

Policy Title: **Managing Sickness
Absence Policy &
Procedure**



Owner: **HR Services**

Date Issued: **February 2020**

INTRODUCTION

Purpose

The Council expects a high level of attendance amongst all employees in order to maintain an effective and positive working environment which does not place undue pressure on colleagues. Employee attendance is critical to maintaining high quality and efficient Council's services by minimising the disruption to these services caused by sickness absence.

The aim of the policy is to assist employees to achieve high attendance levels through fair, firm, consistent and supportive management. Employees are expected to be proactive in managing their own attendance and looking after their own health and wellbeing in order to maintain a satisfactory level of attendance at work and to minimise sickness absence rates across the Council.

Scope

The policy applies purely to sickness absence. There are separate policies in place for other types of leave or absence from work.

Policy Statement

The Council is committed to the effective management of sickness absence in a manner which is reasonable, fair and consistent. In doing so the Council aims to reduce the impact of sickness absence on its ability to deliver critical services to its customers.

Furthermore the Council is committed to supporting, wherever possible, those employees who have a disability falling within the scope of the Equality Act 2010.

ELIGIBILITY/EXCLUSIONS

Unless otherwise stated the provisions within this policy refer to employees of both Stafford Borough Council and Cannock Chase District Council

ACCOUNTABILITIES

1. Employees:

- As far as possible to take care of their own health and well being in order to maximise their ability to attend work.
- Where long term medical conditions are present, to take all reasonable steps to actively manage such conditions in order to minimise the impact on the workplace, and to seek advice, support and assistance from their line manager or HR Services where necessary.
- To be aware of, and adhere to, the absence notification and reporting procedures.
- To attend occupational health appointments and cooperate with occupational health referrals where required.
- To cooperate with any and all reasonable management action and intervention to manage attendance.
- To be honest about the reasons for absence and use alternative corporate absence provisions such as annual leave, compassionate leave, parental leave etc. (By agreement with their manager) when these are more appropriate to the circumstances.

2. The Council:

- To provide access to this policy for all employees.
- To provide consistent and fair treatment to all employees.
- To act promptly when support has been identified or requested.
- To ensure employee confidentiality.
- To positively promote health and well being to all employees
- To support, protect and guide employees who are diagnosed with a terminal illness throughout their employment.

3. Managers & Heads of Service:

- To proactively manage sickness absence, taking personal responsibility and ownership for reducing sickness absence within their teams.
- To maintain regular contact with employees who are absent by virtue of sickness and work with HR Services where the main contact is through this route (this will only apply in certain circumstances).
- To seek professional advice as appropriate from HR Services with regard to the management of sickness absence.
- To conduct fair, objective and consistent decision making when managing absence in accordance with the guidelines contained in this policy.
- To act in a supportive manner to enable employees to remain in work or return to work.
- To act promptly when a sickness trigger point is met.
- To ensure employees are informed of what stage in the absence management process they are in as well as any consequences of the process.
- To ensure all documents relating to sickness absence are completed in full and all relevant details are received from the employee.
- To provide a degree of flexibility when supporting an employee's return to work
- To pay due regard to the statutory duty to consider 'reasonable adjustments' to the work or working environment as required by the Equality Act 2010

4. HR Services:

- To support Managers and Heads of Service with fair, consistent and objective decision making under absence management procedures.
- To provide support to employees in managing medical conditions which may be sensitive and/or life changing in nature.
- To provide advice and guidance on the management of sickness absence.
- To actively promote health and well being across the Council in conjunction with other services as appropriate.
- To provide access to occupational health, counselling or other support services as necessary. To prompt managers on when and how to take action in regards to sickness absence.
- To assist with formal meetings where required.

5. Trade Union:

- Work with Managers and Heads of Service to support employees where necessary.
- Be available to support employees should any conflict arise or formal meeting be arranged

PROCEDURE

1. Sickness Absence Triggers for Action

In order to deal with sickness absence in a fair and consistent manner the Council will use sickness triggers for the purpose of monitoring sickness absence. These triggers are defined later in this policy and will provide managers with prompts for addressing sickness absence.

2. Employee Absence Notification Procedures

Absences Up To 7 Days

Employees should telephone and speak directly to their line manager (or, where the manager works different hours to their team the employee should speak to the manager's nominated representative) within 1 hour of their normal start time on the first day of any absence and every **working day** thereafter for the first 7 days of sickness. Where there is some compelling reason why a person is unable to ring in every working day during the first 7 days then alternative contact arrangements may be agreed between the manager and their employee after the first day, solely at the managers' discretion.

Texting, emailing or other forms of communication are not acceptable methods of notifying sickness absence unless specific departmental arrangements to the contrary have been put in place by the departmental manager - due to shift working, for example.

A person must only call in reporting sickness absence when they personally are sick. In any other circumstances – such as the illness of a dependent etc. contact should be made with their line manager to discuss and agree an appropriate alternative provision to accommodate the absence.

The manager should contact the employee in the event that they have not spoken to the employee directly; for example, where the employee telephoned at a time that the manager was unavailable.

Employees must provide the line manager with details of their illness or injury, their anticipated length of absence and details of any work commitments that may need rearranging as a result of their absence.

In exceptional circumstances where the employee is unable to telephone in person (e.g. serious illness or injury) a family member should telephone on their behalf. The employee must make direct contact with their line manager as soon as possible thereafter.

If an employee fails to make contact with the line manager during the first 7 days of absence then this may lead to the employee being regarded as 'absent without leave' until such time as the true nature of the absence can be ascertained. Dependent on the circumstances such a failure to report absence in line with this procedure may result in disciplinary proceedings.

Sickness Notifications to HR Services

Following receipt of an initial sickness absence notification the line manager or their nominated representative should record the details of the absence in the initial sickness notification details on part 1 of the '**Sickness Declaration and Return to Work Discussion**' form (**Appendix 1**) as this form will need to be fully completed during the return to work interview once the employee returns to work.

Information concerning employee sickness absence (names, dates, duration and reason) should also be forwarded to HR Services on a **weekly** basis, by e-mail using the following e-mail addresses:

- For Cannock Chase Council employees: HumanResources@cannockchasedc.gov.uk
- For Stafford Borough Council employees: Humanresources@staffordbc.gov.uk

The relevant departmental manager should be copied in so that they are fully aware of sickness absence in their section.

Eighth Day of Absence

If the employee has not returned to work on the eighth calendar day of absence they must obtain a medical certificate from their Doctor to certify their ongoing absence. This should be forwarded to their line manager for initial warning. This should then be forwarded to HR Services. Failure to comply with the certification procedures may result in loss of sick pay and the absence may be regarded as unauthorised absence in accordance with the Disciplinary Procedures.

Continuing Absence

Where the absence continues beyond the return date detailed on the initial medical certificate, the employee must submit subsequent medical certificates to their line manager to cover the whole period of absence. The line manager must ensure that all medical certificates are forwarded to HR Services as soon as possible thereafter.

During periods of absence the employee and their manager should maintain regular contact on **at least a weekly basis** unless there is some compelling reason why this is impractical or undesirable.

