

Isle of Wight Council
**ATTENDANCE
MANAGEMENT POLICY
AND PROCEDURE**
April 2018

1 Document Information

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3 The Attendance Management Policy

3.1 The overall aim of the Isle of Wight Council is to make the Isle of Wight a great place to live, work and visit. The management of sickness absence through a fair and systematic framework has the following objectives:

- Build upon those initiatives and actions that already assist in promoting a positive attendance culture;
- Strengthen the arrangements in place that assist in maintaining a safe and healthy working environment;
- Assist managers to become more confident in handling workplace wellbeing issues;
- Secure improvements in the mental wellbeing of our workforce;
- Encourage and support our staff to develop and maintain a healthy lifestyle;
- Support staff with health conditions to maintain access to or remain in work;
- Prepare for future workforce challenges as they arise;
- Improve staff satisfaction and morale and;
- Comply with the Equality Act 2010 and all other relevant equality and employment legislation by identifying changes necessary in working practices or environment to encourage full attendance.

A positive approach to enabling optimal attendance is key to delivering this aim and therefore it is necessary to have sickness absence management arrangements that are fair but robust in which wellbeing is promoted.

3.2 This policy both focuses on preventative measures that are aimed at the development of a healthy workforce, and simultaneously establishes a culture where attendance is valued and respected.

3.3 The Isle of Wight Council has an ambitious corporate plan, with clear strategic priorities for the Island over the next ten years. The successful delivery of this plan, together with the maintenance of public confidence in the performance and efficiency of council services is very much reliant on our workforce. A key dependency in this respect is the wellbeing of our staff; the presence of a positive attendance culture; appropriate support to help employees with health problems stay in and/or return to work as quickly as possible and wherever possible and having a consistent and robust approach to management action where attendance gives cause for concern.

Failure to manage attendance issues effectively can lead to:

- Increased strain on service delivery
- Lost productivity, missed targets and delays
- Increased pressures on colleagues to cover workloads
- Increased costs in delivering essential front line services
- Poor reputation of the council
- Recruitment and retention difficulties

3.4 The council already has a range of initiatives in place to encourage employee wellbeing and a positive attendance management culture. These include:

- This sickness absence policy which sets out triggers that require management action and intervention (and which may result in capability or disciplinary procedures being instigated where attendance concerns become problematic)
- The requirement for return to work interviews following absence to take place as a means to monitor wellbeing and manage ill-health occurrences
- A occupational health service to provide advice and guidance to managers on health issues affecting employees' attendance
- An employee assistance programme that provides free access for staff to a 24/7/365 counselling helpline and a wealth of on-line resources to promote wellbeing
- Attendance management training for managers
- Personal resilience training for staff
- A series of healthy lifestyle promotion activities, including chamber health days, flu vaccination programmes, reduced rate one leisure membership, lunchtime Pilates sessions, walking groups, smoking cessation groups etc.
- Regular reviewing of sickness absence data by a strategic absence monitoring group to identify areas where targeted intervention is required.

3.5 This policy is supported by templates and forms which are available from the Human Resources pages on the intranet; <https://wightnet.iow.gov.uk/hr/default.aspx>.

3.6 The root causes for absence can be difficult to ascertain, largely because of the complex nature of the factors that can affect wellbeing and the degree to which an individual might have personal resilience when faced with one or more of those factors. Some of these might include:

- Lifestyle factors (smoking, alcohol intake, body weight, exercise levels, personal debt, personal relationships etc)
- Health factors (medical conditions, disability, resilience to infections etc)
- Workplace factors (working patterns, job design, job demands; working environment, job satisfaction, job security, an acceptable work-life balance etc)
- Cultural factors (understanding of job and organisational expectations; association with organisational values; information about what is going on; personal growth and career development opportunities, attitude towards sickness management etc)

3.7 Taking into account the most recent absence management project combined with external analysis, a number of trends were identified that required focus and attention. These were;

- a) **Pro-active Prevention:** Building upon and developing new strategies that can address factors that lead to absence and which also prepares us for future challenges that may emerge and which can impact on attendance.
- b) **Pro-active Management:** Building the confidence and skills of managers in handling attendance issues, empowering them to act as well as holding them to account for effective attendance management. Placing more emphasis on data analysis and affording managers access to data that will assist them in pro-actively managing attendance in the

workplace and setting targets within services to secure improvements that can realistically be achieved.

- c) **Pro-active Wellbeing:** Raising awareness of mental ill-health, signposting to sources of help and introducing initiatives that promote positive well-being in order to reduce the number and length of absences relating to stress and mental ill-health, whether work related or non-work related and developing understanding of practical action that can be adopted to enable people to access work and remain in work whilst dealing with health related problems.

4 Scope

- 4.1 This policy and procedure incorporates all health related absence and applies to all employees of the Isle of Wight Council. For the avoidance of doubt, it does not apply to contractors or agency workers but does include the Fire and Rescue Service.

5 Definition of terms

- 5.1 Short-term sickness is any period of sickness absence (of any part of a working day or more) but less than 20 continuous working days. It can be both certified and/or self-certified given the timeframes.
- 5.2 Long-term sickness is regarded as serious and/or prolonged where employees are absent from work for a period in excess of 20 working days or for any recurrent periods (which could be less than 4 weeks) associated with a serious/prolonged health problem.
- 5.3 Statement of fitness for work, better known as 'fit notes' allow GPs to advise whether an employee should refrain from work, but now also enables GPs to advise whether it would be appropriate for them to do some work, which gives employers greater flexibility in managing sickness absence. Where this advice is given, the doctor will provide additional information which will help employers consider whether basic adjustments could be made to assist someone to return to work, for example allowing someone with back pain to take regular breaks away from their desk for exercise.
- Employers will not be bound to implement the doctor's suggested changes, but should reasonably consider the recommendations, which will be provided at the discretion of employers and with the agreement of the employee. Where no changes can be made, the medical statement should be considered as evidence of the individual being unfit for work for sick pay purposes.
- 5.4 'Open' fit note: A fit note which specifies a period to refrain from work but does not specify a return date.
- 5.5 'Closed' fit note: A fit note which specifies an exact return to work date.
- 5.6 Self-certification: Self certification is required for absences between one and seven days inclusive. Information on how employees can self-certificate is detailed in section 7.2.
- 5.7 Disability: Disability, as defined under the [Equality Act 2010](#) is where somebody has a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on their ability to carry out day-to-day activities.

