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Lanesend Primary School

Attendance Management Policy and Procedure

Isle of Wight Policy
School Staff Policy

Signed: **Date:**
(Headteacher)

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(Chair of Governors)

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3 The Attendance Management Policy

3.1 The overall aim of the Isle of Wight Council is to provide efficient and cost effective services. The management of sickness absence through a fair and systematic framework has three objectives:

- to preserve a healthy workforce;
- to contribute towards maximum service delivery and staff commitment;
- to improve attendance at work across all services to published target levels.

A positive approach to enabling optimal attendance is key to delivering this aim and therefore it is necessary to have sickness absence management arrangements that are fair but robust in which wellbeing is promoted.

3.2 This policy both focuses on preventative measures that are aimed at the development of a healthy workforce, and simultaneously establishes a culture where attendance is valued and respected.

3.3 This Policy will enable the Council to:

- promote the health, safety and welfare of all staff;
- provide the best possible service to our customers;
- improve productivity;
- comply with the Equality Act 2010 and all other relevant equality and employment legislation by identifying changes necessary in working practices or environment to encourage full attendance.

3.4 This policy is supported by templates and forms which are available from the Attendance Management Toolkit on the HR pages of the intranet.

4 Scope

- 4.1 This policy and procedure incorporates all health related absence and applies to all employees of the Isle of Wight Council. It does not apply to contractors or agency workers.

5 Definition of terms

- 5.1** Employee: This means all those with an Isle of Wight Council contract of employment (including, permanent, temporary, fixed term).
- 5.2** Line Manager: This means the line manager of the member of staff concerned (or delegated manager where appropriate).
- 5.3** Short-term sickness is any period of sickness absence (of any part of a working day or more) but less than 20 continuous working days. It can be both certified and/or self-certified.
- 5.4** Long-term sickness is regarded as serious and prolonged where employees are absent from work for a period in excess of 20 working days or for any recurrent periods (which could be less than 4 weeks) associated with a serious health problem.
- 5.5** Statement of fitness for work, better known as 'fit notes': On 6 April 2010 fit notes replaced GPs sick notes and/or medical certificates. The revised approach continues to allow GPs to advise whether an employee should refrain from work, but now also enables GPs to advise whether it would be appropriate for them to do some work, which gives employers greater flexibility in managing sickness absence. Where this advice is given, the doctor will provide additional information which will help employers consider whether basic adjustments could be made to assist someone to return to work, for example allowing someone with back pain to take regular breaks away from their desk for exercise. Employers will not be bound to implement the doctor's suggested changes, but should reasonably consider the recommendations, which will be provided at the discretion of employers and with the agreement of the employee. Where no changes can be made, the medical statement should be considered as evidence of the individual being unfit for work for sick pay purposes. Therefore, fit notes have replaced 'medical certificates' in this policy.
- 5.6** 'Open' fit note: A fit note which specifies a period to refrain from work but does not specify a return date.
- 5.7** 'Closed' fit note: A fit note which specifies an exact return to work date
- 5.8** Self certification: Self certification is required for absences between one and seven days inclusive. Information on how employees can self-certificate is detailed in section 7.2
- 5.9** Disability: Disability, as defined under the [Equality Act 2010](#) is where somebody has a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

6 Attendance Management Responsibilities

6.1 Employees

- 6.1.1 Employees are responsible for attending work regularly in accordance with their contracted working hours and fulfilling their contract of employment. Employees must ensure they understand the content of this policy and cooperate fully with the sickness absence procedures. Failure to do so may affect entitlement to occupational sick pay and/or be deemed to be misconduct and dealt with accordingly.
- 6.1.2 All employees must inform their line manager of any health related issue which affects their ability to do their work in a competent manner and within performance targets.
- 6.1.3 Employees should inform their line manager if they have a disability. For information regarding disability related absences please see section 8.4 and additional guidance which can be found [here](#).
- 6.1.4 In cases where attendance and/or health become a concern, employees should discuss the situation with their line manager at the earliest opportunity so that every opportunity can be made to ensure a mutually positive outcome.
- 6.1.5 Ultimately, employees are responsible for their own health and should utilise the range of support and advice that is available both within and outside of the Council. This includes attending any scheduled appointments or training arranged by the organisation to improve their health and attendance, and/or support them back to work.

6.2 Line Managers

- 6.2.1 The line manager is responsible for monitoring attendance, ensuring all sickness absence records are updated in the appropriate records system and maintained accurately; and that 'return to work' interviews are undertaken on the day of return or as soon as practically possible (either by themselves or, in their absence, by a nominated person). Attendance and/or health concerns will be dealt with consistently and positive outcomes sought primarily by talking through the issues with the individual concerned. The line manager is responsible for ensuring that appropriate action is taken in accordance with this policy. The line manager is also responsible for maintaining employee confidentiality where health related matters are disclosed to them.
- 6.2.2 In cases where dismissal may be considered, the case will be referred to the relevant senior manager (with authority to dismiss) and an HR Business Partner along with all of the relevant and up to date documentation.

