

THE MORAY COUNCIL
HEALTH & WORK POLICY

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1.0 INTRODUCTION

1.1 The Council recognises that attendance at work of all employees is essential in the interests of the effective and efficient operation of the Council's services. This policy sets out a pro-active approach to attendance, which recognises the shared responsibility of all Council employees to optimise attendance at work. The Council recognises that to deliver quality services to the community a motivated, effective workforce is essential.

1.2 Policies already exist to allow individuals with reasonable and legitimate reasons to be absent from work, including (this list is not exhaustive):

- Maternity leave
- Paternity Leave
- Parental leave
- Adoption Leave
- Authorised training/educational courses
- On compassionate grounds

1.3 The principal elements of the policy cover:

- Sickness absence notification and certification
- Maintaining contact with absent employees
- Absence Review Meeting
- Reasons for absence from work
- Managing sickness absences
- Sickness absence reviews
- Dealing with long-term sickness absences
- Time off/expenses for attending medical examinations
- Alternative employment
- Recording and monitoring absences
- Training

1.4 This policy applies to all employees of The Moray Council.

2.0 **POLICY STATEMENT**

- 2.1
- The Moray Council values all its employees and recognises the importance of maintaining the health and well being of employees. It undertakes to provide systems of management, which actively promote and encourage mental and physical well being at work.
 - The Council undertakes to support employees to remain at work wherever possible, by offering appropriate support, and for employees who are absent, to help them to return to work as early as health permits as evidence has shown that this is in best interests of employees in terms of overall well being.
 - The Council recognises that a healthy workforce and a healthy working environment are essential to achieving low levels of absence and providing high quality services. It is therefore committed to developing occupational health and related services, and to promoting health at work, as measures to improve attendance levels at work.
 - All employees will be treated in a fair and consistent manner and are encouraged to seek help, at an early stage, with any problems, which may result in them not attending work.
 - The Council undertakes to provide help and advice and to offer a confidential counselling service through its Employee Assistance Programme (EAP, which is ICAS, Independent Counselling Advisory Service) to employees who have problems, which may be affecting their general health and well being and affecting their ability to remain at work.
 - Levels of absence will be monitored regularly and appropriate management action will be taken within the terms of this policy.
 - Ill health retiral or termination of employment as a consequence of long term sickness absence will only be considered once an employee has been provided with all reasonable support and assistance and has been advised that continued absence may result in termination of employment
 - The Council will ensure that adequate training and guidance is provided to all levels of management to develop the skills and competencies necessary to fulfil their responsibilities and duty of care to promote fair and consistent practices in relation to absence.
 - The Council undertakes to ensure that all employees are made aware of their responsibilities under the Health and Work Policy.

2.2 /

Call Helpline
0800 072 7 072

2.2 Responsibilities

In return, the Council expects its employees to respond in the following ways:

- To care for their health and to seek medical help whenever appropriate
- To maintain good attendance at work
- To keep their Line Manager fully informed of the position if they are unable to attend
- To participate in absence review meetings, within the terms of this policy

2.3 Designated Managers have direct responsibility for managing sickness absence. It is essential, therefore, that they are fully familiar with the Council's procedures for reporting, monitoring and managing sickness absence and for ensuring that their staff are aware of reporting procedures.

2.4 Whilst the procedure advocates early intervention, there is also a focus on management decisions continuing to be made on a case by case basis and take account of prognosis, individual circumstances and service needs.

3.0 **ABSENCE MANAGEMENT STEPS**

3.1 This procedure is intended to support attendance and reduce absence by taking early action to avoid or manage absence. The process used to manage absence will in essence have steps in each case, some of which may be repeated and some may not be reached in every case.

3.2 **Step 1 – Support Attendance**

This may include adjustment to working hours/patterns, temporary adjustment to duties; time management training; buddy systems/shadowing colleagues. To be most effective, these measures should normally be by agreement with all parties.

Step 1
Support

Step 2 – Activate interventions if required

This may involve the use of Employee Assistance Programme e.g. counselling service, employee support helpline.

Step 2
Activate
Interventions

Step 3 – Absence Notification

Employee notifies Line Manager of absence from work.

Step 3
Absence Notified

Step 4 – Medical Advice

If absence is likely to extend beyond four weeks, consideration of medical advice may be required from Occupational Health, or there may be sufficient information from medical certificate from GP on which to make decisions regarding the need for any further interventions.

Step 4
Medical Advice

Step 5 – Absence Review/Return to Work Contact

If the employee has returned to work then a return to work contact must be made. An absence review may be necessary depending on patterns of absence and whether triggers have been reached (see para 13.1/13.2). Standards of attendance and future actions will be set out where necessary. If the employee still remains off sick or if there is a pattern of absence then a review period needs to be set.

Step 5
Review/Contact

Step 6 – Outcome/Action

Depending on the outcome of the above, the employee will either have returned to work or still be absent. If it is the former then a review period may still need to be set, including standards of attendance to be achieved; if the latter, then the Line Manager may need to decide whether further interventions/assistance can be put in place, and a further review date set and potential outcomes outlined.

Step 6
Outcome/Action

4.0 AVOIDING ABSENCE & MAINTAINING HIGH LEVELS OF ATTENDANCE

4.1 This policy sets out a pro-active approach to attendance, and advocates the use of early intervention in order to prevent an employee from going off sick. If it is apparent that an employee is having difficulties at work, either because he/she is unable to perform the duties of the job, or because of family/personal problems, then the Manager should try and assist wherever possible to try and retain that employee at work for as long as possible. For example if the employee is experiencing family problems then various options from the management toolbox** can be considered. This may involve advising the employee of the counselling service, reducing the employee's hours on a temporary basis (during a short period of reduced hours, full pay will be paid). If the employee is unable to perform all of his/her duties then it may be possible, in certain circumstances, to employ a temporary member of staff to assist with workload or ease the situation..

**** The management toolbox is highlighted in the flowcharts Appendices 1&2**

Obviously every option to assist the employee must be carefully considered and discussed with the employee, with the ultimate aim of retaining the employee at work, to the benefit of the Council, and the employee.

4.2 There are provisions under the Special Leave policies to enable employees to attend preventative medical examinations, without loss of pay, as required. In addition, employees may be permitted to attend emergency dentist and doctors' appointments if these fall within their normal working hours, with the prior agreement of their Designated Manager.

