



# **East Dunbartonshire Council**

## **Wellbeing at Work Policy**

**January 2016**

**Report: CST//15/  
Appendix XX – Wellbeing at Work Policy**

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**The Wellbeing at Work Policy will be supported by the Wellbeing at Work Toolkit to assist in the implementation of the policy and encourage consistency across the organisation.**

## Section 1: Policy Statement

### 1 Introduction

The Wellbeing at Work Policy outlines the commitment of the Council which aims to encourage, guide and support employees in adopting a healthy lifestyle in a culture that promotes positive physical and mental health and wellbeing.

The policy has been developed in line with the approach to Partnership at Work and has involved consultation with a range of stakeholders.

The Wellbeing at Work Policy takes account of and supports the strategic priorities at a local and national level outlined within various policy documents and action plans. The Wellbeing at Work Policy has been developed to provide employees and line managers/team leaders with a structured framework to supporting employee wellbeing. This will be further supported by a framework of development to support line managers/team leaders in the practical implementation of the policy.

This policy is particularly relevant to the delivery of objectives at a local and national level as outlined in the Corporate Development Plan for the Council.

**National Outcome 6:** We live longer healthier lives

**Local Objectives:** Improving Health and Wellbeing

There are key areas for improvement highlighted in line with the local and national outcomes around improving health and wellbeing which include:

- Healthy Working Lives
- Physical Activity
- Mental Wellbeing
- Reduction in Alcohol Consumption

### 2 Scope

The Wellbeing at Work Policy will encompass the core elements within the workplace to encourage and support health and wellbeing. The approach within the Council is also complemented by policies which cover flexible working and work life balance to ensure that, where appropriate, employees can enjoy a positive work life balance.

The Wellbeing at Work Policy covers all employees of East Dunbartonshire Council. Differences related to specific employee groups have been detailed where applicable.

The Wellbeing at Work Policy covers the key areas of:

- Wellbeing and Support at Work
- Positive Attendance
- Addiction Support
- Mental Wellbeing & The Workplace

#### Flexible Working Policies

The Council operates Flexible Working Policies aimed to be implemented consistently and fairly across services which lend themselves to this type of working. The operation of family friendly policies and flexible working hours offer employees an opportunity for a better work-life balance.

#### Career Break Policy

The Council has a Career Break Policy in place for non-teaching employees who have at least one year's continuous service. The policy outlines the process for making an application for a career break.

Employees employed under teaching conditions are also covered by a national and local Career Break Policy which outlines the specific entitlements and processes for requesting career breaks.

#### Special Leave Policy

The Council has a Special Leave Policy which is available to non-teaching employees to accommodate for a wide range of circumstances which may be with or without pay. Teaching employees should refer to the provision under Procedure Manual 2/11: Leave of Absence for Teachers.

### **Domestic Violence Policy**

The policy outlines the Council's position on Domestic Violence and provides guidelines on the support for employees experiencing domestic violence and gives line managers/team leader's advice on how to handle issues which may arise.

### **Managing Critical Incidents and Trauma Policy**

The policy provides guidance for the prevention and reduction of traumatic stress and provides guidance to East Dunbartonshire Council employees on their role in the management of traumatic stress reactions.

The Council also has a range of policies which have an impact on health and wellbeing such as the Health & Safety at Work Policy, No Smoking Policy and policies to address violence toward employees at work.

## **3 Roles & Responsibilities**

### **3.1 Elected Members**

- Endorse the approach to Wellbeing at Work across the Council

### **3.2 Chief Officers**

- Ensure that the Wellbeing at Work Policy is implemented consistently across East Dunbartonshire Council
- Ensure that support available is communicated throughout East Dunbartonshire Council
- Review reports on absence statistics on a quarterly basis

### **3.3 Line Managers and Team Leaders**

- Manage wellbeing with a supportive, fair and professional approach
- Support the Wellbeing at Work Policy with confidentiality and sensitivity at all times
- Make employees aware of the assistance available to support their wellbeing at work
- Ensure that employees who have suffered long term ill-health, injury or disability are treated fairly, equally and consistently in line with the policy
- Ensure that accurate reporting is carried out to allow for reflective monitoring of wellbeing
- Adhere to established procedures including any relevant risk assessment processes

### **3.4 Employees**

- Take a positive approach to maintaining and improving individual health and wellbeing
- Awareness of the assistance available to all employees for supporting wellbeing
- Request support at the earliest point possible
- Work with line managers/team leaders to facilitate return to work from absences
- Make every effort to attend work on a continual basis and in accordance with contractual terms and conditions
- Follow notification and certification procedures for absences

### **3.5 Organisational Change & Employee Relations Team**

- Provide assessment advice and guidance on positive wellbeing at work
- Promote the assistance available to all employees using various methods of communication and engagement
- Deliver a Development Initiatives Framework to support line managers/team leaders in implementing the Wellbeing at Work Policy effectively with positive outcomes
- Record and report on Wellbeing at Work Policy implementation on all service areas
- Carry out reviews of policy following the approach to partnership at work
- Take forward appropriate coordination of actions required under the policy

### **3.6 Trade Unions**

- Provide advice, guidance and representation to members on positive wellbeing at work
- Promote the assistance available to all employees using various methods of communication & engagement
- Carry out reviews of policy following the approach to partnership at work

#### 4 Objectives, Outcomes & Benefits

The policy promotes the use of support mechanisms as a way of protecting and supporting employees' health and wellbeing. The Council promotes best practice in retaining and supporting employees when they experience and develop ill health, mental health issues and/or addiction related issues.

The **objectives** of the policy are:

- To encourage the workforce of East Dunbartonshire Council to adopt a healthy and balanced lifestyle that promotes positive physical and mental wellbeing
- To put interventions in place to support employees to remain in and return to employment
- To take a proactive approach in addressing and supporting employees before and as issues arise
- To take a consistent approach to wellbeing at work that promotes support, equality and fairness
- To take measures to proactively identify and address the causes of wellbeing issues
- To ensure effective and efficient implementation that has a positive impact on the delivery of services

The intended **outcomes** of the policy are:

- A culture which encourages and supports health and wellbeing
- A workforce which has a positive and resilient approach to their physical and mental wellbeing
- Support that meets employee's needs and delivers positive benefits to both the employee and the Council
- Employees are aware of the support mechanisms available to support their health and wellbeing
- A transparent system implemented which is flexible and adaptable to all cases of absence
- Reduced absence levels and improved wellbeing through a focus on support from the outset

#### 5 Critical Factors to Success

The key principles that will deliver the objectives of the policy can be summarised to include:

- A proactive approach to promoting wellbeing across the Council
- A partnership at work approach throughout the implementation of the policy
- Consistency in the implementation of the policy across the Council
- Taking action and encouraging support from the earliest possible stage
- Recognition of the importance of key support services
- Effective guidance, support and training for line managers/team leaders in implementing the policy
- Promotion of services available to employees
- Effective and appropriate communication relating to all aspects of health and wellbeing

#### 6 Legislative Compliance

The Wellbeing at Work Policy ensures compliance with the legislative responsibilities that the Council must adhere to which includes:

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999
- Misuse of Drugs Act 1971
- Road Traffic Act 1991
- Equality Act 2010
- Data Protection Act 1998

This is not an exhaustive list and the Council is committed to fulfilling legislative requirements

##### 6.1 Equalities Act 2010

The Equality Act 2010 defines a person with a disability as someone who has a mental or physical impairment that has lasted or is likely to last at least 12 months, and has a substantial and long term adverse effect on the person's ability to carry out normal day-to-day activities. 'Normal day to day activities' are not defined by the Act; however advice can be sought from the Employee Relations & Wellbeing Team.

For the purposes of the Act, progressive illnesses such as HIV, Aids, Cancer and Multiple Sclerosis will be counted as a disability from the point of diagnosis. Changes in legislation mean that mental ill health no longer has to be a clinically well recognised condition to be covered by the Act.

The Council, in accordance with the Equality Act, is committed to fully considering and exploring the possibilities of making reasonable adjustments to enable employees to continue in their employment.

##### 6.2 Disability Symbol Commitments

The Disability Symbol is a recognition given by Jobcentre Plus to employers agreeing to meet five commitments regarding the recruitment, employment, and retention and career development of disabled

people. The Council takes a proactive approach to commitments under the disability symbol which includes making every effort, when employees become disabled, to make sure they stay in employment.

Line managers will be responsible for completing Return to Work processes and Wellbeing Support Meetings. These will allow for employees whose circumstances have changed to highlight this to their line manager/team leader. It is essential that any declarations made by an employee of having or a likelihood of having a disability are followed up with the Employee Relations & Wellbeing Team.

The Employee Relations & Wellbeing Team can be contacted by employees or their line manager for advice on reasonable adjustments and the disability related enquiries.

### **6.3 Pre-Employment Medical Health Questions**

Pre-employment health questions will only be requested by the Council in line with the Equality Act where the reason is one of the following:

- To make suitable arrangements for interview or selection
- For the purposes of equality and diversity monitoring
- For a genuine, job-related reason
- To take positive action
- To assure the Council that a candidate has a disability where the role genuinely requires the individual to have a disability.

### **6.4 Data Protection Act 1998**

Forms, records, letters and notes of meetings from the Wellbeing at Work Policy should be written objectively, factually and sensitively. Employees have a statutory right to access personal data held on them by the employer. The right is subject to conditions and certain types of data are exempt however, line managers should be prepared to give employees access to their own personal information held on file including any hand written notes.

## Section 2: Wellbeing and Support at Work

### 1 Support for Employees

This section of the policy outlines the range of support available to all employees which will be highlighted and offered under the various processes within Wellbeing at Work Policy.

#### 1.1 Line Manager or Team Leader Support

Employees are encouraged to speak to their line manager/team leader at the first opportunity to discuss any concerns, worries or circumstances that have or could potentially have a detrimental impact on their wellbeing. In situations where this is not possible employees can contact the Employee Relations & Wellbeing Team for advice.

Employees should speak with a line manager at the earliest stage possible where they feel that their wellbeing is or is likely to suffer. Some employees may be able to pre-empt the effects of conditions and as such should seek to speak with their line manager to develop strategies for planning appropriate support.

This discussion will provide an opportunity for any assistance to be offered to the employee and for potential absence or further detrimental impact on employee wellbeing to be avoided.

#### 1.2 Employee Relations and Wellbeing Team

The Employee Relations & Wellbeing Team will play a key role in the implementation of the policy and will recommend support mechanisms for an employee who approaches them with concerns, worries or circumstances that are having or could potentially have a detrimental impact on an employees' working life.