6.3 HR Business Partner

- 6.3.1 HR Business Partners will help ensure that this policy is understood and implemented consistently by managers, staff and trade union representatives. They will also advise on specific cases where formal action is taken.

6.4 HR/Payroll Shared Service Centre

- 6.4.1 The HR/Payroll Shared Service Centre is responsible for checking accuracy of sickness information and processing sick pay information.

7 The Procedure – Reporting of Sickness Absence

All employees and managers must report absence in line with the Council's agreed procedures. Failure to report absence or return to work may result in loss of pay for the absent employee for the relevant period. Failure to adhere to these procedures – by either party – may be dealt with as a disciplinary matter.

7.1 Procedure for reporting sickness absence

- 7.1.1 On their first day of sickness the employee must notify their line manager by telephone, by 9.00am or before the start of their shift giving the reason for their absence, to enable the manager to make adequate cover arrangements at the earliest opportunity. If possible the employee should indicate how long they expect to be off work. In exceptional circumstances (e.g. if the employee is unable to get to a phone or speak) someone may call on their behalf.
- 7.1.2 If the absence continues beyond the third day the employee must contact their manager to explain the nature of their illness and the length of time they expect to be absent. If they do not follow the procedures outlined above the manager should contact them to ascertain the reason for their absence from work.
- 7.1.3 If the manager is not notified as detailed above, this may result in the absence being recorded as unauthorised, unpaid absence and disciplinary action could also be taken. The Council's sick pay scheme is detailed in section 11 of this procedure.
- 7.1.4 The employee must inform their manager of the date they expect to return to work, no later than the working day prior to the date of return. If the manager is not available a message should be left for him or her with their nominated deputy within the service.
- 7.1.5 Once the employee has notified their manager of their absence the manager must record the absence on the Managers Self Service Portal at the earliest convenience, if the self-service portal is unavailable due to a technical reason then the manager should record the absence at the earliest opportunity.
- 7.1.6 A single absence across multiple days should be recorded as one absence on the self-service portal with the start and end dates set appropriately. Creating separate absences for each consecutive day will cause it to show up as separate absences on the HR system and may cause the employee to reach an initiation point as defined in section 12.2 of this document.

7.2 Self-certification

- 7.2.1 Every day absent on sick leave must be covered by a medical certificate: either a 'self-certification' certificate (see paragraph 7.2.2) or a doctor's or hospital fit note (see paragraph 7.3). Any days not so covered will not trigger entitlement to sick pay and will be treated as absence without leave. If an employee cannot see their GP on the day the certificate is required, a back-dated certificate is acceptable.
- 7.2.2 For absence between one and seven days inclusive, an on line SAP self-certification form will need to be completed within 5 working days from the date of return which will be sufficient for the payment of sick pay. There may be circumstances in which self-certification is not appropriate or where it cannot be accessed via SAP. If this is the case, the employee will need

to speak to their manager or their nominated deputy. Absences longer than this must be covered by a doctor's fit note (see paragraph 7.3.1).

7.3 Doctor's fit notes

7.3.1 Where absence extends beyond seven calendar days (i.e. on the eighth consecutive day of absence), a fit note must be obtained from a doctor and forwarded immediately to the line manager (if the doctor has been consulted earlier than the eighth day a fit note may be received earlier, in which case it can be sent to the manager upon receipt.) This will ensure that the correct pay is received. For guidance in relation to fit notes go to: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183291/fitnote-employers-linemanagers-guidance.pdf

7.4 Keeping in touch during sickness absence

7.4.1 Employees are required to keep in touch with their line manager during periods of sickness absence and respond to any reasonable contact made by the manager.

7.4.2 Line managers will keep in touch with employees to see how they are feeling, particularly if the employee has indicated that the absence is due to work related (or other) stress. If it is not appropriate for the immediate line manager to maintain contact with the employee arrangements will be made for another manager to keep in touch. The manager should offer the support of the Councils Employee Assistance Programme. http://wightnet2000.iow.gov.uk/staff/personnel_services/Human_Resources_Health_Safety_and_Welfare_Team/helpempl.asp

7.4.3 The frequency of contact will be determined on an individual basis and made in a constructive and supportive manner with the aim of seeking a timely return to work.

