2 warning will be issued from the date of the original meeting.

Decisions taken at stage three of the attendance procedure must be based on an up to date Occupational Health/Employee Counselling opinion. This is particularly important at stage four when dismissal is being considered. Where an employee refuses to give consent for the occupational health report to be released to management then a decision will be based on the information available. In these circumstances, the manager or relevant officer should consult with the relevant senior business support representative and Corporate HR.

Managers or relevant officers should be mindful that there may be other reasons why the employee is absent. They should endeavour to determine the real cause of the absences and where possible, help the employee to overcome any problems. Reference should be made to other policies where applicable such as the Alcohol and Substance Abuse Policy and the Work Life Balance Handbook. Further advice and assistance is available from OH and EC.

Prior to issuing a warning the manager or relevant officer must carefully consider all the circumstances surrounding the situation. If required, advice and guidance regarding the appropriateness of the decision can be obtained from the relevant BS representative who may consult with Corporate HR if necessary.

Warnings issued under this procedure are completely separate to warnings given under the council's disciplinary procedure.

At stage one to three the manager or relevant officer may consider entitlement to contractual sick pay as outlined in **section 10**.

Stage one

When an employee has reached the trigger for stage one as outlined above, the manager or relevant officer, in consultation with a BS representative, will write to the employee, at least five working days in advance, informing them that a meeting will take place under stage one of the procedure.

A stage one meeting will normally be held separately from the review meeting. However if the employee agrees, the review meeting and stage one meeting can be held together if the employee has reached the triggers for stage one and the review meeting has been delayed. (e.g. employee hospitalised when review due)

The letter will clearly detail:

- the reason for the meeting;
- the potential outcome;
- the time, date and location of the meeting; and
- disclosure of information issues.

This notification must advise the employee of his or her right to be accompanied by a trade union representative or work colleague. (See Appendix 14 for sample letter and amend if review and stage one are held together).

The employee, his or her representative or work colleague (if so desired by the employee) and the manager or relevant officer will attend the meeting along with the note-taker. (See Appendix 15 for aide memoire).

The purpose of the meeting is to:

- Establish the level and nature of sickness absence and the effect that the condition has on their ability to attend and carry out their duties.
- Explore what assistance can be given by the manager to improve the level of attendance.
- Explore what the employee can do to improve their level of attendance.
- Explore any possible underlying cause for the sickness absence, including disability.
- Explain the effect of the absence on the team, section, department and council.
- Issue a warning where appropriate and explain the standards of attendance required and the consequences should an employee fail to meet these.
- Where relevant, agree what action is to be taken by the employee as well as the manager or relevant officer following the meeting. This may include referral to the OH or EC, provision of doctor's statements for each occasion of absence and review period for this.

In most cases where an employee has fallen below the minimum standards of attendance it will be appropriate to issue a first stage warning and improvement standards for stage two. However, in exceptional circumstances, such as where absence is related to a disability or the employee's pregnancy (**see section 9**), or where the employee is still sick e.g. the employee has been hospitalised for a planned operation or injured (see section 9 below) and cannot for the moment meet improvement targets, it may be either inappropriate to give a first stage warning, or the first stage warning issued should set lower standards of improvement or attendance than those normally used for stage two. If the absence becomes long term, it may be appropriate to deal with it in accordance with the principles outlined in section 6 below.

The manager or relevant officer will write to the employee to confirm the outcome. The letter will detail:

- the purpose of the meeting;
- relevant issues raised by the employee;
- that the employee's attendance is unsatisfactory;
- that a stage one warning was issued, or in exceptional circumstances that a warning was not issued outlining the reasons for the decision(see discretion letter – appendix 36)
- the length of the review period and the level of attendance that the employee is expected to reach during that time (normally the review period and level of attendance specified will be that set out for stage two, i.e. a further three or more separate periods or a further 12 working days over the next 12 months);
- that the matter may be progressed to stage two, if the employee fails to meet the requisite standards of attendance during the next 12 months (or the set review period, if different); and
- other agreed action e.g. OH or EC referral, provision of doctor's statements for each occasion of absence and review period for this.

If the required level of attendance is achieved during the review period, the stage one warning no longer applies.

(See Appendix 16 for sample letter).

Stage two

When an employee has reached the trigger for stage two as outlined above, the manager or relevant officer, in consultation with a BS representative, will write to the employee, at least five working days in advance, informing them that a meeting will take place under stage two of the procedure.

The letter will clearly detail:

- the reason for the meeting;
- the potential outcome;
- the time, date and location of the meeting; and
- disclosure of information issues.

This notification must advise the employee of his or her right to be accompanied by a trade union representative or work colleague. (See Appendix 17 for sample letter).

The employee, his or her representative or work colleague (if so desired by the employee) and the manager or relevant officer will attend the meeting along with the note-taker. (See Appendix 15 for aide memoir).

The purpose of the meeting is to:

- Establish the level and nature of sickness absence and the effect that the condition has on their ability to attend or carry out their duties.
- Explore what assistance can be given by the manager to improve the level of attendance.
- Explore what the employee can do to improve their level of attendance.
- Explore any possible underlying cause for the sickness absence, including disability.
- Explain the effect of the absence on the team, section, department and council.
- Issue a warning where appropriate and explain the standards of attendance required and the consequences should an employee fail to meet these.
- Where relevant, agree what action is to be taken by the employee and, or the manager or relevant officer following the meeting, e.g. referral to the OH or EC, provision of doctor's statements for each occasion of absence and review period for this.

In most cases where an employee has fallen below the minimum standards of attendance it will be appropriate to issue a second stage warning and improvement standards for stage three. However, in exceptional circumstances, such as where absence is related to a disability or the employee's pregnancy (**see section 9**), or where the employee is still sick e.g. the employee has been hospitalised for a planned operation or injured (see section 9 below) and cannot for the moment meet improvement targets, it either may be inappropriate to give a second stage warning, or the second stage warning issued should set lower standards of improvement or attendance than those normally used for stage three. If the absence becomes long term, it may be appropriate to deal with it in accordance with the principles outlined in **section 6 below**.

The manager or relevant officer will write to the employee to confirm the outcome. The letter will detail:

- the purpose of the meeting;
- relevant issues raised by the employee;
- that the employee's attendance is unsatisfactory;
- that a stage two warning was issued, or in exceptional circumstances that a warning was not issued outlining the reasons for the decision (see discretion letter – appendix 36)
- the length of the review period and the level of attendance that the employee is expected to reach during that time. Normally the review period and level of attendance specified will be that set out for stage three, i.e. a further three or more separate periods or a further 12 working days over the next 12 months;
- that the matter may be progressed to stage three, if the employee fails to meet the requisite standards of attendance during the next twelve months (or the set review period, if different); and
- other agreed action e.g. OH or EC referral, provision of doctor's statements for each occasion of absence and review period for this.

If the required level of attendance is achieved during the review period, the stage two warning no longer applies (See Appendix 18 for sample letter).

Stage three

When an employee has reached the trigger for stage three as outlined above, the manager or relevant officer, in consultation with a BS representative, will write to the employee, at least five working days in advance, informing them that a meeting will take place under stage three of the procedure.

The letter will clearly detail:

- the reason for the meeting;
- the potential outcome;
- the time, date and location of the meeting; and
- disclosure of information issues.

This notification must advise the employee of his or her right to be accompanied by a trade union representative or work colleague. (See Appendix 19 for sample letter).

The employee, his or her representative or work colleague (if so desired by the employee) and the manager or relevant officer will attend the meeting along with the note-taker. (See Appendix 15 for aide memoir).

The purpose of the meeting is to:

- Establish the level and nature of sickness absence and the effect that the condition has on their ability to attend or carry out their duties.
- Explore what assistance can be given by the manager to improve the level of attendance.
- Explore what the employee can do to improve their level of attendance.
- Explore any possible underlying cause for the sickness absence, including disability.
- Explain the effect of the absence on the team, section, department and council.
- Issue a warning where appropriate and explain the standards of attendance required and the consequences should an employee fail to meet these.
- Where relevant, agree what action is to be taken by the employee and, or manager or relevant officer following the meeting e.g. referral to the OH or EC, provision of doctor's statements for each occasion of absence and review period for this.

In most cases where an employee has fallen below the minimum standards of attendance it will be appropriate to issue a third stage warning and improvement standards for stage four. However, in exceptional circumstances, such as where absence is related to a disability or the employee's pregnancy (**see section 9 below**), or where the employee is still sick e.g. the employee has been hospitalised for a planned operation or injured (see section 9) and cannot for the moment meet improvement targets, it may be inappropriate to give a third stage warning, or the third stage warning issued should set lower standards of improvement or attendance than those normally used for stage four. If the absence becomes long term, it may be appropriate to deal with it in accordance with the principles outlined in **section 6 below**.

The manager or relevant officer will write to the employee to confirm the outcome. The letter will detail:

- the purpose of the meeting;
- relevant issues raised by the employee;
- that the employee's attendance is unsatisfactory;
- that a stage three warning was issued, or in exceptional circumstances that a warning was not issued outlining the reasons for the decision(see discretion letter – appendix 36)
- the length of the review period and the level of attendance that the employee is expected to reach during that time (normally the review period and level of attendance specified will be that set out for stage four, i.e. a further three or more separate periods or a further 12 working days over the next 12 months);
- that the matter may be progressed to stage four, if the employee fails to meet the requisite standards of attendance during the next twelve months (or the set review period, if different);
- other agreed action e.g. OH or EC referral, provision of doctor's statements for each occasion of absence and review period for this; and
- if the required level of attendance is achieved during the review period, the stage three warning no longer applies and the employee will be given another opportunity to meet the standards of attendance specified in the first stage warning previously issued to him or her.