The purpose of maintaining ongoing contact is to ensure that:

- There is ongoing dialogue between the manager and employee about the employee's health and the likely duration of the absence.
- The employee is kept engaged with the workplace, with work and with colleagues even if unable to attend work for the time being.
- Support and assistance can be given where necessary to assist the employee with returning to work, including use of occupational health or counselling services or signposting to other support organisations as appropriate to needs.
- Employees are prevented from feeling isolated, vulnerable and out of touch.
- There is an opportunity to discuss whether the absence could be ended earlier with appropriate support – for example by implementing alternative work arrangements, transportation (i.e. lifts to and from work from colleagues where they are willing to

assist), light duties etc. (in consultation with HR, the employee's GP and/or occupational health as required)

3. Return to Work Discussion

The return to work interview is one of the most effective tools for achieving reductions in short term sickness absence. Managers are asked to contact a member of the HR Services Team in advance of any Return to Work Discussion if they feel prior advice on the format or content of the meeting is required.

Upon return to work following any period of sickness absence (short or long term) line managers must conduct a "Return to Work" discussion with the employee. This discussion should be undertaken on the first day of the employee's return to work or as soon as possible thereafter.

The outcome of the discussion must be recorded on a Sickness Declaration and Return to Work discussion Form (Appendix 1) and forwarded to HR Services for retention and recording on the Corporate HR database.

The purpose of the return to work interview is to welcome the employee back to work, ensure there is an accurate record of the absence, and identify any ongoing health issues or ongoing support that may be required and to update the employee on work developments arising during their absence. Line Managers should note the following:

- The Return to Work discussion should be held in private.
- The details of the Return to Work discussion should remain confidential.
- The manager should motivate the employee to improve their absence levels and be clear about what stage(s) of the Managing Sickness Absence procedure may be applicable to any future absences.
- Be mindful of any issues related to disability where the employer's duty to consider adjustments to work or working practices may apply and discuss such issues with the employee (if in doubt seek advice from HR Services and see guidance on page

23). Consider whether the support and assistance of the Access to Work¹ team may be of value to the employee.

- Obtain information about any ongoing or underlying health conditions and ascertain the likelihood of further reoccurrence. Whilst employees should take personal responsibility for managing their own health conditions so as to achieve acceptable levels of attendance managers should consider referral to Occupational Health to understand how best to assist the employee with managing that condition in the work place.
- If there is a concern that other forms of leave should have been used to accommodate the absence (such as unpaid parental leave or time off for dependants leave) then this should also be addressed during the return to work discussion. This may include a requirement to seek a medical certificate for the relevant period and /or for future periods of absence irrespective of the length of absence.
- If there is any suspicion that the period of sickness absence was not 'genuine' then this should also be discussed and in some cases it may be appropriate to consider disciplinary action. If this is the case further advice should be sought from the HR Services team in the first instance.

4. Managing Short Term Absence

Whilst it is acknowledged that the majority of sickness absence is likely to be genuine in nature high levels of absence have an adverse impact on the Council, its ability to provide a service to its customers and on other colleagues. On this basis employees should be aware that frequent or extended periods of absence may render them liable to progress into formal sickness management procedures. Such procedures involve a staged management process which may ultimately lead to dismissal from employment.

Informal "Concern" Stage

Once an employee reaches **3** periods of absence or has had a total of **6** FTE working days of short term sickness in a rolling 12 month period they will be issued with an informal "**Letter of Concern**" (Appendix 2) advising them that they are close to reaching the trigger

¹ Access to Work: A scheme run by the Department for Work & Pensions whereby a person with a disability may be eligible to apply for grants towards the purchase of specialist equipment for use in the work place to enable them to continue to work. Such grants might cover, for example, specialist software, specialist computer equipment, the services of a support worker etc.

point for action under the formal absence management procedure. This letter should be issued to the employee as part of an informal discussion with their line manager concerning their current absence record. Line managers should explore with the employee what steps the employee will take to reduce the frequency of their sickness absence and consider whether any support and assistance can be given.

Triggers for Formal Action - Short Term Sickness

In order to ensure that all employees are managed consistently and fairly, the formal procedure should be applied where an individual's absence level reaches **any one** of the following trigger points:

- The employee has been absent for 4 or more occasions in a rolling 12 month period;
or
- The employee has an unusual or recurring pattern of sickness absence which gives rise to concern, such as frequent absenteeism on a particular day of the week, regular (predictable) absenteeism during school holidays or absenteeism coinciding with deadline dates or peaks in workload etc. (This is not an exhaustive list);
or
- A rate of sickness absence that is higher than the current corporate sickness level target, pro-rata'd for part time employees. At SBC this is currently 7 FTE days and at CCDC it is currently 8.3 FTE days.

Combination of Short and Long Term Absence

Where an employee's sickness record comprises long term and short term absence the formal procedure will apply as follows

- Any period of long term absence in the rolling 12 month period will be monitored as one period of absence and will be monitored against the Formal Stage1 Short Term Absence trigger of 4 occasions of absence;
- Any combination of short and long term absence amounting to an overall absence rate of 18 FTE days in the rolling twelve month period will also be monitored against the Formal Stage 1 Short Term Absence trigger.

Application of Discretion

There will be a general presumption that formal procedures should ordinarily be applied where triggers are met. It is, however, recognised that this may not always be appropriate to the specific circumstances of the case (because of the medical or disability circumstances or occupational health advice, for example).

The authority to exercise discretion lies with Line Managers and above. Where discretion is being considered it must be discussed with the relevant Head of Service, Service Manager and professionally qualified member of the HR Services team in the first instance and where a decision is taken to apply discretion the Line Manager will confirm their decision in writing to HR Services **before** communicating this decision to their team member. Heads of Service should also be made aware of any decision to apply discretion at the time it is made.

NOTE: Where an employee has been off sick and tries to return to work but has to go off sick again within a day or two with the same illness this will be treated as one period of sickness for sickness monitoring purposes.

Short Term Sickness – Formal Stage 1 (First written Warning)

Should it be determined by the manager that there is a need to implement the formal sickness procedure an employee who has reached one of the trigger points listed above will be invited to attend a formal absence management meeting with their line manager. Managers are reminded to instigate Formal Stage1 action at the earliest opportunity following the Return to Work meeting in which a trigger is noted. Formal warnings will be effective from the day after the last period of absence which has triggered action therefore it is imperative that meetings are dealt with in a timely manner.

A **letter of invitation** will be issued to the employee giving details of the date, time and venue of the meeting (Appendix 4). Employees will be entitled to be accompanied by a colleague or trade union representative.