7.4.4 The form of contact may be by telephone, email, letter, home visit, meeting at the work site, or in exceptional circumstances, off-site at a neutral venue. Records of contact and what was discussed should be maintained by the line manager. Home visits will always need to be pre-arranged.

7.4.5 Additional guidance on maintaining contact with the employee during sickness absence can be found [here](#)

8 Sickness Absence and Other Related Procedures

8.1 Annual leave and sickness absence

- 8.1.1 If sickness occurs during annual leave, employees wishing to have annual leave reinstated must follow the normal sickness absence reporting procedures (paragraph 7.1) and, in this particular instance they will also be required to supply a fit note for the period of sickness absence (employees will not be able to self-certificate in these circumstances). By adhering to this policy the employee will have their annual leave reinstated.
- 8.1.2 Employees will not be entitled to an additional day off if sick on a statutory holiday. (This applies to both long term and short term sickness absences.)
- 8.1.3 Please refer to the Annual Leave Policy regarding accrual and carry-over of annual leave entitlement while off sick.

8.2 Health appointments during work time

- 8.2.1 There is no right to paid time off to attend planned doctor, dentist or optician appointments. All employees must try to make appointments outside or at the end or beginning of their normal working hours/shift time to minimise any disruption. Please refer to the special leave policy regarding the use of flexi leave or annual leave to accommodate appointments during the working day when necessary.
- 8.2.2 Appointments with Occupational Health in connection with the employee's illness will be accommodated during working time, wherever possible.
- 8.2.3 Employees who have a disability may have the right to paid time off for health/medical appointments related to their disability if agreed as a 'reasonable adjustment'. The law (Equality Act 2010) requires that all employers consider 'reasonable adjustments' to ensure that no disabled employee is put at a disadvantage compared to non-disabled colleagues. It may be necessary therefore to allow members of staff who have disclosed a disability to be allowed paid time off for health/medical appointments if they are related to their disability.
- 8.2.4 Once an employee has advised her line manager that she is pregnant, she will be entitled to take reasonable paid time off work (at normal rate of pay) to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor. Please go to the Maternity Provisions for further information which can be found [here](#)

8.3 Pregnancy related illness

- 8.3.1 For pregnant employees, time off work due to pregnancy related illness will not be counted towards any absence caution or other penalty.
- 8.3.2 All notified sickness absence, including pregnancy related, will be paid according to the employee's sickness entitlement, which remains unchanged.
- 8.3.3 A pregnant employee absent for a pregnancy related illness must follow the normal absence reporting procedure and provide medical certification and fit note as would be required for non-pregnancy related illness.

8.3.4 Occupational Health advice may be sought to clarify pregnancy related absence; especially if absences are frequent; and/or where pregnant employees request a change of working pattern during their pregnancy.

8.4 Disability related sickness (further guidance on disability related absence can be found [here](#))

8.4.1 The legal definition of disability as defined under the [Equality Act 2010](#) is where somebody has a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities.

8.4.2 Employees with a disability or a long-term health condition may have sickness absence that is unrelated to their disability. However, if their sickness absence is related to a disability, the Isle of Wight Council has a duty under the Equality Act 2010 to consider reasonable adjustments.

8.4.3 Reasonable adjustments may include; adapted equipment, physical changes to the environment, changes to working hours, location, shift pattern, or time off for treatment or appointments. Following longer term absence, it may include, for example, a phased return to work.

8.4.4 Disability-related absences will be recorded as sickness absence but managers must ensure that they keep a record of which absences are disability-related (in order for disability and non-disability related absences to be identified separately). All absences will be paid according to the employee's sickness entitlement, which remains unchanged.

8.4.5 The level of absence that someone with a particular disability might be expected to have in a year may be ignored and may not go towards total sickness absence for that period depending on the nature of the absence. Periods of disability related absence will be considered in detail with expert evidence to assess precisely the level of absence that is likely to be attributable to each particular disability. Having considered the proper information a different level of absence may be set as acceptable over the course of a 12 month period, above and beyond those set out in section 12.2 of this policy. This will, however, be considered on a case by case basis and dependent upon the nature of the disability and the level of impact the absences will have on that particular service area, other reasonable adjustments may still need to be considered.

8.4.6 In instances where the employee's attendance is unsatisfactory and/or s/he is unable to return to work; and no reasonable adjustments or redeployment are possible it may be necessary to consider terminating employment. In these circumstances the processes for managing sickness absence will be followed according to the specific circumstances – See sections 13 and 14 of this procedure.

