

## **Attendance Management Policy**

### **1 Introduction:**

1.1 Our main objective is to maintain appropriate standards of attendance at work through the fair and effective management of absence due to illness. Our employees are our most valuable resource and the aim of the attendance management policy is to support the highest possible attendance levels to enable us to provide excellent service delivery to our customers. It is also important to manage absence levels because of the impact absence can have on colleagues at work. This policy underpins the Councils' commitment to reduce levels of sickness absence wherever possible.

1.2 The procedures within the policy:

- Provide a framework within which Eastbourne Borough Council and Lewes District Council ('the Councils') can achieve high levels of attendance
- Help to ensure the Councils meet our statutory obligations, promote the health and welfare of our staff and provide appropriate support to employees suffering the effects of ill health
- Provide a fair and consistent procedure for dealing with sickness absence and resolving situations that may arise
- Set out how pay and other benefits will be affected by sickness absence

### **2 Support, advice and guidance:**

2.1 All employees have access to the occupational health service through management referral; employees can refer themselves to the Employee Assistance Programme which includes the counselling offer. Staff are encouraged to share work related health concerns either with their manager or HR Business Partner to enable appropriate support to be provided.

2.2 In order to support this policy, the following services are available to managers and employees:

- Occupational Health services: to provide advice and guidance on the impact of ill health on work and what steps the Council and/or the employee may take;
- Employee Assistance Programme: a confidential service to employees providing support, information, advice and counselling;

- Human Resources: to provide support and guidance to managers in dealing with attendance and ill health and in the use of the Council's related policies and procedures;
- Specialist Advisor for Health and Safety/Health and Safety Officer: to provide advice on risk assessment and related policies and procedures

### **3 Equality and Diversity:**

- 3.1 The Councils are committed to good practice in equality and diversity, and to meeting our statutory equality responsibilities, both as an employer and in the provision of services. In respect of absence management, this means ensuring that staff with a protected characteristic which is covered by the Equality Act are not discriminated against or treated either more or less favourably.

### **4 Disability**

- 4.1 Regard will be given to the disability provisions of the Equality Act, which require employers to provide reasonable assistance, resources and support to employees with a long-term physical or mental impairment. If the manager does not know if the employee's condition would constitute a disability, then he or she would work on the basis that it is and make all such reasonable adjustments to enable the employee to return to work.
- 4.2 Under the Equality Act 2010, employees must not be unlawfully discriminated against in relation to their disability. Managers must consider and implement reasonable adjustments where practicable and at the same time manage disability related absence like any other absence – fairly, transparently and with reference to the Council Policy.
- 4.3 If at any stage the Council's Medical Advisor confirms that the employee has a disability that affects their ability to undertake normal day-to day activities then the Council will seek to gain medical or specialist advice on the reasonable adjustments that could be implemented that would assist the employee's ability to undertake their post.
- 4.4 Reasonable adjustments that may be considered include for example:
- Changes to workload, work practices or work pattern either as part of phasing the employee back to work or on a more permanent basis
  - Reduced hours
  - Phased return to work
  - A period of home working if appropriate
  - Redeployment to another role or service area

- An adjustment to the levels of absence at which the stages of this procedure are applied

4.5 Where a staff member requires reasonable adjustments to attend and participate in meetings regarding attendance, they may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible will ensure all reasonable adjustments and special arrangements are made. This includes ensuring information is in an accessible format, that meeting venues are accessible to all parties and that any reasonable adjustments are made to enable fair and complete participation by all parties. Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible.

4.6 The decision about whether an adjustment is reasonable is a managerial one, not a medical one. The manager will need to strike a balance between what they can reasonably do to support an employee (including those with disabilities) and the requirement to maintain an operationally effective service.

## **5 Maternity related sickness Absence**

5.1 Staff must not be discriminated against as a result of maternity related sickness absence. Maternity related sickness absence during protected periods must not be taken into account as grounds for subsequent dismissal. The protected period is from notification of inception of pregnancy to the end of the woman's maternity leave. There is also legal protection from detriment or dismissal in connection with pregnancy. Managers should always seek advice from HR and occupational health where appropriate.

