



Attendance Management Policy & Procedure

ABSTRACT

The Attendance Management Policy and Procedure is intended to set out a procedural framework and standards of practice which enables Peterlee Town Council (the Council) to consistently manage attendance, taking account of business needs, and ensuring support for employees during their absence and their return to work.

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Attendance Management Policy and Procedure

Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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1 Introduction

1.1 What is the policy and procedure about?

The Attendance Management Policy and Procedure is intended to set out a procedural framework and standards of practice which enables Peterlee Town Council (the Council) to consistently manage attendance, taking account of business needs, and ensuring support for employees during their absence and their return to work.

This policy and procedure should be read in conjunction with the Attendance Management Guidance for Managers.

1.2 Who does the policy and procedure apply to?

This policy and procedure covers all Council employees.

Employees absent through industrial injury or disease are covered by this policy and procedure.

1.3 Core principles

The following principles apply to the Council's policy and procedure for dealing with attendance management:

- Sickness absence will be dealt with in a way that is non-discriminatory and in accordance with the Equalities Act 2010
- Good attendance is valued and all opportunities should be taken to acknowledge and recognise such attendance, for example through performance appraisals, 1-2-1's
- Attendance will be managed consistently and the policy and procedure will be fairly applied across the Council
- Confidentiality will be respected at all times
- Open communication between managers and employees will be encouraged and promoted.

The policy and procedure will be subject to ongoing review to ensure that it continues to meet the Council's aims and complies with these principles. Employees and trade union representatives will be encouraged to be involved in this process.

1.4 Responsibilities

1.4.1 Manager responsibilities

Managers are responsible for managing attendance, with appropriate guidance from the Town Clerk (or nominated representative).

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Managers are expected to:

- Regularly monitor sickness absence so that appropriate action can be undertaken promptly, in line with the policy and procedure
- Ensure that employees are familiar with the policy and procedure and are aware of and understand their responsibilities in relation to sickness absence
- Record dates of sickness absence, return to work interviews and attendance management interviews on the relevant Council forms and return as a hard copy to the Town Clerk marked 'Private and Confidential'
- Maintain regular contact with absent employees
- Undertake a return to work interview after every period of sickness absence and attendance management interviews where an employee hits a trigger
- Identify support where appropriate to facilitate an employee's attendance
- Ensure employees understand the importance of good attendance and the impact of sickness absence
- Have regard for and ensure compliance with Health and Safety at Work legislation
- Take appropriate action in cases of work-related stress in line with this policy and procedure and the Mental Wellbeing in the Workplace Policy
- Facilitate early, local interventions to support a return to and/or ongoing attendance at work
- Utilise specialist support services where appropriate, such as Occupational Health
- Ensure the fair application of this policy and procedure.

1.4.2 Employee responsibilities

Employees have a duty under their terms and conditions of employment to attend work and failure to comply with this policy could result in the withholding of pay and potential disciplinary action. When they are unable to do so because of ill-health, they must ensure they adhere to their responsibilities which specifically include:

- Notifying their manager of sickness absence by telephone (**not email or text**) before their usual start time (see section 2)
- Notifying their manager if they become sick during the working day and prior to leaving work
- Maintaining frequent contact, as agreed with their manager, during their sickness absence

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- Participating in return to work and attendance management interviews
- Attending appointments with Occupational Health when required
- Complying with their responsibilities in relation to Health and Safety at Work legislation
- Ensuring that they seek and receive medical advice and treatment in order to maintain attendance/facilitate a return to work
- Advise their manager of the potential effect any medication they are using may have on their capability in the workplace
- Not undertaking any activities outside of work which may be incompatible with their illness or that may delay their recovery
- Contacting their manager if they wish to request any annual leave during a period of sickness absence. Medical evidence will be required to support any such request
- Providing a General Practitioner (GP) 'fit note' for absences where required to do so;
- Informing managers if they consider workplace practices are causing or exacerbating sickness levels
- Notifying their manager if they consider they are affected by a disability or any medical condition which affects their ability to undertake their work
- Complying with the Attendance Management Policy and Procedure as failure to do so could result in withholding of pay and potential disciplinary action.

2. Notification of absence

All employees who are absent must notify their manager, by telephone (**not email or text**) as soon as possible prior to their scheduled start time. The employee should explain the nature of their illness, the likely duration of their absence and highlight any work that requires urgent attention.

If their manager is not available they should contact the next level of management within the Council.

In exceptional circumstances where an employee is genuinely unable to telephone personally, for example hospitalisation, they should arrange for someone to contact their manager on their behalf as soon as possible.

2.1 Self-certification

Employees who have been absent for 7 calendar days or less must, as part of the return to work interview, complete the Return to Work declaration form (supporting document A) with their manager in order to certify their absence.

2.2 Fit notes

Where an employee is absent for more than 7 consecutive days (regardless of whether or not these are working days), they must provide a 'Fit Note' from their GP to certify the absence as soon as possible. A 'Return to Work Plan', issued by the Fit for Work Service, can be used in place of a fit note (see section 2.3).

GPs are able to advise if a patient is either 'not fit for work' or 'may be fit for work':

- 'Not fit for work' means that the GP's assessment of the employee is that they have a health condition that prevents them from working for the stated period of time and the employee should refrain from work.
- 'May be fit for work taking account of the following advice' means the GP's assessment of the employee is that their condition does not necessarily stop them from returning to work. The GP will give a 'may be fit for work' statement if they think that an employee's health condition may allow them to work if they receive suitable support/adjustments from their employer.