(See Appendix 20 for sample letter).

Stage four

If an employee who has been given a third stage warning fails to meet the requisite standards of attendance during the next twelve months (or the set review period, if different), a final meeting under stage four of the procedure will take place at which consideration will be given to dismissal. A case review will normally take place before this final meeting. The head of service or the director's nominee will write to the employee, at least five working days in advance, informing them that a meeting will take place under stage four of the procedure.

The letter will clearly detail:

- the reason for the meeting including the reasons why the council is considering dismissing the employee;
- the potential outcome;
- the time, date and location of the meeting; and
- disclosure of information issues;
- refer to report enclosed.

This notification must advise the employee of his or her right to be accompanied by a trade union representative or work colleague. (See Appendix 21 for sample letter).

The matter will be heard by a panel comprising the employee's head of service or the director's nominee and a senior representative of HR. In attendance will be the employee and his or her representative or work colleague (if so desired by the employee). The manager or relevant officer and a BS representative will attend the meeting to present management's case for recommending that the matter be progressed to stage four (See Appendix 22 for management report template). A member of the BS staff will be present at the meeting to take notes and provide any other BS function.

At the meeting, the manager or relevant officer and the relevant BS representative will outline:

- the attendance history;
- any issues regarding entitlement to contractual sick pay;
- action taken to date including any referrals to OH;
- previous warnings; and
- adjustments made.

The employee will be given an opportunity to state their case. Each side will be given an opportunity to sum up. The panel will then make a decision based on all the information presented by both parties.

Where the council decides not to dismiss, it may decide on alternative options as appropriate, such as (but not limited to):

- re-deployment (when considering redeployment management will ensure that the employee is redeployed in to the most suitable alternative employment and will take into account the following factors: current vacancies, the issues that led to the redeployment, and, to ensure that any financial detriment is minimised, the employees grade;
- qualifications,; and
- experience and skills.

Redeployment due to attendance reasons may mean that the employee has to be demoted. The employee will also be put back to stage three. This means that the employee will have another opportunity to meet the standards of attendance specified in the third stage warning issued to him or her.

The panel will write to the employee to confirm the outcome. The letter will detail:

- the purpose of the meeting;
- relevant issues raised by the employee;

- the decision of the panel. (If the decision is to dismiss, leave and notice arrangement will be detailed. If the employee is fit to work but there is a legitimate reason for the employee not to work their notice, approval should be sought from the Head of HR prior to making this decision. If the decision is to allow another opportunity to improve, the review periods, level of attendance and other sanctions* such as redeployment/demotion will be detailed);
- other agreed action e.g. OH or EC referral, provision of doctor's statements for each occasion of absence and review period for this;
- the right of appeal;
- to whom an appeal may be made;
- the time limit for lodging an appeal; and
- the requirement to fully detail the grounds for appeal.

(See Appendices 23 and 24 for sample letters).

Section six

Managing long term sickness

Definition and reviews

Any period of absence longer than 20 working days would normally be regarded as 'long term' if the employee has an underlying medical condition which is likely to result in continuing or further absence.

In determining whether or not an employee has an 'underlying medical condition', OH advice will be sought. The condition may not be diagnosed but the employee may be displaying or describing symptoms to OH which would indicate that there is likely to be an underlying condition e.g. the employee may be undergoing tests to determine the cause of their illness. Where OH has indicated that there is no underlying condition, the attendance procedure should be applied.

The manager/relevant officer in consultation with the relevant senior business support representative will consider the specific circumstances of the employee and his/her absence record in deciding whether or not and, if applicable the extent to which, the long-term absence will be dealt with under the Attendance Procedure or counted for the purposes of the minimum standards of attendance. Where a decision is taken to manage a case under the Attendance Procedure, for example, in cases of persistent long term absences, discretion must also be considered (See Section 9, Situations for special consideration)

In such long term cases, the council will seek to support the employee and evolve a strategy to enable them to return to the workplace as quickly as possible.

Long term sickness absence should be treated differently to short term, intermittent absence. However, return to work interviews and review meetings should still take place.

The following steps are for guidance only. The council will work with each employee on a case by case basis, to establish the most appropriate support for that individual and therefore specific action must be tailored to suit each case.

All of the following details should be gathered:

- dates and the length of each absence(s);
- what help has been offered and responses to any suggestions for improving attendance levels;
- reason for absence; and
- any other information available i.e. reporting forms or record of return to work interview forms where appropriate.

The employing department is responsible for maintaining contact, with the employee and should keep a record note of the contact (See Appendices 25 and 26).

The manager or relevant officer should try to agree the process with the employee. Dates should be scheduled in advance to ensure contact and ensure that all contact with the employee is recorded. The employee should be encouraged to notify the manager or relevant officer of any developments.

The purpose of this contact is to ensure that the manager or relevant officer is kept up to date with the employee's current position and to offer appropriate support to the employee. It should also be used to explain the possible outcomes of continuing absence or further periods of absence.

There will normally be monthly meetings but the frequency and type of contact will depend on the nature of the sickness. Forms of contact may include telephone, a meeting with the employee and letter. The manager or relevant officer has a responsibility to keep the employee informed of work related issues, such as changes associated with the workplace, or any corporate issues which could impact on their post.

The meeting will normally take place in work but if a home visit is considered to be appropriate, the manager or relevant officer should liaise with BS beforehand. Home visits should only be carried out if the employee is in agreement. The manager or relevant officer should, where appropriate, be accompanied during home visits.

Employees have the right to be accompanied by a colleague or represented by a trade union representative. It should be noted that the employee counsellors, the OH physician or OH nurse are available to carry out home visits where appropriate.

An employee should be referred to OH where it appears it will reach 20 working days absence, with a view to obtaining a medical opinion about the employee's likelihood to return to work. To ensure timely referral, the manager or relevant officer should make this appointment at the earliest opportunity as soon as they become aware that the employee will be absent for 20 working days. The manager or relevant officer must tell the employee in advance that they are making a referral and explain why (see Appendix 3). In exceptional circumstances such as hospitalisation or very serious illness, it may not be appropriate to refer to OH where it appears it will reach 20 working days. Such a decision should be recorded on the relevant IT system and the manager or relevant officer should liaise with BS to agree an appropriate time for the referral.

The manager or relevant officer is ultimately responsible for assessing the information available including the recommendation from OH or EC and determining the course of action to be taken. Managers or relevant officers should explore any appropriate options for rehabilitation, phased return or workplace adjustments and take into account any DDA requirements. OH or EC will usually propose review appointments until fitness for full duties is achieved. The relevant senior BS representative will provide advice and guidance and may also consult with the Corporate HR prior to making a decision on the course of action.

Review meetings will normally be held at monthly intervals and the employee may be accompanied by a trade union representative or colleague, (see appendices 27 and 28).

Monthly meetings will not always be appropriate, for example, if the employee was hospitalised for a lengthy period or was receiving regular cancer treatment and was therefore unable to attend. In such circumstances it may be more appropriate to liaise with EC to agree how such cases should be handled. It may be that in such circumstances, contact with the employee will be through EC. If the employee has not returned by month six, there will normally be a case review.

Dismissal will not normally be considered if all indications (including relevant medical reports) are that a return to work will take place within a reasonable time frame. If there is no known return date or there is no indication that a return to work will take place within a reasonable time frame, the manager or relevant officer and the appropriate BS representative will meet with the employee to explain that their employment with the council is at risk and to outline that the next step may be a hearing with a panel made up of the head of service (HOS) or the director's nominee and a senior representative of HR, where consideration may be given to dismissal. This meeting will be followed up in writing. (See Appendix 29 for sample letter)

A case review will normally take place before this hearing. (See **Section 7**)

At the hearing the manager or relevant officer and the appropriate BS representative will outline the history of the absence and the action taken by management to date, (see Appendix 22 for management report template). The employee will be given an opportunity to present any relevant information they have to support their case. The HOS or director's nominee and the senior representative from HR will consider:

- the nature of the illness;
- medical evidence or prognosis and the likelihood of recurrence;
- the length of absences and periods of good health between these (this could involve examining the employee's absence history over a number of years where relevant);
- the level of disruption and appropriateness of action to date;
- the impact of the absence on the work of the unit;
- rehabilitation, redeployment, workplace adjustment considerations; and
- all aspects of mitigation presented by the employee and his or her representative.

The HOS or director's nominee and the senior representative from Corporate HR will decide on the appropriate action to take based on the circumstances of the case, which may include:

- rehabilitation;
- reasonable adjustments in relation to current post;
- redeployment;
- ill health retirement; or
- dismissal.

Ill health retirement

Where the OH doctor provides a report recommending that the employee is unfit for the foreseeable future or is permanently unfit, the relevant senior BS representative will convene a meeting with a senior representative of HR.

The employee will be asked to attend the meeting and offered the right to be accompanied or represented, (see Appendix 30). The OH report will be discussed and the employee will be asked if they are in agreement with the report.

If an employee is not in agreement, an appointment with an independent medical doctor will be made. If the employee is in agreement, the HR representative will explain that the OH report will be forwarded to NILGOSC who will determine whether or not the employee will receive early payment of their pension. The decision taken by NILGOSC is independent from the council and the employee should be informed that the council cannot guarantee that NILGOSC will accept OH opinion. (See Appendix 31 for aide memoire).