## **6 Roles and Responsibilities of the Council, Employees and Managers:**

6.1 The Councils:

- Will provide a safe and healthy working environment and a supportive and consistent approach to managing sickness in a lawful, fair, compassionate and non-discriminatory way in accordance with the Equality Act 2010.
- When there is absence we will aim to secure the earliest possible return to work of individuals fit for duty. In cases where this is not possible we aim to gain a full understanding of the nature and extent of the illness/condition and provide appropriate support. Our Occupational Health Service provides advice and guidance on the impact of ill health on work and what steps the Councils and/or the employee may take. The Councils reserve the right to refer an individual for medical examination by a qualified advisor at any time.

- Like all employers, the Councils have limited resources and an obligation to consider the effects of the absence on the organisation. The organisation cannot undertake to support indefinitely those who need prolonged periods of time off. Frequent or long term absence may, following the application of this policy and procedure, lead to dismissal.

## 6.2 Employees:

Individual staff members have personal responsibility to take all reasonable measures to ensure their fitness for work. All known health conditions should be declared to Occupational Health during the pre-employment health process and to Managers and/or HR during the course of an individual's employment with the Council. This information will be treated in the strictest confidence and will be used for no other purpose than to ensure that the member of staff is appropriately supported at work depending on their individual circumstances. Whilst we understand that, in certain circumstances, an employee may feel unwilling to tell their manager or anyone else in the organisation the nature of their illness this may limit the level of support that the organisation can offer, if they have no information upon which to act.

If absences are work related, e.g. as result of an accident at work or due to a situation that has arisen at work, employees have a responsibility to be proactive in raising concerns as part of the normal staff/manager relationship. If individuals have a medical condition which may affect their work (which may or may not be apparent or known to others) they should discuss any reasonable adjustments needed with their line manager.

As a Council employee you agree to:

- Come to work and maintain a high level of attendance
- Follow all Health and Safety rules and guidance
- Comply with the procedure for reporting absence
- Provide information on the reason for absence when asked
- Provide information on any long term health conditions that may be relevant to your employment either when employed or that arise during the course of your employment
- Provide any documents in a timely manner when asked, such as a fit note from your Doctor
- Use your best efforts to ensure a speedy return to work e.g. follow doctors' advice, take medication as required/prescribed etc.
- Not undertake any other paid or unpaid employment while off sick that could have a detrimental affect on your ability to carry out the job for which the Council employs you unless the Council has agreed following advice from its Medical Advisor

- Attend all meetings regarding absences or appointments with the Council's Medical Advisor when required. If staff decline to attend an appointment with an Occupational Health Advisor it may be necessary to make a decision which could affect their employment on the basis of the information available and without the benefit of a professional report.

### 6.3 Managers:

Are responsible for:

- Monitoring and managing absences within their team, using the Attendance Management Policy and treating information concerning employee's health in confidence.
- Ensuring that all new staff are informed of and read the Attendance Management Policy during their Induction/Probationary Period
- Promoting high levels of attendance in their teams. They also have a duty of care and a responsibility for good working practices, work behaviours and ensuring that Health and Safety rules and guidance are followed.
- Where appropriate and with advice from HR, maintaining regular contact with staff who are absent from work and to work constructively with staff who need to improve their attendance. They are also responsible for providing fair and consistent management support to those staff who are unwell.
- Reacting appropriately to signs of distress in your staff and finding an appropriate time and place to talk to them sensitively and in complete confidence about any problems they may be having either inside or outside of work. As a manager you may notice changes in any member of your team's behaviour, such as a drop in performance, unusual tiredness, behaviour that is out of character and/or increased sickness absence.
- Advising staff when their absence is causing concerns and managing employee attendance problems.
- Maintaining sickness absence records, treating these confidentially and storing securely (if they are held electronically they should be password protected).
- Seeking guidance and support from their HR Business Partner at an early stage
- Engaging early and often with employees who have health conditions as they will often be able to propose and consider solutions that are operationally acceptable and effective. Such action might prevent capability/absence issues arising in the first place.