The manager has a duty to consider any recommendations made on the Fit Note to determine if they are operationally feasible. Whatever advice is given on the Fit Note by the GP, the employee and employer can agree the arrangements for a return to work, including an earlier return date, with no requirement for the employee to return to the GP for an opinion unless the GP has indicated on the Fit Note that they will need to assess the employee's fitness for work again at the end of the period. In such circumstances advice must be sought from the Town Clerk (or nominated representative).

If no return to work can be facilitated, the Fit Note should be used as if the GP had advised 'not fit for work'.

The manager must forward a copy of the Fit Note to the Town Clerk marked 'Private and Confidential' and return the original copy to the employee.

2.3 Fit for Work Initiative

Fit for Work is a government-funded initiative and is free for the public to use.

Fit for Work offers expert and impartial work-related health and advice and is designed to work alongside, not replace existing occupational health services provided by the Council.

Fit for Work is available at www.fitforwork.org

Anyone looking for guidance about work-related health issues can call the free telephone advice line **0800 032 6235** (English) or 0800 032 6233 (Welsh), email a question, take part in live chat or browse the online resources.

2.4 Sickness Absence and Annual Leave

Where applicable, if an employee wishes to take annual leave during a period of sick leave they must make a request to their manager providing appropriate notice that they wish to take a holiday during a period of

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sickness. The period of annual leave taken will then be deducted from the employee's annual leave entitlement, as they would be unavailable during the period of leave to attend any work meetings, or meetings in relation to their sickness absence.

The employee's request must be supported by medical evidence from the GP stating that the holiday would not be detrimental to their recovery.

Where an employee falls sick during a period of pre-booked annual leave or on a bank holiday that they were not due to work, they are entitled to claim the leave and/or bank holiday back and take it at another time.

In order to do this, the employee must follow the normal sickness absence reporting procedures and provide a valid fit note covering the period. A fit note will be required, even where the absence is for less than seven days, and the employee will be liable for any charge for providing this.

Employees who are absent over consecutive annual leave years only have the right to carry forward untaken leave from their statutory annual leave allowance i.e. 28 days (including bank holidays), pro rata for part time employees.

3. Managing attendance

3.1 Return to work interview

The manager must conduct a Return to Work (RTW) interview with the employee after every period of sickness absence, irrespective of the length of the absence. Ideally, this meeting should take place on the first day the employee returns to work, but where this is not possible, within 3 days of the return. The RTW declaration form must be completed at this meeting. The manager must forward a copy of the RTW declaration form to the Town Clerk marked 'Private and Confidential' and ensure that the employee is given a copy.

The meeting should take place in a confidential setting and should be face-to-face. Managers must not conduct RTW interviews via telephone or email unless there are exceptional circumstances.

The purpose of the meeting is to:

- Welcome the employee back to work
- Update them on any work issues that have arisen during their absence
- Identify the reasons for the sickness absence
- Explain how their absence has impacted on the service/team
- Discuss any support that may be required upon their return
- Give the employee an opportunity to raise any concerns.

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If an employee has hit a trigger point the manager should inform the employee of this and arrange the appropriate attendance management interview (AMI). For further information with regard to trigger points see section 3.2.

Employees do not have the right to be accompanied at a RTW interview.

3.2 Trigger points

Where an employee's level of absence is of concern it is essential that it is managed appropriately in line with this policy and procedure. The manager must convene an attendance management interview when any of the following trigger points are hit:

- 2 incidences of absence in 3 months
- 10 working days in a rolling year (pro-rata for part-time employees working less than 5 days per week e.g. 8 working days for 4 days per week, 6 working days for 3 days per week, 4 working days for 2 days per week and 2 working days for 1 day per week)
- Where the pattern or nature of absence is giving rise for concern.

3.3 Attendance Management Interview (AMI)

Where it is identified that an employee's level of absence has hit a trigger point, an AMI must be convened.

In exceptional circumstances an employee may not be well enough to attend an AMI and in these cases the meeting can be held in the employee's absence. In this situation the employee must be advised by the manager in writing that:

- The meeting will be held in their absence
- They may choose to nominate a trade union representative or work colleague to represent them at the meeting (and this should be confirmed with the manager)
- They may wish to make a written submission and/or to submit medical evidence for consideration at the meeting
- Possible outcomes of the meeting.

Advice may be sought from the Town Clerk (or nominated representative) in the first instance on an employee's fitness to attend an interview when they are absent from work.

3.4 Approaches to managing attendance

For the purpose of this policy and procedure, there are two approaches to managing attendance:

- Short-term absence - where there are recurrent absences that are intermittent and have no principal underlying or on-going medical cause

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- Long-term absence - where the absence has exceeded 4 continuous working weeks or where there is a principal underlying medical cause to intermittent short-term absence.

Managers may identify that an employee's sickness absence involves both periods of long-term and short-term absence and in such cases; action can be taken with regard to both types of absence during the AMI. Advice regarding this must be sought from the Town Clerk (or nominated representative) in the first instance.

4 Short-term absence procedure

4.1 First stage interview

Where trigger points have been hit, the manager must write to the employee requiring them to attend a first stage interview using the template on supporting document B. They should give at least 5 working days' notice of the meeting, unless a shorter timescale has been agreed by both parties. Employees are entitled to be accompanied by a trade union representative or work colleague.