The purpose of the formal meeting will be to:

- Examine the reasons for absence over the preceding 12 months and discuss whether there are any underlying issues that may need to be addressed either by the employee themselves (in conjunction with their GP) or with assistance from the Council.
- Explore whether an improvement in sickness rates is likely to be achieved and to set targets for improvement.
- Discuss the operational difficulties arising from the absences and emphasise the need for the employee to maintain acceptable attendance at work.
- Encourage the employee to take personal responsibility for taking measures to improve their own attendance.
- Explore whether occupational health involvement is necessary under the circumstances – for example to gain a clearer understanding of any underlying health issues or for advice on how employee and employer can work together to manage ongoing health issues in the work place. Carry out any recommendations that are made and are practicable.
- Explore whether there are any underlying role related issues that may need to be addressed – such as job design, volume of work, risk assessments, adjustments to work or work practices to assist the employee with achieving improvement in attendance rates. Commit to addressing such issues (where practicable) with the employee during the warning period.
- Where work related stress is a factor consider undertaking a ‘stress risk assessment’ (CCDC - see Corporate Managing Stress at Work Policy, SBC – Health & Safety Policy) in order to identify any other underlying issues that may require management action.
- Make a decision as to whether a medical certificate will be required for any further periods of short term absence arising during the warning period. The costs of any such certification will be reimbursed by the Council on receipt of appropriate evidence showing proof of payment.
- Explore whether there are any mitigating factors which might be taken into account (solely at the manager’s discretion) when determining whether to issue a formal warning at this stage.
- Ensure that the employee is aware of the consequences of not achieving an improvement in sickness rates – i.e. proceeding to stage 2 of the formal procedure

At the conclusion of the meeting the employee will ordinarily be issued with a **stage 1 warning letter** outlining the content and conclusions of the meeting and setting out the expected level of improvement in their attendance. The stage 1 warning will remain 'live' for 12 months. During this Stage 1 period employees will be set specific and measurable targets for improvement. During the Stage 1 term managers will be expected to monitor progress and in the event of further absence during the warning period a follow up meeting will be arranged. Failure to achieve the expected levels of improvement set for the Stage 1 period will ordinarily result in progression to stage 2 of the formal process.

Note: The specific targets for improvement during the warning period will vary on a case by case basis depending on a number of factors but nevertheless targets should be applied in all cases and as a minimum should require employees to achieve a level of absence lower than the Council's trigger rate. The employee's attendance should be monitored carefully by the manager for the duration of the Stage 1 warning period.

If, at the end of the Stage 1 warning period an employee has successfully achieved the required improvement in attendance a letter will be issued formally notifying the employee of the end of the Stage 1 warning period and acknowledging the progress made (Appendix 6).

Short Term Sickness – Formal Stage 2 (Final Written Warning)

An employee who has not made the expected improvement in their attendance within their stage 1 warning period or whose rate of short term absence deteriorates during the period will be invited to attend a formal stage 2 absence management meeting with a senior manager and a representative from Human Resources. The employee will be issued with a formal **letter of notification** of the date, time and venue of the meeting and be given the opportunity to be accompanied by a colleague or trade union representative. (Appendix 5)

The reason for the lack of improvement will be explored and areas of possible support reviewed – including re-consideration of all of the factors detailed under the stage 1 guidance above and consideration of any mitigating factors. In addition the manager should give careful consideration of whether the employee's attendance might be

improved if moved into a different or less demanding role either temporarily or permanently. **Any such re-deployment would be subject to the availability of a suitable role at the time the consideration occurs** and the agreement of the employee in question. Any role of a lower grade will **not** attract pay protection. A further warning period of 3 -6 months will be set with targets for improvement and the employee will ordinarily be issued with a **stage 2 warning letter** which will remain 'live' for 24 months. If the manager decides not to issue a stage 2 warning the employee will ordinarily be issued with an extension to their warning period – for example for a period of a further 6 months. During this extension the employee would be expected to achieve the required improvement – namely an absence rate below the Council's trigger for short term absence.

The employee should also be made aware that failure to improve their attendance during the formal stage 2 warning period (or deterioration of their attendance record during the period of the stage 2 warning) would result in progression to stage 3 of the absence management procedure potentially leading to termination of the employment contract. (Appendix 6).

Progress towards targets set in a Stage 2 meeting will be monitored throughout the warning period. It is expected that as a **minimum** employees will have achieved the required improvement in attendance levels within the first 12 months of the warning period with expectations for the second year being a sustained level of attendance (and as a **minimum** at a level below the Council's trigger rate), demonstrating a year on year improvement.

In addition all employees under a Stage 2 warning will be required to present a medical certificate from the outset of all periods of sickness absence which occur under this stage.

In order to review progress during a Stage 2 warning managers are expected to hold a 12 month review meeting as a minimum during this warning period to ensure targets for improvement are being met. If, however, the employee is absent on further occasions during the warning period a meeting to review progress may be required in advance of the twelve month marker.

An employee who achieves the expected levels of attendance following the stage 2 warning period will be notified in writing that they have achieved the desired improvement. (Appendix 6)

Short Term Sickness – Formal Stage 3 (Dismissal Hearing)

An employee who has not shown the expected improvement in attendance during their stage 2 warning period, or whose attendance has deteriorated during the period in which the final written warning is in force will be invited, in writing, to attend formal stage 3 meeting with a Head of Service and a representative from Human Resources.

The purpose of the meeting will be to discuss the employee's attendance record and the lack of improvement, along with any mitigating factors that may need to be taken into account. Where improvement has not been achieved, the Head of Service should again consider whether redeployment is an option available at the time, but if not the outcome of this meeting will ordinarily be that the employee's contract of employment will be terminated with appropriate notice on the grounds of unacceptable performance (unless there is some substantial mitigating reason why this should not be the case). The employee will be issued with **written notification** of the outcome. (Appendix 7).

Extension to Warning Periods

Ordinarily, where an employee's attendance does not improve during one of the above stages, the employee will naturally progress to the next stage. However where the chair of the meeting feels that, due to strong mitigating factors, it is not appropriate to move the person to the next stage warning an extension to the current warning period may be made with the agreement of the relevant Head of Service and his/her representative with input and advice from HR Services.

Right of Appeal

At each of the formal stages described above an employee will be entitled to appeal against the issue of a staged warning letter or dismissal notice.

- Appeals must be lodged with the Group HR Manager or Head of HR in writing, clearly stating the grounds for appeal, within 10 working days of receipt of the letter advising what formal action has been taken.

- Appeals will be heard by a senior manager as specified in each Council's scheme of delegations.
- The appeal hearing will normally take place within 20 working days of receipt of the letter or without unreasonable delay, dependent on the availability of senior officers.
- The employee is entitled to be accompanied by a colleague or trade union representative to any appeal meeting
- To ensure impartiality, the appeal will be heard by different parties from those previously involved in the formal sickness warning meetings
- Following the appeal meeting the employee will be sent a letter advising the outcome of the appeal. This will be sent without unreasonable delay, usually within 5 working days.

Note: **Being upset about the outcome or the fact that a person has been placed under a sickness warning period and staged warning letter will not, in itself, be deemed as a sufficient reason for lodging an appeal.** The right of appeal is against the imposition of a formal warning or dismissal. Grounds for appeal can include (but are not limited to):

- Dispute as to the accuracy of facts considered as part of the decision making.
- Information that may have subsequently come to light but which was not available at the time the decision was made.
- Failure to follow the processes outlined in this policy.
- Decisions which appear unrelated to the facts.
- Acts of discrimination on grounds of a protected characteristic as defined within the Equality Act 2010.²

5. Managing Long Term Absence

General Guidance

Absences exceeding 15 continuous working days (pro-rata for part time employees) are considered as being long term in nature and will trigger the long term absence management procedure.

² Protected characteristics are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity

In managing long term absence, the line manager **is expected to** maintain regular contact with the employee on a weekly basis (or as appropriate to the nature of the condition, treatment, or anticipated recovery period and with due regard to any advice from Occupational Health) throughout the period of sickness in order to keep up to date with the employee's progress. Such regular contact and continuous involvement with the workplace may help to reduce the overall length of absence and make it much easier for the person to return to work when the time comes. The following information gives a general framework for the management of long term sickness, though it is recognised that there may be additional interim meetings and discussions with the employee between the key stages outlined in this procedure.