## **7 The procedure to follow**

- 7.1 The managers within the Council treat absence as a priority and should a member of their team telephone them to report they are unwell it will be taken seriously, they will discuss with them the reason for their absence and whether there are any commitments for that day which need to be reallocated. The reason for this discussion is that we value our employees, we want them to know that their work is important and that line managers are concerned about their health

If you are too unwell to work, you should telephone your Team Leader/Manager (not a colleague) within half an hour of your normal starting time and explain when you first became unwell, the nature of your illness, if you will be seeking medical advice and the likely date of return if known. Waste Services staff have a dedicated telephone number which should be used to report sickness.

- 7.2 If you are too unwell to attend work but are able to work flexibly (i.e. from home) then this can also be discussed and agreed with your manager. Depending on the reason for the absence, Waste Services staff may be able to attend work and carry out other suitable duties.
- 7.3 You must try to speak personally to your manager, rather than sending a text message, an e-mail or speaking to a work colleague. It will not normally be appropriate for a friend or relative to make this call. However, if exceptional circumstances prevent you from telephoning personally, then a friend or relative may do so on your behalf and you should make direct contact with your manager at the earliest opportunity.
- 7.4 If your manager is unavailable, then you should contact an alternative manager within your service area. If you work in Waste Services and leave a message on the answerphone you should also leave a contact number so that a Team Leader can ring you back and check how you are.
- 7.6 Where you become unwell whilst at work, the same notification procedure should be adopted. You should not go home before reporting your sickness to a Team Leader or Manager unless there are extenuating circumstances which prevent you from doing this.
- 7.7 You should notify your manager as soon as possible if there is any change to the initial information you provided. For example, if you had anticipated returning to work a day later and then cannot. If you do not know how long you will be absent you should contact your line manager on a daily basis within half an hour of your normal start time. If you believe your absence will last more than 7 calendar days you must obtain a statement of fitness for work from your GP.

- 7.8 The statement of fitness for work should be provided to your Manager or HR within 7 days of its date of issue.
- 7.9 If your absence continues beyond a week and you are well enough to do so you should contact your manager regularly throughout the period of absence to let them know how you are and when you expect to be well enough to return to work. As a guide, contact from the second week onwards should normally be at least weekly.
- 7.10 On returning to work you should report to or contact your Team Leader or Manager. He or she want to know how well you have recovered, discuss any underlying reasons for the absence, bring you up to date with any developments whilst you have been absent and arrange for completion of the return to work form, including any adjustments which would assist your return to your normal job role.
- 7.11 If your doctor provides a Fit Note stating that you “may be fit for work” you should inform your manager immediately who will discuss with you whether there are any additional measures that may be needed to facilitate your return to work, taking into account the doctor’s advice. This may take place before your return or during a return to work interview. If appropriate measures cannot be agreed or taken, we will treat the fit note as if it says that you are not fit for work and you will remain on sick leave. We will then set a date to review the situation and may consider undertaking a risk assessment as part of your return to work.
- 7.12 Notifying your employer about your absence and keeping them updated is important and employees should be aware that entitlements under occupational or statutory sick pay schemes may not be paid if the notification procedure is not followed.

## **8 Absence Recording**

- 8.1 Every period of absence will be recorded and discussed with the individual upon their return to work regardless of the length of absence.
- 8.2 This return to work meeting must be undertaken at the earliest opportunity on their first day back at work and in a suitable place for a confidential discussion. This should be confirmed in writing on the appropriate return to work form, the return to work meeting is considered to be Stage One of this procedure.

## **9 Absence Definitions**

- 9.1 Short Term; for the purposes of this policy and Council monitoring, short term absences are those which last for less than four weeks.