The purpose of the meeting is to discuss issues in relation to the absence, consider support to improve attendance and to set an attendance target. The target set will usually be to achieve and maintain a much improved level of attendance consistently below Council trigger points. Individual targets can be set, where appropriate and in such circumstances advice must be sought from the Town Clerk (or nominated representative) in the first instance. It should also be made clear to the employee that their sickness absence will be closely monitored. Further information on target setting can be found in the Attendance Management Guidance for Managers.

The details of the meeting will be recorded on the Attendance Management Interview Form (supporting document C). The employee will be asked to sign the form as a record of the interview (this should be completed within 3 days of the interview). The manager must forward the completed form in hard copy to the Town Clerk marked 'Private and Confidential' and ensure that the employee is given a copy.

Where it is identified that there may be an underlying medical condition contributing to the absence, a referral should be made to Occupational Health who will provide appropriate advice. This will be done through the Town Clerk (or nominated representative). In cases where Occupational Health confirms that there is an underlying medical condition further advice on adjustments will be provided.

Where the employee makes their manager aware at this meeting that they consider themselves to have a disability, the manager must contact the Town Clerk (or nominated representative) in the first instance for further advice. Absences directly related to a disability should be identified separately to other absences. Disability related absences should not be considered for the purposes of target setting but the AMI process should be followed. Disability related absences will be dealt with under the long-term absence procedure.

If the employee's attendance does not improve to the required target set, the employee should be invited to a subsequent stage interview.

If the target is achieved, but further absence occurs the AMI can be arranged at subsequent stage.

Further information on AMIs can be found in the Attendance Management Guidance for Managers.

4.2 Subsequent stage interview

The manager must write to the employee, giving at least 5 working days' notice of the meeting, unless a shorter timescale has been agreed. Employees are entitled to be accompanied by a trade union representative or work colleague.

The manager must discuss options to support the employee, discuss the reason and impact of the absences and set a further attendance target. At this stage, it should be made clear to the employee the potential implications of continued absence(s) on their employment. The employee will be informed that should they fail to meet this attendance target a first short-term attendance management hearing will be convened at which a sanction up to and including a final written warning may be issued.

The details of the meeting will be recorded on the Attendance Management Interview Form (supporting document C). The employee will be asked to sign the form as a record of the interview (this should be completed within 3 days of the interview). The manager must forward the completed form in hard copy to the Town Clerk marked 'Private and Confidential' and ensure the employee is given a copy.

If at this stage it is identified that there may be an underlying medical condition contributing to the absence, a referral should be made to Occupational Health who will provide appropriate advice. This will be done through the Town Clerk (or nominated representative).

If the target is achieved, but further absence occurs the AMI can be arranged at subsequent stage.

If the employee's attendance does meet the target set, the employee will be invited to a first short-term attendance management hearing. The Town Clerk (or nominated representative) will provide support to the manager on completion of the manager's report which will be considered at the hearing (supporting document E). Further information is available in the Attendance Management Guidance for Managers.

4.3 First short-term attendance management hearing

The hearing will be arranged by the Town Clerk (or nominated representative) who will send out an invitation to the employee (supporting document G). The Town Clerk will designate the Hearing Officer. A representative from Human Resources will advise the Hearing Officer at the attendance management hearing. Employees are entitled to be accompanied by a trade union representative or work colleague.

The employee will be given at least 7 working days' notice of the date and time of the hearing to allow them sufficient time to prepare and arrange representation. A copy of the manager's report will be sent to the employee with the invitation to the hearing. A further copy will be provided to the Hearing Officer.

The manager will present the case to the Hearing Officer who will hear evidence from both parties and make a decision regarding the outcome of the hearing including what, if any, formal action will be taken.

Managing attendance is a standalone process, live warnings for conduct or capability cannot be included at an attendance management hearing.

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The process to be followed is in accordance with the Disciplinary Policy and is outlined in the Attendance Management Guidance for Managers. A copy of the procedure to be followed at an attendance management hearing can be found in supporting document H.

4.3.1 Outcomes

The Hearing Office will confirm the outcome of the attendance management hearing using supporting template I. The range of outcomes at a first short-term attendance management hearing could be:

- No sanction issued
- Letter of management advice
- Written warning (remains live for 12 months)
- Final written warning (remains live for 18 months)

In all cases, a target must be set, including where no sanction has been issued. The employee has the right of appeal against any formal sanction issued. Appeals should be lodged within 10 working days of the receipt of the letter confirming the outcome of the hearing. Appeals will be heard by the Appeals Committee. No witnesses can be called for appeals under this policy and procedure.

If the target is achieved, but further absence occurs an AMI can be arranged at subsequent stage.

If the attendance does not improve to the required target set at the hearing, the employee will be invited to a subsequent short-term attendance management hearing.

4.4 Subsequent short-term attendance management hearing

The hearing will be arranged by the Town Clerk (or nominated representative) who will send out an invitation to the employee (supporting document G). The Town Clerk will designate the Hearing Officer. A representative from Human Resources will advise the Hearing Officer at the attendance management hearing. Employees are entitled to be accompanied by a trade union representative or work colleague.

The employee will be given at least 7 working days' notice of the date and time of the hearing to allow them sufficient time to prepare and arrange representation. A copy of the manager's report will be sent to the employee with the invitation to the hearing.

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The process to be followed is in accordance with the Disciplinary Policy and is outlined in the Attendance Management Guidance for Managers. A copy of the procedure to be followed at an attendance management hearing can be found in supporting document H.

4.4.1 Outcomes

The range of outcomes at a subsequent short-term attendance management hearing could be:

- No sanction issued
- Letter of management advice
- Written warning (remains live for 12 months)
- Final written warning (remains live for 18 months)
- Dismissal

In all cases, except for dismissal, a target must be set, including where no sanction has been issued.