4.3 In addition, the Council will actively promote health initiatives in conjunction with Moray Health Promotions. These will include initiatives on healthy eating, physical activity at work. Employees will be encouraged to attend any events that are held relating to these topics. Information on these topics are contained on the council intranet and include menus and recipes for healthy eating, advice on how to take regular exercise, and information on events relating to the well being of employees. As part of this initiative, the Council has negotiated with the Eight Acres Hotel Leisure Complex to offer a generous discount scheme for employees who wish to join.

5.0 ALTERNATIVE EMPLOYMENT/ADJUSTMENTS TO WORK

- 5.1 In certain circumstances, it may be possible for the employee to remain in their current post with appropriate adjustments being made. These adjustments could range from intensive training for the employee, introducing a coaching/mentoring programme, use of buddy system or shadowing system, changes to the contractual hours or duties, professional input from a Disability Advisor or Employment Support Services. These adjustments can be tailored to the needs of the employee and the service.
- 5.2 Depending on the nature of an employee's illness, the Designated Manager, in consultation with Personnel Services Section (PSS), should give consideration at an appropriate time to the possibility of an employee being offered an alternative post before a decision is taken to dismiss on health grounds. Where appropriate the Occupational Health Adviser should be requested to provide an indication of whether an employee is able to undertake alternative employment and, if so, the nature of any such alternative employment. Advice may also be sought from the relevant trade union and the Disability Employment Advisers and Disability Service Teams at local Jobcentres. This consideration will apply equally to cases of long term and short term sickness absence.
- 5.3 The employing Department is responsible for establishing whether it is possible to provide such work within the department. If, after detailed consideration this is not possible, the PSS will contact other departments to ascertain whether any suitable work is available. This process may take several weeks and the employee should be advised to consult the Council's internal vacancy bulletin. PSS maintain and monitor a redeployment register also. If there are any suitable vacancies the employee should advise the employing Department that an application will be made. PSS should then be advised in order that the recruiting department can be informed of the circumstances of the applicant.
- 5.4 If no suitable alternative employment is found, it is likely that the employee will be dismissed on grounds of capability, although prior to this decision there may be further reference to the Council's Occupational Health Adviser. The decision to dismiss must only be taken in consultation with the PSS and in accordance with agreed procedures. In such cases, employees must be given adequate time to consult with a trade union or other representative.
- 5.5 Where the employee refuses to accept an offer of alternative employment which is considered to be reasonable in all the circumstances, a Personnel Adviser will discuss the matter with the employee and his/her representative, if any. The Personnel Adviser will consider the views and comments of the employee concerning the reasons for refusing the offer of alternative employment. Where the Personnel Adviser is satisfied that the offer is reasonable but the employee still refuses to accept it, the procedure to be followed will be in accordance with 5.4 (above).

6.0 ROLE OF EMPLOYEE ASSISTANCE PROGRAMMES & OCCUPATIONAL HEALTH

- 6.1 The Council aim to support attendance at work through a comprehensive Employee Assistant Programme (EAP) and health promotion activities. The EAP can provide valuable support in the workplace, typically including counselling services, providing advice on issues such as debt reduction and bereavement. The Council also aims to actively promote the concept of wellness at work on issues such as smoking, weight loss, work/life balance.

Call Helpline
0800 072
7072

The role of Occupational Health has been reviewed with the aim of providing a more pro-active service, and providing active case management at key stages.

6.2 Referral to Occupational Health

A fair procedure ensures that sufficient information about the nature and extent of the illness/injury is collected in order that a reasonable decision can be taken on the merits of the case. This would involve a referral being made to the Council's Occupational Health Adviser by the Line Manager. A meeting to discuss the process should happen with the employee. The Designated Manager should then contact Personnel Services who will arrange for a referral to be made. The employee in question should be informed of the referral and the reason(s) for the examination and that a possible outcome of the referral may be retirement due to persistent ill health or dismissal on grounds of capability. They should also be advised of the rights under the Access to Medical Reports Act 1988 and asked to sign the Referral Form which permits the Council to obtain a report from the Occupational Health Adviser.

- 6.3 On occasions employees may refuse to sign a mandate which allows an Occupational Health Adviser to consult with their GP or other medical specialist. While it is preferable that their permission is obtained and a written report received, under the Sick Pay Scheme and SJNC/SNCT Conditions of Service an employee is contractually required, as and when necessary, to submit to an examination by a medical officer appointed by the Authority for this purpose. If they continue to refuse, the employee must be advised that the Council has no choice but to make decisions on how to manage their situation in the absence of medical advice.

- 6.4 Personnel Services will arrange appointments with the Occupational Health Service, who will advise the Manager and the member of staff will receive a letter notifying them of the arrangements for an examination by an Occupational Health Adviser.

PSS to make
referral

- 6.5 The Designated Manager will provide the Occupational Health Adviser with relevant details, using the referral proforma, including:-

Mgr to provide
Relevant details for
referral

- The employee's personal details – name, date of birth, home address, date of appointment to post.
- A summary of the employee's main duties
- The employee's sickness absence record with particular reference to the frequency, duration and reasons for absences
- The reason for the referral and the questions they require to be answered
- Any other information relevant to the employee's performance in their duties
- Confirmation that the employee is aware of the reason for the referral.

An /

An additional information sheet can be appended to the form if further information requires to be added. A copy of the referral documents should be forwarded to PSS who will arrange for the referral to be made. A copy of this should be made available to the employee.

- 6.6 The Occupational Health Adviser's report will allow the Manager to determine, in the best interests of the employee and the operational requirements of the service, what further course of action, if any, is appropriate. The employee will also receive a copy of this report.

Medical report issued
Determine next course of action

6.7 Non –attendance at Occupational Health

- 6.7.1 If a medical appointment has been arranged with the Council's Occupational Health Adviser and the employee fails to attend without good reason such as unexpected emergency arising, or appropriate notice to attend a scheduled appointment not being given to the employee, then sick pay/pay may be withheld where appropriate and disciplinary action may be taken. Personnel Services must be advised of non-attendance and consulted before any action is taken.