#### 1.3 Osteopathic/Physiotherapy Assistance

Osteopathic/physiotherapy assistance is available to employees where the circumstances indicate that this will be of benefit to the recovery and/or managing the condition. The referral to osteopathic/physiotherapy assistance may be part of, or the outcome of a referral to Occupational Health Support.

In addition, The Kirkintilloch Health and Care Centre (KHCC), 10 Saramago Street, Kirkintilloch operate a Physiotherapy Self Referral System. Forms are available at the KHCC Reception. Employees should in the first instance attempt to source Physiotherapy through either the KHCC or their own GP.

Employees should provide a fit note or letter from their GP stating that physiotherapy or osteopathy will be of benefit to the recovery and/or managing the condition and employees will have the opportunity to discuss this assistance as part of wellbeing support meetings. Employees who feel that this would be of assistance should request a wellbeing support meeting with their line manager to discuss this requirement. Please note there will be a maximum of 6 sessions funded by East Dunbartonshire Council to allow for NHS waiting times.

#### 1.4 Occupational Health Provision

The Council Occupational Health Provision will be offered as part of the relevant wellbeing at work meetings to encourage employees to utilise the assistance available in sustaining wellbeing and to minimise any absence from work. This provision will be key in assisting line managers/team leaders in facilitating employees in remaining in or returning to work and will be promoted through various methods including the meetings associated with wellbeing at work.

Employees also have the opportunity to request to be referred to Occupational Health as a way of managing their wellbeing.

Employees can access Occupational Health by contacting the Employee Relations & Wellbeing Team or their appropriate line manager who will discuss the information required for the appointment and where appropriate, will arrange a suitable time for employees to attend.

Employees will be made aware of and have the opportunity to access welfare support as part of the wellbeing at work meetings and through various other corporate communication methods. Employees can access support from the relevant welfare support by contacting the Line Manager and/or Employee Wellbeing Team where it is felt appropriate.



All employees can access the service and there is a wide range of welfare support available to meet individual employee's needs. The services offered include:-

- Online or telephone support through the "Employee Assistance Programme" - Workplace Options - Freephone 0800 243 458, E-Mail: [assistance@workplaceoptions.com](mailto:assistance@workplaceoptions.com), Website: [www.workplaceoptions.com](http://www.workplaceoptions.com)
- Support to access appropriate internal and external services

### **Other Helping Agencies**

In line with the Wellbeing at Work Policy, it may be appropriate for other agencies to be contacted to address a particular case. In all such cases the agreement of the appropriate support and assistance will have been discussed between the manager and employee in the course of implementing the established Wellbeing at Work Policy and the related procedures.

Support services will also be offered in accordance with other related policies for which it is felt to be appropriate. Employees can request other support which is appropriate to the absence reasons or to supporting their ongoing wellbeing in the workplace. This request will be considered on the basis of the impact that it will have on the employee remaining in or returning to work.

## **2 Reading Materials to support wellbeing**

The Council in working with partners aims to promote reading materials which are aimed to support wellbeing. These cover a number of areas and can assist employees in different ways at different stages of their lives. Reading materials are available through the Community Health Partnership under the Healthy Reading Scheme aimed to assist individuals who are experiencing stress or other emotional difficulties. Employees can access these materials at East Dunbartonshire Council libraries.

## **3 Health Promotion and Improvement**

The Council will take a proactive approach to promoting healthy working lives and positive wellbeing amongst employees. The promotion of local and national campaigns and the assistance offered to employees is key to maintaining and improving the health and wellbeing of the workforce.

The promotion of healthy working lives will be an ongoing development within East Dunbartonshire Council. The Council will undertake reviews of health promotion in the workplace at regular intervals with the aim of improving the health and wellbeing of employees. Local and national priorities will be considered and promoted in ways which are appropriate within the Council.

### **3.1 Healthy Working Lives**

As part of the Wellbeing at Work Policy the Council will work towards attainment of the Healthy Working Lives Award which recognises organisations as providing a healthier and safer workplace. Information on the award and supporting materials can be found by visiting: <http://www.healthyworkinglives.com>

As part of Health Promotion the Council aims to offer a range of services that can have a positive impact on health and wellbeing.

### **3.2 Reduced rate Leisure Facilities**

Employees of the Council can enjoy reduced rates at Council Leisure Centres. These are available by contacting the relevant facility:

- Kirkintilloch Leisure Centre on 0141 578 8222
- Leisuredrome Bishopbriggs on 0141 777 3060
- Allander Sports Centre based in Bearsden can be contacted on 0141 777 3070

### **3.3 Health for Life Programme**

Health for Life is a home study course with places available to East Dunbartonshire employees. These are flexible learning courses which are an ideal way to help you improve employee health, fitness and diet and generally address key lifestyle issues.

The Council will also take steps to promote other initiatives to employees which form part of local and national priorities to ensure that the relevant steps are taken to promote wellbeing at work and the support available. The programme can be accessed through the Organisational Development Team.



## 4 Phased Return to Work

The purpose of a phased return is to facilitate an earlier return to work and assist the employee to return to work on a long term basis, in a supportive environment. This may be appropriate where the employee, on the basis of medical advice i.e., the fit note feels that returning to the workplace in a phased way will be more beneficial to their full recovery.

In the phased return process, adjustments will be made to either hours of work or the duties that are undertaken or both for a period up to 4 weeks. A phased return may be extended on the basis of medical evidence which suggests that the extension of the phased return will have a positive impact on an employee returning to work.

A medical report **must** be sought where appropriate from the employees GP, which may be outlined in the fit note or appropriate Council Occupational Health support for advice on the benefit to the employee and recommendations on how this should be implemented. The information pertaining to the phased return and support at work this will be discussed with the employee and line manager for an effective phased return and support.

In normal circumstances one period of phased return to work will be agreed in a rolling 12 month period. Where a second period of phased return to work within a rolling year is recommended by a GP, advice and authorisation must be sought from your HR Business Partner.

The phased return to work process requires agreement between the employee and line manager whilst meeting the needs of the service. Where a phased return is agreed and confirmed in writing by the manager, with guidance from Employee Relations & Wellbeing Team, with a specific plan of work scheduling, duties to undertake and/or hours.

### 4.1 Payment during phased return

Non-Teaching employees will be paid for the period of their phased return at full pay for a period of no longer than 4 weeks. This period may be extended on the basis of medical evidence. If a phased return extends beyond this time period, there should be a review of the agreement to allocate the employee's annual leave allowance for the remaining days when they are not at work.

Teaching employees will be required to use any compensatory leave of up to 10 days as outlined in Section 6: Entitlements (Pay & Annual Leave) & SNCT Part 2 Section 6 (6.35) as part of their phased return to work.

## 5 Performance and Development Review (PDR) Framework

The PDR Framework aims to ensure that employees have a structured performance management framework which will assist employees in achieving and sustaining high performance. The PDR Framework encourages open communication and is also focused on ensuring that employees are aware of any issues relating to work objectives and performance prior to the annual review. The PDR Framework can assist in addressing issues at the informal stage through regular meetings and performance improvement.

The PDR Framework can provide a framework for addressing issues to support the approach to the Wellbeing at Work Policy through:

- Setting Objectives in agreement with employees
- Reviewing Objectives with employees
- Identifying needs and supporting employees to meet their objectives
- Opportunity for face to face communication with employees
- Addressing areas of concern highlighted by employees
- Allowing for objectives to be adjusted according to individual circumstances in rehabilitation from a period of absence related to illness, stress or addiction related issues

The implementation of the PDR Framework provides a two way process for setting, reviewing and demonstrating effort to meet objectives through communication between employees and line managers/team leaders.

## 6 Professional Review and Development (PRD) Process - Teachers

The process recognises that the professional review and development of a teacher throughout their career is a condition of service and is essential in order to maximise the valuable contribution every teacher has to make towards raising achievement. PRD provides a structured framework of review allowing for structured process for reviewing an individual teacher CPD record and CPD plan:

- Agreed anticipated outcomes
- Areas for further development
- Other activities arising from the development plan

The implementation of the PRD process promotes individual annual professional review meetings to take place in a confidential setting. Employees may feel that it is appropriate to discuss, in confidence, progress on areas of concern with regard to the CPD plan. If a teacher has concerns relating to wellbeing at work, these may be discussed at a PRD meeting (e.g. stress, workload, timetabling issues).

## Section 3: Positive Attendance

### 1 Absence Notification Procedures

#### 1.1 Notification on first day of absence

An employee should report absences as early as possible to their line manager in line with service requirements or within 1 hour of the normal start time. Where the relevant manager is not available, the employee should speak to another appropriate alternative manager and leave a contact number to enable the line manager to contact them later that day, or as soon as possible thereafter. In exceptional circumstances e.g. hospitalisation, employees may arrange for someone on their behalf to speak directly with the appropriate manager. Email or text messages are not accepted as an appropriate method of communication..

Staff who work shifts, part time or job share should notify their Supervisor / Line Manager as soon as they are aware they will be absent from work. They should not wait until they are due to attend work.

Where the absence continues to a 4th day, the employee, or in exceptional circumstances the person acting on their behalf, must notify the Service of the continuing absence and confirm if it's likely to continue beyond a 7th day.

If the absence continues beyond 7 days, the employee must speak to their line manager every 7 days throughout the duration of absence, and provide an update of their situation. In exceptional circumstances weekly contact may not be appropriate and agreement will be reached with the employee and line manager how frequent and what form of contact will be appropriate.

For an absence continuing for **more than seven calendar days**, the employee must consult a Medical Practitioner and obtain a Fit Note. The certificate must be forwarded immediately to the Manager. If the absence is likely to continue beyond the date shown on the medical certificate the employee should consult their Medical Practitioner again and submit additional medical certificates timeously to cover the absence.

#### 1.2 Part Day Absences

Part day absences will not be recorded as an absence for the purposes of payroll. Employees will receive their normal rate of pay for the day. The line manager/team leader should note these on the employee record for the purposes of establishing a pattern or level which may cause concern but should not be recorded for the purposes of monitoring absences under this policy.

#### 1.3 Fit Notes

On being issued with a fit note by a GP, the employee should inform the manager of the duration that they are expected to be off and the details of the absence. Fit Notes are not intended to get people back to work before they are ready but are about removing challenges or barriers to their ability to return to the workplace.

The procedure for absences of over 7 calendar days will recognise the issuing of 'fit notes' by GP's. Each fit note will cover no longer than 3 months and every effort must be made to consider the advice given.

##### **GP's will now recommend that:**

- **An employee is not fit for work.**  
This means that the doctor's assessment of the employee is that their health condition prevents them from work for the stated period of time.
- **An employee may be fit for work taking into account the advice stated.**  
This means that the doctor's considers that their condition does not necessarily stop them from returning to work. This may be possible by considering advice given and engaging in discussion with the employee.