Where a decision has been taken to retire the employee on the grounds of ill health, the relevant senior BS representative will draft a letter on behalf of their director to the Director of Finance & Resources who has the authority to approve the ill health retirement, (see Appendix 32). The Director of Finance & Resources will write to the employee to confirm the decision to retire the employee on the grounds of ill health, (see Appendix 33).

Section seven

Case reviews

Case reviews will be held to agree appropriate future action in accordance with the attendance policy in relation to particular cases.

The relevant senior BS representative will liaise with Corporate HR to determine if a case review is needed.

Case reviews will normally be held for particularly complex cases or where early intervention is needed e.g. disability related cases. In such cases, a summary of the case will be prepared for the case review.

Case reviews will also normally be held where dismissal is being considered. A management report will be prepared for case reviews where dismissal is being considered, (see Appendix 22).

Case reviews will normally be chaired by the relevant senior business support representative. A Corporate HR representative and an appropriate senior representative of the relevant section will be present at the meeting. A representative from OH, EC and a representative from the council's Legal Services department will be invited where appropriate.

The relevant senior BS representative will ensure that a record note is taken of who attended and the decision(s) taken at the meeting.

Employees should be informed of the reason for a case review prior to it taking place (i.e. at a return to work or absence meeting)

Section eight

Making an appeal

Employees can appeal against decisions taken at stage four of the attendance procedure or at the final stage of long term absence if a decision is taken to dismiss or re-deploy (which may mean demotion, see **section 5, stage 4**). The appeal must be made in writing to the Head of HR within ten working days of the date of the letter confirming the decision. The letter must fully detail the grounds for appeal. The appeal will be conducted in accordance with the council's appeals mechanisms. The employee will have a right to be accompanied at an appeal hearing by a trade union representative or work colleague.

Section nine

Situation for special consideration

The use of discretion

In order to ensure that cases are managed fairly and sympathetically, there are times when the manager or relevant officer will have to use their discretion. In all cases, the manager or relevant officer must ensure that appropriate contact and communication is established and maintained in order to obtain the information necessary to assist with the management of the case and facilitate a prompt return to work where possible.

When the manager or relevant officer decide to use their discretion, the reasons must be recorded on the relevant IT system in order that this can be monitored.

In such circumstances, the manager or relevant officer should liaise with the relevant senior BS representative who may contact HR if necessary.

The manager or relevant officer may use their discretion at any stage by deciding for example:

- not to conduct a review meeting or schedule a meeting where a warning may be issued;
- not to issue a warning;
- not to refer to OH if enough information is available; or
- give the employee the option to use EC as an alternative to management interviews.

Circumstances where discretion should be considered

Managers should consider applying discretion where an employee has 'one off' illnesses which results in a significant absence (over 20 days) e.g. in cases of planned surgery or broken limbs. In such cases managers should not consider issuing warnings during the normal hospitalisation and recovery period indicated by Occupational Health.

Managers should also consider if discretion is appropriate in cases such as:

- persistent absences after a period of long term absence where an underlying condition has been identified
- where a doctor has declared the employee has an infectious disease;
- disability;
- maternity;
- industrial injury;
- violence at work;
- domestic violence
- bereavement;
- emergency domestic responsibilities;
- terminal illness;
- previous long service and clear record; or
- unresolved employee relations issues where an investigation is outstanding.
- mental health cases.

The above is neither exclusive or exhaustive and decisions regarding the use of discretion will always be based on the individual circumstances of the case.

The manager or relevant officer should consider whether or not it is appropriate to use discretion in each case and the decision should be recorded on the return to work/review meeting form.

Disability related sickness

Legislation in the form of the DDA 1995 governs disability in employment making it unlawful to discriminate against a disabled person in any aspect of employment for a reason connected with his or her disability. A disabled person is one who has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. The Act requires the council to make reasonable adjustments to the employment arrangements or the premises if these cause substantial disadvantage to him or her compared with someone who is not disabled.

The manager or relevant officer should consider if there are any disability related issues when managing an employee's absence. Where the manager or relevant officer has identified a possible disability related issue, they should contact the relevant BS

representative for advice. If necessary, BS will liaise with OH, Corporate HR and Legal Services. It may be appropriate to set up case reviews for disability related cases as outlined above. Where it is agreed that there may be disability related issues, the manager or relevant officer should then discuss this with the employee. (Please refer to **paragraph above** on the use of discretion).

The manager or relevant officer should maintain a record of all sickness absences and reasonable adjustments that have been put in place, identifying separately any possible disability related sickness absence.

The manager or relevant officer will make the decision to make reasonable adjustments or record any possible disability related absences based on OH and BS advice.

The officer responsible for recording absence in the department should be made aware that the absence is disability related and record it as such on the relevant IT system.

Where an employee has subsequent absences that are not obviously related to their disability, these will be recorded as normal. If it is identified at later interviews with the individual that the subsequent absences may have been related to their disability, then the manager or relevant officer will make the decision to record such absences as possible disability related on the Absence Management System (AMS) in consultation with BS.

If an employee with disability related absences falls outside the minimum standards of attendance outlined above, it may be appropriate as a reasonable adjustment, to set lower standards of attendance or not to issue warnings until the reasonable adjustments have been tested out.

The manager or relevant officer should meet with the relevant employee regularly to seek their views and if necessary, review the current reasonable adjustments that have been made and, or to identify potential new adjustments. A record should be kept of all agreed actions.

There are numerous reasonable adjustments that could be considered depending on the circumstances of the case. The list below gives some examples but it is not exhaustive:

- making adjustments to premises, documentation and equipment;
- transferring the employee to fill an existing vacancy;
- altering the employees hours of working or training e.g. flexible working;
- assigning the employee to a different place of work or training;
- allowing the employee to be absent during working hours for rehabilitation, assessment or treatment;
- providing training or mentoring; and
- home working.

In determining whether or not a particular adjustment would be reasonable, consideration must be given to:

- the extent to which taking the step would assist the employee in the performance of their duties;
- the extent to which it is practicable for the department to take the step;
- the financial and other costs of the adjustment and the extent of any disruption caused;
- the extent of the department's financial and other resources;
- the availability of financial and other assistance in taking the step; and
- the nature of the activities and size of the organisation.

ER must be involved in the final stages of disability related absences. Legal Services must be advised before any action is taken at the final stages.

Maternity related absences

The manager or relevant officer should maintain a record of all sickness absences, identifying separately any possible maternity related sickness absence. The officer responsible for recording absence in the department should be made aware that the absence is maternity related and record it as such on AMS. If an employee with maternity related absences falls outside the minimum standards of attendance outlined above, it may be appropriate not to issue warnings or to set lower standards of attendance in recognition of the fact that the absence is maternity related and therefore may be treated differently to other absences. (Please refer to **paragraph above** on the use of discretion).

When absences are maternity related, the manager or relevant officer should contact the relevant BS representative for advice. If necessary, BS will liaise with the OH, ER and Legal Services with regard to managing individual cases.

It may be appropriate to set up individual case reviews as outlined above. In any case, ER must be involved in the final stages of managing maternity related absences. Legal Services must be advised before any action is taken at the final stages.

Industrial injury

The manager or relevant officer should maintain a record of all sickness absences, identifying separately any possible industrial injury related sickness absence. The officer responsible for recording absence in the department should be made aware that the absence is industrial injury related and record it as such on the relevant IT system. If an employee with industrial injury related absences falls outside the minimum standards of attendance outlined above, it may be appropriate not to issue warnings or to set lower standards of attendance. (Please refer to **paragraph above** on the use of discretion).

When absences are industrial injury related, the manager or relevant officer should contact the relevant BS representative for advice. A referral should be made to OH. If necessary, BS will liaise with ER and Legal Services with regard to managing individual cases. It may be appropriate to set up individual case reviews as outlined above. In any case, ER must be involved in the final stages of industrial injury related absences. Legal Services must be advised before any action is taken at the final stages.

Absence during disciplinary and grievance cases

When an employee is absent and there is an ongoing discipline or grievance case, the manager or relevant officer should contact the relevant BS representative for advice on how to proceed.

If necessary, BS will liaise with Corporate HR and Legal Services and OH and EC with regard to managing individual cases. It may be appropriate in some circumstances to set up individual case reviews as outlined above.

Where an employee declares that they are unfit to attend work due to ongoing disciplinary or grievance matters, a referral should be made to OH to determine if there is any underlying conditions that would prevent management from progressing the matter and to determine if they are able to attend meetings with management.

Paid phased returns supported by Occupational Health or Employee Counselling:

All paid phased returns, restricted duties or temporary redeployments should be supported by Occupational Health or Employee Counselling, who will propose review periods until full

fitness is achieved. The arrangements for phased return, restricted duties or temporary redeployment can vary, depending on the individual case but will usually be for no longer than six weeks. Consideration may be given to extending the maximum six week period in very exceptional circumstances.

Phased returns and restricted duties or temporary redeployment will only be recommended by Occupational Health or Employee Counselling if the employee is regarded as not being fit to fulfil their normal hours of work or range of duties, and the phased return, restricted duties or temporary redeployment will facilitate an earlier return to work which can be accommodated by management. Any such arrangements must be agreed and arranged prior to the employee returning to work.

The situation should be reviewed subject to operational needs.

In order to encourage staff to return to work at the earliest opportunity, employees on paid phased returns will not be regarded as sick during the periods of absence which occur during phased returns.