9.2 Long term; is defined as a period of a sickness absence lasting for four weeks or more.

## **10 Managing Short Term Absence**

10.1 Where an individual's level of short term absence is intermittent and persistent the manager should complete a formal absence interviews to discuss any contributing reasons for the absences and any other support that is needed.

Where the following 'triggers' occur, the line manager will review the absence levels with the employee:

- 3 or more separate instances of sickness absence in any 12 month period\*
- 2 continuous weeks of absence
- A pattern of either absence or appointments during core hours which have not been discussed or agreed in advance with your manager. (A pattern of absences can include, for example, Fridays and/or Mondays on a weekly, monthly or bi-monthly basis)

\*The 12 month period is a rolling one, so will consider the 12 months prior to the absence being considered

10.2 Where the absence reaches one of these trigger points, the manager will meet with the individual for a Formal Absence Interview which is Stage Two of this procedure.

10.3 In some circumstances, such as where a member of staff has a mental health condition it may not be possible to meet with them personally, HR will advise if this circumstance should arise and managers should seek advice from HR before making formal interview arrangements.

10.4 Exceptionally the line manager also has the discretion, in consultation with HR, to formalise contact regarding the health, safety and well being of the employee where there is cause for concern. This may mean that a Stage Two Formal Absence Interview takes place where the normal trigger pattern has not been activated because the manager's first obligation remains to look after the health, safety and wellbeing of the individual and team . The manager's first obligation remains to look after the health, safety and well being of the individual and team. In such cases a formal record will be kept of the reason for triggering a Stage 2 Interview, this will be discussed with the employee and followed up in writing.

10.5 The Stage Two Formal Absence Interview is a formal interview to review the current situation and devise an action plan to support attendance.

10.6 The meeting should be open, honest, constructive and supportive. The employee should be encouraged to talk about the reasons for the absence,



what medical or other help is being provided and whether the Council can assist in any way. The manager should explain the reason for their concern the importance of supporting a swift return to work and the impact of the sickness absences on the service and colleagues within the service area.

- 10.7 An action plan will be agreed with the individual and an appropriate review date set. The review period will depend upon the individual circumstances.
- 10.8 The content of the meeting will be recorded on the Formal Absence Interview record defining the nature of the absence. These may be categorised as follows:
- Intermittent absence with underlying medical condition
  - Single, period of absence due to obvious medical condition/treatment
  - Intermittent and persistent absence where there is no obvious medical condition.
- 10.9 In conclusion of this meeting, the manager will decide the most appropriate action in view of the issues discussed. This can include one or more of the following:
- Support and/or assistance as appropriate
  - Monitoring of the employee's level of sickness over a specified period (a minimum of three months). This timescale must be clearly set out with the improvements that are expected.
  - Referral to the Council's Medical Advisor. A further meeting will be arranged to discuss the findings of this report once it has been received.
  - Discussion and implementation of reasonable adjustments in terms of duties, location of work, equipment, hours of work etc.
- 8.10 In addition to the discussion of actions planned to support an improvement in attendance, the employee will be advised that this meeting will be confirmed in writing and that this marks the beginning of a formal rolling 12 month attendance management process.
- 8.11 If, following written confirmation of the Stage Two Formal Absence Interview, there is further short term sickness absence within the 12 month period this may lead to a further Formal Review of Absence which is Stage 3 of the Policy.

If attendance improves and is no longer giving cause for concern, the manager should confirm in writing that the individual's attendance is no longer being actively managed. Any future sickness will be monitored in the usual way.