The GP may make recommendations around phased return, amended duties, altered hours, workplace adaptations. **If a GP recommends that an employee 'may be fit for work taking into account' they must provide their reasons and outline the effects of the medical condition and/or symptoms. It is expected that a GP will provide an indication of how long any changes will be in place for and when these should be reviewed.** The Council will take account of the information provided on the 'fit note' and where appropriate may involve the Occupational Health support in reviewing the recommendations from a GP.

Following due consideration of all options, if the proposed recommendations cannot be agreed, you should treat the fit note as if it says that the employee is not fit for work. There is no requirement for a new fit note from the employees' G.P. to confirm this.

The dates specified within the fit notes are inclusive, (i.e. a fit note dated from 2 April to 10 April will no longer apply from the 11 April onwards). However, employees can go back to work at any time (including before the end of the fit note) without going back to see their doctor – even if their doctor has indicated that they need to assess them again. This will not breach the Council's Employers Liability Compulsory Insurance, providing a **suitable risk assessment** has taken place and it has been agreed that they are fit to return if required. If an employee decides that they wish to return prior to the expiry of their fit note then this should be discussed with the Occupational Health Nurse. Further information can be found at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/298835/fitnote-employers-line-managers-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298835/fitnote-employers-line-managers-guidance.pdf).

#### 1.4 Keeping in Touch throughout Absences

Keeping in touch requirements while absent:

- First Day: Notification made as early as possible in line with service requirements or within 1 hour of the normal start time
- Fourth Day: Update the line manager or other appropriate contact on the expected length of absence
- Seventh Day: Update the line manager or other appropriate contact on the expected length of absence.
- Employees must call to update the manager or other contact on the likelihood of remaining absent or returning to work every seven days throughout the duration of absence.
- Upon each fit note being issued: Contact must be made to update the line manager.
- In sensitive cases there is the need to agree with the employee how frequent and what form of contact would be appropriate. This may include arranging contact with the employees' next of kin.
- Failure to notify absences may lead to disciplinary action where there are no underlying reasons for failure to follow the established procedures outlined.

#### Home Visits

Home visits may be appropriate for the ongoing support of an employee's wellbeing. These may be appropriate as a result of:

- A request for a home visit as opposed to an employee travelling to meet a manager
- The nature of the absence

Home Visits are appropriate in exceptional circumstances and will only be arranged with an employee's consent. In some instances, it may be appropriate for Occupational Health Support and/or any other support to be offered by way of a home visit.

Employees will have the opportunity to be accompanied by a family member, colleague or Trade Union representative during the visit.

Lone worker guidelines should be followed by those employees who are carrying out home visits.

#### 1.5 Failure to Report or Notify an Absence

When employees do not make contact to notify absence or do not arrive in the workplace within a reasonable time, line Managers or another appropriate officer will make contact with employees.

The purpose of this is to establish if an employee is safe and well and determine the background of the failure to report.

Failure to report absences may have an impact on an employee's sickness allowance as outlined in Section 7: Entitlements (Pay & Annual Leave) and could lead to further action which may include disciplinary action.

Line Managers will make the effort to speak to an employee to gather as much information as possible prior to suspending sickness allowance.

## 2 Types of Absence

If any known work related issue including stress is suspected, or recorded on a fit note, this should be treated as a matter of urgency and a line manager/team leader must contact the Employee Relations & Wellbeing Team to discuss and arrange referral to Occupational or any other appropriate support in line with the circumstances.

In supporting wellbeing, there will be different types of absence which may include:

### 2.1 Short-Term

Absences are considered short term when they last up to 20 calendar days. The management and support of short term absences is as important as addressing long term absence.

### 2.2 Long-Term

Medically certified absences of 21 calendar days normally by continuous absence are considered 'long term'. The employee should be requested to attend a Wellbeing Support Meeting on having been absent for 21 calendar days as outlined in Section 5 of Positive Attendance with the right to representation applying. If the absence extends to a further 3 weeks, a further meeting should take place (where appropriate) with the employee to review the support requirements to be implemented.

In individual particular cases of deteriorating or terminal conditions, this may not be appropriate. A line manager/team leader should discuss appropriate contact with the employee in such cases.

### 2.3 Long-Term Absence (Unpaid)

In cases of long term unpaid absence, employees will still be required to submit fit notes and ongoing reviews will take place with employees on a minimum quarterly basis. Employees who are in an unpaid basis are also covered in the Council's approach to Wellbeing at Work.

### 2.4 Infectious Diseases

An employee who has been deemed by a GP as incapable to work due to an infectious disease must notify their line manager/team leader immediately and where possible, provide the Council with the supporting information. The line manager/team leader will then notify the Health & Safety Advisor for the Council who may wish to contact the employee for more information.

An employee absent on these grounds will be entitled to full pay during the absence subject to any deductions payable under the National Insurance Act. A period of absence as a result of infectious disease should not be reckoned against the employee's entitlement to sickness allowance. Medical information will be required to be submitted in cases of infectious disease.

In cases of an employee having food handling duties following certain infectious diseases, they may be fit for work in another area of the organisation and could be requested to carry out other duties.

### 2.5 Respiratory Tuberculosis – Teaching Employees Only

In cases of an employee suffering from respiratory tuberculosis, and where the absence is supported by a GP statement, full salary will be payable for any period of absence up to a maximum of 12 months plus half salary up to a maximum of a further 6 months. The employee will not return to duty until certified as fit to do so.

### 2.6 Terminal Illness

Cases involving terminal illness should be dealt with in a particularly sensitive manner giving consideration to the employee. There may be occasions where the employee continues to attend work and it is essential that work related adjustments are considered and implemented where possible in assisting the employee to remain in work. In cases where termination of employment is likely, consideration must be given to the sensitivity around the issues and may be postponed given the circumstances.

**It is essential for Line Managers/Team Leaders to make contact with the Employee Relations & Wellbeing Team for support in sensitive cases.**

### 2.7 Criminal Injuries

Where damages for criminal injuries are awarded, employees will not be required to refund any proportion of the award. If an award is made, the period of absence shall not be treated as sickness absence and will not count against the employee's entitlement to sickness absence. The leave will then be treated as special leave.

Where damages for criminal injuries are not awarded, the absence shall be treated as sickness allowance and will count as a period of sickness entitlement.

## **2.8 Accidents (outwith employment)**

Employees who are paid damages in respect of an accident outwith employment will be required to repay any sickness allowance advanced either in total or as a proportion of compensation. Where a refund of the advance of sickness allowance is made in full by the employee to the Council, this will not be treated as sickness absence.

## **2.9 Assault at Work**

Employees who are absent as a result of an assault in the course of their employment will have the period of absence treated as special leave. Periods of absence in relation to a violent incident at work will be treated as entirely separate to any monitoring outlined in section 5 and will be treated as special leave in the first instance.

Where Violence at Work is the direct result of a work issue then it is reportable to the Health & Safety Advisor through the internal accident / incident reporting procedure and depending on the gravity of the injury or where the injured person is off work for more than 3 days then it is reportable to the Health & Safety Executive. Reporting should be carried out using the internal reporting form PER (HS1) and submitted to the Health & Safety Advisor as soon as possible.

## **2.10 Work Related Injury/Illness**

If an employee is absent as a result of sickness or disablement as a result of a work related accident or illness arising out of and in the course of employment, or due to industrial disease, the employee will be entitled to a separate allowance. Periods of absence for normal sickness and industrial accident are entirely separate and one will not be set off against the other for the purpose of calculating entitlements or allowances if there has been no negligence on the part of the employee in terms of that individual complying with the recognised safe methods of work.

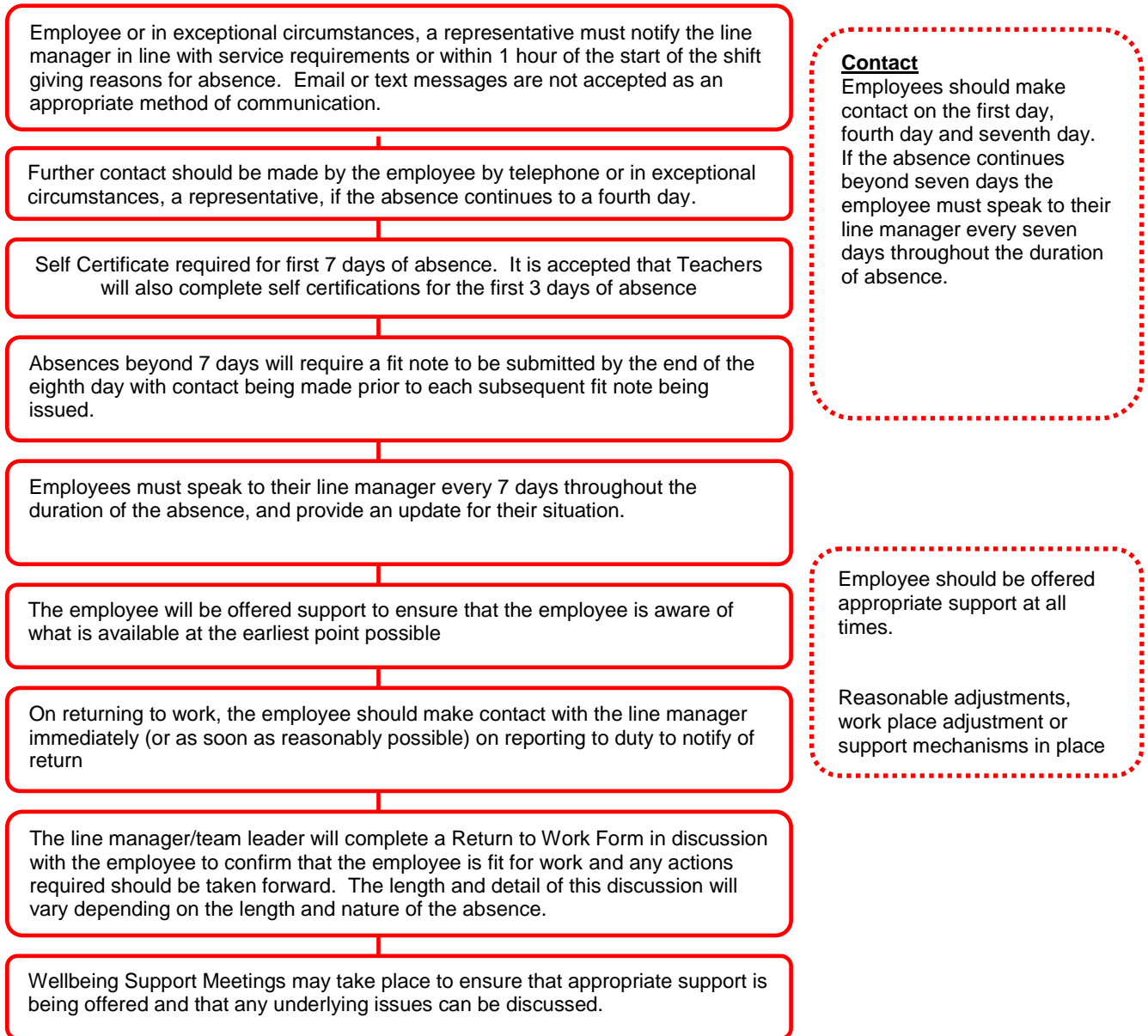
An absence due to an accident will only qualify for payment when an entry is to be made in the accident book (Form B1510) for the purposes of the Social Security Act 1975 is appropriate and has been completed with the facts of subsequent investigations are found to be accurate.