Note: when the reasons given for absence are related to **stress/anxiety/depression** this should **not, ordinarily, preclude contact from being made with the employee**. Indeed if the issues leading to stress are identified as being work related the earliest these issues can be identified and addressed the better for all concerned.

Stage 1 – Informal Welfare Discussion

Contact with the employee should have been maintained throughout the first 7 days of absence as outlined earlier in this policy. However, when sickness absence exceeds this the line manager should ordinarily make further contact with the employee before the long term absence trigger is met – which is **no later than 15 working days (or pro-rata equivalent)** after the start of the sickness absence.

Such contact may be in the form of telephone contact initially but should result in arranging a 'welfare' meeting with the employee in person either at their home address or another agreed venue. If the line manager receives notification from the employee during early stage absence discussions that a medical certificate has been issued for a continuing absence (e.g. 4 weeks or more) the line manager should contact a member of the HR Services team to advise of this issue so that a welfare meeting can be arranged at the earliest opportunity.

The meeting should be attended by the line manager and a member of the HR Services team. Occasionally, dependent on the circumstances, it may be more appropriate for the welfare meeting to be held with HR Services only in the first instance.

The purpose of the welfare meeting is to:

- Gain a clear understanding from the employee of the reasons for the absence including understanding of any available medical information.
- Ensure that the employee is kept engaged with the work environment and with colleagues so that they do not feel isolated or abandoned whilst off sick; and continue to be treated as part of the team.
- Assess the likely length of the absence, and, in particular discuss with the employee whether any temporary changes to working practices, working arrangements, etc. might bring about an early return to work (subject to medical advice from the GP and/or Occupational Health). For example – where there is an injury but the employee is otherwise ‘well’ difficulty with transport may be the only hindrance to returning to work once the initial treatment has been completed and pain has subsided. This could be easily addressed by arranging transportation, for example or by agreeing for the employee to work at home on a temporary basis.
- Initiate a referral to occupational health where this may be necessary to establish the nature of the condition and its likely impact on a person’s ability to return to work. Referral may also be useful as a means of identifying other interventions or support that could assist the employee such as counselling, referring to other specialist services or signposting to other providers of support and assistance.
- Discuss and identify whether any work related factors have contributed to the absence and what measures, if any, may need to be implemented to address those factors.
- Consider whether the employee is disabled and whether the duty to make “reasonable adjustments” applies.
- Consider whether the assistance of the Access to Work Team might facilitate an early return to work.
- Set a warning date where relevant and appropriate but **continue to maintain contact** in the intervening time.
- Consider whether any counselling support might be beneficial, access to other services (such as physiotherapy) or signposting to other support organisations would assist in the employee’s recovery.

Managers should keep a written record of all discussions held within this informal context in order to ensure that any agreed actions are recorded and actioned. Managers should follow up on, and deliver, any actions agreed as a result of the meeting and confirm the detail and content of the meeting in writing to the employee.

Note: It may be necessary to proceed directly to step 3 of this 'long term' sickness management process if the medical advice at the outset indicates that the employee is unlikely to return to work in the foreseeable future or within an operationally acceptable timescale. It may also be appropriate to consider an early referral for consideration of ill health retirement where a person is in the local government pension scheme.

The Council reserves the right to investigate the absence and explore termination of employment on medical grounds (or by mutual agreement under a 'protected conversation') at any time but particularly once the absences leads to a period of half pay.

Stage 2 (Formal) – Continuing Absence

A formal meeting should be arranged where the employee's absence remains ongoing or where initial estimates of return dates have been exceeded.

The meeting should normally involve the line manager, the employee, their representative and a representative from Human Resources and should be undertaken on work premises wherever possible, because of the formal nature of the meeting.

The purpose of the meeting will be to:

- Explore the likely duration of the ongoing absence in light of the facts and circumstances of the absence including any new available medical information.
- Review and discuss the content of any occupational health report(s) obtained. Make a further referral for an occupational health appointment if deemed necessary.
- Review any advice or offer of support the employee has received from Access to Work to enable them to return to work.
- Discuss and explore support and options available to aid the employee's return to work where necessary such as a phased return to work, changes to the workload, work practices or work pattern on a temporary or permanent basis. Reasonable

adjustments to the work place or working practices must be considered where the employee has a disability.

- Consider whether redeployment to an alternative post on medical grounds is possible – **subject to any such alternatives being available at the time and subject to medical advice.**
- Initiate consideration of ill health retirement – where the employee is in the Local Government Pension Scheme and it appears that the employee has a condition that might qualify.
- Ensure that the employee is aware that termination of employment on grounds of ill health or medical incapacity is a likely outcome if the absence continues.

There must be a written record of all discussions held within this formal context and the outcome and any agreed actions should be confirmed to the employee in writing. Managers should also follow up on, and deliver, any actions agreed as a result of the meeting.

Stage 3 (Formal) – Medical Incapacity.

At stage 3 discussions will centre on the possibility of ill health retirement or termination of employment on grounds of medical incapacity.

The management of the sickness absence should progress to step 3 when:

- The expected return date at stage 2 has been reached without any prospect of an achievable return to work date.
- Where it is clear from the outset that the employee has a very serious condition that would preclude any return to work.
- Where it is perceived that the employee may not fit to enough to return to work in the foreseeable future or because of permanent incapacity.

The stage 3 meeting should involve the line manager, a Head of Service, the employee, their representative and a representative from Human Resources.

The aim of the meeting will be to:

- Review the facts and circumstances of the absence to date including any available medical information and any information received from occupational health – including any recommendations regarding ill health retirement.
- Confirm and assess whether there is a return date anticipated in the **near** future.
- Consider any available support (and discussing the practicality of implementing any reasonable adjustments where the employee has a disability), to enable a return to work such as a phased return, changes to workload, work practices or work pattern on a temporary or permanent basis
- Revisit the possibility of medical redeployment – where alternative work is available.
- Consider any previous or new advice the employee has received from Access to Work Department

If all options have been explored and there is no likelihood of an imminent return to work or a return to work within a **short** timeframe (e.g. no more than 1 month) then the employee's contract of employment will ordinarily be terminated on the grounds of medical incapability or ill health retirement as appropriate.

The decision will be confirmed in writing and the employee will be advised of their right of appeal. The **outcome letter** will specify what has been discussed and explored during the process.

The lists of points to discuss in each meeting are not exhaustive and the weight attached to each will depend upon the circumstances of the case and balancing the needs of the employee and the Council. All such meetings should be handled fairly and with compassion.

Where an employee is diagnosed with a terminal illness, the Council will work with the employee to provide adequate employment protection to allow employees the time to consider the options available to them and wherever possible, manage the situation as the employee wishes.

Appeal

The employee will have 10 working days to appeal the decision from the date of the outcome letter. Any appeal should be in writing and state the full reasons for appealing the decision. This should be addressed to the Human Resources Manager or Head of HR. If there is some exceptional reason why an appeal cannot be lodged within the specified timescale the employee should contact HR Services to discuss this before the end of the 10 day period. In such circumstances an alternative deadline may be agreed at the discretion of the Head of HR Services.

