

Absence Management Policy

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1. Absence Management Policy

1.1. Policy Statement & Aims

The Council is committed to improving the health, wellbeing and attendance of its employees. The Council expects a high level of attendance and requires all employees to make every effort to attend work. This policy provides a framework to support employees to maximise their attendance at work.

The aim of the Council's Absence Management Policy is to encourage employees to achieve and maintain acceptable standards of attendance and to support consistent and fair treatment of all employees. This policy and the accompanying Absence Management Guidance supersede all previous managing sickness and absence policies, procedures and guidelines.

1.2. Scope

This policy applies to all Council employees, including Chief Officers and LBB school support staff. A Chief Officer is defined as a Senior Manager appointed at Grade M or above. The policy excludes the Chief Executive.

1.3. Confidentiality

Any person involved with this or any other Council people management process is expected to maintain confidentiality at all stages, except as required or permitted by the policy. If an employee breaches confidentiality, they may be subject to disciplinary action.

1.4. Roles and Responsibilities

Employees are responsible for:

- attending work when fit to do so;
- understanding the Policy and what the Council expects from them in terms of their attendance at work;
- complying with the Council's sickness absence reporting procedures for reporting sickness absence when they are unfit to attend or remain at work and providing medical certificates when necessary;
- attending return to work meetings, occupational health appointments, sickness reviews and any other meetings called in accordance with this Policy;
- taking responsibility for their attendance at work by taking reasonable steps to maintain good health and seeking prompt medical help and/or management support for any health problems that may affect their ability to attend work.

Line Managers are responsible for ensuring that:

- they attend relevant training on the Policy;
- their employees are familiar with the Policy and that they understand the procedure for reporting sickness absence;
- any actions under the Policy are dealt with in a timely, fair, confidential and consistent manner;
- to provide and maintain a healthy and safe workplace;
- employees are facilitated in their efforts to maintain good health;
- employees are supported and treated sensitively, objectively and fairly;
- they monitor and maintain accurate sickness absence records for their staff;
- referrals are made to Occupational Health at the appropriate stages as outlined in the Policy;
- seek appropriate advice and guidance from, and work closely with, Human Resources in applying the Policy;

- they make use of the flexible working arrangements and work adjustments including phased returns to help to minimise absence or facilitate return to work including undertaking suitable alternative duties if available; and
- they maintain contact with employees during periods of sickness absence.

Chief Officers are responsible for:

- ensuring that managers within their areas of responsibility expedite actions under this Policy;
- chairing hearings and other meetings, including challenge sessions, as necessary; and
- ensuring health and safe workplaces and procedures are in place.

Human Resources are responsible for:

- ensuring that managers have the knowledge and information they need in order to apply the Policy, by providing training, information, advice and ad-hoc support;
- providing support and guidance to Chief Officers and Managers, to progress cases in accordance with the Policy, including areas of non or limited compliance;
- ensuring the Policy and supporting materials are kept up to date and reflective of best practice;
- monitoring the use of the Policy and outcomes on a corporate and department basis;
- offering advice on the impact of illness/condition on an employee's ability to carry out the duties of their post;
- promoting the Employee Assistance Programme to all staff across the Council; and
- collating the reasons for sickness absence across departments as statistics to be used in JNCCs or similar Trade Union/ Management meetings in order to facilitate work on corporate strategies to reduce sickness absence.

Trades Unions are responsible for:

- providing advice, guidance and support to their members as appropriate;
- providing the Human Resources Director or nominee with comments on the application of the Policy;
- providing representation for their members as appropriate; and
- working with colleagues to promote the health, safety and well-being of staff.

1.5. Return to Work Meetings

When an employee returns to work following any period of sickness absence, there should be a discussion between the Line Manager and employee, using the 'Return to Work Interview' form, which should be scanned to Human Resources.

Where the employee is nearing a formal trigger, the Line Manager should inform the employee of this and provide access to a copy (paper or electronic) of the policy.