6 Attendance Management Responsibilities

6.1 Employees

- 6.1.1 Employees are responsible for attending work regularly in accordance with their contracted working hours and fulfilling their contract of employment. Employees must ensure they understand the content of this policy and cooperate fully with the sickness absence procedures. Failure to do so may affect entitlement to occupational sick pay and/or be deemed to be misconduct and dealt with in accordance with the Disciplinary Policy
- 6.1.2 All employees must inform their manager of any health related issue which affects their ability to do their work in a competent manner.
- 6.1.3 Employees should also inform their manager if they have a disability; this ensures that managers are reasonably aware of any requirement(s) that need to be considered in order for the health and wellbeing of the individual in carrying out their role. For information regarding disability related absences please see section 8.4 and additional guidance which 'guidance on disability related absence'. Where applicable, please also refer to the 'disability declaration guidance' found;
<http://wightnet.iow.gov.uk/documentlibrary/view/disability-declaration-guidance>
- 6.1.4 In cases where attendance and/or health become a concern, employees should discuss the situation with their manager at the earliest opportunity so that every opportunity can be made to ensure a mutually positive outcome.
- 6.1.5 Ultimately, employees are responsible for their own health and should utilise the range of support and advice that is available both within and outside of the Council. This includes attending any scheduled appointments or training arranged by the organisation to improve their health and attendance, and/or support them back to work plus any form of self-help that would either prevent absence or, reduce absence.

6.2 Managers

- 6.2.1 The manager is responsible for monitoring attendance, ensuring all sickness absence records are updated and maintained accurately, that 'return to work' interviews are undertaken on the day of return or as soon as practically possible (either by themselves or, in their absence, by a nominated person) and regular contact is made with the absent individual. Attendance and/or health concerns will be dealt with consistently and positive outcomes sought, primarily by talking through the issues with the individual concerned. Template letters and forms can be found here; <http://wightnet.iow.gov.uk/hr/HRGuidance/AbsencesAndLeave/Sickness.aspx>

The manager is responsible for ensuring that appropriate action is taken in accordance with this policy. The manager is also responsible for maintaining employee confidentiality where health related matters are disclosed to them.

- 6.2.2 In cases where dismissal may be considered, the case will be referred to the relevant Deputy Chief Officer (with authority to dismiss) and a HR Adviser along with all of the relevant and up to date documentation.

6.3 HR Advisers

- 6.3.1 HR Advisers will help ensure that this policy is understood and implemented consistently by managers, staff and trade union representatives. They will also advise on specific cases where formal action is taken.

6.4 HR Assistants/Payroll

- 6.4.1 The HR Assistants/Payroll are responsible for checking accuracy of sickness information and processing sick pay information.

7 The Procedure – Reporting of Sickness Absence

All employees and managers must report absence in line with the Council's agreed procedures. Failure to report absence or return to work may result in loss of pay for the absent employee for the relevant period. Failure to adhere to these procedures – by either the manager or employee may be dealt with as a disciplinary matter.

7.1 Procedure for reporting sickness absence

- 7.1.1 On your first day of sickness you must notify your manager by phone, by 9.00am or, before the start of your shift by giving the reason for your absence. This is to enable your manager to make adequate cover arrangements at the earliest opportunity. If possible you should indicate how long you expect to be off work. In exceptional circumstances (e.g. if you are unable to get to a phone or speak) someone may call on your behalf.
- 7.1.2 If the absence continues beyond the third day you must contact your manager to explain the nature of their illness and the length of time you expect to be absent. If you do not follow the procedures outlined above, your manager should contact you to seek the reason for your absence.
- 7.1.3 If your manager is not notified as detailed above, this may result in the absence being recorded as unauthorised, unpaid absence and disciplinary action could also be taken. The Council's sick pay scheme is detailed in section 11 of this procedure.
- 7.1.4 You must inform your manager of the date you expect to return to work, this should be no later than the day before you intend to return. If your manager is not available you should leave a message with their nominated deputy within the service (when your manager is available, they should then return your call and discuss your absence).
- 7.1.5 Once you have notified your manager of your absence, your manager must record the absence on the Managers Self Service Portal at the earliest opportunity, if the self-service portal is unavailable due to a technical reason then the manager should record the absence at the earliest opportunity.
- 7.1.6 A single absence across multiple days should be recorded as one absence on the self-service portal with the start and end dates set appropriately. If your absence is then extended, the current record should be amended (and not a new absence created). Creating separate absences for each consecutive day will cause it to show up as separate absences on the HR system and may cause the employee to reach an initiation point as defined in section 12.2 of this document.

7.2 Self-certification

- 7.2.1 Every day absent on sick leave must be covered by a medical certificate: either a 'self-certification' certificate (see paragraph 7.2.2) or a doctor's or hospital fit note (see paragraph 7.3). Any days not so covered will not trigger entitlement to sick pay and will be treated as absence without leave. If you cannot see your GP on the day the certificate is required, a back-dated certificate is acceptable but must be given to your manager as soon as possible.
- 7.2.2 For absence between one and seven days inclusive, an on line SAP self-certification form will need to be completed within 5 working days from the date of return which will be sufficient for

the payment of sick pay. There may be circumstances in which self-certification is not appropriate or where it cannot be accessed via SAP. If this is the case, you will need to speak to your manager or their nominated deputy. Absences longer than this must be covered by a doctor's fit note (see paragraph 7.3.1).