In circumstances where no entry is made at the time of an accident, the Council will not unreasonably refuse payment of the sickness allowance for reason of industrial injury/illness. The Council will still be required to undertake investigations and if it is established that the accident took place arising out of, or in the course of employment, if there has been no negligence on the part of the employee in terms of that individual complying with the recognised safe methods of work the employee will be entitled to sickness allowance for reason of industrial injury/illness.

The Council will, in cases of a work related illness, request a report from a medical or Occupational Health professional to allow the Council to establish the circumstances.

***The reporting of an injury or accident at work must be made as a matter of urgency to the Health & Safety Team.***

## Employee Flowchart



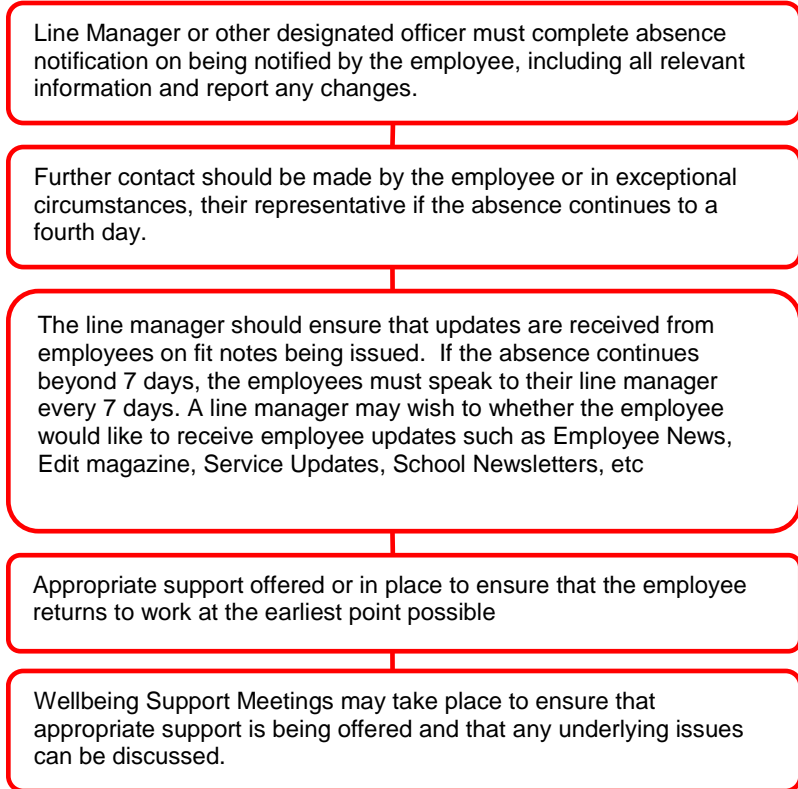
## Employee Checklist

- ✓ Employee or in exceptional circumstances, a representative must notify the line manager or other appropriate contact by telephone as early as possible in line with service requirements or within 1 hour of the start of the shift giving reasons for absence.
- ✓ Further contact should be made if the absence continues to a fourth day.
- ✓ Self Certificate completed for first 7 days of absence. It is accepted that Teachers will also complete self certifications for the first 3 days of absence. Absences beyond 7 days will require a fit note to be submitted by the end of the eighth day with contact being made prior to each subsequent fit note being issued.
- ✓ Employees must speak to their line manager every 7 days throughout the duration of the absence.
- ✓ Appropriate support offered within the process of supporting wellbeing.
- ✓ Appropriate Return to Work processes and Wellbeing Support Meetings carried out.
- ✓ Employees will have the right to be accompanied by a colleague, relative, friend or Trade Union Representative at all wellbeing meetings or hearings.

**Confidentiality must be maintained by all employees, line managers and colleagues from the point of an employee reporting an absence and in all subsequent contact, correspondence and/or meetings.**



### Line Manager/Team Leader Flowchart



**Contact**  
Employees should make contact on the first day, fourth day and seventh day. If the absence continues beyond seven days the employee must speak to their line manager every seven days throughout the duration of absence.

Employee should be offered appropriate support at all times.

Reasonable adjustments, work place adjustment or support mechanisms in place

**Confidentiality must be maintained by all employees, line managers and colleagues from the point of an employee reporting an absence and in all subsequent contact, correspondence and/or meetings.**

**Employees and line managers must also note the requirements as outlined in the 'Employee Checklist' and 'Absence Notification Procedures'**

### 3 The Process for Monitoring Absence

The Council adopts a supportive approach to positive attendance which aims to ensure that assistance can be offered in individual cases that show a level, reason and/or pattern of absence which causes concern.

Monitoring attendance is critical in ensuring support, consistency and transparency. Monitoring will allow for the appropriate support to be made available from the earliest stage possible and for coping strategies to be discussed. This will be further supported by Return to Work processes and Wellbeing Support Meetings to ensure that targeted support can be provided for the employee to remain at or return to work.

***Employees will have the right to be accompanied by a colleague, relative, friend or Trade Union Representative at all meetings referred to within the Wellbeing at Work Policy.***

Employees will be requested to meet with their Line Manager for a Wellbeing Support Meeting where:

- An employee has had 3 periods of absence within a rolling 12 month period. The period of reviewing absence will be taken as rolling 12 months prior to the commencement of the most recent absence. A period represents an absence of any duration.
- Absences totalling 8 working days in any one calendar year. A calendar year is the period between 1<sup>st</sup> January and 31<sup>st</sup> December. This will be pro-rated for part-time employees.
- An absence is over 21 calendar days and therefore deemed as long-term
- The absence has been identified as work-related
- The pattern of absence causes concern
- Unauthorised absence
- The reason for absence requires additional support meetings to be arranged

### 4 Return to Work & Self Certification

On returning to work following an absence, an employee is required to complete the self certificate for any absences up to and including 7 days. It is accepted that teaching employees will complete a self certificate for the first 3 days of absence. In all cases of absences over 7 days, a fit note must also be submitted.

Employees must make contact with the line manager immediately (or as soon as reasonably possible) on reporting for duty.

All employees must have return to work processes conducted by a line manager/team leader regardless of the length of the absence. The line manager should meet with the employee. This should be carried out within 48 hours (or as soon as possible) on return to duty. The length and level of detail of the Return to Work may differ depending on the length and reasons for the absence.

Only in cases of short term absences, where service requirements would hinder a meeting taking place would line managers have the return to work conversation over the telephone while completing the appropriate RTW (Return to Work) Form with the reasons for absence considered when doing so.

Return to Work processes give the opportunity to:

- Review the reason for the absence
- Identifying any issues affecting employees and their ability to attend work
- Identifying support mechanisms or carry out Risk Assessment that will be beneficial to employee assistance
- Remind the employee of the support mechanisms available to them
- Arrange any support required
- Identify any requirements for workplace adjustments or rehabilitation
- Request the employees consent if a Medical Report is deemed necessary
- Update the employee on any changes within the workplace since their absence
- Highlight where there is a likelihood of formal disciplinary action based on absence levels (if appropriate)
- Ensure that the relevant paperwork has been completed

***In all cases of long term absence or work related absence, a Wellbeing Support Meeting must be held to ensure that all appropriate support is in place.***

### 5 Wellbeing Support Meetings

The purpose of the Wellbeing Support Meeting will support the employee in remaining in or returning to work. This will also give the line manager/team leader and employee an opportunity to offer support, discuss the background surrounding the absences, highlight areas of concern and communicate where improvement is required.

## 6 Absence Review Hearings

The implementation of the Absence Review Hearing should be considered in line with the reasons for absence. An Absence Review Hearing will be appropriate where:

- Ongoing Wellbeing Support Meeting(s) resulted in no improvement; or
- No underlying health condition and/or no mitigating circumstances determined

Provided that the following are met:

- Employee made aware of the need to improve absence levels in an agreed monitoring period.
- Action taken to support the employee in improving attendance
- Employee made aware that failure to improve may result in disciplinary action

In line with the Council Discipline at Work Policy for all employees (excluding teachers), reviews under the established procedures outlined in this policy may form the fact finding stage of the process if an employee's absence levels become unacceptable.

### Pregnancy Related Absence

Line managers and team leaders must be aware of the need to separate absences related to pregnancy when reviewing the period of absence. Absences related to pregnancy must be discounted from any periods for review within Absence Review Hearings however the processes for Wellbeing Support Meetings must be implemented to ensure support mechanisms are available. Any pregnancy related sickness absence within the last 4 weeks leading up to Maternity Leave will automatically begin an employee's Maternity Leave and Pay. Illness which is unrelated to pregnancy will not affect maternity leave and the maternity arrangements made will remain as agreed. Any absences which are unrelated to pregnancy should be included within the process and monitored in the established methods outlined.

### Disability Related Absences

Line managers and team leaders must be aware of the need to separate absences related to disability when reviewing the period of review for Absence Review Hearings however, the processes for Wellbeing Support Meetings must be implemented to ensure support mechanisms are available.

Absences related to disability should be considered with sensitivity and with the possibility of reasonable adjustments being implemented.

Any absences which are unrelated to a disability should be included within the process and monitored in the established methods outlined.