8.5 Stress related sickness

8.5.1 Further information and guidance for both employees and line managers are contained within the Workplace Well-being Policy and Procedure [here](#)

8.6 Alcohol and substance misuse

8.6.1 Where it is identified that alcohol or drug misuse is the underlying cause of sickness absence or poor attendance, procedures set out in this policy will be followed. Specific information and guidance is also set out in the Alcohol and Substance Misuse Policy [here](#)

9 Planning and facilitating a return to work and the return to work interview

9.1 Notification of return to work

- 9.1.1 Prior to the day of return, the employee must advise the line manager (or nominated person) of their return to work date.
- 9.1.2 When returning from long term sickness absence the employee should, where possible, give at least one week's notice in order that any special arrangements can be made.
- 9.1.3 Where necessary, the line manager may need to consider specific competency or health and safety issues and construct a plan prior to the return to work meeting (for example, workplace assessment, or placing an individual on temporary restricted duties). A phased return to work plan template is available [here](#)
- 9.1.4 On the day of return the employee must report to their line manager (or nominated person) for their return to work interview.

9.2 Return to work interview (a return to work interview form and further guidance on the return to work interview is available [here](#))

- 9.2.1 The return to work interview will ideally be carried out within 2 hours of return so that the employee's fitness to return to work can be judged. As part of this interview the line manager or nominated person will ensure the return to work is recorded and:
- That the notification of absence/self-certification online SAP form is completed by the employee
 - If sickness absence extends beyond 7 continuous days, the employee must ensure that all fit notes covering the absence have been received by the line manager within 5 days of them being issued.
 - Also, if the return to work is prior to the expiry of a fit note or if the most recent fit note was an open fit note; the employee must obtain another fit note from their doctor, confirming their fitness to work on the date they return.
 - The reason for absence must be stated on the notification of absence/self-certification form (including whether the absence is due to stress, disability, or pregnancy related reasons).
- 9.2.2 Refer to the Return to Work Interview guidance on what should be discussed at a return to work interview.
- 9.2.3 The line manager will complete the return to work interview form with details of the discussion, recording decisions made or arrangements agreed, with timescales where relevant. Once signed by both parties, a copy will be given to the employee and will be sent to human.resources@iow.gov.uk to be kept on the employees personnel file. It is the employee's responsibility to check and confirm details are accurate prior to signing the return to work documentation.

10 Obtaining Medical Advice

10.1 Occupational Health (Further guidance on making referrals to Occupational Health can be found [here](#))

- 10.1.1 If an employee's health gives cause for concern (whether absent from work or not) they may be referred to Occupational Health (OH) for medical opinion. Early referral for employees who are likely to be off for up to or more than 20 working days may help reduce the duration of the absence and can assist with a better health outcome for the employee. The manager should therefore refer the employee to OH at the earliest opportunity and not wait until the 20 working days is up, in particular for stress-related absence.
- 10.1.2 A referral to OH will be made by the line manager using the OH referral form. The line manager will include specific reasons for the referral and clear questions. The employee's current job description and details of sickness absence over the past 12 months should also be included with the referral. The member of staff will be invited to contribute to the content of the referral and the questions to be asked of Occupational Health.
- 10.1.3 If the employee is required to see an OH Adviser they must attend: firstly because the Council has the right under their contract of employment to require them to attend such appointments and the appointments are designed to assist their return to work, and secondly because appointments have to be paid for whether they attend or not. If they accept the appointment and do not attend they may be responsible for the cost of the appointment.
- 10.1.4 The line manager and the employee will receive a copy of the OH report. The line manager will discuss the report with the employee, to determine and agree a course of action, where appropriate, and confirm this in writing. These discussions may form part of the formal review of attendance process, sections 13 and 14 of this procedure.

10.2 Doctor/Consultant's Opinion

- 10.2.1 Employment decisions connected with sickness absence will be made on the basis of medical and other evidence and consultation with the employee. In order to investigate long-term or frequent short-term absence Occupational Health may therefore formally request the employee's permission to contact their GP or other health professional in order to obtain medical advice to establish whether there is an underlying medical condition which is contributing to the level of absence. The employee has the right to refuse such permission, but should note that under these circumstances the Council will be obliged to make decisions based only on their own knowledge.
- 10.2.2 If the employee is under the care of their GP or other Consultant, they should, if they are willing to do so, have any medical reports to hand during their appointment with OH so that the content can be discussed. The Council will reimburse costs if the employee is charged for any report.

10.3 Phased return to work on grounds of ill health

- 10.3.1 In some cases, a phased return to work may be agreed following a period of long-term absence (please use phased return to work form which can be found [here](#)). This enables staff to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period; where the employee may return on reduced hours and duties, and then gradually increase their working hours back to the full contractual hours and full duties. This may assist an employee

who has been on a prolonged period of absence, to return to work sooner than they may otherwise have been able to.