6.8 Outcome of Occupational Health Referral

- 6.8.1 Where any medical examination carried out by the Occupational Health Adviser and/or GP reveals no underlying health disorder, the matter will thereafter be considered to be a conduct issue and, therefore, the provisions of the Council's Disciplinary Procedures will be followed. Normally a target will be set for the improvement the employee's attendance but, where this fails to improve to the required level, the disciplinary procedure will be followed. Where the employee provides written evidence that his/her GP or specialist disagrees with the Occupational Health Adviser's opinion, the case will be reviewed and/or further medical advice obtained on which a final decision should be based.

6.9 Return to Work

- 6.9.1 Where the Occupational Health Adviser considers that the employee is not permanently unfit, the Line Manager should continue to monitor the situation and maintain contact. If the employee is expected to return to work in the near future, no further action will be necessary unless the employee fails to return at the expected time.
- 6.9.2 Prior to an employee returning to work following long term sickness absence the Designated Manager, in consultation with the employee concerned, will consider whether it is desirable for the employee to return initially on a part-time or phased return to work basis. In other cases consideration may be given to the employee returning to work on a full-time basis but undertaking alternative duties on a temporary basis. This phased return to work can be undertaken over a period of up to six weeks, depending on the advice given by Occupational Health or the employee's GP. Where temporary arrangements are agreed, the employee will suffer no loss of contractual earnings.

7.0 TIME OFF/EXPENSES FOR ATTENDING MEDICAL EXAMINATIONS

- 7.1 Employees who are required to attend an examination by the Council's Occupational Health Occupational Health Adviser during working hours will be given time off with pay.
- 7.2 There will be no payment for time spent at an examination outwith normal working hours.
- 7.3 Where the employee has to travel to the examination venue, the department should either arrange for transport or reimburse any reasonable expenses incurred by the employee.

8.0 REPORTING ABSENCE

- 8.1 Designated Managers must ensure that all their employees understand the requirements of how and when to notify their Designated Manager that they are unable to attend work. New employees in particular must be fully informed of these requirements as part of induction training. Designated Managers must also ensure that their employees are given clear written instructions confirming this, and appreciate that failure to comply with them:
- May Constitute a disciplinary offence, and
 - May result in there being no sick pay being paid for the period of failure.
- 8.2 Designated Managers must specify the person/people to whom the employee must report their absence. When reporting absence, the employee must state:
- Why they cannot attend
 - When they expect to return to work
- 8.3 Where absence appears to be for a work-related reason, Designated Managers must ensure that any health and safety reporting requirements have been met, that Health & Safety staff and/or Occupational Health are involved if appropriate, and that any necessary remedial action is taken.

9.0 **SICKNESS ABSENCE NOTIFICATION AND CERTIFICATION**

9.1 **Procedure**

For all staff except teachers

Action

- 9.1.1 On the first day of absence from work due to illness the employee, wherever possible, should notify their Line Manager or other nominated officer at the stipulated work base as soon as possible and normally within one hour of commencement of work. In certain cases employees will be required to contact their place of work prior to the commencement of the working day. This will be determined by Designated Managers, and employees will be made aware of the procedure. Employees will be required to notify illness immediately and not wait until the next day they are required to work, if the illness is likely to prevent them from attending on their next day. The reason for the absence and the anticipated date of return, if possible, should be provided.

Employee Phones within one hour of commencement of work

Teachers Only

- 9.2.1 In order to facilitate cover arrangements, the employee, wherever possible, should notify the designated contact within their school/educational establishment in advance of the first day of absence where this is possible. Where this is not possible, the designated contact should be notified no later than 8.30am on the first day of absence. The reason for the absence and the anticipated date of return, if possible, should be provided.

Teacher Phones by 8.30am

All Staff

- 9.2.2 The same notification arrangements, as above, will apply when absence is likely to continue after the expiry of a sick line, ie notification in advance.
- 9.2.3 Where absence continues to a fourth day, at that time the employee, or some other person acting on the employee's behalf, should notify the designated contact of the continuing absence and whether the period of absence is likely to continue beyond a seventh day. Where this is the case, the person responsible for recording sickness in each establishment should send a self-certification form to the employee. If the fourth day falls on a Saturday, Sunday or holiday, the employee should notify the designated contact within their establishment on the next working day.
- 9.2.4 If the absence lasts three days and is as the result of a claimed injury at work a form F2508 (Report of an Injury or Dangerous Occurrence) must be completed by the Line Manager and sent to the Health and Safety Executive with a copy to the Council's Senior Health and Safety Adviser. This is a legal requirement and failure to comply is a criminal offence.
- 9.2.5 Where the absence is for up to seven calendar days the employee will, on return to work complete a Self-Certification Report form.
- 9.2.6 /

Send off Self-Certificate

Accident Form Completed

Complete Self-Certificate

9.2.6 When the absence extends beyond seven calendar days, in addition to the Self-Certification Report Form previously mentioned, the employee must submit a Medical Certificate (MED/3) from a registered medical practitioner to cover the period of absence beyond the first 7 days.

9.2.7 The Designated Manager may withdraw the facility of self-certification and request the employee to seek a medical certificate from their General Practitioner under certain circumstances eg if the employee has more than three short term absences of seven calendar days or less in any three month period. This course of action will be subsequent to a meeting with the employee to explain the cause for concern and the basis for this decision. The withdrawal of this facility will be confirmed to the employee in writing. A review period should be set and if absence levels improve, the right to self-cert shall be regained. An employee may appeal this decision using the procedure in paragraph 15.

9.3 Non-Compliance with the Notification Procedures

9.3.1 When an employee fails to comply with the notification and certification procedures in respect of any day of sickness, entitlement to payment in respect of that day shall cease, although the Designated Manager should take into account any mitigating circumstances that may exist at that time.

9.3.2 Where, following investigation, the Designated Manager is not satisfied with the reason given by the employee for late or non-notification on the first day of absence, and/or the fourth consecutive day of absence the matter should be reported to their Manager.

9.3.3 The Senior Manager, in consultation with the Personnel Services Section, will decide, given all the circumstances, whether or not Occupational Sick Pay and where appropriate, SSP, should be withheld.