### 6.1 Wellbeing at Work Meetings Summary

Meeting	Actions by Manager
<p>Return to Work</p> <ul style="list-style-type: none"> <li>● Undertaken following all absences</li> <li>● Refer to guidance for return to work processes</li> </ul>	<ul style="list-style-type: none"> <li>● Support offered</li> <li>● Appropriate paperwork completed</li> <li>● Wellbeing Support Meeting arranged <b>where required</b> and any adjustments or required action taken</li> </ul>
<p>Wellbeing Support Meeting</p> <ul style="list-style-type: none"> <li>● An employee has had 3 periods of absence within a rolling 12 month period. The period of reviewing absence will be taken as rolling 12 months prior to the commencement of the most recent absence. A period represents an absence of any duration.</li> <li>● Absences totalling 8 working days in any one calendar year. A calendar year is the period between 1<sup>st</sup> January and 31<sup>st</sup> December. This will be pro-rated for part-time employees.</li> <li>● An absence is over 21 calendar days and therefore deemed as long-term</li> <li>● The absence has been identified as work-related</li> <li>● The pattern of absence causes concern</li> <li>● Unauthorised absence</li> </ul>	<ul style="list-style-type: none"> <li>● To ensure appropriate support is being offered</li> <li>● To explore the possibility of an underlying health condition</li> <li>● Conducted to implement support/monitoring in agreement with the employee</li> <li>● Following support/monitoring being implemented as part of the review process</li> <li>● In some cases, it may be necessary to highlight that the employee may be subject to further action if no improvement made</li> </ul>

<ul style="list-style-type: none"> <li>● The reason for absence requires additional support meetings to be arranged</li> </ul>	
<p><b><i>The Employee Relations &amp; Wellbeing Team in agreement through discussions with the employee and line manager will take forward appropriate actions/arrangements for the case.</i></b></p> <p><b><i>A Wellbeing Support Meeting will determine the facts underlying an employee's absence and the requirement for further meetings.</i></b></p> <p><b><i>If there no mitigating or underlying issues are established and any potential support actions are not appropriate to the individual case, the manager should consider moving to an Absence Review Hearing.</i></b></p>	
<p>An Absence Review Hearing should be arranged:</p> <ul style="list-style-type: none"> <li>● Ongoing Wellbeing Support Meeting(s) resulted in no improvement; or</li> <li>● No underlying health condition and/or no mitigating circumstances determined</li> <li>● The reasons for absence warrants the hearing taking place</li> </ul>	<ul style="list-style-type: none"> <li>● Employee made aware of the need to improve absence levels in an agreed monitoring period.</li> <li>● Action taken to support the employee in improving attendance</li> <li>● Employee made aware that failure to improve <b>may</b> result in disciplinary action</li> </ul>

## 7 Ongoing Support at Work

Employees may require ongoing support while at work and/or for a period following absence from work which could be through a variety of support mechanisms and this should be implemented to suit the needs of the employee. Line managers/team leaders should seek advice from the Employee Relations & Wellbeing Team to ensure that all available support mechanisms are highlighted to the employee to support their attendance at work.

Employees can request a meeting with their line manager if they feel that it will be beneficial to supporting their ongoing Wellbeing at Work.

Information on the support available to employees will be distributed through corporate communication methods to all employees.

### 7.1 Ongoing hospital appointments & treatments

An employee may require to attend hospital appointments and/or have regular treatment to assist in their ongoing management of a disability and will be granted time off with pay to attend these appointments. Employees must give line managers/team leaders reasonable notice of the requirement to attend. This may be highlighted as part of a return to work and/or Wellbeing Support meeting or through other discussions with the line manager/team leader.

### 7.2 Reasonable Adjustments

The Council has both a legislative and proactive duty to ensure that employees who are disabled or become disabled are supported to remain in employment. As part of this process the Council will make reasonable adjustments as part of the commitment to retaining employees in their role.

Adjustments will be considered in terms of how reasonable and practicable they are. Some reasonable adjustments that may be implemented include:

- Reviewing the content or reallocation of duties in line with the employees ability
- Review work commitments by the employee
- Review the employee's work pattern
- Review the need for specialist equipment
- Alterations considered to the working environment
- Support implemented to ensure that the employee remains at work

Employees and Line Managers can contact the Employee Relations & Wellbeing Team to discuss the possibilities in making reasonable adjustments.

***Reasonable adjustments will require ongoing review on a regular basis to ensure that they are still appropriate to the employees' needs.***

### **7.3 Adjustments relating to Capability**

Some cases of absence may require alternatives to be explored due to an employee being unable to return to their normal duties. There may be opportunity to explore other solutions for the employee to return to another form of work.

Any alternatives should be discussed with the Employee Relations & Wellbeing Team to ensure that they comply with policy and legislative measures. The process of implementing adjustments is a two-way process with the involvement of the employee.

Redeployment to alternative duties may be an option if the employee's return to their normal duties will affect their medical condition. Line Managers may consider comparable work within the department which is suitable to the employee's capability. Where no alternative within the service can be found there may be a requirement to find alternatives from another department in the Council. Reference should be made to the Suitable Alternative Employment due to Incapability Policy.

Altering the employee work pattern for a period of time or permanently may be appropriate. The opportunities for part-time or job share should be considered in line with the needs of the service and with reference to the Flexible Working Policy for the Council.

Assistive/specialist equipment may be appropriate in the rehabilitation of the employee back to work. This should be discussed with the employee giving consideration to the impact that this will have on the employee's ability to carry out their normal duties. Line Managers should consider the adjustments and liaise with the Employee Relations & Wellbeing Team for advice where appropriate.

In cases involving an employee with a disability, all possible adjustments and available support must have been considered.

Teaching employees have opportunities via the Scottish Public Pensions Agency (SPPA) which may be explored and considered through the Wellbeing Support Processes which include winding down arrangements, phased retirement and ill health retirement.

It may also be appropriate to contact the local Job Centre or consult the Jobcentre Plus website for information on help and advice available to employees experiencing a disability.

## **8 Discipline at Work & Positive Attendance**

In instances of intermittent absence with no underlying health problem or where a pattern is identified, it may be appropriate to deal with this under the Discipline at Work Policy. This should be considered as a last resort with all established procedures having been implemented including Return to Work Interviews, Wellbeing Support Meetings and Absence Review Hearings highlighting the improvement required and the consequences of any further absences.

In such cases referral should be made to the Discipline at Work Policy and Discipline at Work Manager's Toolkit.

For an employee employed under teaching conditions, reference must be made to the Procedure Manual 2/18: Disciplinary Procedures for Teachers to ensure that appropriate action is taken in line with LNCT agreements.

## **9 Dismissal relating to Capability**

This option should be seen as a last resort and advice should be obtained from Employee Relations & Wellbeing Team on how to proceed.

Dismissal for lack of capability (ill health) is a potentially fair reason for dismissal, but it is important to note the distinction between dismissal for unacceptable level of absence (misconduct) and dismissal for lack of capability where a genuine underlying health problem exists.

It is important that the employee is advised verbally and in writing when termination of contract on grounds of lack of capability is being considered. This should be carried out at an Absence Review Hearing and that their case is going forward to a Future Employment meeting. This should only be actioned after the employee has been given the opportunity to make representations, appropriate and ongoing medical advice sought and other factors considered such as alternative employment, phased return, the need for the work to be done, effect of absence on the service/contract etc.

Each case will depend on its own facts and careful consideration and judgement will have to be exercised by managers/Team Leaders before coming to a decision to terminate an employee's contract on grounds of lack of capability (ill health).

Whilst employees should be advised of their rights of representation at all stages of the managing absence process it is particularly important that this is emphasised when the point has been reached when termination of contract on grounds of lack of capability (ill health) is the only option remaining.

#### **10 Ill Health Retirement**

In cases of possible Ill Health Retirement employees and line managers should refer to the relevant guidelines by the Strathclyde Pension Fund (SPF) or the Scottish Public Pensions Agency (SPPA). Guidance should be sought from the Employee Relations Team in all cases of possible ill health retirement.

## Section 4: Addiction Support

### Alcohol & Drug Misuse Overview

#### 1. Introduction

The Council understands that having an alcohol or drug related problem is primarily a health, social and behavioural issue. However, it is also recognised that addiction problems can have serious implications for employee and employer alike and can:

- Affect an employee's health, wellbeing, safety and performance at work
- result in increased risk of accident or injury in the workplace
- increased Absenteeism & Sickness Absence
- impact on the quality and safety of the services provided by the Council.

The aims of the Addiction Support section of this policy are to:

- Outline the standards of conduct expected in relation to alcohol and drugs
- help employees to understand the risks associated with alcohol and drugs
- offer encouragement, support and assistance to employees who suspect or know that they have or are developing a dependency or addiction, to seek help voluntarily at the earliest stage from support agencies directly or via the established procedures
- support the proactive and effective management of any alcohol and/or drug misuse problems; and
- provide information on the comprehensive, welfare service, employee assistance programme and other support services, which offer early help and support, professional counselling and information services.

#### 2. Standards of Conduct in Relation to Alcohol & Drugs

Employees must attend for work free from the effects of alcohol or drugs during working hours in order to protect all employees, the Council reputation and the wider East Dunbartonshire Council community. This applies to all employees as well as those who are providing a service for us, such as contractors, volunteers or agency workers. Elected Members are governed by a code of conduct from the Standards Commission.

##### **Civic, corporate and authorised functions**

A civic function is hosted by the Provost and involves civic hospitality that may or may not include alcohol. A corporate event or authorised function is authorised by a Director and could involve retirement presentations and long service awards, for example.

Alcohol must not be consumed on Council premises, with the exception of civic and authorised functions.

Employees attending such functions during working hours should not drink alcohol. Non-alcoholic drinks should be made available.

Exceptions to this may be when:

- Prior authorisation has been sought and given by senior management.
- Where possible events and functions take place later in the working day and employees are not expected to return to work.

Employees representing the Council should not act in ways that could affect the reputation of the council.

##### **Prescribed Drugs**

Employees should be aware of the effects of some prescribed drugs, over-the-counter medicines or alternative remedies that they may have for personal use e.g. drowsiness may increase the risk of accident or harm, particularly if the employee is involved in driving or operating heavy machinery. All employees have a responsibility for Health & Safety, and therefore, must act upon the warnings given on the label or from a medical professional. Employees must tell their line manager if they're taking medication that may affect their behaviour or work. This will enable the line managers to risk assess and make reasonable workplace adjustments, where necessary.

##### **Illegal/Non Prescription Drugs**

Employees must not possess illegal drugs at work or misuse any drugs while on duty.

An employee with a drug misuse problem will be encouraged to seek help, advice and treatment.

##### **Compliance**

We want to help and support employees who are experiencing alcohol or drug problems. However, an employee who commits a serious breach of our safety standards or conduct rules due to being under the influence will be dealt with under our [disciplinary procedures](#).