The employee has the right of appeal against any formal sanction issued. Appeals should be lodged within 10 working days of the receipt of the letter confirming the outcome of the hearing. Appeals will be heard by the Appeals Committee. No witnesses can be called for appeals under this policy and procedure.

If the target is achieved, but further absence occurs an AMI can be arranged at subsequent stage.

If the attendance does not improve to the required target set, the employee will be invited to a further subsequent short-term attendance management hearing.

5 Long-term absence procedure

5.1 First stage interview

Where the employee has been absent due to ill-health for 2 consecutive weeks and there is indication from the employee or through a Fit Note that the absence is likely to last 4 consecutive weeks or more, the manager must write to the employee requiring them to attend a first stage interview using the template on supporting document B. The interview must take place prior to 4 consecutive weeks' absence in order that a timely referral can be made to Occupational Health. They should give at least 5 working days' notice of the meeting, unless a shorter timescale has been agreed by both parties. Employees are entitled to be accompanied by a trade union representative or work colleague. In exceptional circumstances where an employee is genuinely unable to attend a first stage interview, for example hospitalisation, further guidance should be sought from the Town Clerk (or nominated representative).

At the meeting, the manager will discuss the employee's health situation. The meeting should also explore the extent to which obstacles preventing a return to work may be overcome by a short period of rehabilitative duties. Further guidance on rehabilitation is available in the Attendance Management Guidance for Managers. Where there is no reliable indication of the duration of absence, even after consideration of rehabilitative duties, or an agreed return to work date, the manager must refer to Occupational Health at the first stage interview. This will be done through the Town Clerk (or nominated representative). The manager must also ensure that contact arrangements are agreed with the employee during their period of sickness absence.

Arrangements should be made to hold a subsequent stage attendance management interview in 4-6 weeks' time.

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The details of the meeting will be recorded on the Attendance Management Interview Form (supporting document C). The employee will be asked to sign the form as a record of the interview (this should be completed within 3 days of the interview), and the employee will receive a copy. The manager must forward the completed form in hard copy to the Town Clerk marked 'Private and Confidential' and ensure that the employee is given a copy.

Further information on AMIs can be found in the Attendance Management Guidance for Managers.

5.2 Subsequent stage interview

A subsequent stage interview should be convened 4 - 6 weeks after the first stage interview to consider the current position and the Occupational Health advice received. The manager will give at least 5 working days' notice of the meeting, unless a shorter timescale has been agreed by both parties. Employees are entitled to be accompanied by a trade union representative or work colleague.

The subsequent stage interview will be used to consider the continuing absence, provide an update on the employee's current state of health and to consider advice from the GP Fit Note; Occupational Health; and/or any other appropriate sources. The manager and employee will discuss ways in which the Council can support a return to work, including reasonable adjustments such as a period of rehabilitation.

The potential implications of their continued absence should also be discussed and further subsequent stage interviews should be scheduled every 4 - 6 weeks thereafter if the absence continues.

The details of the meeting will be recorded on the Attendance Management Interview Form (supporting document C). The employee will be asked to sign the form as a record of the interview (this should be completed within 3 days of the interview), and the employee will receive a copy. The manager must forward the completed form in hard copy to the Town Clerk marked 'Private and Confidential' and ensure that the employee is given a copy.

Before the employee reaches 6 months of long-term absence, or short-term absence with a principle underlying medical condition, the manager must consider whether the absence can be sustained. At that point, the employee will be advised that any further assessment of their position will be made via a final stage interview. The manager must re-refer the employee to Occupational Health and have received their report prior to the final stage interview. The referral will be done through the Town Clerk (or nominated representative).

If the employee indicates that they are able to return to work, the manager must discuss any adjustments that can be accommodated, taking into account advice from the GP and Occupational Health. It is important to remember that whilst Occupational Health and/or other agencies can make recommendations regarding reasonable adjustments, the manager must decide whether an adjustment is reasonable, given operational feasibility. A manager's decision must take into account advice from the Town Clerk (or nominated representative).

5.3 Final stage interview

The purpose of the final stage interview is to discuss the employee's current state of health and the likelihood of a return to work. The manager will give at least 5 working days' notice of the meeting, unless

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a shorter timescale has been agreed by both parties. The manager will be accompanied by a representative from HR at the attendance management interview. Employees are entitled to be accompanied by a trade union representative or work colleague.

Up to date medical advice from Occupational Health must be received prior to the final stage interview which must always include advice on whether an employee may be covered under the Equality Act 2010. This should include whether there are any suitable redeployment opportunities within the Council for the employee. The operational feasibility of adjustments must be considered prior to referral to a long-term attendance management hearing.

The Council will work supportively and sensitively with employees who are absent for a continuous period of time, or have short-term absences with a principle underlying medical condition, however the ability to sustain the absence in the long-term needs to be determined at this stage in the process.

The manager must discuss the situation with the employee and consider current advice from the GP Fit Note; Occupational Health; and other appropriate sources, as necessary.

The details of the meeting will be recorded on the Attendance Management Interview Form. The employee will be asked to sign the form as a record of the interview (this should be completed within 3 days of the interview), and the employee will receive a copy. The manager must forward the completed form in hard copy to the Town Clerk marked 'Private and Confidential' and ensure that the employee is given a copy.