7.3 Doctor's fit notes

- 7.3.1 Where absence extends beyond seven calendar days (i.e. on the eighth consecutive day of absence), a fit note must be obtained from a doctor and forwarded immediately to your manager (if the doctor has been consulted earlier than the eighth day a fit note may be received earlier, in which case it can be sent to the manager upon receipt.) This will ensure that the correct pay is received. For guidance in relation to fit notes go to: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183291/fitnote-employers-linemanagers-guidance.pdf

7.4 Keeping in touch during sickness absence

- 7.4.1 You are required to keep in touch with your manager during periods of sickness absence and respond to any reasonable contact made by your manager (or deputy).
- 7.4.2 Your manager will keep in touch with you to see how you are feeling, particularly if you have indicated that the absence is due to work related (or other) stress. If it is not appropriate for your immediate line manager to maintain contact with you, arrangements will be made for another manager to keep in touch. The manager should offer the support of the Councils Employee Assistance Programme (EAP).
http://wightnet.iow.gov.uk/council_news/frmNewsItem.aspx?newsID=94
- 7.4.3 The frequency of contact needed will be determined on an individual basis and will be in a constructive and supportive manner with the aim of seeking a timely return to work.
- 7.4.4 Your manager may make contact by telephone, email, letter, home visit, meeting at the work site, or in exceptional circumstances, off-site at a neutral venue. Records of contact and what was discussed should be maintained by your manager. Home visits will always need to be pre-arranged.
- 7.4.5 Additional guidance on maintaining contact with the employee during sickness absence can be found via the council's intranet and named 'Guidance on Maintaining Contact with Employee's During Absence'.

8 Sickness Absence and Other Related Procedures

8.1 Annual leave and sickness absence

- 8.1.1 If your sickness occurs during annual leave and you wish to have your leave reinstated, you must follow the normal sickness absence reporting procedures (paragraph 7.1) and, in this particular instance you will also be required to supply a fit note for the period of sickness absence (you cannot self-certificate in these circumstances). Annual leave will only be reinstated if you adhere to this policy correctly.
- 8.1.2 You will not be entitled to an additional day off if the sickness falls on a statutory holiday. (This applies to both long term and short term sickness absences.)
- 8.1.3 Please refer to the Annual Leave Policy regarding accrual and carry-over of annual leave entitlement while off sick.

8.2 Health appointments during work time

- 8.2.1 There is no right to paid time off to attend planned doctor, dentist or optician appointments. You must try to make appointments outside or at the end or beginning of your normal working hours/shift time to minimise any disruption. Please refer to the special leave policy regarding the use of flexi leave or annual leave to accommodate appointments during the working day when necessary.
- 8.2.2 Appointments with Occupational Health in connection with your illness will be accommodated during working time, wherever possible.
- 8.2.3 If you have a disability, you may have the right to paid time off for health/medical appointments related to your disability if agreed as a 'reasonable adjustment'. The law (Equality Act 2010) requires that all employers consider 'reasonable adjustments' to ensure that no disabled employee is put at a disadvantage compared to non-disabled colleagues. It may be necessary for you to therefore disclose a disability in order to be allowed paid time off for health/medical appointments if they relate to your disability.
- 8.2.4 Once you have advised your line manager that you are pregnant, you will be entitled to take reasonable paid time off work (at normal rate of pay) to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor. Please go to the Maternity Provisions for further information which can be found on the council's intranet.

8.3 Pregnancy related illness

- 8.3.1 If you are pregnant, time off work due to pregnancy related illness will not be counted towards any absence caution or other penalty.
- 8.3.2 All notified sickness absence, including pregnancy related, will be paid according to your sickness entitlement, which remains unchanged.
- 8.3.3 If your absence is pregnancy related illness, you must still follow the normal absence reporting procedure and provide medical certification and fit note as would be required for non-pregnancy related illness.

8.3.4 Occupational Health advice may be sought to clarify pregnancy related absence; especially if absences are frequent; and/or where you request a change of working pattern during your pregnancy.

8.4 Disability related sickness (further guidance on disability related absence can be found via the council's intranet)

8.4.1 The legal definition of disability as defined under the [Equality Act 2010](#) is where somebody has a physical or mental impairment and the impairment has a 'substantial' and 'long-term' adverse effect on the ability to carry out day-to-day activities.

8.4.2 If you have a disability or a long-term health condition you may have sickness absence that is unrelated to your disability. However, if your sickness absence is related to a disability, the council has a duty under the Equality Act 2010 to consider reasonable adjustments.

8.4.3 Reasonable adjustments may include; adapted equipment, physical changes to the environment, changes to working hours, location, shift pattern, or time off for treatment or appointments. Following longer term absence, it may include, for example, a phased return to work. The council's 'reasonable adjustments' guidance, found on the intranet, sets out further options of adjustments (however, it is important to note, it is not an exhaustive list).

8.4.4 Disability-related absences will be recorded as sickness absence but managers must ensure that they keep a record of which absences are disability-related (in order for disability and non-disability related absences to be identified separately). All absences will be paid according to your sickness entitlement, which remains unchanged.

8.4.5 The level of absence that someone with a particular disability might be expected to have in a year may be ignored and may not go towards total sickness absence for that period depending on the nature of the absence, the individual circumstances, the level of absence against the service requirements and whether it is reasonable to discount those periods. Periods of disability related absence will be considered in detail with medical evidence to assess precisely the level of absence that is likely to be attributable to each particular disability.

Having considered the proper information a different level of absence may be set as acceptable over the course of a 12 month period, above and beyond those set out in section 12.2 of this policy and will be based on the 'reasonableness' of this adjustment and in conjunction with HR. This will, however, be considered on a case by case basis and dependent upon the nature of the disability and the level of impact the absences will have on that particular service area, other reasonable adjustments may still need to be considered.