- Appeals will be heard by the relevant senior manager as specified in the Council's scheme of delegations.
- The appeal hearing will ideally take place within 20 working days of receipt of the letter or without unreasonable delay, dependent on the availability of senior officers and trade union representatives.
- The employee has the right to be accompanied by a colleague or trade union representative to the appeal meeting and to present any new information that may have come to light in relation to the management of their condition.
- To ensure impartiality, the appeal will be heard by different parties from those previously involved in the formal sickness warning meetings
- Following the appeal meeting the employee will be sent a letter advising the outcome of the appeal. This will be sent without unreasonable delay, usually within 5 working days.

6. Employees Returning after Long Term Absence

Employees who return to work after a period of long term absence may find returning to work difficult – perhaps because of general fatigue, loss of confidence, de-skilling or the ongoing after-effects of their illness. However, maintaining regular contact throughout the illness may go some way towards mitigating some of these effects.

A phased return (i.e. returning to work on reduced hours initially, building up hours over a period of days or weeks) is one option to consider. However, any such phased return will only be implemented where there is specific advice from Occupational Health or from the employee's GP indicating that this is necessary. Consequently, not all long term

absences will justify a phased return to work. During any agreed phased return employees will receive full pay.

Depending on the length and nature of the absence managers should consider (but are not limited to) the following to assist returning employees to integrate back into the work place:

- Inviting a small number 'social' visits to the office environment prior to the formal return to work to assist with building confidence.
- Regular monitoring meetings with the employee over the first few weeks following their return to work to check on progress.
- Training – particularly where business processes or practices have changed during the absence period.
- Gradual build up of duties over a period of time.
- Ensuring that the employee is able to attend any residual medical appointments.
- Implementing any agreed “reasonable adjustments” to accommodate a disability in the workplace

7. Additional Points to Note

Content of Dismissal Letters

If a decision is made at the final stage of the long or short term procedures to terminate the employee's contract of employment, the following must be detailed in writing and issued to the employee in an **outcome letter** (Appendix 7);

- The dates of the absence
- Reference made to being managed in line with this attendance management policy
- Whether there has been any failure throughout the periods of sickness absence to follow the notification procedures, i.e. not providing medical certificates on time
- Details of how the absence is impacting the department and / or Council
- The cost associated with the sickness absence; i.e. sick pay, occupational health referrals, temporary replacement workers etc.
- Whether the Council accepts that the employee is covered by the Equality Act 2010 and how this has been taken into account

- Details of any reasonable adjustments that have been put in place and / or any suggestions of reasonable adjustments that have not been put in place and justification of why not, i.e. practicality, financial reasons etc.
- Any information suggesting a lack of action by the employee to get themselves better i.e. missed appointments etc.
- Acknowledgement of things the employee has done to try and improve their attendance levels as well as their submissions and opinions on the absence
- Any alternative duties or redeployment options that have been explored. Any previous stages not completed satisfactorily either currently or historically
- Any lack of guarantee that future treatment would be successful to enable an immediate or near future return to work

Other Work Whilst on Sick Leave

Whilst an employee is on sick leave they must not undertake any other work (either for themselves, another person or organisation) or engage in any other activity which their illness would normally prevent as this could raise doubts about the genuineness of the illness or could make the symptoms worse or persist for longer resulting in additional time off work needed. If an employee does wish to undertake work outside of the Council whilst on sick leave, they should immediately make the appropriate Head of Service aware and in exceptional circumstances this may be allowed if the employee can provide medical evidence that it would not impact or prolong the sickness of the employee or indeed that the work would have therapeutic value and promote an earlier return to work. It is recognised that, in some circumstances, an employee may be unfit for one type of work whilst being fit for another.

Referrals to Occupational Health and Medical Examinations

From time to time, the Council may require an employee to attend an appointment with an occupational health adviser or medical examination by a medical practitioner nominated by the Council. The Council will comply with the provisions of the Access to Medical Reports Act 1988 where applicable and the employee will be made aware of their rights. Any costs associated with the examination or referral will be met by the Council. The purpose of any referral will be to seek professional advice and guidance regarding an employee's ability to undertake their duties, the impact of the ill health on their the

ability to undertake their duties, what measures can be put in place to support the employee in returning to work and to ascertain a likely timescale for returning to work.

The Council is entitled to rely upon the co-operation of the employee in attending meetings/medical referrals etc. In the absence of such co-operation, decisions may be taken about the absence based on the information that **is** available (i.e without the support of medical evidence)

Counselling Service

Where deemed appropriate the Council will generally provide a maximum of 6 consultations with a trained counsellor to provide **short term, limited** mental health support.

This is likely to be most appropriate:

- To provide short term support to an employee returning to work from long term illness.
- As a short term support mechanism to help an employee stay at work and avoid sickness absence whilst managing short term stressful situations.

Access to counselling through this route is **not** intended to replace specialist or long term support for people with significant mental health issues (such as significant depression, psychosis, long term/ongoing stress and other long term mental illness). In these circumstances such support should be sourced through the employee's own GP or specialist mental health advisor.

Alternative medical interventions

Where deemed appropriate the Council will reimburse employees for the cost of a maximum of 6 Physiotherapy/ Chiropractic treatments (at a market value rate) which it considers has resulted in an earlier return to work than would otherwise have been achieved. Agreement in this regard will ordinarily involve advice and guidance from the Council's Occupational Health Adviser.

Sickness Absence and other Procedures

Where sickness absence forms part of a wider capability issue then this will normally be investigated as part of the capability procedure as well as through the Sickness Absence Policy and Procedure.

Where sickness absence is believed not to be genuine or there are any allegations of abuse of the sick pay scheme then this will be addressed under the disciplinary procedure.

Any absence which is not connected to the employees own physical or mental health which renders them unable to perform their duties will **not** be regarded as sickness absence but rather should be addressed through the Special Leave policy.

Work Related Ill Health or Injury

If an employee believes that their ill health or injury has been caused at work, the employee should inform their manager of the accident and complete the Council's Accident Report Form on the day of the accident.

Ill Health which does not lead to absence from work

There may be occasions where an employee is suffering from ill health but this does not lead to absence from work. If the employee believes that their ill health is having an impact on their ability to undertake their job they should raise this with their line manager. The line manager should discuss this confidentially with the employee and identify whether any assistance can be provided to support the employee at work including any temporary or permanent changes to working arrangements- where feasible. Depending on the individual circumstances, it may be appropriate to seek advice and guidance through the occupational health referral service or through the Access to Work team.

Non Attendance at Formal Meetings

Failure by an employee to attend a formal attendance management meeting without good reason will mean that another meeting date will be scheduled. However, the employee will be advised that failure to attend a second time may result in a decision being made in the employee's absence.

Disability Related Absence and Reasonable Adjustments

The legal position:

Under the Equality Act a person (P) has a disability if:

- a) P has a physical or mental impairment, **and**
- b) the impairment has a substantial and long-term adverse effect on P's ability to carry out normal day-to-day activities.”

This definition can cover a wide range of disabilities and illnesses - such as asthma, depression, learning difficulties, sight and hearing impairments, epilepsy, chronic fatigue syndrome, post traumatic stress disorder, heart disease and so on - providing all aspects of the definition are met.

Whether a person is 'disabled' or not is a matter for discussion and consideration as part of the process for managing sickness absence, taking account of any advice received from the Council's Occupational Health provider and relevant guidance on the application of the Equality Act.