5.4 Long-term attendance management hearing

The hearing will be arranged by the Town Clerk (or nominated representative) who will send out an invitation to the employee (supporting document G). The Town Clerk will designate the Hearing Officer. A representative from Human Resources will advise the Hearing Officer at the attendance management hearing. Employees are entitled to be accompanied by a trade union representative or work colleague.

The employee will be given at least 7 working days' notice of the date and time of the hearing to allow them sufficient time to prepare and arrange representation. A copy of the manager's report will be sent to the employee with the invitation to the hearing. A further copy will be provided to the Hearing Officer.

The Town Clerk (or nominated representative) will support the manager with the next steps, including advising on the completion of their management report. The date of the most recent Occupational Health report must not exceed 3 months at the date of the hearing.

The manager will present the case to the Hearing Officer who will hear evidence from both parties and make a decision regarding the outcome of the hearing including what, if any, formal action will be taken.

The process to be followed is in accordance with the Disciplinary Policy and is outlined in the Attendance Management Guidance for Managers. A copy of the procedure to be followed at an attendance management hearing can be found in supporting document H.

Managing attendance is a standalone process, live warnings for conduct or capability cannot be included at an attendance management hearing.

5.4.1 Outcomes

A long-term attendance management hearing will consider an employee's continued employment and consider whether a return to work is likely with appropriate support.

Where a return to work is not possible and the employee's employment is terminated they will be entitled to contractual or statutory notice (whichever is the longer) on termination of employment at the equivalent of full pay. Employees are expected to serve their notice, although they will not be required to report to work if they are covered by a fit note.

The employee will be informed of the decision as soon as possible after the hearing by the hearing officer. The decision will then be confirmed in writing by the hearing officer within 2 working days of the hearing taking place.

Should a dismissal take place, the employee has a right to appeal to the Appeals Committee. Appeals should be lodged within 10 working days of the receipt of the letter confirming the outcome of the hearing. Appeals will be heard by the Appeals Committee. No witnesses can be called for appeals under this policy and procedure.

5.5 Ill-health retirement

An employee may qualify for early release of pension benefits on the grounds of permanent ill-health if certified by the Independent Registered Medical Practitioner (IRMP).

Employees cannot be referred to the IRMP for consideration of early release of pension benefits until such time as the Council has issued notice to terminate the employment contract. However, in exceptional circumstances, for example life-limiting or terminal illnesses, it may be possible for a manager in consultation with the employee and with advice from Town Clerk (or nominated representative) to refer to the IRMP prior to issuing notice to terminate employment.

6 Support

6.1 Right to be accompanied

Employees have a statutory right to be accompanied by a work colleague, a recognised trade union representative or an official employed by the trade union at any AMI or hearing and any subsequent appeal. A trade union representative who is not an employed official must have been reasonably certified by their union as being competent to accompany the employee.

An employee may ask an official from any trade union to accompany them regardless of whether the trade union is recognised. The individual accompanying the employee must not be someone whose presence would prejudice the hearing or who might have a conflict of interest. If an employee makes any request to be accompanied by a legal representative at an attendance management hearing, advice should be sought the Town Clerk (or nominated representative) before any decision is made regarding their request.

The employee's recognised representative may play a full part in any meeting or hearing, including addressing the meeting to present and sum up the employee's case, responding on behalf of the employee

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to any view expressed, asking questions of witnesses, summing up the employee's case and conferring with the employee. They should not, however, answer questions that are put to the employee.

6.2 Occupational Health

Managers must seek advice from Occupational Health in relation to an employee's long-term absence or for short-term absences where the employee declares, or the manager reasonably suspects, a single or principal underlying medical cause is contributing to absence. This will be done through the Town Clerk (or nominated representative).

The purpose of seeking Occupational Health advice is to obtain advice on adjustments that may remove barriers to the employee's future regular attendance.

A referral to Occupational Health can also be made where there is concern that work may be affecting an employee's health or where an employee's health may be affecting their workplace performance.

Occupational Health will normally seek signed consent from the employee for the consultation to take place and the subsequent production of a management report.

If an employee provides consent they have further options:

- To agree to the report being released to the manager and employee at the same time; or
- To have prior sight of the report and the opportunity to withdraw consent for release to the manager.

In choosing not to disclose information, employees must understand that, when considering appropriate action, management can only take into account the information available to them. Where the employee declines consent to the consultation and/or the release of the report the manager will be informed in writing.

Where an employee feels that they have good reason not to attend an appointment, they must notify their manager in advance and in good time in order that this can be considered. The Town Clerk must be informed.

Where a Fit Note identifies absence due to work related Mental Health and Wellbeing, the Mental Wellbeing Questionnaire and Action Plan should be completed as soon as possible in order that an early referral can be made to Occupational Health. Further details can be found in the Mental Wellbeing in the Workplace Policy, Procedure and Toolkit.

6.3 Rehabilitation (including phased return to work)

Managers should discuss short-term workplace modifications with employees at an early stage of ill-health (including before any absence occurs).

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Where appropriate a rehabilitation plan should:

- Support employees on long-term sickness absence to return to work earlier than may otherwise have proven possible
- Facilitate early, local interventions to support a return to and ongoing attendance at work, agreed between employees and managers as appropriate
- Enable employees who may otherwise take sickness absence to remain at work.

Advice should be sought from Occupational Health when considered appropriate. This will be done through the Town Clerk (or nominated representative).

Further information on rehabilitation in the workplace together with developing a rehabilitation plan can be found in the Attendance Management Guidance for Managers.