8.4.6 In instances where your attendance is unsatisfactory and you are unable to return to work; and no reasonable adjustments or redeployment are possible it may be necessary to consider terminating your employment. In these circumstances the processes for managing sickness absence will be followed according to the specific circumstances – See sections 13 and 14 of this procedure.

8.5 Stress related sickness

8.5.1 Further information and guidance for both employees and line managers are contained within the Workplace Well-being Policy and Procedure available on the council's intranet.

8.6 Alcohol and substance misuse

- 8.6.1 Where it is identified that alcohol or drug misuse is the underlying cause of sickness absence or poor attendance, procedures set out in this policy will be followed. Specific information and guidance is also set out in the Alcohol and Substance Misuse Policy available on the council's intranet.

9 Planning and facilitating a return to work and the return to work interview

9.1 Notification of return to work

- 9.1.1 Prior to the day of return, you must advise your line manager (or nominated person) of your return to work date.
- 9.1.2 When returning from long term sickness absence you should, where possible, give at least one week's notice in order to ensure that any special arrangements can be made.
- 9.1.3 Where necessary, your line manager may need to consider specific competency or health and safety issues and construct a plan prior to the return to work meeting (for example, workplace assessment, or placing you on temporary restricted duties). A phased return to work plan template is available on the council's intranet.
- 9.1.4 On the day of return you must report to your line manager (or nominated person) for your return to work interview.

9.2 Return to work interview (a return to work interview form and further guidance on the return to work interview is available on the council's intranet)

- 9.2.1 The return to work interview will ideally be carried out on the day of your return so that your fitness to return to work can be judged (ideally this is done at the beginning of the day you return). As part of this interview your line manager or nominated person will ensure the return to work is recorded and includes:
- Confirmation that the notification of absence/self-certification online SAP form has been completed by you
 - If your sickness absence extended beyond 7 continuous days, your fit notes covering the absence have been received by your line manager within 5 days of them being issued to you.
 - The reason for your absence has been stated on the notification of absence/self-certification form (including whether the absence is due to stress, disability, or pregnancy related reasons)
 - That any reasonable adjustments have been considered and determined
 - Any periods/patterns of absence have been discussed to identify any underlying health concerns
- 9.2.2 Refer to the Return to Work Interview guidance on what should be discussed at a return to work interview in addition the return to work interview form itself
- 9.2.3 Your line manager will complete the return to work interview form with details of the discussion, recording decisions made or arrangements agreed, with timescales where relevant. Once signed by both parties, a copy will be given to the employee and will be sent to hr@iow.gov.uk to be kept on the employees personnel file. It is the employee's responsibility to check and confirm details are accurate prior to signing the return to work documentation.

10 Obtaining Medical Advice

10.1 Occupational Health (Further guidance on making referrals to Occupational Health can be found on the council's intranet)

10.1.1 If your health gives cause for concern (whether absent from work or not) you may be referred to Occupational Health (OH) for a medical opinion. Early referrals can be made if you are likely to be off for up to or more than 20 working days which may help reduce the duration of your absence and can assist with a better health outcome for you too. Your manager should therefore refer you to OH at the earliest opportunity and not wait until the 20 working days is up, in particular for stress-related absence.

10.1.2 A referral to OH will be made by your manager using the OH referral form. Your manager will include specific reasons for the referral and clear questions for the OH Adviser to answer. Your current job summary and details of sickness absence over the past 12 months should also be included with the referral to provide context around your duties. You will be invited to contribute to the content of the referral and the questions to be asked of Occupational Health via a formal absence review meeting.

10.1.3 If you are required to see an OH Adviser you must attend because:

- the Council has the right under their contract of employment to require you to attend such appointments and;
- The appointments are designed to assist your return to work, and;
- Appointments have to be paid for whether you attend or not. If you accept the appointment and do not attend you may be responsible for the cost of the appointment.

10.1.4 Your manager and you will receive a copy of the OH report outcome. Your manager will discuss the report with you, to determine and agree a course of action, where appropriate, and confirm this in writing. These discussions will form part of the formal review of attendance process, sections 13 and 14 of this procedure.

10.2 Doctor/Consultant's Opinion

10.2.1 Employment decisions connected with sickness absence will be made on the basis of medical and other evidence and consultation with you. In order to investigate long-term or frequent short-term absence Occupational Health may formally request the your permission to contact your GP or other health professional in order to obtain medical advice to establish whether there is an underlying medical condition which is contributing to the level of absence.

You have the right to refuse such permission, but should note that under these circumstances the Council will be obliged to make decisions based only on their own knowledge.

10.2.2 If you are under the care of your GP or other Consultant, you should, if you are willing to do so, have any medical reports to hand during your appointment with OH so that the content can be discussed and considered. The Council will reimburse costs if the employee is charged for any report.

For further guidance on completing an Occupational Health referral, please refer to section 12 for short term absence or section 14 for long term absence

10.3 Phased return to work

- 10.3.1 A phased return to work may be agreed following a period of long-term absence (please use phased return to work form which can be found [here](#)). This enables you to work towards fulfilling all your duties and responsibilities within a defined and appropriate time period; where you return on reduced hours and/or duties, and then gradually increase your working hours and/or duties back to the full contractual hours and full duties. This may assist you to return to work sooner than you may otherwise have been able to after a prolonged period of absence.
- 10.3.2 A phased return to work may not always be suitable or possible. Consideration will be given to a range of factors including, but not limited to: the length of and reason for the absence, proposed number of hours to be worked, type of work, support available and the service requirements.
- 10.3.3 A phased return to work will not normally last for longer than 4 weeks, but can be extended in exceptional circumstances at the line manager's discretion and upon specific advice from OH and in conjunction with HR. If so, then outstanding annual leave can sometimes be used to cover the extended period which ensures you are still able to return over a phased period but, also ensures that you are not returning to work with vast amounts of leave (which could impact on service delivery).
- 10.3.4 If you are currently in a period of half-pay and the hours worked upon return are 50% or less of your usual contractual hours then you will remain on half-pay for that period. If you are on half-pay and the hours worked upon return are more than 50% of your usual contractual hours, you will receive full-pay for the period of the phased return.