### 3. Definitions

Alcohol problem:	Any drinking pattern that interferes with a person's health, social functioning, work capability or conduct.
Alcohol misuse:	Drinking more alcohol than is recommended under the Department of Health's sensible drinking guidelines.
Drug:	Any psychoactive drug (affecting the mind or mental processes) which could be: Illegal; available over the counter from pharmacies or other retail outlets; or legal substances such as solvents.
Drug problem:	Any pattern of drug taking such as the use of illegal drugs, solvents and the deliberate use of prescribed or over the counter drugs (when not for a medical condition) that interferes with a person's health, social functioning, work capability or conduct.
Drug misuse:	Any pattern of drug taking such as the use of illegal drugs or the misuse (whether deliberate or unintentional) of prescribed medicines or solvents.

### 4. Addiction Support Overview

The Council takes a proactive approach to encourage early identification of addiction, in order to address the issue at the earliest point possible and implement interventions intended to prevent the situation deteriorating further.

This is to ensure:

- appropriate support is available to employees
- the health, safety, wellbeing and performance of our employees
- safe delivery of services to the public
- duty of Care to employees
- support for the organisation through a healthy & safe workforce
- Legislative Requirements under 'duty of care' to look after employee health, safety and welfare while at work are met

#### The Council's Approach to Assistance and Support

The Council aims to protect the health and wellbeing of all employees and recognises that in some cases, people with addiction issues will require treatment. In accessing support:

- Employees who suspect or know that they have an addiction problem are encouraged to seek help and treatment voluntarily, either through the Wellbeing at Work support, or through resources of the employees' own choosing.
- Employees who come to the authority's attention, through observation or through the Discipline at Work Policy, as a result of an addiction problem will be offered the opportunity immediately to seek assessment and, if necessary, treatment from appropriate agencies under the wellbeing at work approach.
- Referrals for support will be made to the appropriate agencies based on health grounds and/or work capability or conduct. Medical information may be requested in order to support this referral.
- The encouragement, or offer of an opportunity, to seek and accept help and treatment is made on the clear understanding that the employee will be granted, if necessary, leave to undergo treatment and such leave will be treated as sick leave within the terms of the sick pay scheme.
- Where possible, employees will be granted paid time off to attend counselling sessions to support recovery from addiction.
- Depending on the circumstance, either prior or on returning to work, following an addiction related absence, employees will have a Wellbeing Support Meeting to ensure that discussions take place between the line manager and employee. This meeting will allow for any adjustments, assistance or support to be discussed and considered to encourage on-going recovery from the addiction.
- On resumption of duties, or on return to work following a period of treatment, every effort will be made to ensure that employee returns to the same job. This may not be possible where it is decided that the effects of the employee's addiction problem renders them unfit or unsuitable to resume the same job or where resumption of the same job would be inconsistent with the long term resolution of the employee's addiction problem. This may be informed by medical information and/or occupational health support.
- When the same job cannot be resumed, every consideration will be given to finding alternative employment in consultation with the appropriate trade union.

- Confidentiality by all parties will be maintained throughout implementation and following the conclusion of treatment.

### **5. Types of Addiction Support**

The Council offers support through (see 'Wellbeing at Work' IBM Connections or the Wellbeing at Work Managers Toolkit for contact details:

- The Employee Welfare Service
- the independent employee assistance provider (EAP)
- onward referral to other appropriate support services.

Employees may access one or more of these services depending on their individual circumstances. Regardless whether the referral is voluntary or disciplinary, the role of the services we offer is to assess the existence, nature and extent of any problem, and to offer the appropriate support.

We will also seek advice and guidance from occupational health, where appropriate, for employees who have medical issues related to alcohol or drug misuse.

### **6. Referral Process for Addiction Support**

The Addiction Support section of the Wellbeing at Work Policy recognises that addiction related issues may be addressed by the employee privately, through self-referral or may come to the attention of the Council through:

- Voluntary referral
- Informal management Intervention
- Compulsory Intervention
- Formal disciplinary Intervention

#### **Self-referral**

An employee can contact our welfare service or EAP directly for help. Such referrals are confidential and don't involve management. Management will only be passed information of a personal or confidential nature with the employee's permission. The employee will be required to seek permission to attend any counselling appointments that are during working hours.

#### **Voluntary Referral**

When an employee comes forward to request support or assistance either through their line manager, HR Business Partner, Employee Welfare Team or Trade Union Representative, this is considered as a voluntary referral.

The employee, line manager and where appropriate Employee Relations & Wellbeing Team representative/s, will discuss referral to an Occupational Health Adviser and /or internal or external support depending on the circumstances. This will allow for confirmation to be given as to whether or not an addiction related problem exists and for support and treatment to be put in place.

Following this process, work related issues and adjustments will be discussed between the employee, line manager and Employee Relations & Wellbeing Team representative/s where appropriate.

#### **Informal Management Intervention/referral**

A line manager may be aware of or suspect that changes in an employee's performance and behaviour may be as a result of an addiction related issue.

These changes may include (this list is not exhaustive):

- Smelling of alcohol/solvents/drugs
- Lethargy and extreme tiredness
- Unusual irritability/aggression
- Excessive hyperactivity
- Monday and/or Friday patterns of absence

Line managers have responsibility for the health, safety and welfare of both employees and the public they serve and under the Council's 'Duty of care' a pro-active approach should be taken to intervene as early as possible to prevent a situation from deteriorating and/or accidents at work or within the community. Line managers will meet with an employee to:

- discuss these changes and any workplace safety concerns
- offer any relevant support or assistance
- encourage the employee to seek help.

Any such discussions with an employee should be recorded. If the employee is reluctant to make contact for help themselves, a manager can do this, with the employee's permission.

### **Compulsory Referral**

Where the line manager has a significant level of concern over an employee's performance and behaviour and there is evidence to indicate that these changes are as a result of alcohol or drug misuse/addiction related issues then a compulsory referral for support and/or treatment may be made.

Compulsory and Disciplinary referrals will involve agreeing to the specific terms of the referral which, the employee, line manager and service provider will then sign up to '**Agreement for compulsory & disciplinary referrals for Addictions Support**' in the **Wellbeing at Work Managers Toolkit**

### **Formal Disciplinary referral**

If an addiction problem is highlighted in the course of Discipline at Work procedures, the Council will formally intervene.

An employee who creates a situation whereby they put themselves or others in danger, or it is inappropriate for them to remain in work, due to the influence of alcohol or drugs, they will be removed from the workplace as a precaution by a senior officer in line with the delegated authority table within the Discipline at Work Policy/Procedure Manual 2/18: Disciplinary Procedures for Teachers. However, prior to removing an employee from the workplace, the line manager may consider there is reasonable grounds for an alcohol or drug test to be carried out, in which case the procedures for testing will be put in place before removing the employee (**see section 8, 'Maintaining Standards for All'** and the **Wellbeing at Work Managers Toolkit, Section 7 'Dealing with an Incident of Suspected Impairment', regarding testing procedures**).

Any decision to remove an employee should consider the need for transportation from the workplace e.g. provision of a taxi, to ensure that the employee or any other individuals are not placed in danger. If the employee refuses the offer of a taxi, follow the refusal procedures also detailed in the **Wellbeing at Work Managers Toolkit, Section 7 'Dealing with an Incident of Suspected Impairment'**.

Employees will be expected to report to their line manager immediately (or as soon as reasonably possible) on returning to work.

The line manager should consider the facts of the incident and take appropriate action accordingly. This may include the offer of support or assistance or any other appropriate action to address the situation, which may include implementation of the Discipline at Work Policy/Procedure Manual 2/18: Disciplinary Procedures for Teachers.

If an employee rejects the offer of a referral to the Council Occupational Health Support and/or internal/external support services, the next stage of the Discipline at Work Policy/Procedure Manual 2/18: Disciplinary Procedures for Teachers & Procedures will be implemented.

If referral is accepted, the Council Occupational Health Support or internal/external support service will notify the relevant HR Business Partner as to whether or not an addiction problem is confirmed.

In the process of dealing with a case, an Employee Relations & Wellbeing Team representative will work with the line manager and employee to ensure that appropriate support is provided and any workplace adjustments required are considered, taking all available medical and other information into account.

If an addiction problem is not confirmed, the matter will be referred back to the line manager who will take appropriate action, which could include disciplinary action.

In the event that it becomes necessary for the Council to initiate the Discipline at Work Policy/Procedure Manual 2/18: Disciplinary Procedures for Teachers, two options are open to management:

- Proposed disciplinary action initiated but held in abeyance pending the outcome of referral
- Disciplinary action implemented before referral to a helping agency due to the serious nature of the offence.

Employees who have come to the attention of the Council as having a possible addiction problem will be subject to the established recognised Discipline at Work Policy/Procedure Manual 2/18: Disciplinary Procedures for Teachers where:

- They fail to improve their conduct, level of work performance or attendance at work; and
- decline to accept the offer of referral for assessment and treatment; or
- unreasonably discontinue a course of treatment.

The implementation of the Discipline at Work Policy and Procedure Manual 2/18: Disciplinary Procedures for Teachers may lead to action up to and including dismissal.

#### **7. Terms of compulsory & disciplinary referrals**

Employees must:

- Sign up to the '**Agreement for compulsory & disciplinary referrals for Addictions Support**' in the **Wellbeing at Work Managers Toolkit**
- comply with the recommended support/counselling e.g. engage proactively and fully complete the support/course of treatment
- not drink alcohol or misuse drugs during working hours or show signs of being under the influence when reporting for work or at work
- show a sustained improvement in their work performance, commitment and behaviour, such as through their timekeeping, attendance and conduct.

Management will:

- Treat information received about the employee's progress in the strictest confidence
- resume the disciplinary hearing if the employee fails to comply with the terms of the referral, or commits further acts of misconduct.

#### **8. Maintaining Standards of Safety for All**

The Council is committed to ensuring the health, safety and wellbeing of all employees and the community that it serves. In doing so, there is recognition that there is the potential for this commitment to be compromised through the misuse of drugs and/or alcohol.

## Section 5: Mental Wellbeing & The Workplace

### 1 Overview

The Council seeks to promote a culture and environment in which mental wellbeing and resilience are encouraged and supported.

Issues relating to mental wellbeing will be effectively managed by taking appropriate action, at the earliest stage possible to prevent, reduce, minimise and/or eliminate any negative impact on employee wellbeing.

Employees will be supported appropriately in the management of their mental wellbeing and managers will handle all such matters with sensitivity and with due regard to the need for confidentiality.

The Council will also engage proactively in the promotion of positive mental health and the removal of stigma associated with mental health issues, in line with local and national initiatives and guidelines.