9.3.4 Where the decision is taken to withhold sick pay, the employee should be advised that the loss of pay is not a disciplinary measure in itself but a managerial response to their failure to comply with the conditions of the Sick Pay Scheme as set out in their terms and conditions.

9.3.5 Persistent failure to comply with the notification procedure may be treated as unacceptable conduct and disciplinary action may be taken in accordance with the disciplinary procedures for all staff. The employee may appeal against the decision to withhold sick pay.

Teachers Only /

Teachers Only

9.4 Prolonged Sickness During School Holidays

9.4.1 Where an employee, owing to absence certificated by a GP has:-

- Been absent for a continuous period, at least 4 weeks of which fall within the school summer holiday or
- Been absent for a period which, being of at least 2 weeks' duration, incorporates at least one full week of another school holiday,

The employee will accrue credit of 2 days special leave entitlement in respect of each complete week of the holiday which had been lost as a result of the prolonged sickness, subject to a maximum of ten days credit in respect of sickness periods in any one leave year.

9.4.2 The accrued entitlement should be taken, in agreement with the Head Teacher, during the term following the holiday concerned, subject to the exigencies of the service.

9.5 **All Staff except Teachers**

Where an employee is absent due to sickness for a period exceeding three calendar months, annual leave will be limited to an amount equal to the period of actual service given during the leave year (s). In consultation with Personnel Services, discretion may be used for exceptional cases. This provision will not be applied so as to reduce the employee's annual leave entitlement below four weeks per year (pro rata), in accordance with the Working Time Regulations.

10.0 MAINTAINING CONTACT WITH ABSENT EMPLOYEES

- 10.1 Contact as defined in Section 3.2 is the responsibility of the employee.
- 10.2 As part of good management practice, however, the Designated Manager will maintain with contact absent employees.
- 10.3 In respect of cases of long term sick leave this will enable decisions to be made in the best interests of the employee and the service.
- 10.4 In respect of cases of persistent short term absence this may provide an opportunity for reminders of procedures and the priority placed on good attendance.
- 10.5 Contact either by telephone or letter with the absent employee should always be handled sensitively. Employees should also be given reasonable notice of home visits or requests to attend meetings held elsewhere to discuss the circumstances of their absence.

11.0 WELCOME BACK TO WORK REVIEWS

- 11.1 As part of the general procedure for managing sickness absence, the Designated Manager following each occasion of sickness absence should carry out welcome back contacts.
- 11.2 Any discussion should be conducted sympathetically and discreetly as soon as possible on the first day that the employee returns to work and ideally, before they resume their normal duties. The contact may take the form of a quick telephone call or it may be one element of a regular support meeting.
- 11.3 This contact forms an essential part of sickness absence management and should be a constructive dialogue, which demonstrates to the employee an acknowledgement of their return to work as well as an interest in their work and welfare. The Designated Manager may also wish to use this contact as an opportunity to update the employee on any developments in the workplace.
- 11.4 Designated Managers should however conduct a more formal “return to work” interview where the employee’s level of sickness absence is approaching or has exceeded the “trigger” level outlined in this policy.

The purpose of this interview is to:-

- Establish the current position in relation to the employee’s health;
- Indicate concern about the employee’s attendance record, if appropriate, and highlight the short-term absence triggers;
- Ensure the employee has complied with the requirements of the Notification and Certification procedure;
- Ascertain what steps, if any, the employee and/or Designated Manager can take to help improve attendance;
- Determine if there is any need for further action such as counselling, guidance, medical referral, risk assessment or other support;
- Explain the procedures in relation to the Health and Work Policy

12.0 REASONS FOR ABSENCE FROM WORK

- 12.1 With regard to self-certification, Designated Managers should satisfy themselves of the accuracy of statements made on self-certification forms. The decision to pay or withhold sick pay depends on the self-certificate. If having discussed with an employee the circumstances of their absence, the Line Manager is satisfied that the reasons given on the Self-Certificate are genuine; the form can be passed for processing.
- 12.2 The Senior Manager, in consultation with the Personnel Services Section, will decide, given all the circumstances, whether or not Occupational Sick Pay and where appropriate, SSP, should be withheld.
- 12.3 However, where the Designated Manager has grounds to suspect that the reason given for an absence is not genuine or notices a distinctive absence pattern beginning to emerge in respect of a particular employee, they should explore this further during the return to work interview. In discussions with the employee at this interview it may become apparent that there may be an underlying health problem. Referral to the Council's Occupational Health Adviser or Employee Assistance Programme can be made at any stage where health is a concern.
- 12.4 Where a Designated Manager is also investigating with the employee repeated absences or a particular problem of absence, they should ensure that prior to discussing this with the employee they have researched the absence records provided through the monitoring procedure and are fully prepared for the interview.

13.0 MANAGING SICKNESS ABSENCE

13.1 Long Term Absence

Long term absences are characterised by a continuous absence where a trigger of at least four weeks is reached. Where an employee is absent for a period of four weeks and where the medical certificate does not indicate a return to work in the short term then Designated Managers should proceed onto Step 1 of the procedure. The procedure may be commenced sooner if earlier intervention is considered appropriate.

13.2 Short Term Absence

This stage applies where the employee reaches the following trigger levels:

Either If the employee has been absent for fourteen cumulative calendar days in any twelve month rolling calendar

Or four separate periods of absence in any twelve month rolling calendar

Or If a regular pattern of absence emerges eg regular Monday absences, or repeated absences when certain duties are to be undertaken, in-service training days

The procedure should be followed once a trigger is reached or a Designated Manager has any concerns

13.3 Long and Short Term Steps

13.3.1 **Step 1** – The Designated Manager should discuss with Personnel Services how to actively manage the absence and determine whether any intervention may be required. This may include any of the interventions included in the Management Toolkit eg referral to Occupational Health, ICAS, flexible working, changes to work pattern etc.

Discussion with PSS on how to manage case

13.3.2 Personnel Services will arrange appointments, if applicable, with the Occupational Health Service, who will advise the Line Manager of the arrangements for an examination by an Occupational Health Adviser.