10.4 Redeployment on grounds of ill health

- 10.4.1 Upon the advice of OH, where you may be prevented from continuing in your role due to ill-health or disability, the council may consider redeployment where possible. If redeployment is agreed, the pay and conditions of the new post will apply. If redeployment is not possible or available, your employment will be terminated on the grounds of ill health due to incapacity to work and you will then be placed on the redeployment register. Staff known to have a recognised disability, who require redeployment will be considered for roles prior to general applicants as per the redeployment policy.

10.5 Ill health retirement

- 10.5.1 An application for retirement on the grounds of ill health due to incapacity to work can be made in accordance with the Local Government Pension Scheme, Teachers Pension Scheme, Firefighters Pension Scheme and the New Firefighters Pension Scheme supported by advice from OH.

11 Paid Sickness Entitlement

11.1 Sick pay

11.1.1 Sickness absence entitlement is calculated based on a 'rolling' calendar year and is based on your length of Local Government service.

There is no automatic right to exhaust sickness entitlement. Each individual absence will be treated on its merits according to the circumstances of the case. You are entitled to receive sick pay at the following rates up to a maximum of the periods set out below:

Length of Service	Sick Leave at Full Pay	Sick Leave at Half Pay
During 1 st year of service	1 month	2 months (after 4 months service)
During 2 nd year of service	2 months	2 months
During 3 rd year of service	4 months	4 months
During 4 th and 5 th year of service	5 months	5 months
After five years' service	6 months	6 months

For the avoidance of doubt, entitlement is based on the length of service on the day the absence starts: it does not change during the absence.

NB. For sickness pay entitlement for Teachers or Fire Service Personnel please refer to the relevant terms and conditions document as set out in the contract of employment.

11.2 The 'rolling year'

11.2.2 Entitlement to paid / unpaid sick leave is based on the amount of sickness absence recorded during a 'rolling year' –one year back from the start of the current absence. For example, if you are absent from work on the 01/04/2018, the 'rolling year will be from 01/04/**2017** – 01/04/2018.

Should you transfer departments [within the council] your sickness record and entitlement will also be transferred and therefore, counted towards both the initiation points and total absence.

11.3 'Third party' claims

11.3.1 If you are absent because of the negligence of a third party (for example, a road traffic accident in which you are claiming damages), you may be required to refund the amount of money equivalent to the amount of sick pay you received during the relevant absence to the Council (to avoid being paid both through your claim and through the council). This amount will form part of your damages claim.

11.3.2 If your damages claim is successful, the amount to be refunded will be equivalent to the total amount of sick pay you received. If the claim is only partially successful, you will be required to refund the same proportion of the sick pay.

11.3.3 In these cases, your return-to-work interview form must contain confirmation that the absence was due to an accident involving a third party. An undertaking form will then be sent to you via your solicitor; you must complete and return it so that if a request for information in connection with your claim is made by your legal representatives, the correct amount of sick pay will form part of your claim (therefore, you will need to liaise with Payroll directly for this information). If your claim cannot be made, or is unsuccessful, the undertaking does not commit you in any way.

12 Managing / Monitoring of Sickness Absence

12.1 Monitoring and responsibilities

12.1.1 The HR Business Partners will monitor sickness absence at an organisational level and work with the service area as and when needed in regards to trends in data.

It is the responsibility of managers to monitor the sickness absence of their direct reports following the data provided via the manager's self-service alongside utilising the guidance documents available from the intranet.

12.1.3 However if information is needed in another format or for a larger group of teams, for instance a spreadsheet to enable deeper analysis, then managers can request this by emailing (saphr.reports@iow.gov.uk).

12.2 Causes for concern

12.2.1 In certain circumstances, when your sickness absence raises concern for one of a number of reasons, additional actions will be initiated under sections 13 and 14 of this procedure. The 'initiation points' for concern are as follows (though managers have the right to investigate situations outside of these identified initiation points if there are other concerns in relation to absence from work):

- a. Four or more periods of absence within the preceding 12 months (this could be a culmination of ½ days, several days or separate weeks);
- b. Fourteen or more calendar days within the preceding 12 months;
- c. Twenty continuous working days (pro rata if part-time);
- d. Noticeable patterns of absence: (regular Fridays and Mondays, or regular absences on specific days of the week);
- e. Stress-related absence.

12.3 Noticeable patterns of absence

12.3.1 Where your sickness absence suggests that a pattern such as those outlined above may be building up, you will be invited to an interview with your manager to discuss the issue. If appropriate, disciplinary action may be taken. You will be entitled to be supported by a colleague or union representative.

13 Managing Frequent Short Term Sickness Absence

13.1 Formal action (Further guidance can be found under 'guidance for managing short-term absence')

13.1.1 Upon reaching one or more of the initiation points within this policy; your manager will take formal action.

13.1.2 At all stages of this process, a written record of all meetings and actions will be made (signed by both you and your manager) and kept on your file.

13.2 Formal absence review meeting

13.2.1 Your manager will write to you inviting you to a formal absence review meeting giving 5 days' notice (excluding bank holidays and weekends); outlining the purpose of the meeting and informing you of your right to be accompanied by a trade union representative or work colleague. The HR Adviser will not normally be involved at this stage unless it is to assist a new manager for example. This meeting should take place as soon as possible following an initiation point being met. This meeting should not be delayed.