Once it is accepted that an individual has a disability an employer must consider “reasonable adjustments”, the aim of which is to remove or mitigate any workplace disadvantage to the person with the disability where it is reasonable to do so. What is 'reasonable' will vary depending on the nature of the disability, the type of work undertaken by the disabled employee and the resources available to the employer. Reasonable adjustments to the workplace could include, but are not limited to:

- Considering whether the employee's work can be done in a different way – for example by allowing someone with social anxiety disorder to have their own desk instead of hot-desking.
- making physical changes to the workplace or working environment such as installing a ramp for a wheelchair user or an audio-visual fire alarm for a deaf person.
- ensuring that a disabled person can work somewhere that is easily accessible - e.g. on the ground floor for a wheelchair user.
- Providing specialist equipment such as providing a special keyboard, adapted workspace, ergonomic seating, specialist software etc.

- allowing employees who become disabled to make a phased return to work - e.g. working flexible hours or part-time (where this is practical and achievable)
considering temporary or permanent re-deployment to alternative work (on medical grounds) providing such work is available and suitable.

Note: the duty to consider “reasonable adjustments” to the work or workplace only arises in the presence of a disability which meets the definition of disability contained within the Equality Act. The duty does NOT arise simply by virtue of a persons illness or long term sickness absence

Practical application

The Council recognises the need to accommodate, and not place at any disadvantage, those employees who have a disability as defined by The Equality Act 2010. An employee should notify their line manager should they believe they have a disability that may affect their performance, attendance or health and wellbeing at work.

Through active discussion with employees with disabilities the Council will endeavour to support such employees by identifying and implementing reasonable adjustments where appropriate having regard to the following;

- How effective the change will be in avoiding the disadvantage the employee does or may suffer.
- The practicality of implementation.
- The cost of implementation and availability of financial support.
- The resources available to the Council to fulfil the reasonable adjustment.
- The health and safety of the disabled employee as well as all other employees in the organisation when considering making the adjustment.

Whilst there is a responsibility to take account of disability related illness this does not preclude the responsibility to manage absence for non-disability related reasons.

Sickness and Annual Leave

Entitlement to annual leave continues to accrue during sickness absence.

Where an employee falls sick during a period of pre-planned annual leave, they are entitled to have their holiday re-instated subject to providing medical certification or self-certification as required under the Council's Managing Sickness Absence Policy and Procedure. This provision applies to annual leave only and **not** to flexi leave or other time off in lieu. Note: any employee found to have made a **fraudulent** self certification of sickness, for the sole purpose of seeking re-instatement of leave, will be subject to a disciplinary investigation and potential disciplinary action.

OTHER SOURCES OF INFORMATION

1. Related internal policies

- Annual Leave Policy (CCDC only)
- Grievance policy
- Discipline Policy
- Health and Safety Policy
- Stress Management Policy
- Special Leave Policy

2. Trade Union

There are several recognised trade unions working within Stafford Borough Council and Cannock Chase District Council who can assist with the policy. It is recommended that a trade union representative be contacted if the employee needs any further advice, guidance and support in making any requests for compassionate leave or feels they have been treated unfairly.

3. HR Services

HR Services can provide supplementary information and assist with the application of the policy. It is recommended that a member of HR Services be contacted at the earliest possible stage so that appropriate advice, guidance and support can be offered to all parties involved with the process.

4. External Sources

Further advice regarding compassionate leave can be found on the following websites:

ACAS: www.acas.org.uk

Government Information Website www.gov.uk

Please note that the Council takes no responsibility or liability for any material produced by or contained in external sites or for any advice or services given by external organisations. It is the responsibility solely of each person to decide whether or not they use any such material, advice or service.

LEGISLATIVE FRAMEWORK

- **Employment Rights Act 2006**
- **Data Protection Act 1998**
- **Equality Act 2010**
- **ACAS Code of Practice – Managing Bereavement in the Workplace** – whilst not, in itself, a legislative requirement, this guidance outlines good practice in dealing with matters in relation to bereavement and dependency leave.

WARNING STATEMENT

Save as required by law, the Council reserves the right to periodically warning this policy.

APPENDICES

Appendix 1 – Sickness Declaration and Return to Work Discussion Form

Appendix 2 – Letter of Concern

Appendix 3 – Invitation to Stage 1 Formal Sickness Meeting

Appendix 4 – Invitation to Stage 2 or Stage 3

Appendix 5 – Outcome of Formal Meeting/Written Warning (Stage 1 or 2)

Appendix 6 – Letter to Employee – End of Warning Period

Appendix 7 – Dismissal letter

Appendix 8 – Commitment to the Dying to Work Charter (Cannock Chase District Council)

This policy document can be provided in Braille, on audio cassette tape/disk, large print and in the following languages on request to Cannock Chase District Council on 01543 462621 and Stafford Borough Council on 01785 619000

Bengali, Gujarati, Chinese, Urdu, Punjabi and Polish.

আপনি অনুরোধ জানালে এই কাগজপত্রগুলোর বাংলা অনুবাদের ব্যবস্থা করা যেতে পারে।

如有要求的話我們可將此文件翻譯成中文

વિનંતી કરવાથી તમને આ દસ્તાવેજ તમારી માતૃભાષામાં મળી શકે છે.

ਜੇ ਤੁਸੀਂ ਚਾਹੋ ਤਾਂ ਇਹ ਪਰਚਾ ਤੁਹਾਡੀ ਬੋਲੀ ਵਿੱਚ ਮਿਲ ਸਕਦਾ ਹੈ

یہ دستاویز آپ کی زبان میں، گزارش پر دستیاب کی جاسکتی ہے۔

Ten document jest dostępny na żądanie w twoim języku

? = 01543 462621

? = 01785 619000

DOCUMENT CONTROL		
Title	Disciplinary Procedure	
Owner	HR Services	
Amendment Dates		
Version / Approval	Author	Date
Draft	A Bird	October 2016
Draft	A Bird	June 2017
Final		April 2018
Revision	S Dutton	February 2020



Appendix 1 - Sickness Declaration and Return to Work Discussion Form

This form must be used to record all sickness absence on return to work. PART 1 is to be completed by the employee on return from sickness absence and PART 2 is to be completed by the manager in a return to work discussion with the employee.

PART 1 To be completed by the employee	
Employee Name:	Job Title & Department:
First day of absence:	Last day of absence:
<p><i>I certify that I was unable to attend work for the following reason(s):</i> <i>Please state any symptoms, or describe any injury or other incapacity.</i></p> <p>.....</p> <p>.....</p> <p>.....</p>	

Was the absence caused by an accident at work?	YES / NO
Do you know what may have caused the absence?.....	
Did you contact your manager on day 1 of your absence? <i>(Please delete as appropriate)</i>	YES / NO
If no, give reason:.....	
What actions did you take to improve your condition, if any?	
<i>(Please delete as appropriate)</i>	
Have you seen a doctor or visited a hospital because of your absence?	YES / NO
If the period of absence has lasted for over 7 days; has a medical certificate been provided?	YES / NO
<p>I declare that during the period of sickness absence, which I have stated above, I have not worked or taken part in any activities not consistent with the reason(s) for absence, and that the information given by me is correct. I understand that any abuse of the sick pay scheme could result in disciplinary action as per the attendance management policy.</p> <p>I hereby agree to the Council recording the reasons for my sickness absence as set out, which will be treated confidentially and will not be disclosed to any third party without my specific permission.</p> <p>Signed:..... Print:..... Date:.....</p>	

PART 2
To be completed by Manager in the return to work interview with the employee

<p>Discussion about recent absence</p> <p>(Absence reason, symptoms, treatment to support rehabilitation, probability of reoccurrence, support required to support return etc.)</p>	
<p>Discussion about last 12 months absence history</p> <p>(Close/exceeding absence triggers in sickness absence policy, reoccurring health condition, patterns, any causes for concern etc.)</p>	
<p>Any follow up action needing consideration:</p> <ul style="list-style-type: none"> • Letter of Concern • Formal absence meeting • Temporary adjustments to role/hours/environment etc. • Occupational health referral • HR Advice 	

• Other support	
Update from Manager to employee on workplace changes/need to know information to support return to work	Yes / No

Signed (Employee): Print:..... Date:

Signed (Manager): Print:..... Date.....