PSS to make referral

13.3.3 **Step 2** – It may be apparent that no immediate intervention is required ie the GP suggests no action required and the condition has an expected duration and recovery period therefore no further action required. However, if this is not the case then a formal meeting should be arranged with the employee with the following purposes:-

Establish reasons for absence

Consider Options

- To establish reason for absence/continuing absence
- To consider options to support the employee's return to work
- To agree an action plan to put supports in place
- To set a review period

Agree Action Plan

Set Review Period

13.3.4 /

- 13.3.4 **Step 3** – The Designated Manager should arrange to hold a review meeting, as agreed or as recommended by Specialist/GP. Review Meeting
3/6/9 months
- 13.3.5 **Step 4** – The trigger point for considering the formal stages of absence management will be the expiry of half pay for that particular employee. Final Absence
Review

Normally a target will be set for the improvement in the employee's attendance but, where this fails to improve to the required level, the absence review procedure will be followed:

14.0 STAGE 1 – ABSENCE REVIEW

STAGE 1

14.1 The Designated Manager must alert the employee to the fact that this stage of the procedure has been triggered and: **REVIEW 1**

14.2 **For continuing absence:** The employee's Designated Manager must meet with the employee and discuss the reason for the absence and whether there is a good prospect of recovery and return to work in the near future (in which case there would be no need for further action). In some circumstances, it may have been possible to obtain sufficient information prior to the employee commencing the absence, in which case they should maintain contact with them and meet only when further information is required. If the employee wishes his/her Trade Union representative or a colleague may accompany him at the meeting. A copy of the Health and Work Policy must be provided to the employee. **Meet with employee**

This discussion will identify action that should be taken by the Designated Manager and employee e.g cover arrangements or getting support and advice from Occupational Health. The Designated Manager should consider (in conjunction with the employee) any facilities that are needed to speed their return to work. Matters to be discussed should include

- Nature/Effects of condition
- Symptoms affecting work
- Likely duration of illness
- Treatments and possible impact on work
- Any adjustments or assistance or relevant circumstances at work
- Any circumstances outside work affecting health – can ICAS help at all eg counselling/practical advice
- Impact of absence on service
- Actions required by Designated Manager/employee
- Review period

14.3.1 Where the Occupational Health Adviser reports an underlying medical problem, it may be necessary that the matter will be considered to be a capability issue where the prognosis is that frequent or prolonged absence will be a continuing feature. **Consider Capability**

14.3.2 The Designated Manager should identify and discuss possible options with the employee and his/her representative. These options may include:-

- Continuation on sickness absence
- Redeployment
- Part-time work
- Ill-health retirement due to permanent incapacity or, where no other option is available
- Dismissal on the grounds of capability (in such cases the retirement provisions of the Scottish Employee's Superannuation Scheme/Scottish Public Pensions Agency will apply to eligible employees) if the employee has reached the final absence review stage without any improvement in attendance (see Appendix 3)

It /

<p>It is important that the employee is given information that is relevant to them and their circumstances, especially factors that will have a bearing on decisions being made by Designated Managers e.g. the possibility of referral to the next stage. The employee should be advised in writing of the expected level of attendance at this stage, and the consequences if these are not met, along with the monitoring period set.</p>	<p>Written outcomes & standards (if necessary)</p>
<p>14.3.3 Where standards of attendance are set or requirements specified by management, the employee can appeal against the decisions at this stage by writing to the Head of Service within fourteen days of receiving the written decision. However, in many cases this stage will simply be part of the ongoing dialogue with the employee to monitor and support their health at work and so there will be no outcome against which to appeal.</p>	<p>Right of appeal</p>
<p>14.4 For repeated short absences: the Designated Manager must discuss with the employee whether there is an underlying factor causing the absence, and whether there is anything that the employee and/or Designated Manager can do to minimise the chance of repeated absence.</p>	<p>Meet with employee</p>
<p>14.4.1 Where the Occupational Health Adviser reports an underlying medical problem, it may be necessary that the matter will be considered to be a capability issue where the prognosis is that frequent or prolonged absence will be a continuing feature.</p>	<p>Consider capability</p>
<p>14.4.2 The Designated Manager should identify and discuss possible options with the employee and his/her representative. These options may include:-</p> <ul style="list-style-type: none"> • Continuation on sickness absence • Redeployment • Part-time work • Ill health retirement due to permanent incapacity or, where no other options is available 	
<p>Dismissal on the grounds of capability (in such cases the retirement provisions of the Scottish Employee's Superannuation Scheme/Scottish Public Pensions Agency will apply to eligible employees) if the employee has reached the final absence review stage without any improvement in attendance (see Appendix 3).</p>	
<p>14.4.3 The monitoring period at this stage will normally be up to 6 months but may be adjusted based on the nature of the absence/illness.</p>	
<p>14.4.4 It is important that the employee is given information that is relevant to them and their circumstances, especially factors that will have a bearing on decisions being made by Designated Managers e.g. the possibility of referral to the next stage. The employee should be advised in writing of the expected level of attendance at this stage, and the consequences if these are not met, along with the monitoring period set.</p>	<p>Written outcomes & standards (if necessary)</p>
<p>14.4.5 Where standards of attendance are set or requirements specified by management, the employee can appeal against the decisions at this stage by writing to the Head of Service within fourteen days of receiving the written decision. However, in many cases this stage will simply be part of the ongoing dialogue with the employee to monitor and support their health at work and so there will be no outcome against which to appeal.</p>	<p>Right of appeal</p>