- 10.3.2 A phased return to work may not always be suitable or possible. Consideration will be given to a range of factors including, but not limited to: the length of and reason for the absence, proposed number of hours to be worked, type of work, support available and the service requirements.
- 10.3.3 A phased return to work will not normally last for longer than 4 weeks, but can be extended at the line manager's discretion and upon specific advice from OH. If so, then outstanding annual leave can sometimes be used to cover the extended period.
- 10.3.4 If an employee is currently in a period of half-pay and the hours worked upon return are 50% or less of their usual contractual hours then the employee will remain on half-pay for that period. If the employee is on half-pay and the hours worked upon return are more than 50% of their usual contractual hours they will receive full-pay for the period of the phased return.

10.4 Redeployment on grounds of ill health

- 10.4.1 Upon the advice of OH, where the employee may be prevented from continuing in their role due to ill-health or disability, the manager will need to follow section 14 of this policy regarding the management of long term sickness absence. If this leads to dismissal the council will consider redeployment where appropriate during the employees notice period. Employees who are under notice of termination by reason of dismissal on ill health grounds will be eligible to be placed on the Redeployment List for prior consideration for general vacancies alongside any other staff on that list. If a redeployment opportunity is taken, the pay and conditions of the new post will apply, ie there will be no salary protection. If redeployment is not possible or available, the employee's employment will end at the end of their notice on the grounds of ill health due to incapacity to work.

10.5 Ill health retirement

- 10.5.1 An application for retirement on the grounds of ill health due to incapacity to work can be made in accordance with the Local Government Pension Scheme, Teachers Pension Scheme, Firefighters Pension Scheme and the New Firefighters Pension Scheme supported by advice from OH.

11 Paid Sickness Entitlement

11.1 Sick pay

- 11.1.1 Paid sickness absence entitlement per calendar 'rolling' year is based on your length of service. There is no automatic right to exhaust sickness entitlement. Each individual absence will be treated on its merits according to the circumstances of the case. Employees are entitled to receive sick pay at the following rates up to a maximum of the periods set out below:

Length of Service	Sick Leave at Full Pay	Sick Leave at Half Pay
During 1 st year of service	1 month	2 months (after 4 months service)
During 2 nd year of service	2 months	2 months
During 3 rd year of service	4 months	4 months
During 4 th and 5 th year of service	5 months	5 months
After five years service	6 months	6 months

For the avoidance of doubt, entitlement is based on the length of service on the day the absence starts: it does not change during the absence.

NB. For sickness pay entitlement for Teachers or Fire Service Personnel please refer to the relevant terms and conditions document as set out in the contract of employment.

11.2 The 'rolling year'

- 11.2.2 Entitlement to paid / unpaid sick leave is based on the amount of sickness absence recorded during a 'rolling year' – for example, one year back from the start of the current absence.

11.3 'Third party' claims

- 11.3.1 If you are absent because of the actionable negligence of a third party (for example, a road traffic accident in respect of which you are claiming damages), you may be required to refund the amount of money equivalent to the amount of sick pay you received during the relevant absence to the Council. This amount will form part of your damages claim.
- 11.3.2 If your damages claim is successful, the amount to be refunded will be equivalent to the total amount of sick pay you received. If the claim is only partially successful, you will be required to refund the same proportion of the sick pay.
- 11.3.3 In these cases, your return-to-work interview form must contain the information that the absence was attributable to an accident involving a third party. An undertaking form will then be sent to you; you must complete and return it so that if a request for information in connection with your claim is made by your legal representatives, the correct amount of sick pay will form part of your claim. If your claim cannot be made, or is unsuccessful, the undertaking does not commit you in any way.

12 Managing / Monitoring of Sickness Absence

12.1 Monitoring and responsibilities

12.1.1 Strategic Human Resources will monitor and report on the sickness absence of all LA employees at an organisational level. However it is the responsibility of managers to monitor the sickness absence of their direct and indirect reports at a local level with advice and guidance being available from Strategic Human Resources.

12.1.2 Strategic Human Resources will provide senior management with reports giving an overview at a directorate level, this will include:

- Reports for Directors on a quarterly basis on the levels of sickness absence within their directorates. It is the responsibility of the Directorate Management Teams to review the report and take appropriate action to improve attendance levels.
- Reports on a quarterly basis to the members of Employment Committee describing the councils overall position, and on an annual basis this will include agreement on sickness targets.
- Reports and notifications concerning those employees who have reached one or more of the policy initiation points as described in section 12.2 below on a quarterly basis.

12.1.3 The responsibility for managing individual employee attendance rests with the appropriate line manager, with advice and guidance being available from the intranet and Human Resources.