REASON FOR ABSENCE (manager to please ✓ appropriate reason)			
01	Accident at work	08	Heart problems
02	Back problems	09	Musculoskeletal problems
03	Cancer	10	Operation & Recovery
04	Chest / Respiratory	11	Other
05	Eye, Ear, Nose, Dental	12	Pregnancy related
06	Flu / Cold etc.	13	Stomach Ailments

After completion this form should be sent immediately to HR Services

Any information may be retained on computer or in our records. It will be only be used by the Council for the specific purposes for which it was collected and any other relevant Council purposes. It will not be exchanged or passed onto any third party. Anonymised information may be used for statistical purposes.

Appendix 2 – Letter of Concern

Please ask for:

Extension no:

E-mail:

Date

PRIVATE AND CONFIDENTIAL (Hand Delivered)

Full Name

Job Title

Department

Dear

Informal Letter – Absence Record

I am writing to outline your absence records following your recent period of sickness absence.

Your current absence record in the rolling 12 month period is as follows;

- (dates) – (reason)
- (dates) – (reason)
- (dates) – (reason)

This most recent period of absence means that you have taken *3 occasions of sickness/6 days of short term absence* within a rolling 12 month period.

The purpose of this letter is to advise you that if you subsequently reach *4 occasions of sickness absence/ X days of short term sickness absence* within a rolling 12 month period you may be invited to a formal meeting to discuss your attendance record under the Council's 'Managing Sickness Absence' policy and procedure. The purpose of any such meeting would be to discuss your absences and the outcome would ordinarily include the setting of a formal warning period during which you would be expected to improve your attendance at work. The setting of a warning period will usually be accompanied by a letter confirming the details of the meeting and warning of the potential consequences of further absences.

Whilst it is your personal responsibility to achieve and maintain satisfactory attendance at work there are a range of support options available to you to help you. Therefore, if you feel that there is any support or assistance that you need to help you to improve your attendance at work please speak to your line manager or, alternatively contact *** in HR Services.

Yours sincerely.....

(Line Manager)

Appendix 3 – Invitation to Formal sickness Meeting (Short Term)

Please ask for:

Extension no:

E-mail:

Date

PRIVATE AND CONFIDENTIAL (Hand Delivered)

Name

Address

Dear *name*

Invitation to Formal Sickness Absence Management Meeting – Stage 1

I am writing to invite you to a Formal Sickness Absence Management meeting to discuss your levels of absence in the past 12 months which is detailed below;

- Date/Reason
- Date/Reason
- Date/Reason
- Date/Reason

As per the Sickness Absence Management Policy and Procedure, your level of absence has reached the trigger of *4 occasions/8.3 FTE days short term days/18 FTE short and long term days* within a rolling 12 month period and therefore you are required to attend a formal meeting on *Date* at *time* in *venue*. The meeting will be held by *name*.

A copy of the Sickness Absence Management Policy and procedure can be found on the intranet or is available upon request.

A potential outcome of this meeting is that you could be put under a formal stage 1 absence warning which will remain “live” on your file for a period of 12 months.

As this meeting forms part of the formal procedures, you are entitled to be accompanied by a work colleague or trade union representative. I should be obliged if you could notify me should this be the case. You will be given the opportunity to present any information relating to your reasons for absence along with any medical information that may be relevant.

If you have a genuine reason why you cannot attend on the above date or time then it is important that you contact me as soon as possible so that another date can be arranged.

If you have any questions regarding the content of this letter, please contact me.

Yours sincerely,
Name

Appendix 4 – Invitation to Stage 2 or Stage 3 Meeting (Short Term)

Please ask for:
Extension no:
E-mail:

Date

PRIVATE AND CONFIDENTIAL (Hand Delivered)

Full Name
Job Title
Department

Dear

Invitation to Formal Sickness Absence Management Meeting – Stage 2 / 3

I am writing to invite you to a Formal Sickness Absence Management meeting to discuss your current level of absence during your recent warning period which is as follows;

- (Insert dates) – (Reason)

As per the Managing Sickness Absence Policy and Procedure **(insert/delete) [and subsequent to your previous letter confirming you were under a stage 1 / 2 warning until [date]]**, your level of absence has not shown the required level of improvement and

therefore you are required to attend a formal meeting on **(date)** at **(time)** in **(location)**. The meeting will be held by **(insert)**.

A copy of the Managing Sickness Absence Policy and Procedure can be found on the intranet or is available upon request.

The possible outcomes of the meeting include:

- You may move to stage **(insert/delete)[2 / 3]** in the attendance management procedure

[If stage 3 – please be advised that a potential outcome of a Stage 3 meeting could be termination of your employment].

[If stage 2 – and have your absences reviewed over a further period of time].

As this meeting forms part of the formal procedures, you are entitled to be accompanied by a work colleague or trade union representative. I should be obliged if you could notify me should this be the case.

If you have a genuine reason why you cannot attend on the above date or time then it is important that you contact me as soon as possible so that another date can be arranged.

If you have any questions regarding the content of this letter, please contact me.

Yours sincerely,

Manager Name
Job Title

Appendix 5 – Outcome of Formal Meeting/Written Warning

Please ask for:

Extension no:

E-mail:

Date

PRIVATE AND CONFIDENTIAL (Hand Delivered)

Full Name

Job Title

Department

Dear

Outcome of Sickness Absence Management Meeting – Stage 1 / 2

I am writing to confirm the outcome of the formal Sickness Absence Management meeting that you attended on **[date]** to discuss your current level of absence in the past 12 months. We discussed the following absences;

- (Insert dates) – (Reason)

In the meeting we discussed this level of absence and you explained that **(insert details)**.

[Please insert / remove relevant options below]

- As an outcome of this meeting it was decided that you would be placed under a formal stage **1 or 2** warning for a period of **12 months (stage 1) or 24 months (Stage 2)**. During this time, you should aim to improve your absence levels to achieve an absence rate as a minimum lower than the Council's trigger rate.
- This letter represents a **first / second** written warning issued under the absence management procedure.
- **For Stage 1** - Failure to improve your absence levels within the 12 month warning period could mean that you are invited to attend a stage 2 meeting during or at the expiry of the warning period.
- **For Stage 2** – During the initial 12 month period of the 24 month warning you will be expected to achieve an absence level as minimum below the Council's trigger rate. A 12 month review meeting will be scheduled to discuss progress during this initial period. During the period from month 13 – 24 of the Stage 2 warning period you will be expected to sustain this reduced level of absence. A further review during the 24 month warning period may also be arranged where absence rates fall below expected

levels. Failure to improve your absence levels after the initial 12 month warning period or any further deterioration in your attendance during the entirety of the 24 month warning period may mean that you are invited to attend a Stage 3 meeting during or at the expiry of the warning period.