## **11 Managing Long Term Absence**

- 11.1 If an individual has been absent for four weeks or more the manager should have, where appropriate, had ongoing informal contact with the member of staff during this time by telephone to ascertain progress and to determine whether there is any assistance which the organisation can give.
- 11.2 If the individual remains absent after four weeks and there is no indication of an imminent return, the manager will arrange to meet with the employee. This meeting will be to discuss the absence, any treatment that is being received, the likely return to work date if known and offer any assistance to help the individual return to work as well as keeping the individual informed about what is happening with the Council.
- 11.3 As noted above, if attendance does not improve as a result of actions taken under Stage 2 of this process, Stage 3 will be triggered. This involves a formal absence review and, if it has not been done before, the individual will be referred to Occupational Health.
- 11.4 The purpose of this review is:
- To consider progress to date on achieving the required standards and improvements that were discussed during the Stage Two Formal Absence Interview
  - The reasons and factors contributing to further sickness absence
  - Managerial concerns
  - Employees view on managerial concerns and their own comments/concerns.
- 11.5 Where the absence continues and there is no clear indication of a return date in the foreseeable future the Senior Manager or Head of Service should meet with the individual to review and discuss the next steps. In some cases, this may mean consideration of Ill Health Retirement.
- 11.6 After consultation with the individual the Head of Service or senior manager will consider:
- The nature of the illness/reason for long term absence
  - The length of the absence/s to date and the likely length of continuing absence
  - Any known medical information
  - The effect of continuing absence on the team

- Whether all possible measures to support the individual in achieving and sustaining a satisfactory level of attendance in cases of intermittent or persistent sickness absence have been considered and undertaken as appropriate.
- Whether an additional action plan or target should be implemented with timescales
- Whether the individual should be referred to Stage 4 of this procedure (a Capability Hearing).

- 11.7 The outcome of the meeting will be dependent on the individual circumstances of each case, and should be followed up in writing to the individual, clearly setting out the situation. When all appropriate options have been explored and where a date of return to work is not expected within a reasonable period the outcome of this review may be a decision to refer the employee to Stage 4 which is a Capability Hearing. Any actions being contemplated will be discussed with the employee and their representative, if applicable, before any decisions are made.
- 11.8 If attendance improves and is no longer giving cause for concern, the manager should confirm in writing that the individual's attendance is no longer being actively managed. Any future sickness will be monitored in the usual way.

## **12 Capability Hearing**

- 12.1 This is stage Four of the policy and should only take place once the the Return to Work and Formal Absence Interview and Review at Stage Two and Three have been completed.
- 12.2 The individual will be advised in writing, with a minimum of 5 working days' notice, of the meeting confirming the date, time place and purpose of the hearing.
- 12.3 The capability hearing is a formal meeting between the member of staff, a senior manager or Head of Service (Hearing Manager), the employee's manager (the Presenting Manager) and a representative from HR. The employee has the right to be accompanied by a trade union representative or workplace colleague.
- 12.4 The manager must send written notification of the meeting and a copy of the case papers to the employee and their representative 5 working days in advance of the meeting.
- 12.5 Papers that the employee wishes to present at the hearing must be sent to the Hearing Manager at least 5 working days in advance of the hearing.

- 12.6 At the Capability Hearing the Presenting Manager will;
- (i) Outline the staff member's absence record including information/assessment from occupational health
  - (ii) Specify the attendance levels expected in relation to Council averages and concern levels.
  - (iii) Set out what support and advice has been given including reasonable adjustments.
  - (iv) Demonstrate that attendance levels have not improved to an acceptable level.
- 12.7 The Hearing Manager will;
- (i) Provide the staff member/and or their representative with an opportunity to present their case and any additional relevant information.
  - (ii) Adjourn the hearing to consider the evidence presented by both sides.
- 12.8 At the end of the hearing the Hearing Manager will decide on one of the following outcomes;
- (i) Dismissal on the grounds of lack of capability to attend work.
  - (ii) Dismissal on the grounds of a lack of capability unless suitable alternative employment is identified within the notice period.
  - (iii) Dismissal on the grounds of permanent ill health (supported by medical certification).
  - (iv) No dismissal or warning required.
- 12.9 Where possible, the Hearing Manager will inform the employee in person at the end of the hearing of the outcome. If this is not possible an adjournment will be called and the hearing will be reconvened at the earliest possible date. Either way, once the outcome has been verbally advised a letter will be sent confirming the decision in writing within 10 working days. A copy of the letter will be held on the employee's personal file.