1.6. Authority Levels

The following table highlights the authority levels that will be involved at the various stages of the Absence Management policy.

| Job Role | Authority – Absence Hearing | Authority – against Dismissal |
|---|--|---|
| Chief Officer | Chief Executive or individual nominated by him/her | Chief Executive |
| All other employees, not listed above including Centrally Employed Teachers | Chief Officer and their named nominees who have the authority to take action (e.g. dismiss or issue warnings under the Council's scheme of delegation) | Appeal will only be considered by a Chief Officer, or more senior to this if the Chief Officer made the decision to dismiss |
| All LBB school support staff (excluding Teachers) | Governing Body, who could recommend dismissal to the Local Authority. The LA have a statutory duty to issue the notice of dismissal within 14 days | Panel of Governors |

Where the policy refers to Chief Officer, this will mean including named nominees as above.

2. Short Term Absence

2.1. First Stage Absence Review (Short Term)

Where an employee has had within any period of 12 months a total of either:

- 8 full time equivalent days of sickness absence or;
- 3 or more occasions of any length within 12 months

the attendance record should be formally reviewed with the employee as soon as possible by the Line Manager.

The Council reserves the right to review the sickness triggers (review points) in negotiation and consultation with the Trade Unions and to use alternative trigger (review points) in specific areas where absence levels are significantly above the Council's targets for sickness absence.

The review meeting shall be conducted by the Line Manager as soon as possible after the episode of sickness absence which triggered the Policy. The employee shall be given 5 working days' written notice, informing them of the purpose of the meeting and offering the employee the opportunity to be accompanied by a trade union representative or work colleague.

If the employee suggests that an underlying medical condition or disability is, or may be, a contributory factor to their level of sickness absence, they should be referred to Occupational Health before the review meeting takes place.

At the review meeting and with due regard to the Equalities Act, the Line Manager shall:

- discuss with the employee the circumstances of the absences, ascertain whether the illness is work related e.g. stress or injury at work (see section 7.5), and the effect of the absence on the employee's duties;
- discuss the Occupational Health report, if appropriate;
- identify any support, assistance or work adjustments which may be of help;
- consider the deduction of 1 day's pay (not to be implemented until at least October 2017); and
- warn the employee that should they retrigger the Policy at any point in the next 12 months following the review meeting (the review period), their attendance will be reviewed under the next stage of the Policy, Second Stage Absence Review.

The outcome of the review meeting will be confirmed in writing within 10 working days.

If the employee is aggrieved regarding the reasonableness of the action that has been taken, the matter should be referred to the Line Manager's line manager (the Appropriate Manager) to review the decision to deduct pay.

If during the review period, any additional sickness absence means the employee's level of sickness absence retriggers the Policy, the Line Manager will meet again with the employee; in accordance with **1.5 Return to Work Meetings** and explain that their attendance will be reviewed under the next stage of the Policy, Second Stage Absence Review.

2.2. Second Stage Absence Review (Short Term)

Where an employee retriggers the Policy at any stage during the review period, the Line Manager should arrange a Second Stage Absence Review meeting. This will follow the format as detailed in 2.1 except;

- at the meeting the line manager will warn the employee that should they retrigger the policy at any point in the next 12 months (the review period), their attendance will be reviewed under the next stage of the Policy, Third Stage Absence Review; and
- consider the deduction of 2 days' pay¹ (not to be implemented until at least October 2017).

Retriggering the code happens when the additional episode of absence will mean the employee's absence levels are at the council triggers when looking back over the previous 12 months.

The outcome of the review meeting will be confirmed in writing within 10 working days. The employee has the right to be accompanied to the meeting by a Trade Union Representative or work colleague.

If the employee is aggrieved regarding the reasonableness of the action that has been taken, the matter should be referred to the Line Manager's line manager (the Appropriate Manager) to review the decision to deduct pay.