13.2.2 At this meeting your manager will;

- Seek to understand the reasons for the absence
- Provide support, with a view to reducing your sickness absence levels
- Discuss what adjustments, if necessary, are required
- Discuss whether there is an underlying health concern giving rise to your absence
- Discuss making the appropriate medical referral (where an underlying health concern or suspected health concern requires further information – refer to section 10.1.2. for further information around OH referrals)
- Signpost you to relative support services including self-help assistance
- Outline the required improvement (subject to an OH referral*) in attendance and the consequences of little or no improvement will be clearly explained to you (i.e. a warning with the expectation of zero absence until date X).

13.2.3 ****if an occupational health referral is being made, formal warnings will be 'on hold' until the outcome of the report is received.*** Consideration will be given to other and/or additional activities you may be involved in, e.g. project work, training and development; overtime/additional hours; and whether it would be helpful or appropriate at that time for you to continue or not based on your health concerns at that given point.

13.2.4 A referral to Occupational Health should contain;

- The reason for the referral (i.e. why your manager is making the referral, what events had led up to needing to make the referral, what is the history of the your absence/illness).

- Information on duties that you carry out i.e. if you are a Social Worker, specific details around what that involves (attending people's houses, driving to carry out visits) or, if you are desk based what that involves (i.e. on average sits at a computer X number of hours a day).
- Dates of absence (including the reason and length of absence)
- What adjustments/considerations have already been put in place to manage your attendance (change of working hours, work pattern etc.)
- Under 'please state is any additional advice is required' a list of questions specific to you and your absence in terms of what information is required. Examples of questions could be;
 - Is XX currently fit to return to work in their current position?
 - If not, what is the outlook and timeframe for their fitness to work?
 - If not fit for current position, what adjustments can be made to assist recover and subsequently return to work?
 - Is the conditions caused by or made worse by work? If so, how can this be overcome?
 - Could XX be considered fit for alternative roles/duties (if not considered fit in their current role)?
 - Is XX's condition likely to incur further absences in the future? If so, how much time off should be anticipated?

13.2.5 Whether adjustments are made or not (i.e. it is not always possible), then disability related absence will be counted in the same way as other individual's with regard to the initiation points and the issue of a warning or other penalty may take place. However please see further information on managing disability related absence under section 8.4 with regards to the adjustment of initiation points if necessary.

13.2.6 Pregnancy related absence/illness will be counted when reviewing an employee's attendance but will not count towards the issue of a warning or any other penalty.

13.3 Absence warnings

13.3.1 An absence warning may be issued at this formal review meeting if you have reached one of the initiation points and, therefore, exceeded the level of absence which the Isle of Wight Council deems reasonable. The decision will be made once all relevant circumstances have been given full consideration and following consideration of whether there is an underlying health concern or not.

13.3.2 The absence warning will be confirmed in writing and a record kept on your file. If you already have a live absence warning; a second warning will normally be issued.

13.3.3 Each absence warning will remain 'live' on your record for 12 months from the date of issue.

13.3.4 The warning* (via the template letter) will clearly explain;

- the required improvement in attendance
- the date in which no further absences can occur,
- the consequences of little or no improvement and
- a review date set (the date when the employee's absence is expected to be below the absence initiation points)

**however, the line manager may take action sooner if the employee has a further period of absence within this period.*

13.3.5 You may appeal against the decision of an absence warning (see section 15).

13.3.6 If, following the review period, you have achieved the required improvement in attendance (i.e. your absence is below the absence initiation point, or there has been significant improvement towards achieving this with a further period of review) a review meeting will be held and the outcome of this will be confirmed in writing and no further action will be taken at this point. However, any existing warnings remain live until expiry of the 12 months, from the date they were issued.

13.3.7 If further sickness absence occurs the following action will be taken:

- If you have a live absence caution on file; your absence will be reviewed again at a formal absence review meeting
- If you have a second live absence caution on file; your absence will be reviewed at the final stage – which may result in dismissal.

13.4 Final stage - dismissal

13.4.1 You will be required to attend a final stage absence hearing in the following circumstances:

- Where there is no significant improvement in attendance
- And/or where you have a second live absence warning on file, and there is a further breach of the absence initiation points
- And/or where you have previously been invited to and/or attended a final stage hearing in the previous 12 months
- And/or where the history and pattern of absence over a prolonged period of time (which could include all or part of their employment with the IWC) continues to give cause for concern.

13.4.2 As an outcome of the final stage absence hearing may be dismissal, it will be held by a manager with authority to dismiss (Deputy Chief Officer). Any decision to dismiss will be made in conjunction with an HR Adviser.

13.4.3 Your manager must write to you requesting you to attend a hearing giving seven days' notice (excluding bank holidays and weekends); setting out the reason for the hearing, including any evidence to support the case and making clear that the outcome could be dismissal. You have the right to be accompanied by a trade union representative or work colleague. You will also be given the opportunity to provide any additional evidence to support your case up to 3 working days prior to the date of the hearing.

13.4.4 At the hearing, your manager will present a formal management case which will normally include an up to date Occupational Health assessment alongside further evidence of your absences.

13.4.5 Any decision to dismiss will only be made following previous formal meeting/s and once all other alternatives have been considered. The decision will be confirmed in writing within 5 days (excluding bank holidays and weekends) of the hearing.

13.4.6 If you are dismissed, you will be given written notice in accordance with the terms of your contract. Your SAP record shall be updated accordingly to ensure that this information/outcome is recorded correctly. Should you be entitled to receive pay in lieu of

notice (PILON), this will be withheld until the deadline for appeals has passed to ensure that at any stage (where possible), you are not overpaid.

13.4.7 You can appeal against the decision to dismiss (see section 15).

13.5 General considerations during formal reviews of attendance

13.5.1 If you fail to attend any of the meetings set out above (without prior and reasonable explanation) then your manager may make a decision based on the information available at that time, in your absence.

13.5.2 The IWC reserves the right to escalate review of an employee's attendance to any stage of this policy where deemed appropriate.