Other phased returns arranged with management:

Managers will give consideration to accommodating a phased return where, for example, an employee has been absent for a considerable period of time and may find it difficult to return to work or the employee's GP has suggested a phased return. In such circumstances, Occupational Health or Employee Counselling advice is not required. If the manager believes a phased return would assist the employee's return to work and it can be accommodated, they will discuss the arrangements for the phased return with the employee. They will write to the employee to confirm the temporary flexible working arrangements prior to their return. Options could include:

- Using the employee's leave/flexi time on days when he/she is unfit for full time working.
- A temporary reduction in the working week where the employee is paid only for the days worked.
- The employee is paid normal pay for the days worked and is sick on the days not worked. (The days that the employee is sick will continue to be counted for trigger point purposes).

Reasonableness should be exercised in all phased returns paying particular attention to the DDA, where relevant.

There are numerous variations which would be appropriate to enable the employee to gradually return to his or her contracted hours.

If a phased return cannot be accommodated or agreement cannot be reached with the employee, then they will remain on sick leave.

Redeployments

Redeployments due to ill health will only be considered when all other options have been exhausted, and where supported by OH and EC, and following due consultation with the manager or relevant officer, relevant senior BS representative and Corporate HR.

If it is agreed to progress redeployment as an option, the employee should be advised by the manager or relevant officer that management will ensure the employee is redeployed into the most suitable alternative employment and will take into account the following factors:

- current vacancies;
- the issues that led to the re-deployment;
- the employee's grade (to ensure any financial detriment is minimised);
- qualifications;
- experience; and
- skills.

Redeployment for reasons of ill health may mean that the employee has to be demoted. However, where as a result of a recommendation from Occupational Health or Employee Counselling an employee has to be temporarily redeployed to a lower graded post for no longer than six weeks (unless there are very exceptional circumstances), the employee will be paid at their substantive grade, in accordance with the provisions of a paid phased return (see page 31).

If suitable alternative employment is required, the manager or relevant officer should liaise with the relevant senior BS representative to identify any vacancies within their department e.g. vacant posts, posts covered by temporary or agency employees or other temporary arrangements.

If there are no suitable vacancies departmentally, the relevant senior BS representative will liaise with the Corporate HR who will identify vacancies on a council wide basis. If there are no immediate permanent vacancies, consideration may be given to assisting an early return to work by placing the employee in a suitable temporary position.

Where no suitable alternative employment can be found, a decision will have to be taken with regard to how long the absence can be sustained. Time limits on redeployment searches will be reasonable and will take into account the circumstances of the individual case and the factors outlined above.

Specialist health consultations

Consideration may be given to paying for specialist health consultations, such as MRI scans, physiotherapy, psychiatric sessions, etcetera if the council's OH physicians or employee counsellors advise that such would facilitate an employee's recovery and return to work or give a detailed prognosis for future attendance at work.

Section 10

Entitlement to sick pay

Under NJC terms and conditions, sick pay can be suspended. The manager or relevant officer must advise the employee of the grounds for suspension of sick pay in writing and the employee will have a right of appeal to the HOS or director's nominee.

Grounds for the suspension of sick pay may include:

- abuse of the sickness policy;
- failure to follow the reporting procedure;
- failure to provide appropriate documentation certifying sickness;
- where sickness is as a result of participation in professional sport or work in the employees own time for private gain or for another employer;
- deliberate conduct prejudicial to recovery;
- employee's own misconduct or neglect; and
- failure to attend medicals.

Repeated abuse of the sickness scheme will be dealt with under the disciplinary procedure.

Before taking a decision to suspend sick pay, the manager or relevant officer must consult with the relevant BS officer and advise the employee of the grounds for the suspension.

Section 11

Calculating absence for non-standard working patterns

If an employee is due to work for any period of time on a particular day, it is regarded as a day's absence for trigger point purposes. Days when employees are not required to work will not be counted e.g.

- Employee absent for one week who works five mornings = five days
- Employee absent for one week who works Monday, Tuesday, half day Wednesday = three days
- Employee absent for one week who works three days one week and two days next week = three or two days (depending on which week)
- Employees absent for two weeks who work five mornings = 10 days
- Employees absent for two weeks who works Monday, Tuesday and half day Wednesday = six days
- Employees absent for two weeks who work three days one week and two the next = five days.

The above is to be used for trigger point purposes only. The reporting procedures remain as is.

Section 12

Other related policies

Policies, procedures and guidelines which may need to be referred to when managing sickness absence include the following:

- Drugs and alcohol code of practice;
- Mental wellbeing at work code of practice;
- Disciplinary procedure;
- Capability procedure; and
- Other relevant H&S policies, codes of practice and, or guidance notes

These documents are available on the council's internal website or from BS.

Reporting procedure

The council procedures outlined below must be followed when reporting absence.

Failure to report sickness

When an employee has failed to follow the reporting procedures:

1. The manager or relevant officer will write to the employee stating that contact must be made by a specified date (five days from the date of the letter) and pay will be suspended until a valid reason for the non-compliance has been given.
2. The manager or relevant officer, in consultation with the appropriate BS staff, will ensure that sick pay is stopped by informing Payroll.
3. If no response is forthcoming, the manager or relevant officer will also make a further attempt to contact the employee.
4. If such attempts fail, the manager or relevant officer will consider instigating the disciplinary procedure.

Appeals for non payment of sick pay

Appeals for non payment of sick pay should be made in writing by the employee to the HOS or director's nominee. The HOS or director's nominee will respond in writing to the employee and copy the response to Payroll who will process the payment if appropriate.

Reporting sickness

The employee must personally contact his immediate line manager or their nominee, unless exceptional circumstances prevent this.

Holidays and sickness

An employee who falls sick during a period of annual leave shall be regarded as being on sick leave from the date of a doctor's statement.

An employee who wants to go on holiday while absent due to sickness must submit to their manager or relevant officer a letter from their doctor stating that the holiday is beneficial to their recovery, giving adequate notice for an appointment to be made with OH, should management require further information.

An employee taking an unauthorised holiday during a period of sickness will lose pay and could be dealt with under the disciplinary procedure.

Self certificates

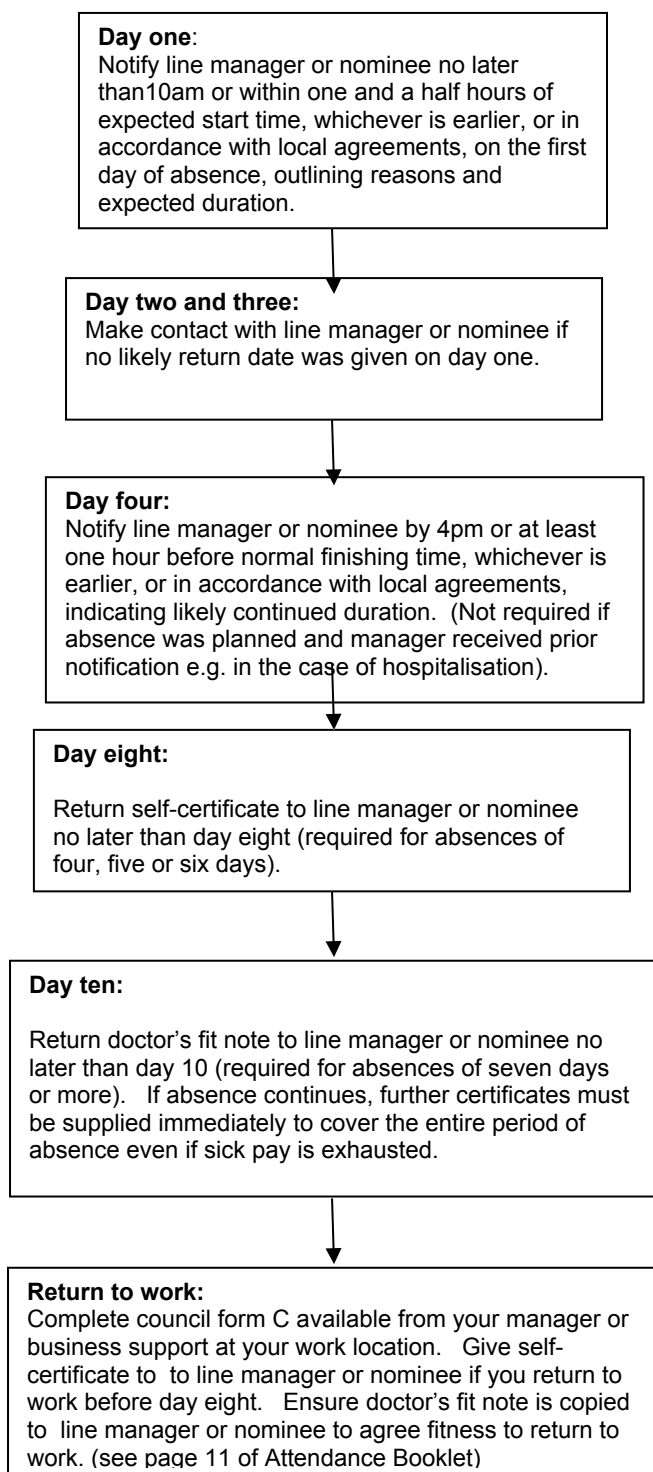
A self certificate (SC2) must be completed for sickness absence immediately preceding or following annual leave, public or statutory holiday.