6.3.1 Temporary modified duties

The issues of rehabilitation typically arise in the management of long-term sickness absence. The aim of temporary modified duties is to facilitate, by the end of the period of rehabilitation a return to normal working by the employee. If the employee requires long-term workplace adjustments, for instance where they may fall within the provisions of the Equality Act 2010, advice on the nature and duration of these should be sought from Occupational Health. This will enable managers to determine the operational feasibility of such approaches before a return to work or to retain the employee at work.

6.3.2 Phased return

After long-term periods of sickness absence the employee may benefit from rehabilitation back into the workplace on a phased return basis which could include a gradual increase in the intensity of their work duties and/or their working hours. A phased return should be developed for no longer than a 4 week period except in exceptional circumstances. The manager must complete an Attendance Management Phased Return Form (supporting document D) and return this form to the Town Clerk in hard copy marked 'Private and Confidential' prior to commencement. The phased return must be monitored by the manager throughout the period of adjustments.

During a period of reduced hours, an employee's pay will reflect either the hours worked during the phased return or that which would have been due through sick pay, whichever is the greater. The use of annual leave should only be used when it is in the interests of the employee to do so, for example an employee on half pay or where they have exhausted their sickness pay can choose to use annual leave to prevent them from being financially disadvantaged.

Once a phased return has commenced, the manager must complete a return to work interview and forward this form to the Town Clerk marked 'Private and Confidential'. The employee will have returned to work and therefore will no longer be recorded as being absent during the phased return.

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6.3.3 Time off for medical appointments (including hospital appointments)

Employees should try to arrange medical appointments outside of working hours. If this is not possible, paid time off should be granted, with an agreement needed to make up the lost hours. The appointment should be arranged wherever possible at the beginning or end of the working day/shift to minimise disruption.

In the case of employees who are covered by the Equality Act 2010 and have supporting medical evidence then reasonable paid time off may be given for a hospital appointment in connection with their underlying medical condition.

In normal circumstances an employee will not be able to receive paid time off (or receive sick pay for subsequent sickness absence) for medical appointments related to cosmetic surgery where there is no medical evidence to suggest that the surgery would alleviate significant psychological or physical problems. An indication of this may be the willingness of the employee's GP to propose that such treatment is given on the NHS. Managers should reasonably consider requests for unpaid time off.

In all of the above circumstances, the employee should approach the manager to request time off, giving as much notice as possible. The manager may request confirmation of the appointment, by way of an appointment card, or a statement from the employee to confirm the nature and period of absence.

Managers are advised to contact the Town Clerk (or nominated representative) for further guidance or advice.

6.4 Terminal illness

The Council is committed to supporting employees who are diagnosed with a terminal illness. Any such cases should be discussed with the Town Clerk (or nominated representative) for consideration of options and what may be best for the employee in their individual circumstances.

6.5 Access to work

Access to Work is a publicly funded employment support programme that aims to help more disabled people start or stay in work. It can provide practical and financial support for employees who have a disability or long term physical or mental health.

If an employee has a disability, health or mental health condition that is likely to last for 12 months or more, Access to Work can give them and their employer advice and support with extra costs which may arise because of specific needs. For example, Access to Work might pay towards a support worker or equipment needed at work or pay towards the cost of travel to and from work if the employee cannot use public transport.

The amount of financial help received from Access to Work will vary depending on length of employment and what type of support is needed. A new starter with specific needs should contact Access to Work within their first 6 weeks of employment, as it may be able to pay up to 100% of any approved costs.

The employee must make a self-referral, as the employer cannot initiate it. Access to Work will ask for a named contact in addition to the employee and ideally this should be the employee's headteacher.

For more information and details on whether you would be eligible and how to apply, please visit www.gov.uk/access-to-work/overview

7 Mental wellbeing

Where an employee feels that they are suffering from stress, the manager should provide support and assistance using the Mental Wellbeing in the Workplace Policy and associated support mechanisms. Advice from the Town Clerk (or nominated representative) should be sought in such circumstances. The Mental Health and Wellbeing Questionnaire and Action Plan should be completed as soon as possible in order that an early referral can be made to Occupational Health. This will be done through the Town Clerk (or nominated representative).

Where work-related ill-health, such as 'physical' or 'psychological' stress, is communicated to managers as being the cause of an employee's sickness absence, the manager must complete a corporate accident/incident report available from the Town Clerk form and return it in hard copy to the Town Clerk (or nominated representative) marked 'Private and Confidential'. Where stress is considered the cause of an employee's sickness absence, but is not considered work-related, this sickness absence should not be recorded on the corporate accident/incident report form, but noted in the normal manner for sickness absence.

8 Special considerations

8.1 Maternity related sickness absence

Pregnancy is one of the protected characteristics within the Equality Act 2010. Absences directly related to a women's pregnancy should be identified separately to other absences for recording purposes. However AMIs should still be held and the absence should continue to be monitored and the manager must contact the Town Clerk (or nominated representative) to discuss individual circumstances. Pregnancy related absences should not be included for the purposes of target setting.

If an employee has not started their maternity leave, it can be automatically triggered by a pregnancy related absence during the 4 weeks before the Expected Week of Childbirth (EWC), however, before this time, a pregnancy related absence would not automatically trigger maternity leave to start. Occupational Sick Pay or Statutory Sick pay (SSP) may still be allowable during the 4 weeks before the EWC if the absence is due to anything other than a pregnancy related condition.

8.2 Disability related sickness absence

Disability is one of the protected characteristics within the Equality Act 2010. A person has a disability if they have a physical or mental impairment, which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Anyone who has HIV, cancer or multiple sclerosis is automatically treated as disabled under the Act from the point of diagnosis.