13.5.3 Where frequent short-term or long term sickness is considered excessive during a probationary period; this will be dealt with under the probationary procedure.

14 Managing Long Term Sickness Absence

14.1 Managing long term sickness absence (Further guidance can be found under 'guidance for managing long-term absence')

14.1.1 Long term sickness absence is regarded as serious and prolonged absence where employees are absent from work for a period of over 20 working days or for recurrent periods with a serious health problem.

14.1.2 Once you are expected to be absent from work for over 20 working days, your manager will conduct an absence review meeting. It is important to note that the meeting will be carried out before the 20th day and not be postponed or conducted only once the 20 days have passed.

14.2 Formal absence review meeting (during sickness absence)

14.2.1 Your manager will invite you to attend a formal review of attendance meeting. Your manager will need to be flexible about the place where the meeting will take place, taking into account the nature of the illness. You will have the right to be accompanied by a union representative, work colleague, friend or family member at these meetings.

14.2.2 At the meeting your manager will discuss;

- your continuing absence and the cause of this absence
- any support the IWC can offer to aid their recovery
- any reasonable adjustments that should be considered
- a possible phased return to work (where applicable)
- what the expected period of absence will be
- any further information/considerations that need to be taken into account prior to your return and a discussion around an Occupational Health referral (to seek medical advice on the likely duration of the absence and any adjustments that could be made to support the employee in returning to work).

14.2.3 A referral to Occupational Health should contain;

- The reason for the referral (i.e. why your manager is making the referral, what events had led up to needing to make the referral, what is the history of the your absence/illness).
- Information on duties that you carry out i.e. if you are a Social Worker, specific details around what that involves (attending people's houses, driving to carry out visits) or, if you are desk based what that involves (i.e. on average sits at a computer X number of hours a day).
- Dates of absence (including the reason and length of absence)
- What adjustments/considerations have already been put in place to manage your attendance (change of working hours, work pattern etc.)
- Under 'please state if any additional advice is required' a list of questions specific to you and your absence in terms of what information is required. Examples of questions could be;
 - Is XX currently fit to return to work in their current position?
 - If not, what is the outlook and timeframe for their fitness to work?
 - If not fit for current position, what adjustments can be made to assist recover and subsequently return to work?
 - Is the conditions caused by or made worse by work? If so, how can this be overcome?

- Could XX be considered fit for alternative roles/duties (if not considered fit in their current role)?
- Is XX's condition likely to incur further absences in the future? If so, how much time off should be anticipated?

14.2.4 These meetings should be repeated throughout the period of absence and following receipt of the OH report outcome too; the number and frequency will be dependent on the circumstances of each case. However, the first of these meetings will normally take place upon confirmation that you are expected to be absent for 20 days or more; and where no specific return date is imminent.

14.2.5 Your manager will write to you after each meeting to confirm any actions or review dates that have been agreed.

14.3 Final long term absence hearing (during sickness absence)

14.3.1 Where there is no foreseeable date of return*, and upon advice from OH that you are not fit to return to work within a reasonable timescale, your manager must write to you requesting you to attend a final long term absence hearing giving seven days' (excluding bank holidays and weekends) notice; setting out the reason for the hearing, including any evidence to support the case and making clear that the outcome could be dismissal. You have the right to be accompanied by a trade union representative, work colleague, friend or family member. You will also be given the opportunity to provide any additional evidence to support your case, normally up to 3 clear days (excluding bank holidays and weekends) prior to the date of the hearing.

**N.B When considering what a reasonable timescale for a return to work is, your manager will consider the current length of absence, the likely length of the continuing absence and the impact the absence is having on the service.*

14.3.2 As an outcome of the final stage long-term absence hearing may be dismissal, it will be held by a manager with authority to dismiss (Deputy Chief Officer). Any decision to dismiss will be made in conjunction with an HR Adviser.

14.3.3 Your manager will present the issues regarding your sickness absence to the Deputy Chief Officer

14.3.4 Matters to be considered at this hearing include:

- Whether a phased return to work would be appropriate (and if so what training and support is required)
- Whether any reasonable adjustments could be made to your role or working environment to enable a return to work.
- What has happened to date in regards to managing your absence (and what has/has not been successful in your return)
- The impact of absence upon the service delivery
- Redeployment on the grounds of ill-health
- Retirement on the grounds of ill-health

14.3.6 Termination of employment would be on the grounds of incapacity to work (ill-health) and may be actioned prior to entitlement to Occupational Sick Pay being exhausted, where there is no reasonable prospect of you returning to work.

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- 14.3.7 At the meeting, you will need to put forward any reasons why you consider your employment should not be terminated. The Deputy Chief Officer will consider the information provided in your submission when deciding whether or not to terminate your contract of employment. This must be undertaken in consultation and agreement with the HR Adviser.
- 14.3.8 The Deputy Chief Officer will communicate any decision to terminate your contract or any decision other than to terminate the contract in writing within 5 days (excluding bank holidays or weekends) of the meeting.
- 14.3.9 If you have been dismissed as a result of sickness absence/ill-health, you will be paid in lieu of notice (in accordance with your contractual notice period). Pay in lieu of notice will be based on normal contractual pay.
- 14.3.10 You may appeal against the decision against their dismissal (see section 15)
- 14.3.11 At all stages of the process, a written record of all meetings and actions will be kept on your personnel file.

15 Preparing for a hearing

Where sickness absence/multiple absences have meant that a hearing is taking place, it is essential to ensure that the case is appropriately put together and that preparation has taken place.