12.1.4 Managers can access their employees' sickness records using the Managers Self Service Portal. However if this information is needed in another format or for a larger group of teams, for instance a spread sheet to enable deeper analysis, then managers can request this by emailing (saphr.reports@iow.gov.uk).

12.2 Causes for concern

12.2.1 In certain circumstances, when an individual's sickness absence raises concern for one of a number of reasons, additional actions will be initiated under sections 13 and 14 of this procedure. The 'initiation points' for concern are as follows (though managers have the right to investigate situations outside of these identified initiation points if there are other concerns in relation to absence from work):

- a. Four or more periods of absence within the preceding 12 months;
- b. Fourteen or more calendar days within the preceding 12 months;
- c. Twenty continuous working days (pro rata if part-time);
- d. Noticeable patterns of absence: (regular Fridays and Mondays, or regular absences on specific days of the week);
- e. Stress-related absence.

12.3 Noticeable patterns of absence

- 12.3.1 Where an individual's sickness absence suggests that a pattern such as those outlined above may be building up, the individual will be invited to an interview with his or her manager to discuss the issue. If appropriate, disciplinary action may be taken. The member of staff will be entitled to be supported by a colleague or union representative.

13 Managing Frequent Short Term Sickness Absence

13.1 Formal action (Further guidance can be found [here](#))

- 13.1.1 Upon reaching one or more of the initiation points within this policy; the line manager will take formal action.
- 13.1.2 At all stages of this process, a written record of all meetings and actions will be made (signed by both line manager and employee) and kept on the employees file.

13.2 Formal absence review meeting

- 13.2.1 The line manager will write to the employee inviting them to a formal absence review meeting giving 5 working days' notice; outlining the purpose of the meeting and informing them of their right to be accompanied by their trade union representative or a work colleague. The Directorate HR Business Partner will not normally be involved at this stage unless it is to assist, say, a new manager. The member of staff will be entitled to be supported by a work colleague or union representative.
- 13.2.2 At this meeting the line manager will seek to understand the reasons for the absence and provide support, with a view to reducing the absence level. The required improvement in attendance and the consequences of little or no improvement will be clearly explained to the employee.
- 13.2.3 Consideration will be given to other and/or additional activities the employee may be involved in, e.g. project work, training and development; overtime/additional hours; and whether it would be helpful or appropriate at that time for them to continue when the focus should be on the core job, and improving attendance and health.
- 13.2.4 Where the manager is concerned that there may be an ongoing underlying health issue causing the absence and that further information would assist their management of the situation, they may refer the employee to Occupational Health. If it is deemed appropriate to refer the employee to Occupational Health the formal meeting will be adjourned until the manager is in receipt of an outcome report. Please refer to section 10.1.2 regarding Occupational Health referrals.
- 13.2.5 A report from Occupational Health will provide information and may make a recommendation to assist the line manager in determining what action to take and whether that action is subject to any advice from elsewhere (such as the Directorate HR Business Partner or further medical advice). This may include advice to consider 'reasonable adjustments' for employees whose absence is related to a disability (as defined in the Equality Act 2010).
- 13.2.6 Whether adjustments are made or not (i.e. it is not always possible), then absences of employees with a disability will be counted in the same way as other employees with regard to the initiation points and the issue of a warning or other penalty. However please see further information on managing disability related absence under section 8.4 with regards to the adjustment of initiation points if necessary.
- 13.2.7 Pregnancy related absence/illness will be counted when reviewing an employee's attendance but will not count towards the issue of a warning or any other penalty.

13.3 Absence warnings

- 13.3.1 An absence warning may be issued at this formal review meeting if the employee has reached the absence initiation point for the number of occurrences and/or the absence initiation point for the number of days of absence and, thereby, exceeded the level of absence which the Isle of Wight Council deems reasonable. The decision will be made once all relevant circumstances have been given full consideration.
- 13.3.2 The absence warning will be confirmed in writing and a record kept on the employee's file. If the employee already has a live absence warning; a second warning will normally be issued.
- 13.3.3 Each absence warning will remain 'live' on an employee's record for 12 months from the date of issue.
- 13.3.4 The caution will clearly explain the required improvement in attendance, and the consequences of little or no improvement, with a review date set (the date when the employee's absence is expected to be below the absence initiation points), however, the line manager may take action sooner if the employee has a further period of absence within this period.
- 13.3.5 Employees may appeal against the decision to issue an absence warning (see section 15)
- 13.3.6 If, following the review period, the employee has achieved the required improvement in attendance (i.e. their absence is below the absence initiation point, or there has been significant improvement towards achieving this with a further period of review) this will be confirmed in writing and no further action will be taken at this point. However, any existing warnings remain live until expiry of the 12 months, from the date they were issued.
- 13.3.7 If further sickness absence occurs the following action will be taken:
- If the employee has a live absence caution on file; their absence will be reviewed again at a formal absence review meeting
 - If the employee has a second live absence caution on file; their absence will be reviewed at the final stage – which may result in dismissal.