The Council makes the commitment to effectively managing and supporting mental health and wellbeing through:

- Making employees aware of ways to preserve their mental wellbeing
- Promoting a culture of dignity and respect for all, ensuring appropriate employees are trained to recognise mental distress
- Undertaking a proactive approach to the duties under Health & Safety and Disability Discrimination legislation, especially in terms of Risk Assessment processes.
- Encouraging awareness of mental health issues
- Making the commitment that no one is refused employment solely on the grounds of mental health or disability
- Making reasonable adjustments to the work environment for people with mental health issues
- Taking steps to ensure that people with mental health issues are not disadvantaged in terms of services available

### 2 Support for Employee Mental Wellbeing

Employees will be offered support in line with Wellbeing and Support at Work section of the Policy. All offers of support are made on the basis that employees will be granted appropriate time off to attend counseling and other related support to encourage recovery or ongoing management of a mental health condition.

Employees are encouraged to seek support at the earliest stage possible. However, it is recognised that there may be other related support which the employee chooses to access to assist in managing or in the recovery of their mental wellbeing.

In all cases of managing Mental Wellbeing in the workplace, the processes of conducting return to work meetings and Wellbeing Support outlined within 'Positive Attendance' should be applied.

The Council will take steps to promote the guidance outlined in local and national initiatives and materials to raise awareness of mental health and wellbeing as part of the approach to Wellbeing at Work.

### 3 Mental Health

Mental Health difficulties may present in a number of different ways. They may range from mild to severe, may be acute or chronic, short-term or long-term. Some conditions may arise as a reaction to specific circumstances or may be related solely to the workplace. Life experiences may have an impact on employee wellbeing which may include loss or bereavement.

Managers should note that some mental health conditions may be considered as a disability under the Equality Act 2010

The Employee Wellbeing Team will undertake a range of promotion and prevention activities in line with the principles and approach to mental health & wellbeing.

### 4 Managing an ongoing mental wellbeing while at work

Employees who have ongoing mental health issues may have already developed coping strategies. Employees may be aware of their own signs and symptoms of a relapse and may take pre-emptive actions.

Employees are encouraged to speak with their line manager or Occupational Health to discuss support if there are signs of relapse. The Council will encourage employees to develop and maintain coping strategies as part of awareness raising for wellbeing at work.

Employees can request a meeting with their line manager at any time to discuss and find ways of preventing further detrimental impact on their wellbeing at work.

Where an employee feels that it is inappropriate to discuss such matters with their line manager, they may choose instead to seek advice within the workplace from the Employee Relations & Wellbeing Team or Trades Union representative.

Discussion between an employee and a manager should focus on early intervention and effective support. The following steps are advised:

- **Step 1:** Talking to employees at an early stage
- **Step 2:** Identifying problems
- **Step 3:** Considering the employees needs
- **Step 4:** Ongoing engagement with the employee
- **Step 5:** Recognition of the need for professional assistance and making appropriate referrals
- **Step 6:** Engaging with the employee on an ongoing basis and regularly reviewing the effectiveness of interventions

Line managers/team leaders should consult the supporting Wellbeing at Work Toolkit and/or contact the Employee Relations & Wellbeing Team for additional guidance.

## Section 6: Stress in the Workplace

### Stress in the Workplace

The Council aims to provide support to prevent, minimise and/or reduce the impact of stress on the individual. Stress in the workplace has an impact on employees' health and wellbeing and to delivery of Council services. The terms 'pressure' and 'stress' can sometimes be confused. While it is essential and healthy for employees to experience challenges that cause pressure, too much pressure can be harmful and destructive to an employee's health. The Council is committed to the need to deal proactively address the causes of stress.

The purpose of addressing work related stress:

- Improved morale
- Healthier and safer working environment for all employees
- Reduction in employee turnover
- Reduction in levels of absence
- Reduction in cost and impact on services for the Council
- Improved physical and psychological wellbeing

The Council is committed to its Duty of Care to protect the health, safety and wellbeing of its employees in the provision of a healthy, safe working environment. The Council acknowledges the importance of recognising and reducing workplace stressors while supporting employees.

The Health and Safety Executive (HSE) defines stress as 'the adverse reaction people have to excessive pressure or other types of demand placed on them.'

All employees can experience pressure on a daily basis which can act to motivate employees however, if there is exposure to too much or too little pressure with no opportunity to recover, employees may start to experience stress. Stress affects different people in different ways and can be a result of a combination of factors in work and personal life.

The Council aims to promote a best practice approach in retaining and supporting employees in work. This approach will be vital to employees when they develop or experience mental health problems and facilitating the return to work for those employees who currently have mental health problems or have experienced them in the past.

Employees may have a range of self help techniques to cope with mental health issues and the Council recognises the importance of supportive networks as well as professional support and medication.

### Causes of Stress

The Health & Safety Executive has identified 6 Management Standards that can lead to work related stress if not managed properly. The factors all relate to each other and can influence the stress that an employee experiences. These are summarised below:

#### Demands

These include workloads, working hours, demands related to the employee in terms of targets and the expectations of employees.

#### Control

This includes the influence that an employee has and the degree of flexibility in how they carry out their work. This also covers the methods for monitoring and controlling work.

#### Relationships

Covers relationships at all levels including personal trust and develops between line managers and employees. This includes team working and encouraging a culture of mutual respect.

#### Change

This covers the way in which organisational change and supporting a culture of communication in the workplace.

#### Role

This covers which individuals understand their role and responsibilities within the organisation. This also focuses on the definition of the role and any conflict in accountabilities.



## Support

This relates to the support that employees receive from their managers and colleagues and the training to carry out their individual role.

Causes of Stress	The Standard
Demands	<ul style="list-style-type: none"> <li>• Employees indicate that they are able to cope with the demands of their jobs;</li> <li>• Systems are in place locally to respond to individual employee concerns</li> </ul>
Control	<ul style="list-style-type: none"> <li>• Employees indicate that they are able to have a say about the way that they do their work;</li> <li>• Systems are in place locally to respond to individual employee concerns</li> </ul>
Relationships	<ul style="list-style-type: none"> <li>• Employees indicate that they are not subjected to unacceptable behaviours (eg bullying at work)</li> <li>• Systems are in place locally to respond to individual employee concerns</li> </ul>
Change	<ul style="list-style-type: none"> <li>• Employees indicate that they understand their role and responsibilities;</li> <li>• Systems are in place locally to respond to individual employee concerns</li> </ul>
Role	<ul style="list-style-type: none"> <li>• Employees indicate that the organisation engages them frequently when undergoing an organisational change;</li> <li>• Systems are in place locally to respond to individual employee concerns</li> </ul>
Support	<ul style="list-style-type: none"> <li>• Employees are encouraged to share concerns at an early stage through line manager or alternative routes.</li> <li>• Support employees in reaching solutions to problems</li> <li>• Promote effective leadership and support at all levels of the organisation.</li> <li>• Systems are in place locally to respond to individual employee concerns</li> </ul>

It is necessary to take an approach that considers all 6 factors and recognises that these factors may overlap and/or interact at the same time therefore considering these in one approach will not exclude focus on the other standards.

### 1. Supporting Employees & Stress in the Workplace

In all cases of an employee raising issues of work related stress, whether at work or while absent from work, the line manager must seek to address this as a matter of urgency. This may require guidance from a member of the Employee Relations & Wellbeing Team to ensure that the employee is not placed in circumstances that would further impact on their wellbeing.

In all cases of work related stress, there is a need to minimise the stress through the Risk Assessment Form, deal with this with sensitivity at all times and create communication with the employee which is appropriate in the circumstances. The Employee Relations and Wellbeing Team should be the first point of contact for all reported cases of work related stress.

***The Risk Assessment Form must be completed to assess where the impacts on the employee may be eliminated or minimised. Guidance Notes for Managers and Employees are attached within the Wellbeing at Work Toolkit.***

### 2. Risk Assessment Procedures

The appropriate risk assessments must be carried out to ensure that any identified potential or current causes of stress are addressed and minimised as far as practicably possible. The Risk Assessment Form should be completed when an employee highlights an issue while at work or before the employee returns to work.

Employees are encouraged to complete the Risk Assessment Form to outline the factors which are having an impact on their wellbeing.

The risk assessment process is in place within the Council to ensure that any issues within the workplace are highlighted and addressed through the appropriate mechanisms. This will involve the line manager/team leader and employee and will consider the 6 elements of the Health and Safety Executive Management Standards in the context of the employees' role and environment in which they work. The information contained within the risk assessment must be monitored and reviewed to ensure actions required are taken forward.

In some cases, there may be the requirement to involve further support from the Employee Relations and Wellbeing Team in carrying out in the risk assessment for work related stress. There may be cases where a Trades Union representative is involved in the risk assessment process.

Wellbeing Support processes will be implemented either by the line manager or in some circumstances it may be appropriate for another designated officer. This will involve the identification of the stressors with the individual and discussing methods to address these. Referral to appropriate internal and/or external resources to address the stressors may be an appropriate outcome of the Risk Assessment process.

### **3. Stress Audit Processes**

A system of monitoring, reporting, reviewing and developing of organisational action plans will be put in place. Where this process identifies a problem or difficulty, measures will be put in place to deal with the issue and review the effectiveness of the action. The Employee Relations & Wellbeing Team can also provide consultancy and support in conducting stress audits within specific services.

### **4. Wellbeing Support Meeting & Return to Work Procedures**

It is important that an employee is aware of the support available from the Council in addressing stress in the workplace. Employees must be requested to attend or can request a Wellbeing Support Meeting in order to determine the support required, implement any pre-agreed plans for supporting an ongoing condition and/or to address any issues related to the workplace. This must take account of the information contained within any fit note.

The Return to Work Process should provide a method of ensuring that employees are ready to return to their role and that they feel confident to do so.

It is essential that Line Managers meet with employees on their return to discuss the appropriateness of support offered, phased return being implemented and/or any other workplace adjustments that would be beneficial to the employee's full return to their role.

In some instances, due to the nature of the individual circumstances, it may be more appropriate to also arrange a follow-up Wellbeing Support Meeting.

### **5. Traumatic Stress Policy**

The policy and procedures for Managing Critical incidents and Trauma provide the guidelines around the prevention and reduction of traumatic stress and the guidance for all employees concerning their role in managing traumatic stress reactions.

In some cases it may be appropriate to follow this policy where a previous traumatic incident continues to have an impact on an employee.

This policy must be referred to in cases of traumatic incidents to ensure that support and any required action is taken in line with the established policy timescales.