Departmental arrangements

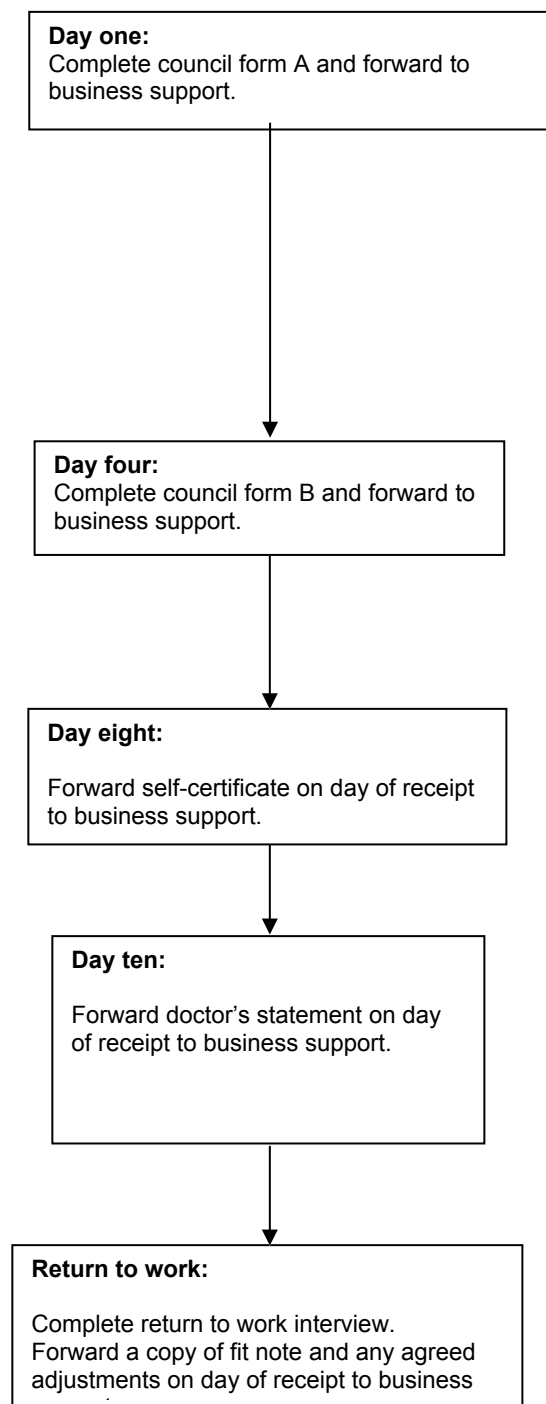
Each section has the discretion to put in place local arrangements for the reporting of absence. Where this is the case, employees will be notified in writing of the alternative arrangements. Arrangements for when employees are unable to contact the line manager should be clearly communicated to employees.

Absence reporting procedure


Employee



Manager



Note: Days are counted in calendar days not working days and include days off and public holidays. Sundays are excluded unless it is a normal working day.

	<p>BELFAST CITY COUNCIL</p> <p>OCCUPATIONAL HEALTH REFERRAL FORM</p> <p style="text-align: right;">v. May 2012</p>
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To:	Occupational Health receptionist, COHSU, Adelaide Exchange		
Referral to:	OH Physician		OH Nurse

Employee name	
Date of birth	
Address	
Contact tel. no.	
Department	
Section	
Work location	
Job title	
Staff number	

Name of referral officer	
Signature	
Date	
Section / department	
Contact tel. no.	

<p>Reason for referral:</p> <ul style="list-style-type: none"> Please provide details on the reason why this person is being referred for an occupational health assessment at this time?

<p>Current medical issues:</p> <ul style="list-style-type: none"> Please provide details of the current medical issues relevant to this referral Please attach sickness absence record printout from AMS
--

<p>Work details:</p> <ul style="list-style-type: none"> Please provide details of any work activities relevant to this referral



BELFAST CITY COUNCIL
**EMPLOYEE COUNSELLING
REFERRAL FORM**

v. May 2012

1. Employee Details

Employee name:		DOB	
Address:			
Contact 'phone numbers	Home:	Work:	Mobile:
Department:		Section:	
Position:		Staff Number:	
Hours of work:		Shift/night work	Yes/No

2. Referred by:

Name:			
Signature:			
Date:		'Phone	
Position			

3. Reason for referral:

Reason(s) for referral: <i>Please use this section to identify and include the issues to be addressed by Employee Counselling.</i>	
Supporting/additional Information:	

4. Appointment details:

Date:		Time:	
--------------	--	--------------	--



**BELFAST CITY COUNCIL
OCCUPATIONAL HEALTH
MANAGEMENT REPORT**

v. May 2012

To (referral officer)	
Section / department	
File reference	

Employee name	
Date of birth	
Was seen on (date)	
By:	

Background:

History:

Assessment:

Outcome:

Specific questions:

Occupational Health referral letter

Dear

I am sorry to hear of your current sickness absence which commenced on

It is the department's intention to help you to manage your health and general well-being and, where possible, to help you through a speedy recovery to full fitness and a return to work.

To assist in this process, it is necessary for us to understand the nature of your illness and the implications of your current illness in relation to your work.

I have therefore asked the council's Occupational Health physician to provide a report on your current condition so that, when we meet to discuss your situation, the information is as informed and up-to-date as possible. The details contained within this report will be treated in the strictest of confidence.

You are therefore required to attend the Occupational Health services on the ground floor of Adelaide Exchange, 24-26 Adelaide Street, Belfast on () at ()
Please bring this letter with you to facilitate entry to the building.

This Occupational Health appointment is in accordance with the council's sickness absence management policy and procedures and forms a vital element in helping management fully understand your current situation.

Should you, for any reason, be unable to attend this appointment, please inform me or your line manager as soon as possible. Please do not contact Occupational Health as they are unable to cancel this appointment. Failure to attend this appointment, without first providing a reasonable explanation will result in the withholding of the contractual element of your sick pay, until a reasonable explanation for your non-attendance has been received. Such action is, of course, one that the department would prefer to avoid so your co-operation in this regard is appreciated.

Should you require any clarification or further information in respect of this matter please do not hesitate to contact me.

Yours sincerely

Your referral to Occupational Health

The purpose of this information is to assist in the understanding of Occupational Health medical assessments.

It is important that any employee that has been asked to attend Occupational Health for assessment, understands the process. The reason for the referral letter is so that you do not feel aggrieved at the request to attend. The appointment also ensures an accurate assessment of their condition. We would be grateful therefore if any employee coming to the Occupational Health unit, would take a few minutes to read the contents of this leaflet.

You have been asked to attend an appointment at Occupational Health. This request has been initiated by your line manager and the appointment is made by BS, who have informed you of your date and time of appointment.

Referrals are commonly made for the following reasons:

- sickness absence greater than five days;
- long-term sickness absence;
- determining fitness to return to work;
- recurring short-term sickness absences;
- restriction on fitness for full duties;
- substance abuse;
- determining fitness to drive;
- assessment of possible work-related health problem;
- work accidents; or
- assessment for Personal Protection Equipment (PPE).

Your manager will inform you of the reason you are being referred to the Occupational Health unit.

The Occupational Health unit is based on the ground floor of the Adelaide Exchange Building, Adelaide Street. When your appointment has been made, you will be provided with a letter, which will allow you access to the Building.

It will greatly benefit you, and the running of the unit in general, if you are able to make your appointment on time. When you enter the Occupational Health unit please report to the receptionist, who will record your arrival and will usually ask you to take a seat. Providing you arrive on time waiting times are normally minimal.

The length of your appointment will depend upon your individual circumstances, and the issues to be discussed, and may or may not include a physical examination. The doctor may check your understanding of the reason why you have been referred to Occupational Health. The doctor will have been written to separately by your manager, explaining the management concern. If you have recently attended your own doctor, nurse, therapist or hospital and have any information about your condition, it would be helpful if you bring this along, including the medication, if any, that you have been recently prescribed.

The doctor's role is to make an assessment of your fitness to work, based on all the available information. Occupational Health doctors work differently from other doctors that work in the health service, in that they have knowledge of the work place and are trained in

how work can affect health and how health can affect work. Often the referral request is to assess whether an employee is able to undertake some part of their usual duties.

The employee has an important contribution in this assessment and a shared approach to a return to work in some manner is arrived at.

This agreed approach is then communicated to the management for a return to work. Sometimes a return to work is organised in a phased manner to further the rehabilitation process after long-term illness.

Usually in cases of long-term sickness, further appointments are made so the management can be updated on the progress of the condition.

In communication with the management, the Occupational Health unit confines itself to comments on fitness to work and limitations to fitness to work and does not divulge any confidential information.

You will be asked to complete an occupational health consent form at your appointment.

Appendix 5

Letter to employee – unauthorised absence

Dear *

I understand you have not been to work since * and that you have not informed either myself or (state name of nominated officer) of the reason for your absence.

I would remind you that you are required to make contact in accordance with the procedure for reporting absence which states notification is required * (normally before 10.00 am) on the first day of sickness. Please contact me immediately upon receipt of this letter.

I would advise you that sick pay has been suspended until a satisfactory explanation for the non-compliance has been given.

I am concerned, however, that there may be some problem which is stopping you from returning to work, and if this is the case, please contact me immediately to discuss. My telephone number is *

Yours sincerely

Appendix 6

Invite to meeting – unauthorised absence

Dear *

I refer to your return to work interview on* where we discussed your unauthorised absence and were unable to resolve the matter.

You are requested to attend a meeting to discuss your unauthorised absence from * to *.

At this meeting consideration will be given to whether or not your sick pay should be reinstated.

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

Appendix 7

Letter to employee – leave and, or sickness authorised

Dear *

I refer to our discussion upon your return to work concerning your unauthorised absence from work from * to * inclusive.

I confirm that after having considered your reason(s) for not attending during the period stated above and your explanation for failing to notify your absence, I am prepared on this occasion only to grant you appropriate leave/sickness leave in retrospect.

Arrangements will be made for your pay to be adjusted accordingly.