Managers must consult with the employee and should seek advice from the Town Clerk (or nominated representative) with regard to an employee's absence which is being affected by a disability. The manager

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should consider all adjustments to enable an employee to return to work or to reduce their level of absence to an acceptable level. Where deemed operationally feasible, these adjustments must be made. Absences directly related to a disability should be identified separately to other absences for recording purposes however the AMI process still needs to be conducted. Disability related absences should not be included for the purposes of target setting.

8.3 Industrial injury or disease

Sickness absence resulting from an accident/incident, illness or disease considered to be work-related is included in considerations of absence under this policy and procedure. It should, however, be identifiable from other sickness absence in absence records, therefore managers must ensure they follow the correct procedure to identify and record incidents of this nature. For further information, please contact the Town Clerk.

9. Pay

Sickness payments are paid in accordance with the relevant National Conditions of Service for Local Government Employees as detailed below:

During 1st year of service	1 months' full pay and (after completing 4 months' service) 2 months' half pay
During 2nd year of service	2 months' full pay and 2 months' half pay
During 3rd year of service	4 months' full pay and 4 months' half pay
During 4th and 5th years of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

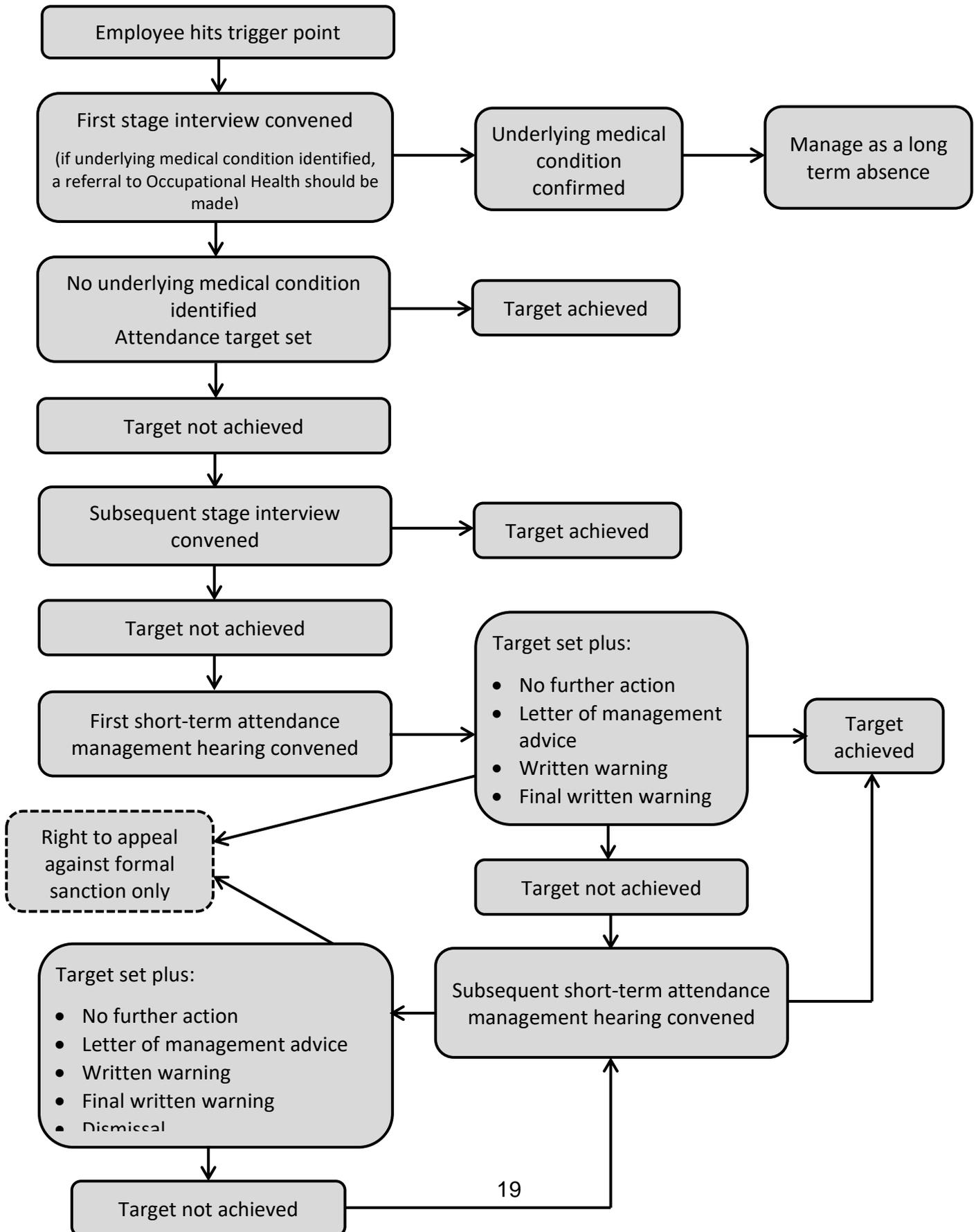
Sickness payments are calculated by aggregating the periods of absence (inclusive of first day) due to sickness during the previous twelve-month period.

If an employee carries out activities inconsistent with their stated reasons for sickness absence, engages in something that worsens their illness or prolongs their absence, the Council reserves the right to stop statutory sick pay (SSP) and/or occupational sick pay (OSP). This may also lead to disciplinary action.