- 15.1 A hearing pack (from the manager) should contain;
- Covering paperwork/sheet (supplied by the HR Adviser)
 - Invite to hearing letter (ensuring the employee has had the appropriate notice – as per the above)
 - Appropriate evidence – this should contain;
 - Occupational health report(s) in some instances this will include one or more
 - Report of sickness with the reasons for absence
 - Copies of previous formal absence review meeting letters
 - Copies of minutes from previous formal absence review meetings
 - Information on what adjustments/considerations have already been implemented/would be implemented should the individual return/remain in employment
 - Confirmation on discussions around reasonable adjustments and what the employee's response was to these adjustments
 - Stress risk assessments (where appropriate)
 - HSE Assessment Tool (where appropriate)
 - Mental health checklist (where appropriate)
 - Return to work interview forms (if short-term absences)

*when you send out the hearing pack, the employee will then send their representations/submissions which will need to be added to the pack (at appendix C).

- 15.2 In order to compile the complete pack in the appropriate order, you should collate the pack the following way;

Covering paperwork/sheet

This should be completed and sent out to the employee. It sets out the purpose of the hearing, the running order of the hearing and who will be attending.

Attendance Management Policy – this should be appendix A

Whilst the employee would have received copies of the Attendance Management Policy throughout their former formal absence review meetings, for clarity, it is best practice to include a copy in the pack for reference during the hearing itself.

Management submission – this should be appendix B

You should write a management summary before the evidence begins in this section to set the context, in summary, as to what you have already done so far, how long the employee has been off for, what mechanism of return to work you have put together and how, despite this, a hearing has been called. This is also useful as it provides you with information to either read out or refer to during the hearing to ensure an effective and efficient process takes place. You should take time to consider what you are thinking of writing and how this will support you presenting your case in the hearing. An order for your management case could be;

1. Nature of the absence
2. Background (other absences – length of time, reason etc.)
3. Background to employee (i.e. how long they've worked for the council, in what roles etc.)
4. Chronology of events and what the results of these were (meetings/adjustments/OH reports etc.)
5. Conclusion (i.e. given all the above, you have brought this matter to a hearing due to XXXX)

Following on from this 'statement' should be the evidence to substantiate what you have written as your summary. The evidence included should contain all the support, evidence of meetings/discussions and context to date. This should not be a case of retrospectively typing minutes, etc. as the evidence should be compiled throughout the process and it should just be a case of pulling this together.

As above, examples of evidence should be;

- Occupational health report(s) in some instances this will include one or more
- Report of sickness with the reasons for absence
- Copies of previous formal absence review meeting letters
- Copies of minutes from previous formal absence review meetings
- Information on what adjustments/considerations have already been implemented/would be implemented should the individual return/remain in employment
- Confirmation on discussions around reasonable adjustments and what, the employee's response was to these adjustments
- Stress risk assessments (where appropriate)
- HSE Assessment Tool (where appropriate)
- Mental health checklist (where appropriate)
- Return to work interview forms (if short-term absences)

Employee submission – this should be appendix C

Depending on whether or not you have prepared the pack and are sending it alongside the invite, you will either receive the employee submissions and simply add them to the pack or, if you are sending the invite letter out first and holding off until the 2 clear days beforehand to issue the pack, the employee will need to send in their submissions 3 clear days beforehand. In either instance, their submissions will need to be added to the pack in readiness for the hearing so that the chair can have time to consider all submissions before the day of the hearing.

16 Appeal Procedure

16.1 The appeal

You have the right to appeal against any sanction imposed at any stage of the formal attendance procedure, including dismissal. Your request for an appeal must be made in writing to HR.

The appeal must be made within five days (excluding bank holidays and weekends) of the date of the decision letter and must state clearly the grounds upon which an appeal is being made. As mentioned above, should you be eligible for payment in lieu of notice, this has been withheld and will not be paid until after the outcome of the appeal has been made. This is to ensure that you are not overpaid. You may only make an appeal on the following grounds (please note, it does not have to be against all points):

- the decision: the evidence did not support the conclusion of the manager; and / or
- the penalty: this was too severe given the circumstances of the case; and / or
- new evidence: evidence has come to light since the formal review of attendance hearing and was not reasonably available at the time of that hearing; and / or
- it is considered that the attendance management procedure was not followed correctly.

The appeal will normally take place within fifteen days (excluding bank holidays and weekends) of receipt of your written notice of appeal, or on a date which is mutually agreed by the parties.

HR will work with the person who chaired the attendance management hearing to arrange the appeal hearing. If the appeal is against an absence warning then the appeal will normally be heard by the manager of the manager who issued the warning. Where the appeal is against a dismissal, it will be heard by a more senior manager than the person who made the decision to dismiss (Deputy Chief Officer).

The chair of the appeal will write to you inviting you to attend an appeal hearing. You will have the right to be accompanied by a Trade Union representative or work colleague and must take all reasonable steps to attend. Consideration will be given of any reasonable adjustments required under the Equality Act 2010.

The appeal hearing will consider representations from you and / or your representative. You must provide any supporting evidence for the basis of your appeal to HR, at least seven days (excluding bank holidays and weekends) prior to the appeal hearing date.

The manager who made the previous decision will be required to attend the appeal hearing to respond to the grounds of the appeal.

All parties will receive copies of the evidence to be presented at the appeal hearing at least two clear working days prior to the hearing.

16.2 At the appeal hearing

The appeal chair will:

- consider all the evidence, including any new evidence presented;

- determine whether the grounds for the previous absence sanction are valid;
- determine whether the sanction remains the same or should be increased, reduced or removed.

The chair conducting the hearing may adjourn proceedings, if this is considered to be necessary, and you (and your companion or representative) will be informed of the period of the adjournment. If further information is to be gathered, you will be allowed a reasonable period of time, together with your companion or representative, to consider the new information prior to the reconvening of proceedings.

As soon as possible after the conclusion of the appeal hearing, the chair conducting the hearing will confirm the decision verbally to you and to the manager who presented the case.

The chair will confirm their decision in writing to you within five days (excluding bank holidays and weekends) of the appeal hearing; you will also be informed of the reasons for the decision and that the decision is final.