### **13 Appeals Against Dismissal**

- 13.1 The staff member may appeal against the decision in writing clearly stating the grounds of appeal to the Head of Organisational Development (OD) within 5 days of receipt of the letter confirming the outcome. On receipt of the appeal letter the Head of OD will then arrange for a panel of elected members to hear the grounds for appeal. The appeal hearing will be held as soon as is reasonably practicable, for further information see the Councils Appeals Procedure.

## **14 Contact whilst absent from work**

- 14.1 During short term absence contact between manager and employee should be maintained as detailed in the 'procedure to follow' section of this policy.
- 14.2 When an employee is long term sick (i.e. has been absent from work for four weeks or more) a welfare visit will be arranged with the manager and HR.
- 14.3 This will be set up providing the employee with a minimum of 5 working days' notice and with the option of the meeting be held at their home address, at the office or at another mutually agreed venue. The employee is entitled to have a work colleague or union representative present at the meeting.
- 14.4 The purpose of a welfare meeting is to
- Maintain contact with the employee
  - Gain clarification on the employees' health and progress to date
  - Enable the employee to provide information in relation to their sickness absence
  - Decide the most appropriate action e.g. Support or assistance, referral to the Medical Advisor.
- 14.5 Thereafter the manager and employee should agree a protocol for keeping in touch. For example, telephone calls once a week. The purpose of this ongoing contact is to ascertain progress and to determine whether there is any assistance which the organisation can give. If an employee is off for a prolonged period, depending on the nature of their illness, managers will take appropriate steps to ensure that they continue to feel 'part of the team' such as sending them internal communications and inviting them to major events if they are well enough to attend.
- 14.6 If there are time-sensitive issues which need to be resolved, such as a redundancy situation or ongoing disciplinary proceedings, the Council may well seek Medical Advice as to whether or not employees are well enough to participate in the matter and may implement reasonable adjustments to the process involved if appropriate and relevant. The decision regarding this will also consider how many other staff are affected by the issue and, for example, how they would be impacted if a delay were to be proposed.

## **15 Return to work**

- 15.1 Where an employee returns to work following long term absence, the manager should arrange to meet to provide a welcome back; ensure the individual is fit for work, discuss any adjustments advised on the fit note by the individual's doctor, update on news and current work.

- 15.2 If the employee is unlikely to recover sufficiently to enable a return to work to his/her previous duties, the Council will consider what reasonable adjustments can be made to support the individual. This might result in offering suitable alternative work if it is available. This would not necessarily be equivalent employment in terms of responsibilities or remuneration.
- 15.3 Managers will work with HR to identify a reasonable alternative work for which the individual has the necessary skills and experience of which training could be provided within a reasonable timescale.
- 15.4 Temporary phased-in returns to work may be agreed by the line manager (often with support and advice from HR) where it has been recommended by a medical practitioner to assist the employee in returning to work on a permanent basis. They may last up to four weeks and the employee will be regarded as being back at work and will receive their normal weekly pay for those weeks.
- 15.5 Phased returns lasting more than 4 weeks may only be agreed by the Manager in consultation with HR. Such cases are unusual, but not unknown and generally start with very few hours being worked because of the individual circumstances. In such cases, the pay arrangements may be agreed on an individual basis, but as a minimum, the employee will be paid either the sick pay they would otherwise receive or the normal pay for the actual hours worked, whichever is the greater.
- 15.6 Phased returns are not automatically granted and may be declined where it can be demonstrated that they may cause operational difficulties and/or adversely affect the needs of the other team members of the service.

## **16 Representation**

- 16.1 Employees may ask for representation by a work colleague or union representative at any formal meeting from Stage Two of this policy onwards. If you feel there are special circumstances because of which you would like to be accompanied at Stage 1 of this policy (during your return to work meeting) please discuss this with either HR or your manager.