2.3. Third Stage Absence Review (Short Term)

Where an employee has been warned as to the level of their absence at the first and second stages and the employee retriggers the Policy, the case shall be referred to the Appropriate Manager for a Third Stage Absence Review meeting. A

¹ Any deduction will not exceed the number of days of absence the employee has taken in the review period.

representative from Human Resources will attend this meeting to advise the Appropriate Manager. The employee has the right to be accompanied to the meeting by a Trade Union Representative or work colleague.

Normally, prior to arranging a Third Stage Absence Review, the Line Manager should refer the employee to Occupational Health and obtain an up-to-date Occupational Health report. The meeting will follow the format in 2.1 except;

- the appropriate manager should issue a final warning with an expiry period of up to 2 years warning the employee that should they retrigger the Policy at any point during the next 2 years their attendance will be reviewed under the next stage of the Policy, Fourth Stage Chief Officer Hearing; and
- Inform the employee of the deduction of 3 days' pay¹ unless there are exceptional circumstances agreed (not to be implemented until at least October 2017).

The outcome of the review meeting will be confirmed in writing within 10 working days.

If the employee is aggrieved regarding the reasonableness of the action that has been taken, the matter should be referred to the Line Manager's line manager (the Appropriate Manager) for consideration and a review of the decision to deduct will be taken.

2.4. Fourth Stage - Chief Officer Hearing

Where an employee has been seen and warned as to the level of their absence at a Third Stage Absence Review meeting under the Short Term Absence Policy and retriggers the Policy, the case shall be referred to a Chief Officer for a Hearing to consider their continued employment.

Preparation for the Hearing

The employee shall be informed in writing of the date, time and place of the hearing, giving at least 10 clear working days' notice to enable the employee the opportunity to be accompanied by a Trade Union representative or work colleague, with an updated short summary of facts of the case by the Appropriate Manager, including the employee's attendance at work, and an up-to-date report from Occupational Health.

The employee should be advised that, if they wish to submit any updated documents, statements or other written evidence for consideration by the Chief Officer, then they should do so at least 48 hours before the Hearing.

Conduct of the Hearing

- The short summary statement by the Appropriate Manager shall be taken as read by the Chief Officer. The Appropriate Manager may additionally present a short oral report highlighting the key facts of the case.
- The employee and any Trade Unions representative or work colleague shall be given the opportunity to ask questions of the officers concerned.
- The Chief Officer and representative from Human Resources shall ask questions to clarify the facts of the case.

¹ Any deduction will not exceed the number of days of absence the employee has taken in the review period.

- The employee and any Trade Union representative or work colleague shall then put his/her case to the Chief Officer to explain the circumstances of their absences and any other relevant information to explain any mitigating circumstances.
- The Appropriate Manager shall be given the opportunity to ask questions of the employee and/or Trade Union representative or work colleague.
- The Chief Officer and representative from Human Resources shall ask questions as necessary.
- The Chief Officer may adjourn a hearing in order to allow further evidence to be produced or for any other purpose required by the particular circumstances.
- The Appropriate Manager shall sum up followed by the employee or Trade Union representative or work colleague.
- The Chief Officer will then adjourn the hearing to consider their decision. The representative from Human Resources will be present whilst the Chief Officer deliberates their decision.
- The Chief Officer shall then take such action as is appropriate in the circumstances. See paragraph below for the possible outcomes.
- The employee and any Trade Union representative or work colleague shall then be informed of the decision.

Outcome of Chief Officer Hearing

- Dismissal with notice and redeployment search, if appropriate or
- Reissue the final warning for a period of up to 2 years and a pay deduction of 3 days (not to be implemented until at least October 2017). This should be agreed by the Chief Officer and Human Resources Director or nominee.

Confirmation of Decision

The Chief Officer's decision shall be confirmed in writing within 5 working days.

If the employee is aggrieved regarding the reasonableness of the action the employee has the right of appeal (section 6 of this code).

3. Long Term Absence

Long term absence is defined by the Council as an absence of 4 working weeks or equivalent for employees who work part time (either continuously or as a total during a 12 month period).