15.0 STAGE 2 - ABSENCE REVIEW

- 15.1 This stage should be triggered by exceeding the review criteria set in the previous stage or possibly earlier due to further absences. **REVIEW 2**
- 15.1.1 The Designated Manager must hold a formal absence review meeting (Review 2) with the employee. The employee must be told that this is the first formal stage of the sickness absence procedure. The employee has the right to be represented by a Trade Union representative or accompanied by a colleague/friend at this and subsequent stages. This stage is likely to be repeated a second time before moving to Stage 3, if there is no satisfactory improvement. The purpose of the meeting is: **Formal Meeting**
Right to be represented
- 15.1.2 • **For continuing absence:** to explore sensitively the possibility of a return to work and how workloads can be handled in the meantime, consider and put into action reasonable adaptations that may be made to resist the return to work and / or consult Occupational Health if not already done so.
- 15.1.3 • **For repeated absences:** to alert the employee to the difficulties caused by their absences, to identify cause for the absences, and to organise a referral to Occupational Health if the Designated Manager feels needed. Again the expected standards of attendance need to be re-emphasised with the subsequent consequences set out.
- 15.1.4 For continuing and repeated absences underlying medical conditions and capability issues should be considered. **Consider Capability**
- 15.1.5 The employee should be advised in writing of the expected level of attendance at this stage, and the consequences if these are not met, along with the monitoring period set. **WRITTEN OUTCOMES & STANDARDS 2**
- 15.1.6 Where standards of attendance are set or requirements specified by management, the employee can appeal against the decisions at this stage by writing to the Head of Service within fourteen days of receiving the written decision. **APPEAL**
- 15.2 In both cases an absence review follow up meeting (Review 3) must be arranged (guide-one month later or following a report from Occupational Health). The follow up meeting is for the Designated Manager to decide: **REVIEW 3**
Formal Meeting
Right to be represented
- Either* that the employee's return to work/level of attendance is satisfactory or the procedures can be halted at this stage (but resumed if a similar level of absence recurs within one year);
- Or* to arrange a further follow up meeting (for instance where occupational health envisage a return to work within the reasonably foreseeable future);
- Or* to advise the employee that attendance is unsatisfactory and the matter will progress to a final absence review under Stage 3 if a return to work/an acceptable level of attendance is not achieved. Attendance will remain under review for one year when deciding on the appropriate stage of sickness review.
- 15.3 /

- 15.3 For continuing and repeated absences underlying medical conditions and capability issues should be considered. **Consider Capability**
- 15.4 Where following three reviews the required improvement has not been achieved, and all possible options have been explored (e.g. adjustments to work, redeployment if appropriate), the employee should be advised of the standards of attendance required, the impact that the situation has on the service and that a further monitoring period and any necessary adjustments etc will be put in place. Should there continue to be less than satisfactory improvement, their continued employment with the Council will be considered and dismissal is a possible outcome. **Written Outcomes & Standards 3**
- The outcome of each review must be set out in writing to the employee making clear any issues, standards of attendance or consequences. If the situation has improved this should be set out in writing.
- 15.5 The monitoring period at this stage will normally be up to nine months for Review 2 and twelve months for Review 3 but may be adjusted based on the nature of the absence/illness. **Review Period**
- 15.6 The employee can appeal against the decisions at each Review within this stage by writing to the Head of Service within fourteen days of receiving the written decision. **Right of appeal**

16.0 STAGE 3 – FINAL ABSENCE REVIEW

16.1 This stage applies where the employee has:

REVIEW 4

Either not got a good prospect of return to their post within a reasonable future, depending on the service needs

Or continued unacceptable absence in spite of a notification under the previous stages

16.2 The Designated Manager will hold a meeting with the employee;

Meet with employee

For continuing absence: to consult the employee about the medical position, consider any adaptations to the job or the premises that would help the employee, and/or explore the possibilities of redeployment. If there does not appear to be a good prospect of a return to work, the employee may be dismissed.

Right to be represented

For repeated absences: to further alert the employee to the continuing difficulties caused by their repeated absences. If there does not appear to be any further way of reducing the absences to the required standards of attendance then the employee may be dismissed.

Written Outcome & Final Conclusion

A capability dismissal will only be considered by the Head of Department concerned (or a nominated senior officer) following full consideration of the circumstances and all possible alternatives. The review meeting will also be attended by the Head of Personnel Services (or a nominated senior officer).

The employee can appeal against the decision of Dismissal at each Review by writing to the Chief Legal Officer within fourteen days of receiving the written decision.

RIGHT OF APPEAL

17.0 ABSENCE DUE TO AN ACCIDENT OUTWITH WORK

- 17.1 Where an employee is absent as a result of an accident outwith work they should be asked whether they intend to pursue a claim against a third party or insurer for that accident. Where this is the case, the employee will receive payment of a sum or sums not exceeding the normal sickness allowances as an advance, which they must refund all or part of from any damages received.

18.0 SICKNESS OR DISABLEMENT DUE TO AN ACCIDENT/INJURY IN THE COURSE OF EMPLOYMENT

- 18.1 Where an employee is absent due to sickness or disablement as a result of an accident arising out of and in the course of employment or due to an industrial disease the employee will be entitled to a separate allowance calculated on the same basis as the sickness allowance. The allowances in respect of (1) normal sickness, and (2) industrial injury or disease are entirely separate and periods of absence in respect of one shall not count against the period of entitlement for the other. An absence due to an accident shall only qualify for payment when an entry has been made in the relevant accident book and the subsequent investigation has found the recorded facts to be accurate, and that the accident did not arise from the employee's own misconduct or negligence.

19.0 APPEALS PROCESS

- 19.1 Where an employee is dissatisfied with any action taken against him/her in connection with this procedure they have the right to appeal. The appeal should be made in writing to the Head of Service or other nominated Senior Officer within fourteen days of receipt of the written outcome. **Appeal to be in writing within 14 days of written outcome.**
- 19.2 The Head of Service or nominated Senior Officer shall reply to the appeal as soon as possible, in writing, and in any case within five working days. If it is not possible to respond to the appeal within five working days, the appeal should be acknowledged within this time and the employee should be given an explanation for the delay and told when a response can be expected. **Reply within 5 working days**
- 19.3 The Head of Service or nominated Senior Officer shall arrange a meeting normally within twenty one days with the parties and if desired, the nominated official of the appropriate Trade Union. Such a meeting shall be arranged after consultation with the Head of Personnel Services or nominated representative who may also be in attendance. The meeting shall be arranged (but not necessarily take place) within five working days. The outcome of the meeting will be confirmed in writing within five working days from the date of the meeting. **Meeting arranged within 21 days.**
- 19.4 For decisions taken as a result of Reviews 1-3 the right of appeal shall end at the Head of Department, unless the warning is given by the Head of Department, in which case the right of appeal will end at the Chief Executive. For appeals against decisions at Review 4 or punitive action including Dismissal, the employee or their representative may refer the matter, to the Appeals Committee of the Council for consideration. A referral to the Appeals Committee should be submitted in writing to the Chief Legal Officer within fourteen days of confirmation of the decision at the hearing stage, specifying the grounds of appeal. **Appeals at Review 4 to be made to Appeals Committee.**
Appeal to be submitted to Chief Legal Officer within 14 days of confirmation of decision at hearing.
- 19.5 The Chief Legal Officer will notify both the Head of Department concerned and the Head of Personnel Services of any appeal lodged, immediately upon receipt of the notification to appeal. The Head of Personnel Services will then contact both parties involved, ie; the employee(s) or nominated TU Representative and the Head of Department concerned to request the submission of the details of their case, in order to prepare the necessary papers for the Appeals Committee Meeting. With the agreement of both parties, the Head of Personnel Services shall arrange for mediation to take place with a view to resolving the Appeal without recourse to committee. The Appeals Committee will hear the appeal in accordance with the agreed procedure. **Chief Legal officer to notify Head of Dept or Head of PSS of any appeal lodged.**
PSS shall arrange mediation.
- 19.6 The appeals process shall be exhausted after the Committee stage. **Appeals process exhausted after Committee stage.**