## **17 Sick Pay**

- 17.1 Entitlement to Occupational sick pay is outlined in your statement of particulars of employment and will depend on your length of service. The Council also has the right to withhold/stop occupational sick pay in circumstances where an individual is:
- Failing to aid their recovery in every way possible, either by undertaking activities or behaviours that negatively affect or impede their recovery or by carrying out any other paid or unpaid work during a period of absence

- Failing to follow the reporting procedures set out in this policy
- 17.2 Most employees have a contract which recognises the conditions of service of the National Joint Council (NJC) for Local Authority Workers. NJC conditions of service provide Occupational Sick Pay (OSP) (a payment equating to full or half pay at the standard rate for the job) at stated rates and for periods of time linked to the completed 'continuous service' of the individual. These employee's may also have entitlement to Statutory Sick Pay (SSP) according to their rate of pay, this may be payable for up to 28 weeks of each period of absence due to illness.
- 17.3 Certain groups of employees within the Council are not entitled to OSP but may be entitled to SSP depending on their earnings.
- 17.4 The Council reserves the right to dismiss an employee for unsustainable levels of sickness absence, even where an employee has not exhausted all of their sick pay entitlements, once the procedures under this policy have been followed.

## **18 Industrial Injuries**

- 18.1 Managers need to ensure that the Health and Safety procedure for reporting accidents is followed where an absence is a result of an alleged industrial injury. It is the responsibility of the Department of Work and Pensions (DWP) to decide whether to accept any claims by a staff member to have an accident at work declared as an industrial injury.
- 18.2 Sickness entitlement for industrial injuries is treated as separate entitlement to normal occupational sick pay so only previous periods of industrial injury allowance within the preceding 12 month period count against the sickness entitlement.
- 18.3 All accidents and activities resulting in industrial injuries must be investigated locally and the findings and any action points should be notified to the Head of Service, relevant Director, Council's Health & Safety Adviser and HR. The Council's Health and Safety Officer may advise the Trade Union Health and Safety Officer particularly if one of their members is involved.

## **19 Stress and Mental Health Issues**

- 19.1 Whilst the vast majority of people with mental health problems are treated by their GP and many are capable of continuing to work effectively, some will need different levels of support from colleagues, their manager and possibly the Council as their employer.
- 19.2 The most common forms of clinically diagnosed mental health problems are depression and anxiety and the symptoms of these conditions can have a

severe impact on an individual's everyday life including their attitude, behaviour and performance at work.

- 19.3 Where managers are concerned that a staff member may have a mental health issue (for example if they seem depressed or withdrawn) it is important to talk to the staff member and offer support. Seek advice and guidance from HR when managing mental health issues in the workplace. Further information which may be helpful to individuals and/or their managers can be found on the Council's Employee Assistance website which can be accessed via the Intranet.
- 19.4 Staff can advise a manager, HR or a Trade Union Health and Safety Representative if they are concerned about a colleague within the organisation whom they consider may be suffering from a mental health issue.

## **20 Alcohol and Drugs**

- 20.1 It is important to recognise that absence and performance problems may occur where employees have a particular problem related to drugs or alcohol. Managers should seek as far as reasonable, to be supportive of those suffering dependency. This cannot however, be at the expense of the needs of the service.
- 20.2 Managers should seek to positively assist any employee who is willing to take active steps to overcome their addiction; seeking professional advice to deal with the addiction offers the best opportunity to overcome their problem. This will probably include taking advice from the Council's Occupational Health Advisors.
- 20.3 In the event that a breach of Council Rules occurs, arising through dependency, action will be pursued through the appropriate procedure i.e. disciplinary or capability.