If an employee has previously triggered the Policy in the last year by having more than 4 working weeks absence in one episode, then during the review period, activates the short term triggers, action will commence at 2.2, the second stage sickness review. Consideration of "one off" circumstances such as an accident or surgery needs to be considered before taking any further action.

If warnings as to future attendance have previously been issued within the review period under the Policy, either under Long Term or Short Term Absence, then the case should be referred to Section 3.2 Second Stage Long Term.

3.1. First Stage – Absence Review (Long Term)

When the employee has had 4 working weeks' absence or equivalent for employees who work part time (either continuously or as a total during a 12 month period), they will trigger the First Stage – Absence Review (Long Term). All cases that trigger the Long Term Policy will be referred to Occupational Health as soon as is practicable, notifying the employee at the same time. Occupational Health will advise Managers

on the present health of the employee and fitness for work as well as any work adjustments which should be considered by the Manager.

If the employee remains absent at 4 weeks, the Line Manager will then write a letter to the employee advising them:

- where they are in the Policy and provide them with a copy of the Policy;
- support may be available for them, as well as confirmation of any further Occupational Health appointment.
- what will happen should they continue to be absent;
- Invite them to a review meeting; and
- that if they remain off work at 3 months the case shall be referred to a Chief Officer.

If the employee returns to work after 4 weeks but before 3 months' absence in a period of 12 months and if no previous warning exists then the Line Manager shall arrange a meeting with the employee to review the absence level, to take place as soon as possible after the report has been received from Occupational Health. The employee has the right to be accompanied to the meeting by a Trade Union Representative or work colleague.

The review meeting will follow the format detailed in 2.1.

If the employee is aggrieved regarding the reasonableness of the action that has been taken, the matter should be referred to the Line Manager's line manager (the Appropriate Manager) to review the decision to deduct pay.

The employee shall be advised that if their absence increases to 3 months sickness absence, either continuously or as a total during a 12 month period, their case shall be referred to a Chief Officer Hearing for consideration of their Future Employment Capability.

If during the review period, any additional sickness absence means the employee's level of sickness absence retriggers the Policy, the Line Manager will meet again with the employee; in accordance with **1.5 Return to Work Meetings** and explain that their attendance will be reviewed under the next stage of the Policy, Second Stage Absence Review.

3.2. Second Stage – Absence Review (Long Term)

Where an employee retriggers the Policy by having a further occurrence of 4 weeks sickness absence at any stage during the review period, the case shall be referred to the Appropriate Manager.

The Appropriate Manager shall arrange a meeting with the employee to review the absence level, taking place as soon as possible after the report has been received

from Occupational Health. The review meeting will follow the format outlined in 2.1 except;

- the Appropriate Manager will warn the employee that should they retrigger the Policy at any point in the next 12 months (the review period), they may be asked to attend a meeting at which their continued sickness absence could result in a discussion about their continued employment; and
- consider the deduction of 2 days' pay (not to be implemented until at least October 2017).

If the employee is aggrieved regarding the reasonableness of the action that has been taken, the matter should be referred to the Line Manager's line manager (the Appropriate Manager) to review the decision to deduct pay.

If during the review period, any additional sickness absence means the employee's level of sickness absence re-triggers the Policy, the Line Manager will meet again with the employee; in accordance with **1.5 Return to Work Meetings** and explain that their attendance will be reviewed under the next stage of the Policy, Chief Officer Hearing **(2.4)**

4. Future Employment Capability

In the majority of cases, the employee is able to return to work before an absence of 3 months has elapsed in a 12 month period and before the length and circumstances of the absence call into question future employment capability. In some circumstances, return to work may be facilitated by allowing the employee to return initially on a phased return or by referrals as appropriate e.g. for counselling or for physiotherapy. Any such proposed arrangements should be discussed with Occupational Health and pay arrangements should not be less than the employee's occupational sick pay entitlement at the time.