13.4 Final stage - dismissal

- 13.4.1 The employee will be required to attend a final stage absence hearing in the following circumstances:
- Where there is no significant improvement in attendance
 - And/or where an employee has a second live absence warning on file, and there is a further breach of the absence initiation points
 - And/or where the employee has previously been invited to and/or attended a final stage hearing in the previous 12 months
 - And/or where the history and pattern of absence over a prolonged period of time (which could include all or part of their employment with the IWC) continues to give cause for concern.
- 13.4.2 As an outcome of the final stage absence hearing may be dismissal, it will be held by a manager with authority to dismiss. Any decision to dismiss will be made in conjunction with an HR Business Partner.

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- 13.4.3 The manager must write to the employee requesting them to attend a hearing giving seven working days' notice; setting out the reason for the hearing, including any evidence to support the case and making clear that the outcome could be dismissal. The employee has the right to be accompanied by a trade union representative or work colleague. The employee will also be given the opportunity to provide any additional evidence to support their case up to 3 working days prior to the date of the hearing.
- 13.4.4 At the hearing, the line manager will present a formal management case which will normally include an up to date Occupational Health assessment.
- 13.4.5 Any decision to dismiss will only be made following previous formal meeting/s with the employee and once all other alternatives have been considered. The decision will be confirmed in writing within 5 working days of the hearing.
- 13.4.6 An employee who is dismissed will be given written notice in accordance with the terms of their contract.
- 13.4.7 An employee can appeal against the decision to dismiss (see section 15)

13.5 General considerations during formal reviews of attendance

- 13.5.1 If an employee fails to attend any of the meetings set out above (without prior and reasonable explanation) then the manager may make a decision based on the information available at that time, in the employee's absence.
- 13.5.2 The IWC reserves the right to escalate review of an employee's attendance to any stage of this policy where deemed appropriate.
- 13.5.3 Where frequent short-term or long term sickness is considered excessive during a probationary period this will be dealt with under the probationary procedure.

14 Managing Long Term Sickness Absence

14.1 Managing long term sickness absence (Further guidance can be found [here](#))

- 14.1.1 Long term sickness absence is regarded as serious and prolonged absence where employees are absent from work for a period of over 20 working days or for recurrent periods with a serious health problem.
- 14.1.2 Once an employee has been absent through sickness for a continuous 20 working days, or where the absence is expected to be over 20 working days, the line manager will conduct an absence review meeting.

14.2 Formal absence review meeting (during sickness absence)

- 14.2.1 The manager will invite the employee to attend a formal review of attendance meeting. The manager will need to be flexible about the place where the meeting will take place, taking into account the nature of the illness. The employee will have the right to be accompanied by a union representative, work colleague, friend or family member at any such meeting.
- 14.2.2 At the meeting the line manager will discuss with the employee their continuing absence, including any support the IWC can offer to aid their recovery and/or any adjustments that can be made to ensure their future employment with the IWC and/or a timely phased return to work. An outcome of the meeting could include a referral to Occupational Health to seek medical advice on the likely duration of the absence and any adjustments that could be made to support the employee in returning to work.
- 14.2.3 These meetings should be repeated throughout the period of absence; the number and frequency will be dependent on the circumstances of each case. However, the first of these meetings will normally take place soon after the first 4 weeks of absence, or upon confirmation that the employee is expected to be absent for 4 weeks or more; and where no specific return date is imminent.
- 14.2.4 The manager will write to the employee after each meeting to confirm any actions or review dates that have been agreed.

14.3 Final long term absence hearing (during sickness absence)

- 14.3.1 Where there is no foreseeable date of return, and upon advice from OH that the employee is not fit to return to work within a reasonable timescale, the manager must write to the employee requesting them to attend a final long term absence hearing giving seven working days' notice; setting out the reason for the hearing, including any evidence to support the case and making clear that the outcome could be dismissal. The employee has the right to be accompanied by a trade union representative, work colleague, friend or family member. The employee will also be given the opportunity to provide any additional evidence to support their case, normally up to 3 working days prior to the date of the hearing. N.B When considering what a reasonable timescale for a return to work is the manager will consider the current length of absence, the likely length of the continuing absence and the impact the absence is having on the service.
- 14.3.2 As an outcome of the final stage long-term absence hearing may be dismissal, it will be held by a manager with authority to dismiss. Any decision to dismiss will be made in conjunction with an HR Business Partner.