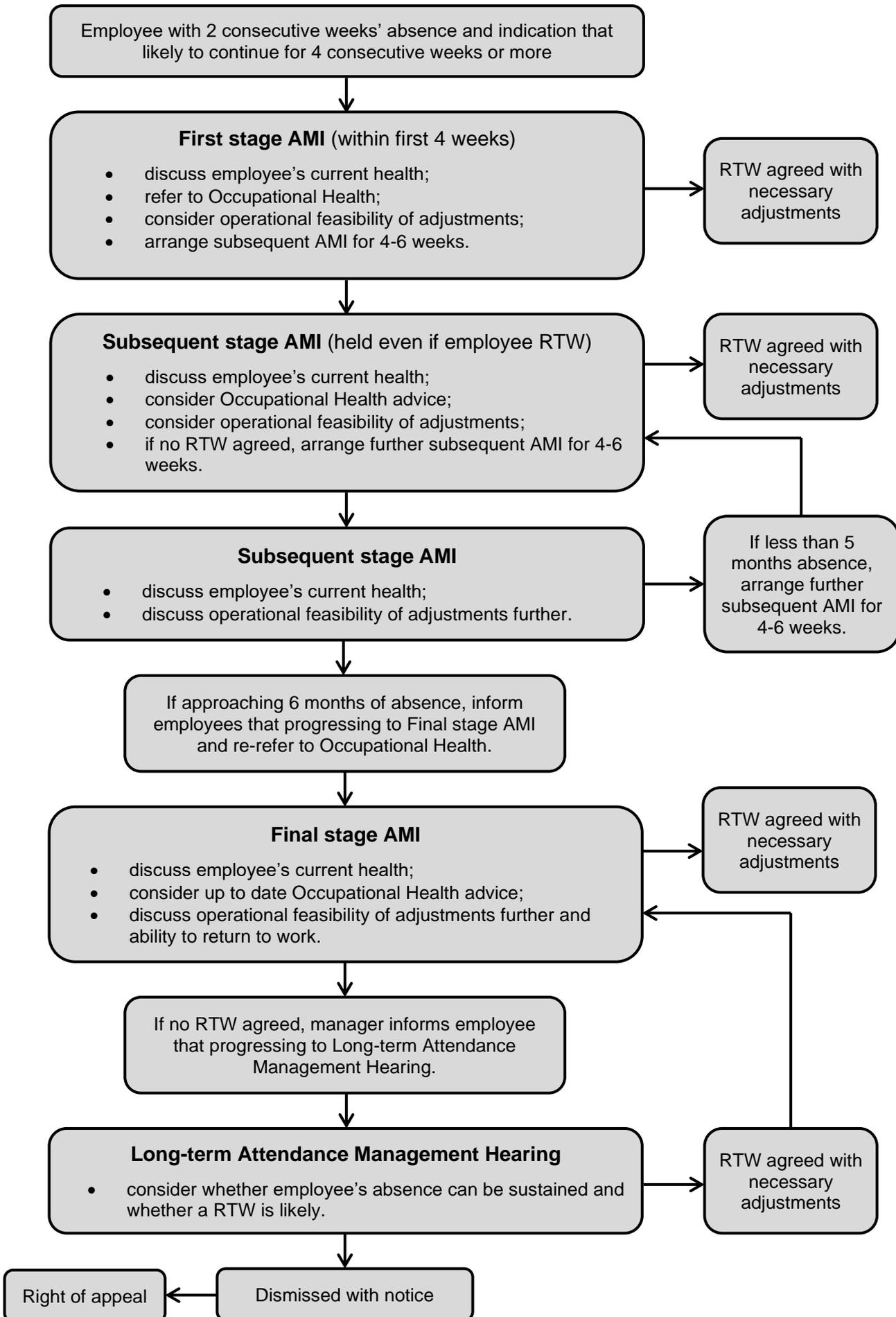
Employees who have exhausted their entitlement to statutory sick pay (SSP) may be eligible for state benefit. A form SSP1 is required by the employee in order to claim sickness benefit.

10 Flowchart

10.1 Short-term absence



10.2 Long-term absence



11 Supporting documents

The following documents, which support this policy and procedure, can be downloaded from Team Sites/public/policies:

A	Return to Work Declaration Form
B	Letter requesting attendance at an Attendance Management Interview
C	Attendance Management Interview Form
D	Phased Return Form
E	Attendance Management Report – short-term absence
F	Attendance Management Report – long-term absence
G	Invitation to an Attendance Management Hearing
H	Procedure to be followed at an Attendance Management Hearing
I	Outcomes of an Attendance Management Hearing

The following documents associated with this policy and procedure can be obtained from the Town Clerk:

Attendance Management Guidance for Managers
Mental Wellbeing in the Workplace Policy, Procedure and Toolkit

12 Further information

12.1 Confidentiality

All information will be handled sensitively and used only for its proper purpose.

Under the Data Protection Act 2018 individuals have the right to see their own personal data held subject to the rights of confidentiality of any third parties involved in that information.

12.2 Dealing with abuses of the policy and procedure

Employees must comply with the Attendance Management Policy and Procedure, including notifying their manager when they are absent, submitting fit notes by the 5th calendar day of absence and when previous

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fit notes expire to cover on-going absence, attending attendance management interviews and Occupational Health appointments when required.

Failure to comply with the policy and procedure can result in pay being withheld and potential disciplinary action.

12.3 Equality and diversity

Peterlee Town Council is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

12.4 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the Town Clerk using the contact details below:

Email: ian.morris@peterlee.gov.uk
Tel: 0191 5862491 Ext 204

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