If a period of 3 months sickness absence or more has elapsed (either continuously or as a total during a 12 month period) an assessment shall be undertaken by the Council's Occupational Health Adviser or Physician. If the employee is found not to be permanently unfit, they shall be referred to a Chief Officer for review. One of the options at this stage may be consideration of redeployment.

For a Chief Officer Hearing to go ahead, the Council must, as far as possible, be in possession of the full medical position to make an informed judgement about future health at that stage.

If there is a need for more medical advice or information, including the results of tests or treatment or the outcome of a phased return, any hearing should not be arranged until the Council has this information to make an informed judgement, within a reasonable time period and based on the facts of the case.

Please refer above for **Preparation for the Hearing** and **Conduct of the Hearing**.

Outcomes of Chief Officer Hearing

- Dismissal with notice and redeployment search, if appropriate.
- A final warning for a period of up to 2 years and a pay deduction of 3 days (not to be implemented until October 2017).

Confirmation of Decision

The Chief Officer's decision shall be confirmed in writing within 5 working days.

If the employee is aggrieved regarding the reasonableness of the action the employee has the right of appeal (section 6 of this code).

5. Termination of employment on medical grounds

In some cases, following assessment by Occupational Health, it becomes clear that an employee may be permanently unable to undertake their normal duties on medical grounds. If this is the case, Human Resources will refer the employee's details to an Occupational Health Physician for assessment on their future working

capabilities in relation to their pension. If the employee is certified permanently unfit for their normal duties or any other work at the present time, the Human Resources Director or nominee is authorised to initiate the procedure for termination of employment on the grounds of ill-health. For employees who are members of the Local Government Pension Fund, further information about Ill-Health Retirement tiers can be found at their website <https://www.lgpsmember.org/>.

6. Appeal stage

6.1. General Principles

Employees should put their appeal in writing to the Human Resources Director or nominee within 10 working days of receiving the letter confirming the outcome at the hearing using the appeal template.

Appeals will be arranged as soon as possible.

The appeal should be dealt with impartially and wherever possible with a more senior manager who has not previously been involved in the case.

6.2. Responsibilities

Employees are responsible for:

- submitting their appeal clearly stating the grounds of their appeal

Managers are responsible for:

- ensuring that all appeals are heard without unreasonable delay

Human Resources are responsible for:

- providing advice and guidance to the panel of the appeal hearing

Trade Unions are responsible for

- providing support, advice and representation for their members

6.3. Preparation for the Appeal

On receipt of an appeal template, clearly stating the grounds of their appeal, the employee shall be notified in writing of the date, time and place of hearing and shall be given at least 10 working days' notice to enable the employee the opportunity to be accompanied by a Trade Union representative or work colleague.

The appeal shall be heard by a Chief Officer (the Appeal Officer) with the Human Resources Director or nominee.

6.4. Conduct of the Appeal

- The facts of the case shall be reported in writing by the Appropriate Manager and taken as read by the Chief Officer. The manager may present a short oral report highlighting the key facts of the case.
- The employee and any Trade Union representative or work colleague shall be given the opportunity to ask questions of the officers concerned.
- The Chief Officer and Human Resources Representative shall ask such further questions as are necessary to establish the facts of the case.
- The employee and any Trade Union representative or work colleague shall then put his/her case in writing using the template available and taken as read by the Chief Officer to explain the circumstances of the absences and any other relevant information. The employee may present a short oral report highlighting the key facts of the case.
- The Appropriate Manager shall be given the opportunity to question the employee.

- The Chief Officer and Human Resources Representative shall then have the opportunity to question the employee.
- The Appropriate Manager shall sum up followed by the employee or Trade Union representative or work colleague.
- The Chief Officer and Human Resources Representative shall then consider the case in private. If it is necessary to recall any party to answer any questions, all the parties shall be recalled. The Chief Officer shall decide on the outcome of the appeal in all respects on behalf of the Council as employer.
- All parties shall then be recalled and informed of the decision. The appeal decision shall be confirmed in writing by letter within 5 days, sent by recorded delivery or by hand to the residence or workplace of the employee. The letter shall confirm the decision and that the decision is final.