I must remind you that if at any time you are unable to attend work you must report your absence immediately in accordance with the reporting procedure (copy attached).

Yours sincerely

(Manager/relevant officer)

Enc.

Appendix 8

Letter to employee – leave or sickness not authorised

Dear *

I refer to our discussion upon your return to work concerning your unauthorised absence from work from * to * inclusive.

I confirm that after having considered your reason(s) for not attending during the period stated above and your explanation for failing to notify in accordance with the procedure, I am not prepared to grant you appropriate leave/sickness leave in retrospect. Therefore, no payment will be made for the period of absence identified above.

I must warn you that should any further unauthorised absence occur consideration will be given to treating the matter in accordance with the council's disciplinary procedure OR This matter will now be investigated under the council's disciplinary procedure.

For your information, I attach a copy of the procedure for reporting absence and set out below the telephone number(s) and name(s) you must use to report any future absences.

You may appeal this decision to the head of service. The appeal should be made in writing within five days of the date of this letter and should fully detail the grounds for appeal.

Yours sincerely

(Manager/relevant officer)

Enc.

Appendix 9

Dear _____,

Requirement to provide doctor's statements.

I refer to our meeting of * and the letter of confirmation on * when I advised you that as a result of your stage * warning under the attendance procedure, you were required to produce doctor's statements for each occasion of absence for the next * months.

Having reviewed your attendance levels, I am pleased to confirm that you are no longer required to produce doctor's statements for each occasion of absence.

OR

Having reviewed your attendance levels, you are required to continue to submit doctor's statements for each occasion of absence as there has been no significant improvement in your attendance. (provide detail of absence(s)).

Yours sincerely

(Manager/relevant officer)

Appendix 10

Aide memoire – return to work interview

The return to work contact or discussions should cover:

- welcome back;
- disclosure of information details;
- enquire about health and confirm reason for absence;
- confirmation of absence history, occasions and days;
- confirmation of previous action;
- where appropriate, impact of absence;
- ideas for improving, such as, where appropriate, support, rehabilitation or workplace adjustment options;
- where appropriate, consequences or future action;
- confirm if OH/EC appointment needed; and
- completion and signing of form.

Appendix 11

Return to work meeting form

Name:	First day of absence:
Position:	Last day of absence:
Hours of work:	Number of days or shifts absent from work:

Disclosure of information discussed

Consent for disclosure given? Yes/ No (If no, explain why)

Absence history: (periods and days)	Previous action taken:
-------------------------------------	------------------------

Reasons for absence/
Nature of Illness:

Details of return to work interview (brief report):

Action agreed (if any):
(Where appropriate, support, rehabilitation, workplace adjustment options)

Review meeting
 Stage one
 Stage two
 Stage three
 Medical review

Medical referral
 Counselling offer
 Counselling referral
 Adjustments made

Other (specify in manager's comments)
 No further action

Employee agreed O/H/EC referral not necessary (Stage 1 and 2 only) Yes/No

Manager's comments or workplace update:

Is discretion being used: Y/N Date of Letter:

Explain reasons for decision:

Meeting carried out by:

Name: Position:

Signed: Date:

Employee's signature:

Date:

Employee's comments:

Did meeting take place within three working days? Yes No (If no, explain why)

Appendix 12

Aide memoire – review meeting

The review meeting should cover:

- disclosure of information details, as outlined in **section 4**;
- confirmation of absence history, occasions and days;
- confirmation of previous action;
- discussion on possible underlying reasons where appropriate;
- where appropriate, discussion on impact of absence;
- where appropriate, explanation of the consequences of further absence, i.e. action being taken under the attendance procedure;
- confirm if OH/EC appointment needed;
- offer of assistance and support to the employee; and
- confirmation that employee is aware of policy and provision of copy if necessary.

Appendix 13

Review meeting form

Name: Position: Most recent absence (dates): Review level reached (date):	Hours of work: No. of days/shifts absent from work:
--	---

Disclosure of information discussed

Consent for disclosure given? Yes No (If no, explain why)

Absence history: (Periods and days)

Previous action taken:

Details of review level discussion:

Action agreed (if any):

(Where appropriate, support, rehabilitation, workplace adjustment options)

Review meeting completed – No further action

Medical referral

Counselling referral

Medical review

Adjustments made

Counselling offer

Other (specify in manager's comments)

Employee agreed O/H/EC referral not necessary (Stage 1 and 2 only) Yes/No

Manager's comments:

Is discretion being used: Y/N Date of letter:

Explain reasons for decision:

Meeting carried out by:

Name:

Position:

Signed:

Date:

Is employee aware of the attendance policy? Yes No (If no, provide copy)

(date)

Employee's signature:

Date:

Employee's comments:

Appendix 14 a

Invite to stage one meeting (trigger reached)

Dear *

I write to you concerning your attendance record. According to our records, your absence has reached a trigger point in that you have had () days by (insert date trigger reached):

(State absence history)

Attendance will normally be regarded as warranting action under stage one of the attendance procedure if an employee has:

Six or more separate periods or a total of 12 working days over the preceding 12 months.

You are therefore required to attend a meeting to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to issuing a first stage warning.

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

(Manager/relevant officer)

Appendix 14 b

Invite to stage one meeting (prior to trigger)

Dear *

I write to you concerning your attendance record. According to our records, if you remain absent, you will reach a trigger point, in that you will have () days by (insert date trigger reached):

(State absence history)

Attendance will normally be regarded as warranting action under stage one of the attendance procedure if an employee has:

Six or more separate periods or a total of 12 working days over the preceding 12 months.

A meeting has been arranged to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to issuing a first stage warning.

This letter has been issued in order to keep you informed and ensure you are aware of the next possible steps. Should you return to work before the trigger is met (DATE) the meeting will not take place.

You have the right to be accompanied by a trade union representative or work colleague.

Please do not hesitate to contact me if you have any queries in relation to this letter.

Yours sincerely

(Manager/relevant officer)

Aide memoire – stage one, two or three meeting

At the meeting the manager or relevant officer should:

- explain disclosure of information issues;
- establish the level and nature of sickness absence and the effect that the condition has on their ability to attend or carry out their duties;
- explore what assistance can be given to improve the level of attendance;
- explore what the employee can do to improve their level of attendance;
- explore any possible underlying cause for the sickness absence, including disability;
- explain the effect of the absence on the team, section, department and council;
- issue a warning where appropriate and explain the standards of attendance required and the consequences should an employee fail to meet these;
- where relevant, agree what action is to be taken by the employee and, or manager or relevant officer following the meeting e.g. referral to the Occupational Health or Employee Counselling, provision of doctor's statements for each occasion of absence and review period for this.
- If employee wishes to be referred to OH/EC at Stage 1 or 2, offer to bring employees back to discuss OH/EC report but explain that if the report does not highlight anything that needs to be considered as part of the decision, the Stage 1 or 2 warning will be issued from the date of the original meeting.

Appendix 16

Confirmation of stage one warning

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past 12 months.

At the meeting I reviewed your attendance record which confirmed that during the past 12 months you had * days on * occasion(s).

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, you were issued with a first stage warning stating that:

- your attendance is unsatisfactory;
- you are expected to meet the minimum standards of attendance;
- your attendance will be monitored closely over the review period, i.e. (normally 12 months); and
- the matter may be progressed to stage two if you have a further three or more separate periods or a further 12 working days over the next 12 months.

We also agreed (detail further action agreed e.g. OH referral, provision of doctor's statements for each occasion of absence and review period for this.).

If the required level of attendance is achieved during the review period, this stage one warning will no longer apply.

Yours sincerely

(Manager/relevant officer)

Appendix 17a

Invite to stage two meeting (trigger reached)

Dear *

I write to you concerning your attendance record. According to our records, your absence has reached a trigger point in that you have had () days by (insert date trigger reached):

(State absence history)

Attendance will normally be regarded as warranting action under stage two of the attendance procedure if an employee has been issued with a first stage warning and has: a further three or more separate periods or a further 12 working days over the next 12 months.

You are therefore required to attend a meeting to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to issuing a second stage warning.

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

(Manager/relevant officer)

Appendix 17 b

Invite to stage two meeting (prior to trigger)

Dear *

I write to you concerning your attendance record. According to our records, if you remain absent, you will reach a trigger point, in that you will have () days by (insert date trigger reached):

(State absence history)

Attendance will normally be regarded as warranting action under stage two of the attendance procedure if an employee has been issued with a first stage warning and has: A further three or more separate periods or a further 12 working days over the next 12 months.

A meeting has been arranged to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to issuing a second stage warning.

This letter has been issued in order to keep you informed and ensure you are aware of the next possible steps. Should you return to work before the trigger is met (DATE) the meeting will not take place.

You have the right to be accompanied by a trade union representative or work colleague.

Please do not hesitate to contact me if you have any queries in relation to this letter.

Yours sincerely

(Manager/relevant officer)

Confirmation of stage two warning

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past (normally 12 months).

At the meeting I reviewed your attendance record which confirmed that during the (normally past 12 months) you had * days on * occasion(s).

You were issued with a first stage warning on *

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, you were issued with a second stage warning stating that:

- your attendance is unsatisfactory;
- you are expected to meet the minimum standards of attendance;
- your attendance will be monitored closely over the review period, i.e. (normally 12 months); and
- the matter may be progressed to stage three if you have a further three or more separate periods or a further 12 working days over the next 12 months.

We also agreed (detail further action agreed e.g. OH referral, provision of doctor's statements for each occasion of absence and review period for this.).

If the required level of attendance is achieved during the review period, this stage two warning will no longer apply.