20.0 CORPORATE MONITORING OF TRENDS & PATTERNS

- 20.1 The Council works closely with Occupational Health and ICAS to review our statistics regularly to identify trends and patterns.
- 20.2 It is the responsibility of Designated Managers to regularly and consistently review absence in their establishment/service and to take appropriate action in terms of policy and procedure where necessary.

21.0 TRAINING

- 21.1 The Council is committed to ensuring that all Managers who are responsible for absence management are appropriately trained. Where a Designated Manager has not undertaken relevant training, they must involve the Personnel Services Section before taking action.

22.0 ABUSE OF THE SYSTEM

- 22.1 Any proven abuse of the system will be regarded as misconduct and consequently will be dealt with in accordance with the Council's Disciplinary Procedures.

23.0 REVIEW

- 23.1 A review of the policy will be undertaken in one year from the date of implementation or earlier if by agreement.

24.0 RELATED DOCUMENTS

- 24.1 Referral to Occupational Health Service: Guidance for Managers
Referral to Occupational Health Service: Form.
Drug & Alcohol Policy
Stress Policy
Special Leave Policy
Appendix 1 - Flowchart: Short term Absences
Appendix 2 - Flowchart: Long term Absences
Appendix 3a - Procedure for dealing with Capability Issues
Appendix 3b - Flowchart: Procedure for dealing with Capability Issues

SHORT TERM ABSENCES

(Following a period of more than 14 calendar days absence or 4 periods of absence in any 12-month rolling calendar, this process will be instigated).

Health Info

Initial Interview Conducted by Designated Manager
 Purpose - to establish reason for absence, review position to date, consider options for management, agree actions from toolbox and review period with timescales

Action

Monthly review meeting to check progress against targets

Further absence during review period

Yes

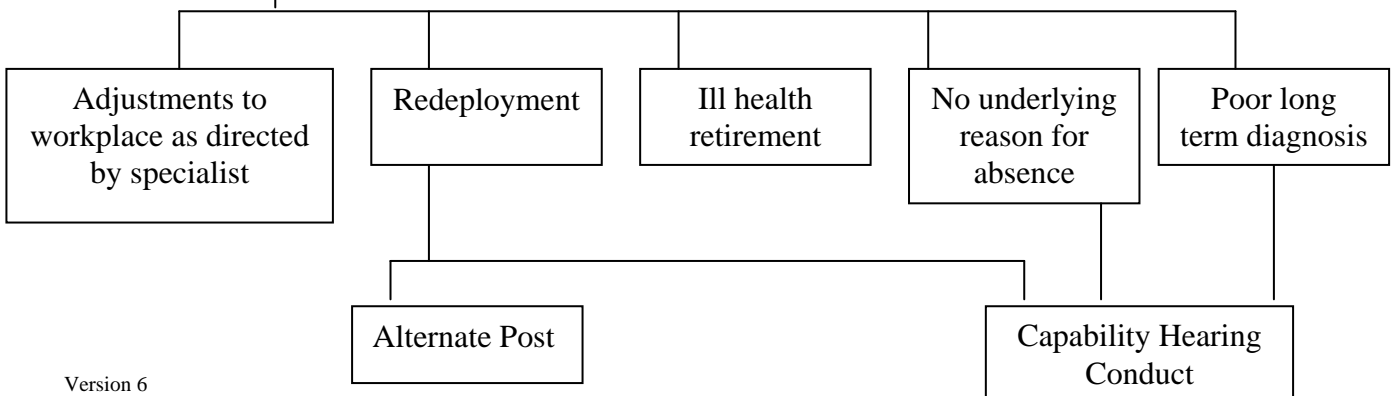
No

No further action required

Invoke Formal Action
 Personnel to be consulted and action agreed.
 Formal meeting conducted expectations discussed and agreed, possible disciplinary action.
 Review period set.