## **21 Ill Health Retirement**

- 21.1 An employee who cannot return to work on the grounds of permanent ill health may be considered for Ill Health retirement subject to certain conditions being met.
- 21.2 This applies where the employee is a member of the Local Government Pension Scheme and Occupational Health confirm that the employee is, or will soon be, medically unfit to undertake his/her post or any other suitable post available.
- 21.3 With confirmation from the Council's Medical Advisor, if an employee is deemed "permanently unfit for their substantive post or any other comparable



duties within the Council”, would be eligible to be considered for ill-health retirement.

- 21.4 If the employee is retired on ill health grounds, and has been a member of the pension scheme for at least two years, they are eligible to have their pension rights brought forward to the date of ill-health retirement.
- 21.5 When an employee is declared permanently unfit for their substantive post, the Manager/HR will:
- (i) Provide the employee with a copy of the Medical Advisor’s report
  - (ii) Offer the opportunity of a meeting with the Manager/HR to review the circumstances i.e. redeployment or retirement, informing them of their entitlement to have a union representative or work colleague present
  - (iii) Inform the employee that they have a right to appeal against the decision
- 21.6 Where alternative employment is not appropriate, the Manager/HR will:
- (i) Confirm the report from the Council’s Medical Advisor in writing to the employee
  - (ii) Advise the employee of their entitlements under the pension scheme (if they are a member)
  - (iii) Inform the employee of the intention to seek approval of termination of their employment, on the grounds of premature retirement due to ill health
  - (iv) Outline their right to appeal against the Council’s Medical Advisor’s decision

## **22     Sickness and Annual Leave**

- 22.1 If you fall sick during annual leave, a Statement of Fitness for Work will be required to reclaim lost annual leave. On production of the Statement, the absence will be regarded as sick leave from the date indicated on the statement and the relevant annual leave will be re-credited to you.

## **23     Ill health which does not lead to absence from work**

- 23.1 There may be occasions where an employee is suffering from ill health but this does not lead to the employee being absent from work. If the employee believes that their ill health or long term health condition is having an impact on their ability to undertake their job they should raise this with their line manager. The manager will discuss the matter confidentially with employee, review the workplace risk assessment and discuss whether any additional support can be provided to the employee to support them at work. Depending on the circumstances, it may be helpful to seek advice and guidance through the Occupational Health Service.

## **24 Disciplinary Considerations**

- 24.1 The Attendance Management Policy will be followed in all cases for all employees.
- 24.2 The Head of Service is also entitled to investigate the cause of any absence where he or she sees fit. In addition there are a number of different steps that the Council can take when problems arise, depending on the individual circumstances of each case.

These include:

- (i) Withholding sick pay where it can be shown that the employee is not aiding their return to work by undertaking activities or behaviours that negatively affects or impedes their recovery.
  - (ii) Regarding the sickness as unpaid leave if the employee fails to follow the reporting procedures set out above.
  - (iii) Regarding any false information about the absence as a disciplinary matter that may result in a warning or dismissal under the Council's Disciplinary Procedure.
  - (iv) Regarding any failure to aid their recovery in every way possible as a possible disciplinary matter. This includes carrying out any other paid or unpaid work during a period of absence that has not previously been agreed with the Council/manager.
  - (v) Regarding a deliberate and/or persistent failure to follow reasonable health and safety procedures.
- 24.3 If any of these steps are taken employees will be informed in writing. If employees feel they have been unfairly treated they may register a grievance under the Council's Grievance Procedure.
- 24.4 In some cases where absence gives cause for concern, the Councils reserve the right to deal with an attendance problem under the Disciplinary Procedure rather than this Attendance Management Policy (an example of this could be a persistent failure to follow procedures, though each case will be assessed on its own merits).
- 24.5 A false declaration of sickness absence is a serious matter and may result in disciplinary action, including dismissal.

## **25 Referral to other Council Policies**

- 25.1 Referral to the following policies or procedures may be necessary depending on the circumstances:

- Policy on drugs and alcohol in the workplace
- Work Related Stress/Stress Management Policy
- Annual and other leave
- Flexi time scheme
- Well-being Programme