***Line Manager/Team Leaders should refer to the Wellbeing at Work Toolkit for more guidance for supporting employees.***

***Development opportunities will be provided in support of the principles and established processes outlined within the policy.***

## Section 7 (Pay & Annual Leave)

### 1 Provision of Occupational Sick Pay

Continuous service at start of absence from work	Single Status Full Pay Allowance	Single Status Half Pay Allowance	Chief Officers & Craft - Full Pay	Chief Officers & Craft - Half Pay
Less than 26 weeks	Nil	Nil	Nil	Nil
Less than 1 year	5 weeks	5 weeks	5 weeks	5 weeks
1 year but less than 2	9 weeks	9 weeks	9 weeks	9 weeks
2 years but less than 3	18 weeks	18 weeks	18 weeks	18 weeks
3 years but less than 5	22 weeks	22 weeks	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks	26 weeks	26 weeks

#### Teaching Employees

Continuous service at start of absence from work	Teachers Full Pay Allowance	Teachers Half Pay Allowance
Less than 18 weeks	Nil	Nil
18 weeks but less than 1 year	1 month	1 month
1 year but less than 2	2 months	2 months
2 years but less than 3	4 months	4 months
3 years but less than 5	5 months	5 months
5 years or more	6 months	6 months

All teaching employees must accrue 18 weeks continuous qualifying Council service before being entitled to sickness allowance. A week's qualifying service will comprise any week regardless of hours worked including annual leave, sickness absence, maternity leave or special leave.

Once the 18 weeks continuous qualifying service has been attained, the entitlement to sickness allowance is maintained unless there is a break of service in excess of 2 weeks. However, a newly qualified teacher will have until 1 November of the year following entry to the Induction Scheme to secure a first teaching appointment, without having to re-qualify for sickness allowance.

Employees who return following a break for maternity or adoption leave will be entitled to have previous service taken into account for entitlement to sickness allowance providing that the break does not exceed 8 years and no paid employment has taken place within the period.

When an employee is absent from work due to sickness, all other sickness absences in the 12 months preceding the first day of absence will be taken into account and deducted from the sickness allowance entitlement.

#### Temporary Employees (Non Teaching Conditions)

Temporary employees with contracts of 26 weeks or less will not be entitled to sickness allowance. Contracts which extend over 26 weeks will be entitled to sickness allowance in line with the policy.

#### Temporary Employees (Teaching Conditions)

Temporary employees with contracts of 18 weeks or less will not be entitled to sickness allowance. Contracts which extend over 18 weeks will be entitled to sickness allowance in line with the policy.

#### 5.1. Withholding Sickness Allowance

An employee will not be entitled to sickness allowance (occupational and statutory sick pay) when:

- The employee has less than 26 weeks continuous service (18 weeks in respect of Teachers)
- On the first day of sickness has already exhausted or subsequently exhausts sickness allowance entitlement
- Withholding of sickness allowance will continue until the day that the employee satisfies the procedures for reporting absence.
- Line Managers must gather the facts relating to the case prior to deducting from salary.

- Other reasons for withholding occupational sick pay entitlement may be:
- Failure to adhere to or continued failure to adhere to the required notification and certification requirement as detailed in Section 3: Positive Attendance
- Conduct which has a detrimental impact upon recovery
- Is absent due to their misconduct or negligence resulting from active participation in a professional sport
- Absence attributable to employees own misconduct or neglect
- Injury sustained while working in their own time for another employer or for private gain
- Conduct which has a detrimental impact upon recovery
- Fails without good reason to attend a medical examination with Occupational Health
- Any other abuse of the provisions of this policy

In the case of teaching employees allowance potentially being suspended, an employee will have the opportunity to appear, with representation before the Director of Education and Children's Services. If the decision to suspend the allowance is justified there will be no further payment of allowance in respect of the current period of absence. The employee will have the right of appeal which will be treated as an appeal at the final stage of the grievance procedure and things will stay as before until the appeal process is completed

Where any employee's failure which constitutes misconduct arises from any of the above it may be dealt with under the provisions of the Council's Disciplinary Policy and Procedures. This will not prevent the absence itself being dealt with under the provisions of the Wellbeing at Work Policy.

Where there is evidence to suggest that a member of staff may be misusing the self-certificate process this may be dealt with through the Council's Disciplinary procedures. This facility can be withdrawn, requiring the member of staff to submit a GP Certificate covering every sickness absence.

In the case of teaching employees allowance potentially being suspended, an employee will have the opportunity to appear, with representation before the Director of Education and Children's Services. If the decision to suspend the allowance is justified there will be no further payment of allowance in respect of the current period of absence. The employee will have the right of appeal which will be treated as an appeal at the final stage of the grievance procedure and things will stay as before until the appeal process is completed.

## **5.2. Allowances Exhausted**

### **Absence without Pay**

Employees who have exhausted their pay allowances and have 26 weeks continuous service (Single Status or Chief Officers) or 18 weeks (Teachers) may apply for leave of absence without pay. The Unpaid Leave Request Form should be completed and accompanied by supporting medical information indicating an expected date for return to duties. The application should be made at least 4 weeks prior to the expiry of half pay.

These arrangements will be subject to a minimum quarterly review between the employee and line manager/team leader. Absence without pay for these purposes will be limited to 12 months maximum at which point a review will take place on the employee's ability to return to their role.

### **Teaching Employees**

If an employee is still unfit for work and half pay expires, the Head of Service shall either:

- Place the employee's name on a reserve list;
- Decide on whether payment of sickness allowance shall be extended for period; or
- Take other action as deemed appropriate

All relevant information should be considered in taking such action (eg medical reports). Where appropriate, this information should be presented to the Director for approval. Dependent on the circumstances, it may also be appropriate for referral to be made to the Education Committee for approval.

Employees who continue to be employed by the Council in a no pay situation will continue to accrue statutory minimum annual leave.

## **5.3. Allowances Exhausted – Notification Procedures**

Employees will be notified in writing prior to entitlements to full pay and half pay being exhausted. A request for unpaid leave must be made by employees who will remain absent following the exhaustion of half pay entitlements. (as referred to in 1.2)

#### 5.4. Long Term Medical Conditions

Where an employee is suffering from a long-term medical condition, the Council will give due regard to the consideration of extending the period of sickness allowance, particularly where the prognosis indicates that he/she will be able to return to work or where the illness will bring the employee under the terms of the Equality Act 2. This will involve medical information and assessment.

#### 5.5. Time off to attend support sessions

Employees will be granted paid time off in the normal working day to attend welfare support, counselling, and other related support and assistance under the Wellbeing at Work Policy.

### 6. Taking Annual Leave during Sickness

All employees are entitled to take in full, or in part, the appropriate balance of leave up to the statutory minimum during a period of sickness absence.

### 7. Impact on Annual Leave and Public Holidays

Employees will continue to accrue annual leave throughout their sickness absence subject to the statutory leave entitlement of 28 days. The 28 days is inclusive of the 6 fixed public holidays (Single Status or Chief Officers) or 5 public holidays (Teachers).

Employees must be allowed to take their statutory leave entitlement during their sick leave or upon their return to work.

An employee should be offered the right to take their annual leave in the current leave year where possible. If an employee has not been offered the right to take annual leave in the leave year in which they return, there must be an opportunity to take this leave in the following leave year. The taking of the additional annual leave will be encouraged to be taken in the first quarter of the employees' return to work date and should also be taken in line with the needs of the service.

If an employee under teaching conditions returns following sickness, additional leave should be taken in the term in which they return to work or the following term.

Employees who have been on sick leave for an entire leave year will receive the statutory minimum of 28 days (pro-rated for part time staff). Teachers who have had shorter periods of absence in the year may not have any additional entitlement as they may have had 28 or more days leave during the period when they were not sick.

Guidance on Term Time employees' allocated annual leave following long term absence can be obtained from the Employee Relations & Wellbeing Team.

#### 7.1. Annual Leave & Sickness Calculation

##### Abatement of Annual Leave

Where an employee is absent for 3 months or more an abatement to their annual leave is made subject to the statutory minimum of 28 days. The 3 month period does not require to be contained within the one leave year.

##### **Calculation**

Completed month attendance at work @ Annual Leave Entitlement + All public holiday outwith sick leave period = Leave entitlement\*

- \*If this figure is below the 28 days minimum then the requisite number of annual leave days must be added to make this up to 28 days to comply with the Working Time Directive. Annual leave taken prior to sickness absence is deducted from this figure.
- Teaching employees will be entitled to a statutory minimum of 28 days over the year taking into account the planned leave year.

## 7.2. Craft Employees & Public Holidays

7.3. Craft employees will receive sickness allowance and a day off in lieu to be used in line with the needs of the service.
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*\*The above is subject to further review.*

### Teachers and Music Instructors Compensatory Leave

Where a teacher or music instructor, owing to sickness, has been incapacitated for a continuous period where at least 4 weeks fall within the summer break, the employee will accrue credit of 2 days compensatory leave for each complete week which has been lost. A certified sickness absence of at least 2 weeks duration, incorporating at least 1 week of any other vacation, will accrue credit of 2 days compensatory leave entitlement for each full week lost.

A week is defined as 7 consecutive days and this compensatory leave will have a limit of 10 days in any one leave year and the taking of this subject to the needs of the service. This compensatory leave will not be in addition to the leave entitlements outlined in 2.0 above.

Employees who fall ill on or during pre-planned leave will be regarded as being on sick leave on receipt of a doctor's certificate. Where appropriate, the employee should follow the standard notification procedures for the number of days affected to be transferred back to the employee's holiday balance.

Teaching employees will be expected to use their compensatory leave as part of a phased return to work as outlined the 'Phased Return' guidance in Section 2: Wellbeing and Support at Work.

All other entitlements specific to the individual parts of the policy have been stated within the relevant sections.

### 7.4. Recovery of 'lost' entitlement owing to sickness

Employees will be able to request re-instatement 'lost' holiday entitlement due to sickness whilst on annual leave or pre-planned leave in respect of teachers. The Council will require employees to produce appropriate evidence of sickness

Employees will be expected to follow the notification procedures as outlined in Section 3 – Positive Attendance as far as practicable when they are sick on annual leave.

### 7.5. Termination of Employment & Impact on Annual Leave and Public Holidays

Upon termination of employment, an employee will be entitled to receive payment in lieu of outstanding leave entitlement subject to the statutory minimum leave entitlement of 28 days (inclusive of public holidays).

## Updating & Reviewing the Policy

### Monitoring and Review

This policy will be reviewed in line with:

- Legislative Change
- Other external factors
- Feedback on the effectiveness of the policy by employees, Trades Unions and/or Management
- Requests for review by Elected Members, Trade Unions and/or Management

### Availability and accessibility

All of the above policies and other Customer Services & Transformation policies and procedures can be found on the Hub.

The policy and procedure can also be made available (on request) in a variety of formats. This can be requested from the Employee Relations & Wellbeing Team by contacting 601 5659. Information will be made available in line with the Council Accessible Information Policy.

***This list is by no means exhaustive and will be complimented by the promotion of support through corporate communication channels.***