Yours sincerely

(Manager/relevant officer)

Appendix 19 a

Invite to stage two meeting (trigger reached)

Dear *

I write to you concerning your attendance record. According to our records, your absence has reached a trigger point in that you have had () days by (insert date trigger reached):

(State absence history)

Attendance will normally be regarded as warranting action under stage three of the attendance procedure if an employee has been issued with a second stage warning and has:

a further three or more separate periods or a further 12 working days over the next 12 months.

You are therefore required to attend a meeting to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to issuing a third stage warning.

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

(Manager/relevant officer)

Appendix 19 b

Invite to stage three meeting (prior to trigger)

Dear *

I write to you concerning your attendance record. According to our records, if you remain absent, you will reach a trigger point, in that you will have () days by (insert date trigger reached):

(State absence history)

Attendance will normally be regarded as warranting action under stage three of the attendance procedure if an employee has been issued with a second stage warning and has:

A further three or more separate periods or a further 12 working days over the next 12 months.

A meeting has been arranged to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to issuing a third stage warning.

This letter has been issued in order to keep you informed and ensure you are aware of the next possible steps. Should you return to work before the trigger is met (DATE) the meeting will not take place.

You have the right to be accompanied by a trade union representative or work colleague.

Please do not hesitate to contact me if you have any queries in relation to this letter.

Yours sincerely

(Manager/relevant officer)

Confirmation of stage three warning

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past (normally 12 months).

At the meeting I reviewed your attendance record which confirmed that during the (normally past 12 months) you had * days on * occasion(s).

You were issued with a second stage warning on *

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, you were issued with a third stage warning stating that:

- your attendance is unsatisfactory;
- you are expected to meet the minimum standards of attendance;
- your attendance will be monitored closely over the review period, (normally 12 months);
- the matter may be progressed to stage four if you have a further three or more separate periods or a further 12 working days over the next 12 months; and
- dismissal is an option at stage four.

We also agreed (detail further action agreed e.g. OH referral, provision of doctor's statements for each occasion of absence and review period for this).

If the required level of attendance is achieved during the review period, you will revert to stage one, i.e. the stage three warning will no longer apply and you will have another opportunity to meet the standards of attendance specified in the first stage warning previously issued.

Yours sincerely

(Manager/relevant officer)

Invite to stage four meeting

Dear *

I am writing to you concerning your attendance record. According to our records, your absence has reached the above triggers in that you have had (State absence history)

Attendance will normally be regarded as warranting action under stage four of the attendance procedure if an employee has been issued with a third stage warning and has:

- a further three or more separate periods or a further 12 working days over the next 12 months.

You are therefore required to attend a meeting to discuss your attendance record on (date) at (time). The meeting will be held in (venue).

At this meeting consideration will be given to dismissal. Other options that may be considered include re-deployment and demotion.

Please find enclosed report

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

(Manager/relevant officer)

Management report template

Employee information

Name
 Start date
 Job title
 Section
 Department

Sickness figures

Three year summary of sickness absence	Days
12 month summary of sickness absence	Occasions
Sickness levels in section (last year's reported figure)	Days
Target figure for section (this year)	Occasions

Absence history

Dates absent From To	Total days	Reason for absence	Actions		Comments	Appendices*
			Date	Action		

*Appendices would include all relevant papers relating to the case i.e. return to work interviews, reviews, warnings under attendance procedure, record of contact with long term sick employee, Occupational Health or Employee Counselling referrals etcetera.

Summary of case

Give summary of main issues and how case has been managed including main points from absence history. Specify date and summarise the latest OH report (or previous OH reports if necessary). Specify date and summarise the latest meeting with the employee and any issues they have raised.

Outline the impact of the employee's absence on service delivery e.g. increased overtime payments, use of agency staff, service not being provided.

Confirmation of stage four - dismissal

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past (normally 12 months).

At the meeting I reviewed your attendance record which confirmed that during the (normally past 12 months) you had * days on * occasion(s).

You were issued with a third stage warning on *

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, your employment was terminated, on the grounds that you failed to meet the standards of attendance as outlined in the council's attendance policy.

As you have * years' service you are entitled to * weeks' statutory notice. Your period of notice will commence on * and your employment will terminate with effect from *.

(If appropriate) As agreed at the meeting, you will not be required to work your notice.

Please note that any leave untaken during the current year will be paid to you.

You have the right to appeal this decision. The appeal should be made in writing to the Head of Human Resources within 10 working days of the date of this letter. You must fully detail the grounds for appeal. The appeal will be heard by a Joint Appeals Board.

Yours sincerely

(Manager/relevant officer)

Confirmation of stage four – other than dismissal

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past (normally 12 months).

At the meeting I reviewed your attendance record which confirmed that during the (normally past 12 months) you had * days on * occasion(s).

You were issued with a third stage warning on *

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, it was decided that you will have another opportunity to meet the standards of attendance specified in the third stage warning.

Your absence will be monitored over the next * months (usually three months) after which a decision will be made regarding a further stage four meeting. It is likely that you will be dismissed if a further stage four meeting is convened.

*It was also decided that you should be redeployed etc. (Specify details of sanction including time limits if applicable).

(Specify any other action such as further referral to OH, provision of doctor's statements for each occasion of absence and review period for this.)

* (If redeployed) You have the right to appeal this decision. The appeal should be made in writing to the Head of Human Resources within 10 working days of the date of this letter. You must fully detail the grounds for appeal. The appeal will be heard by an Internal Appeals Board.

Yours sincerely

(Manager/relevant officer)

Appendix 25

Long term sickness – initial contact
(Normally sent after one week)

Dear *

I am sorry to hear that you have been absent due to sickness since * (normally after one week).

We have missed you at work and I hope that you are now on your way to recovery.

If you anticipate that your absence will be extended perhaps you could contact me so that we can arrange to discuss your prospects for recovery and the likely future date of return to work.

If your absence continues beyond * (normally four weeks) I will write to you again inviting you to be medically examined by the Occupational Health unit and to attend a meeting with me to discuss your case. Should your ill health prevent you from attending a meeting at work I could arrange to visit you at home if you so wish.

I look forward to hearing from you.

Yours sincerely

(Manager/relevant officer)

Appendix 26

Record of contact with long term sick employee

Date	Current position	Action agreed	Next contact

Appendix 27

Long term sickness – invite to review meeting

Dear *

Following on from my previous letter of (date), (where applicable) our discussion on (date) and your Occupational Health appointment on (date), I am writing to request that you attend a meeting to discuss your health, prospects for recovery and to determine how we progress the matter.

I would be grateful if you could attend a meeting on (date) at (time). The meeting will be held in (venue).

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

(Manager/Relevant Officer)

Appendix 28

Long term sickness – confirmation of review meeting

Dear _____,

I refer to our meeting on (date)

The purpose of the meeting was to discuss your health, prospects for recovery and to determine how we progress the matter.

At the meeting we reviewed your sickness absence record which confirmed that during the past twelve months you had taken (number) days absence. (Outline three year summary if discussed.)

We discussed the latest Occupational Health report which stated (provide detail).

I am very sorry to hear that your health has not improved and recognise that the absence has been genuine. However, I explained that such absence causes operational difficulties and therefore cannot be sustained indefinitely. OR I am very pleased to hear that your health has improved and you will be returning to work on (date).

We discussed the following options which may assist you/ assist in facilitating your return to work (provide detail e.g. employee counselling, home working, phased return, light duties)

You stated the following (provide detail)

Action agreed at the meeting was as follows (provide detail where relevant)

(Where applicable) I explained that we would review the situation in (usually one month), depending on your circumstances. Another appointment with Occupational Health will be arranged in the meantime.

I trust that you will recover soon OR I look forward to seeing you on (date). If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

(Manager/relevant officer)

Appendix 29

Confirmation of meeting with long term sick employee, line manager and senior BS.

Dear *

I refer to our meeting on (date) with (name of relevant senior BS representative) in attendance.

The purpose of the meeting was to discuss your health and your absences over the past (number) months and to determine how we progress the matter.

At the meeting we reviewed your sickness absence record which confirmed that during the past twelve months you had taken (number) days absence. (Outline three year summary if discussed.)

We discussed the latest Occupational Health report which stated (provide detail) and the fact that there is no known return date.

We recognise that the absences have been genuine and it is unfortunate that your health has not improved. We explained this level of sickness absence cannot be sustained and that a decision has to be taken now with regards to your ability to undertake the duties of your post and your future employment with the council.

You stated the following (provide detail)

Action agreed at the meeting was as follows (provide detail where relevant)

We explained that as a result of our meeting, a case review will take place/a report will be prepared for the head of service who will consider whether or not a hearing will take place which may result in your dismissal from the council.

Yours sincerely

(Manager/Relevant Officer)

Appendix 30

Letter of invite to meeting – ill health retirement

Dear <name>,

We are in receipt of a recommendation from the council's Occupational Health service that you retire on the grounds of permanent ill health. Accordingly, you are asked to attend a meeting to discuss that report and to agree how this matter will be progressed.

The meeting will take place in <venue> on <date> at <time>.

You may be accompanied at this meeting by a trade union representative or a colleague of your choice.

Please contact me if you have any queries in relation to this letter.