6.5. Adjournments

The Appeal Officer may adjourn a hearing in order to allow further evidence to be produced, or for any other purpose required by the particular circumstances. An employee who is seeking an adjournment of the hearing must specify the reason for this. The Appeal Officer will consider the request, taking advice from the Human Resources Representative as necessary.

7. Standards

7.1. Representation

Employees are entitled to representation at the formal stages of the Policy by either a Trade Union representative or work colleague. Requests for any other representation are at the discretion of the Human Resources Director or his/her nominee.

7.2. Reasonable Adjustments

The Council will consider requests for reasonable adjustments for any disabled employees in line with the Equality Act 2010 (e.g. mental health issues) and for any employees where this will facilitate a return to work following sickness absence.

If requested Occupational Health will advise on which episodes of sickness absence are disability related so consideration can be given as to whether these absences would count towards the sickness review points, as a reasonable adjustment. This may involve a case discussion between the Line Manager, Human Resources and Occupational Health.

For further information please refer to **Guidance on Disability & Reasonable Adjustments**.

7.3. Requests for Postponement

The interview may also be re-scheduled, on one occasion only, if the chosen representative or work colleague is not available at the time being proposed for the interview. This will be re-arranged within ten working days of the original date.

7.4. Medical Screening

Sufficient paid time off as necessary will be granted for the purpose of cancer screening and subsequent treatment.

7.5. Absence through industrial disease, accident or assault arising from or in the course of employment:

- the injury must have been sustained or disease contracted in the actual discharge of the employee's duties; and
- must be specifically attributable to the nature of those duties; and

- must not be wholly or mainly due to or seriously aggravated by their own serious and culpable negligence or misconduct

For periods of absence for these reasons are separate from periods of normal sickness absence and one shall not be offset against the other for the purpose of calculating entitlements.

If the injury is caused via an incident at work, this will need to be reported via an incident report and properly investigated.

Where an employee has attributed an absence to their work, Occupational Health would be able to advise if the absence is directly attributable to work or likely not to be.

7.6. Medical, dental and all health related appointments

Employees will be expected to make every effort to arrange all routine medical, dental and other health-related appointments outside of normal working hours or, if not possible, at times that will cause least disruption to work. Generally staff will be required to make up any working time lost though reasonable time off with pay will be granted for visits to the doctor, hospital, or dentist when surgeries are not available outside of working hours. In non-routine cases and exceptional circumstances such as emergency medical treatment or appointments related to a disability, paid time off to attend all or some appointments will be considered.

7.7. Absence

If the employee is absent due to sickness during any formal stage of this process, they may be referred to Occupational Health for an assessment about their fitness to take part in a hearing. There is no distinction between self-certified or medically certified periods of sickness or absence due to industrial injury – the genuineness of sickness absence and decisions made by medical practitioners are not at issue under the monitoring procedures of this Policy.

7.8. Timescales

The Council is committed to completing all people management processes within a reasonable timescale and not subjecting the employee to any undue delay. The Line Manager, and Appropriate Manager or Chief Officer will keep the employee informed of their estimated timescales and inform them of any subsequent delays or major changes to them.

7.9. Pregnancy & Maternity

Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested to do so.

Any absence that is directly related to an employee's pregnancy will be discounted before monitoring under the Policy takes place.

7.10. Drugs & Alcohol Dependency

For cases relating to alcohol and drugs dependency, the policy should be read in conjunction with the Council's Alcohol, Drugs and Substance Misuse Policy and Procedure.

7.11. Pay Deductions

Any deduction will not exceed the number of day's absence in the review period. The employee will never receive less than the minimum statutory payment they are due for any period of absence.

8. Details of Process

Where the Council wishes to amend this Policy, it will consult with the Trade Unions with a view to reaching agreement over the proposed changes. Where agreement cannot be reached, the Council reserves the right to implement the changes by giving employees one month's notice of the new Policy.