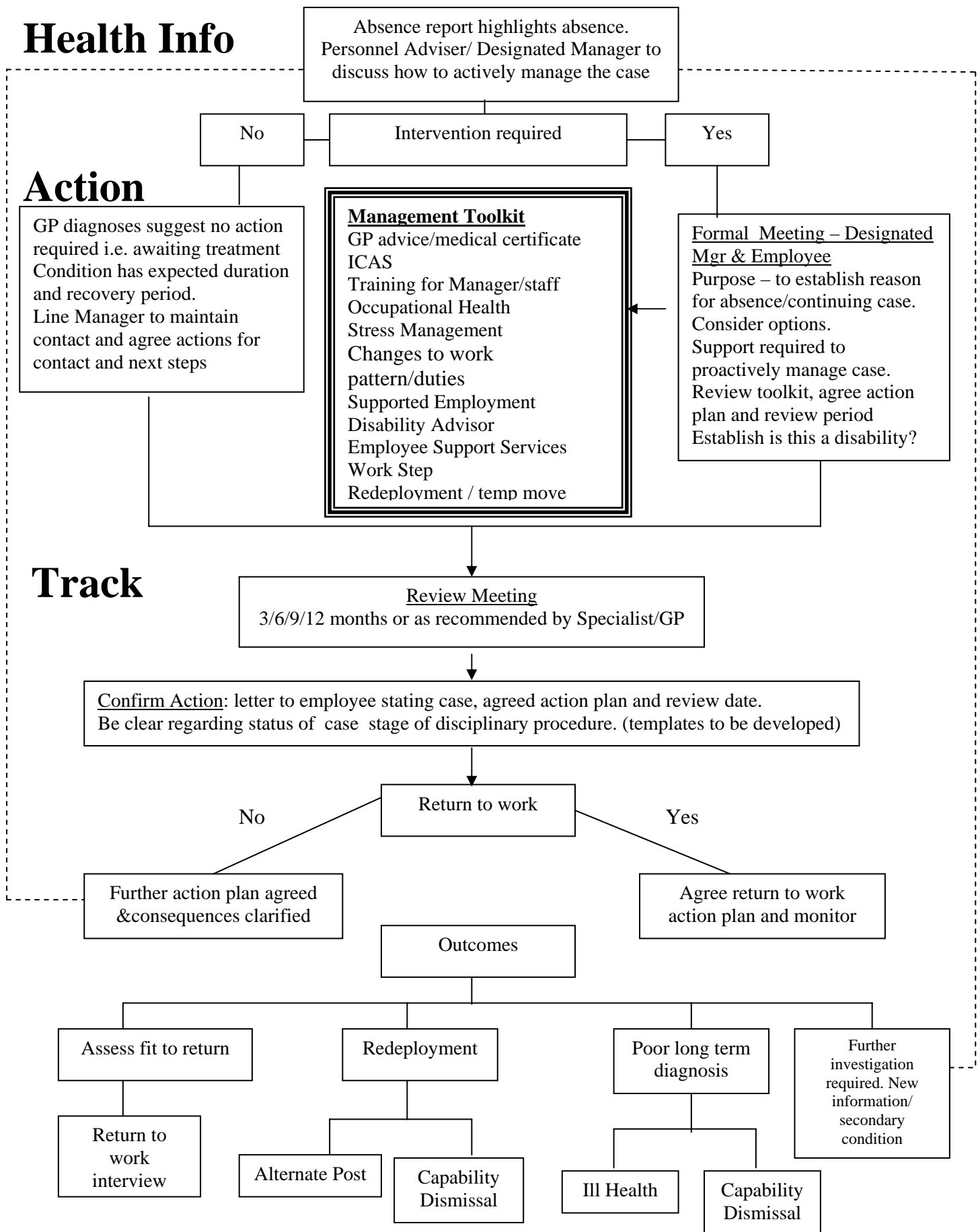
- Toolbox
- GP
 - ICAS
 - Occupational Health
 - Flexible Working
 - Stress Counselling
 - Changes to work pattern/duties
 - Supported Employment
 - Disability Advisor
 - Leave for family circumstances
 - Health Promotion
 - Workstep/Employee Support Service

Track



LONG TERM ABSENCE

(an absence, which exceeds a period of 4 weeks)



CAPABILITY PROCESS**INFORMAL ABSENCE REVIEWS****General**

Supervisors should develop trusting relationships with their employees to encourage them to discuss freely the problems, which are causing continuous or repeated absence. Wherever possible, problems should be resolved without recourse to the formal procedure.

Counselling

Counselling employees is the responsibility of all supervisors and should be a regular feature of the employee/supervisor relationship. Problems should be discussed with the objective of encouraging and helping the employee to improve their attendance. It is important that the employee understands what needs to be done, how improvements will be measured and over what period. The employee should also be made aware of what action will be taken if he fails to improve. Any counselling should be recorded on the employee's file as a point of reference for either the employee or the supervisor. No rights of representation or appeal are specified at this stage.

FORMAL ABSENCES REVIEWS**General**

Supervisors need to ensure that the Stage 1 – Absence Review meeting has taken place and that the employee has had the opportunity to discuss the problems surrounding their continued or repeated absence.

Warnings

The authority to conduct reviews and issue warnings is delegated by the Service Director to an appropriate Senior Manager within each service. It is important that, in each case, the employee is made fully aware of the reasons for the warning and of the consequence of a repetition or failure to improve to the required standards of attendance. A review date well within the monitoring period should be fixed to consider the employees monitored progress. Letters confirming warnings issued at absence reviews should be sent by recorded delivery if posted to an employee's home address and a copy sent to the Head of Personnel Services. The Service Director will have the power to make sanctions at each stage of the process. This should be reviewed regularly and a copy of the information passed to the Head of Personnel Services.

STAGE 1:**Warning 1**

This will be used where the employee's absence has not improved to a satisfactory level. A written record must be kept of a 1st warning, within the Department and a note confirming the conditions attached to the warning sent to the employee within 7 calendar days, using the template at Appendix 1a.

STAGE 2:

Warning 2

This will be used where the employee has not improved to the required standards of attendance within the time limit of an oral warning. The warning should be issued orally and fully confirmed in writing without delay and certainly within 7 calendar days, using the template at Appendix 1b.

Warning 3

This will be used where previous warnings have failed to achieve their purpose. The warning should be issued orally and fully confirmed in writing without delay and certainly within 7 calendar days, using the template at Appendix 1c. This written confirmation should leave the employee in no doubt as to the consequence of a further breach.

Duration of Warnings

Records should be kept, detailing the nature of any breach of sanctions; the action taken and the reasons for it; whether an appeal was lodged and its outcome and any subsequent developments. These records should be carefully safeguarded and held in confidence within the Department concerned, with copies thereof passed to the Head of Personnel Services.

Except in special circumstances, these records should be disregarded after a specified period of satisfactory conduct. During this period however, any further breach could lead to action under the next stage of the process. This will be clearly explained to the employee. Although the duration of a warning will depend on the circumstances of the case, a warning will normally be disregarded after the following periods:-

Warning 1	-	6 Months
Warning 2	-	9 Months
Warning 3	-	12 Months

The employee will be notified accordingly in writing, by the Head of Department 2 weeks prior to the expiry of the warning, with a copy passed to the Head of Personnel Services.

STAGE 3:

Capability Dismissal

A capability dismissal will only be considered by the Head of Department concerned (or a nominated senior officer) following full consideration of the circumstances and all possible alternatives. The review meeting will also be attended by the Head of Personnel Services (or a nominated senior officer).

**THE MORAY COUNCIL
PROCEDURE FOR DEALING WITH CAPABILITY ISSUES**