Yours sincerely,

(Relevant senior business representative)

Appendix 31

Ill health retirement meeting – aide memoire

The following points should be covered at the meeting:

- right to representation or happy to continue;
- explain purpose of meeting;
- read Occupational Health report;
- is employee in agreement with Occupational Health report? (If in dispute then an independent further consultation will be needed);
- explain statutory notice period (starts on Sunday ends on Saturday). If employee has over X year's service, entitled to X weeks statutory notice (max 12 weeks);
- letter to Director recommending employment be terminated on grounds of ill health retirement;
- notification to Chief Medical Officer (NILGOSC) from Occupational Health. Explain that NILGOSC is independent body who make the decision regarding early payment of pension. Occupational Health can only make a recommendation;
- explain that department will now write to Director of Corporate Services via Human Resources to approve ill health retirement;
- letter from Director of Corporate Services to employee via Human Resources to confirm ill health retirement;
- ask employee to continue submitting sick lines until end of the notice period;
- Local Government Staff Commission retirement courses;
- employee counselling offer; and
- any queries do not hesitate to contact department or Human Resources.

**Ill health retirement
Letter from department to Director of Corporate Services**

Memorandum

To: Mr R Cregan
Director of Corporate Services
City Hall

RE: <name>

I would like to recommend that <name> is retired on the grounds of permanent ill health. The facts in the matter are as follows:

- <name> is a <post> who has been employed by the council since <date>
- He has been on sick leave since <date>. He has been regularly examined by the council's Occupational Health physician and attended interviews with the <departmental contact>
- The council's Occupational Health physician has stated in his last review on <date> that <name> is (quote from OH report).

<name> attended a meeting with <name> and <name> on <date>. A proposed start date for notice of <number>weeks was agreed as <date>.

Director of Department

Appendix 33

**Letter to employee
Confirmation of ill health retirement**

Dear

I am in receipt of a recommendation from the <HOS or DIRECTOR> of <DEPARTMENT> that you be retired on the grounds of ill health.

I note that in formulating this recommendation the report of the council's Occupational Health physician declaring you medically unfit was taken into account and you have agreed with the doctor's report.

A report to the Chief Medical Officer, NILGOSC, has been forwarded by the council's Occupational Health physician outlining his recommendation that (specify recommendation from OH). I also note that you have been counselled on this course of action.

In view of the above I would, in accordance with the authority delegated to me under the provisions of the Scheme of Delegation of Authority, advise that you are to be retired on the grounds of ill health.

As you have over * completed years' service you are entitled to * weeks' statutory notice. Your period of notice will commence on <DATE> and your employment will terminate with effect from <DATE>. Please note that any leave untaken during the current year will be paid to you.

I would, in closing, like to take this opportunity to thank you for the years of service that you have given to the council and wish you well in the future.

Yours sincerely

(Director of Corporate Services)

Copies to: < Payroll Section, Human Resources

Appendix 34

Failure to attend meetings

I refer to our meeting scheduled for (date and time) and note that you failed to attend/advised that you were unable to attend. I have, therefore, scheduled another meeting for (date, time, location, within five working days of original date, unless extended by mutual agreement).

Please note that should you fail to attend this meeting, a decision will be taken in your absence, on the basis of the information available.

OR

We are in receipt of an opinion from Occupational Health or Employee Counselling which states that you are unable to attend a meeting with management in relation to your sickness absence. I would therefore request that you detail in writing anything you would like us to consider and this will be considered by management prior to making a decision in relation to your case.

You may wish to speak to a trade union representative or colleague who could help you draft your submission.

Yours sincerely

Manager/relevant officer

Appendix 35

Long Term Sickness – invite to final absence meeting

Dear *

I refer to our meeting on (date) with (name of relevant senior BS representative) in attendance.

At the meeting we reviewed your sickness absence record which confirmed that during the past twelve months you had taken (number) days absence. (Outline three year summary if discussed.)

As a result of our meeting a case review has taken place on ()

It is unfortunate that your health has not improved, however, Occupational Health has advised that they cannot recommend ill health retirement. As there is no prognosis for your return to work within a reasonable timeframe we must advise you that this level of sickness absence cannot be sustained. A decision has to be taken now with regards to your ability to undertake the duties of your post and your future employment with the council.

You are therefore required to attend a meeting on (date) at (time). The meeting will be held in (venue).

I must advise you that at this meeting consideration will be given to dismissal.

You have the right to be accompanied by a trade union representative or work colleague.

Yours sincerely

(Manager/Relevant Officer)

Appendix 36

Discretion

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past 12 months.

At the meeting I reviewed your attendance record which confirmed that during the past 12 months you had * days on * occasion(s).

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, it was decided to show discretion and a stage () warning would not be issued. I must remind you however, that while discretion has been shown in this instance, the absent days remain on your record and will be considered if there are any further absences.

The matter may be progressed to stage () if you have further absences over the next 12 months (or specified review period). Your attendance will be monitored and you are expected to meet the standards of attendance as outlined in BCC Attendance Policy.

We also agreed (detail further action agreed e.g. OH referral, provision of doctor's statements for each occasion of absence and review period for this.).

Yours Sincerely

Manager (Relevant officer)

Appendix 37

Confirmation of dismissal – long term absence

Dear *

I refer to our meeting on * at *.

The purpose of the meeting was to discuss your attendance over the past (normally 12 months).

At the meeting I reviewed your attendance record which confirmed that during the (normally past 12 months) you had * days on * occasion(s).

Your absence has been managed as long term sickness and management last met with you on (). You were informed that a case conference would take place and a report would be prepared for the head of service to consider your continued employment with the council.

You stated that (insert any relevant information given by the employee)

After having considered all the information discussed at the meeting, your employment was terminated, on the grounds of medical incapability.

As you have * years' service you are entitled to * weeks' statutory notice. Your period of notice will commence on * and your employment will terminate with effect from *.

(If appropriate)You should continue to submit sick lines during your period of notice.

Please note that any leave untaken during the current year will be paid to you.

You have the right to appeal this decision. The appeal should be made in writing to the Head of Human Resources within 10 working days of the date of this letter. You must fully detail the grounds for appeal. The appeal will be heard by a Joint Appeals Board.

Yours Sincerely

(Manager/relevant officer)

Appendix 38

List of infectious diseases

1. Acute Encephalitis/Meningitis Viral
2. Anthrax
3. Chickenpox
4. Cholera
5. Diphtheria
6. Dysentery
7. Food Poisoning
8. Gastroenteritis (< 2 years)
9. Hepatitis A
10. Hepatitis B**
11. Hepatitis Unspecified
12. Legionnaires' Disease
13. Leptospirosis
14. Malaria
15. Measles
16. Meningococcal Septicaemia
17. Mumps
18. Paratyphoid Fever
19. Plague
20. Poliomyelitis (Paralytic)
21. Poliomyelitis (Acute)
22. Rabies
23. Relapsing Fever
24. Rubella
25. Scarlet Fever
26. Smallpox
27. Tetanus
28. Tuberculosis (Pulmonary)
29. Tuberculosis (Non Pulmonary)
30. Typhoid
31. Typhus
32. Viral Haemorrhagic Fever
33. Whooping Cough
34. Yellow Fever

This list is not exhaustive. Advice may need to be sought from the Public Health Agency

GUIDANCE NOTES FOR EMPLOYEES – GIVING CONSENT

What is a Management Referral?

Your Manager has requested that your health is assessed by an Independent Occupational Health Practitioner. The purpose of any occupational health referral is to review your health status, to establish, if and how this impacts on your performance in your role and to suggest for ways to maximise your attendance at work, this may include exploring possible support and adjustments that could be made.

Independent Occupational Health will provide a factual report, and in a number of instances, a clinical opinion based on the information presented to us, by you and in some cases supported by a report from your GP or specialist.

What is Consent?

Independent Occupational Health Practitioners are regulated and monitored by a number of regulatory authorities – including The General Medical Council. We will only supply information about you to any third party (including your employer), with your consent to do so, which is why we ask you to complete the enclosed form.

Although you can choose not to give your consent you should be aware that:

- As part of your Contract of Employment you may have already agreed to allow your employer to pass on your personal details (such as those included in the management referral and your telephone number, home address etc) in order to obtain an independent medical opinion on any health issues
- If you withhold consent, your employer may make decisions about you, and your continued employment, based on the information that is available to them at the time. You should also be aware that in requesting a copy of your report prior to your employer this will delay the process of your management referral and therefore any suggested occupational health support and adjustments.

If you have concerns or questions relating to the points above you should address them with your manager before making the decision to give or withhold consent.

If you provide consent and then subsequently withdraw your consent, we will **NOT** disclose **employment** information about you to your employer but will inform them that you have taken this course of action.

It is important that consent is given freely and without any coercion.

If you have any further questions, please contact your manager or e-mail **Independent Occupational Health Ltd** directly at info@indocc.co.uk or call 02890247788



CONFIDENTIAL

CONSENT FOR MEDICAL REPORT

TO BE COMPLETED BY EMPLOYEE:

NAME:	EMAIL ADDRESS:
HOME ADDRESS:	
TELEPHONE NUMBER:	DATE OF BIRTH:
COMPANY NAME:	MANAGER:

DOCTOR'S NAME:	DOCTOR'S TELEPHONE NUMBER:
DOCTOR'S ADDRESS:	

GP/Specialist Report

I consent to a medical report /records from my GP/specialist being supplied to IOH Ltd

- I do wish to see a copy of the GP/specialist report before it is sent to IOH Ltd
- I do not wish to see a copy of the GP/specialist report before it is sent to IOH Ltd

Occupational Health Report

I authorize IOH Ltd to send reports related to my health and fitness for work to my employer*

- I do not wish to have a copy of the report at this time.
- I wish to be sent a copy of the report when it is sent to my employer.
- I wish to be sent a copy of the report before it is sent to my employer

EMPLOYEE NAME (CAPITALS)	
SIGNED:
DATE:	