14.3.3 The line manager of the employee will present the issues regarding the employee's sickness absence.

14.3.4 Matters to be considered at this hearing include:

- Whether a phased return to work would be appropriate (and if so what training and support is required)
- Whether any reasonable adjustments could be made to the employee's role or working environment to enable a return to work.
- Redeployment on the grounds of ill-health
- Retirement on the grounds of ill-health

14.3.5 If the options outlined above are not reasonably practicable and/or medical advice from OH (following a full assessment with the employee) has been received to confirm that there is no foreseeable return to work, the manager may consider terminating the employee's contract of employment on the grounds of incapability to work.

14.3.6 Termination of employment on the grounds of ill-health may be actioned prior to entitlement to Occupational Sick Pay being exhausted, where there is no reasonable prospect of the employee returning to work.

14.3.7 At the meeting the employee will put forward any reasons why they consider their employment should not be terminated. The manager will consider the information provided in a submission made by the employee when deciding whether or not to terminate the employee's contract of employment. This must be undertaken in consultation and agreement with the Directorate HR Business Partner.

14.3.8 The manager will communicate any decision to terminate the employee's contract or any decision other than to terminate the contract in writing within 5 working days of the meeting.

14.3.9 An employee who has been dismissed as a result of sickness absence/ill-health will be paid in lieu of notice (in accordance with their contractual notice period). Pay in lieu of notice will be based on normal contractual pay.

14.3.10 An employee may appeal against the decision against their dismissal (see section 15)

14.3.11 At all stages of the process, a written record of all meetings and actions will be kept on the employee's personnel file.

14.4 Return to work following long term absence

14.4.1 Notwithstanding the special arrangements and/or reasonable adjustments that may have been agreed to assist the employee's return to work; the usual procedures for managing attendance will continue; including the return to work interview.

14.4.2 The employee will, in effect, be managed under the Short Term Absence review procedure.

14.4.3 The line manager will meet with the employee to discuss their return to work and agree an attendance plan and support measures with an appropriate review date.

14.4.4 During this period the line manager will continue to observe the employee's performance and attendance and ensure the employee has ample opportunity to discuss their return to work and any concerns they may have.

15 Appeal Procedure

15.1 The appeal

An employee has the right to appeal against any sanction imposed at any stage of the formal attendance procedure, including dismissal. The request for an appeal must be made in writing to HR.

The appeal must be made within five working days of the date of the decision letter and must state clearly the grounds upon which an appeal is being made. Save in exceptional circumstances, the employee may only make an appeal on the following grounds:

- the decision: the evidence did not support the conclusion of the manager; and / or
- the penalty: this was too severe given the circumstances of the case; and / or
- new evidence: evidence has come to light since the formal review of attendance hearing and was not reasonably available at the time of that hearing; and / or
- it is considered that the attendance management procedure was not followed correctly.

The appeal will normally take place within fifteen working days of receipt of the employee's written notice of appeal, or on a date which is mutually agreed by the parties.

HR will work with the person who conducted the previous formal review of attendance hearing to arrange the appeal hearing. If the appeal is against an absence warning the appeal will normally be heard by the line manager of the manager who issued the warning. Where the appeal is against a dismissal it will be heard by a more senior manager than the person who made the decision to dismiss.

The manager will write to the employee to invite them to attend an appeal hearing. The employee will have the right to be accompanied by a Trade Union representative or work colleague. They must take all reasonable steps to attend. Account will be taken of any reasonable adjustments required under the Equality Act 2010.

The appeal hearing will consider any representations from the employee and / or their representative. The employee must provide any supporting evidence for the basis of their appeal to HR, at least seven working days prior to the appeal hearing date.

The manager who made the previous decision will be required to attend the appeal hearing to respond to the grounds of the appeal.

All parties will receive copies of the evidence to be presented at the appeal hearing at least two clear working days prior to the hearing.

15.2 At the appeal hearing

The appeal manager will:

- consider all the evidence, including any new evidence presented;
- determine whether the grounds for the previous absence sanction are valid;
- determine whether the sanction remains the same or should be increased, reduced or removed.

The appeal manager conducting the hearing may adjourn proceedings if this is considered to be necessary and the employee (and their companion or representative) will be informed of the period of the adjournment. If further information is to be gathered, the employee will be allowed a reasonable period of time, together with their companion or representative, to consider the new information prior to the reconvening of proceedings.

As soon as possible after the conclusion of the appeal hearing, the appeal manager conducting the hearing will convey the decision verbally to the employee and to the manager who presented the case.

The appeal manager will confirm their decision in writing to the employee within five working days of the appeal hearing; the employee will also be informed of the reasons for the decision and that the decision is final.