- These actions are as outlined in the Managing Sickness Absence Policy and procedure (copy available upon request or via the intranet).

As this letter is a formal written warning you are entitled to appeal against this decision. Any such appeal should be made in writing to the HR Manager and set out the reasons for your appeal. Simply being unhappy about the receipt of a written warning will not itself be considered as sufficient grounds for appeal. Grounds for appeal can include but are not limited to:

- Dispute as to the accuracy of facts considered as part of the decision making.
- Information that may have subsequently come to light but which was not available at the time the decision was made.
- Failure to follow the processes outlined in this policy.
- Perverse decisions which appear unrelated to the facts.
- Acts of discrimination on grounds of a protected characteristic as defined within the Equalities Act 2010.³

- **(To be used when there is satisfactory mitigation for the high level of absence - i.e. justified work stress (*very limited circumstances*), disability (*established & formally agreed to discount pregnancy related etc.*)** Given your explanations, it has been agreed that no formal action will be taken at this time because **(insert details)**. However we will continue to monitor your level of absence therefore it is important that you take measures to actively improve your attendance where possible.
- **(To be used when there is an underlying medical condition / disability or stress related illness that would benefit from an occupational health referral before a decision is made)** We have agreed that it would be appropriate to refer you to an occupational health specialist before a decision is made. Therefore we will arrange an appointment and notify you of the date and time in due course. Following receipt of the occupational health report, we will issue you with an outcome.

(To be used when putting under a stage 2 warning) It was decided that you would be placed under a formal stage 2 warning for a period of 24 months as you have failed to show sufficient improvement during your stage 1 warning period.

During the first twelve months of this warning period you are expected to reduce your absence so that it is below the Council's trigger rate. Failure to do so during the first 12 months of the warning period will ordinarily result in escalation to Formal Stage 3 of the absence policy. During the second twelve months of your warning period you will be expected to sustain an absence rate below the Council's trigger rate. In addition

³ Protected characteristics are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity

to the above you will be required to provide a medical certificate for all periods of sickness absence during the Stage 2 warning period.

Failure to achieve the required improvements will ordinarily result in escalation to Formal Stage 3 of the absence policy as outlined in the Managing sickness Absence policy. This letter represents a final written warning which will remain in force for a period of 24 months. (Copy available upon request or via the intranet). As this letter is a formal written warning you are entitled to appeal against this decision. Any such appeal should be made in writing to the HR Manager and set out the reasons for your appeal. Simply being unhappy about the receipt of a written warning will not itself be considered as sufficient grounds for appeal. Grounds for appeal can include but are not limited to:

- Dispute as to the accuracy of facts considered as part of the decision making.
- Information that may have subsequently come to light but which was not available at the time the decision was made.
- Failure to follow the processes outlined in this policy.
- Perverse decisions which appear unrelated to the facts.
- Acts of discrimination on grounds of a protected characteristic as defined within the Equalities Act 2010.⁴

•

Should you feel you need any support in managing your absence then you can speak to myself or ***** (HR) at any time.

(Insert where relevant) Formal Stage 1 - Your 12 month review period will expire on **[date]** and you will be informed of your progress during and at the expiry of this date.

Formal Stage 2 - Your 24 month review period will expire on **[date]** and you will be informed of your progress during and at the expiry of this date.

If you have any questions regarding the content of this letter, please contact me.

Yours sincerely,

Manager Name
Job Title

⁴ Protected characteristics are: age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity

Appendix 6 – Letter to Employee – End of Warning Period - Successful

Please ask for:

Extension no:

E-mail:

Date

PRIVATE AND CONFIDENTIAL (Hand Delivered)

Full Name

Job Title

Department

Dear

End of Warning Period

At our meeting held on (date) you were placed under a warning period in relation to excessive sickness absence from (date) to (date). That period has now expired and I am pleased to say that your absence rates have improved considerably and you will no longer be under a warning for your sickness absence rates.

I would like to thank you for the efforts you have made towards improving your attendance. If there is any further assistance or support that you require to assist you in maintaining an acceptable level of attendance please feel free to contact myself or HR Services to discuss.

Yours etc

Appendix 7 – Dismissal Letter

Please ask for:
Extension no:
E-mail:

Date

PRIVATE AND CONFIDENTIAL (Hand Delivered)

Full Name
Job Title
Department

Dear

Stage 3 Sickness Meeting

I write further to our stage 3 sickness meeting held on XXX under the terms of the Managing Sickness Absence Policy and Procedure. During that meeting we discussed your attendance and in particular the formal meetings held on XXX and XXX. You were placed in warning periods from XXX to XXX in relation to the following periods of absence:

- Date/Reason
- Date/Reason etc

In addition you were issued with written warnings dated XXX and XXX.

During the stage 3 sickness meeting we discussed

Insert further detail if required on

- *how the absence is impacting the department and / or Council*
- *The cost associated with the sickness absence; i.e. sick pay, occupational health referrals, temporary replacement workers etc.*
- *Whether we accept that they are covered by the Equality Act 2010 and how this has been taken into account*
- *Details of any reasonable adjustments that have been put in place and / or any suggestions of reasonable adjustments that have not been put in place and justification of why not, i.e. practicality, financial reasons etc.*
- *Any information suggesting a lack of action by the employee to get themselves better i.e. missed appointments etc.*
- *Acknowledgement of things the employee has done to try and improve their attendance levels as well as their submissions and opinions on the absence*

- *Any alternative duties or redeployment considered*
- *Any previous stages not completed satisfactorily either currently or historically*
- *Any lack of guarantee that future treatment would be successful to enable an immediate or near future return to work*

As you have failed to achieve a level of attendance that is satisfactory you are now dismissed from your employment as XXX on grounds of *excessive sickness absence/medical incapacity*. You will serve notice of XXX and your final date of employment with the Council will be XXX

You have the right to appeal against this dismissal. Any such appeal should be made in writing to the HR Manager within 10 days of receipt of this letter. The appeal should clearly set out the grounds for your appeal against the decision to dismiss you from your post.

Yours etc

Appendix 8

Employees Diagnosed with a Terminal Illness

Cannock Chase District Council has signed up to the Trade Union Congress' "Dying to Work" voluntary charter, setting out the agreed way in which Cannock District Council employees will be supported, protected and guided throughout their employment following a terminal diagnosis. The key elements of the Council's commitment to employees who are diagnosed with a terminal illness are:

- To provide adequate employment protection, to allow employees the time to consider the options available to them and wherever possible, manage the situation as the employee wishes.
- To consider all possible support, reasonable adjustments and flexible working.
- For Managers to provide maximum discretion before taking any action under the formal steps of the Sickness Absence Short and Long Term Policy and Procedure.
- To provide support services to the employee where needed such as counselling, reimbursement of costs for orthopaedic / chiropractic appointments, occupational health referral, independent financial advice and other reasonable and relevant services that the Council has access to.
- To provide advice, guidance and training to the Line Manager to ensure the best support is given to an employee with a terminal illness.

Both Stafford Borough and Cannock Chase Council will ensure that the process used will be flexible to provide individual support tailored to the needs of the employee.