

EMPLOYMENT COMMITTEE	AGENDA ITEM No. 5
Date 19 September 2018	PUBLIC REPORT

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REVISED EMPLOYMENT POLICIES

RECOMMENDATIONS	
FROM : Assistant Director of HR and Development	
That Employment Committee approve the updated employment policies. (Attendance & Absence Management Policy and Probation Policy).	

1. ORIGIN OF REPORT

1.1. This report follows changes made to the policies after a scheduled review, and after agreement with the trade unions at the Joint Consultative Forum on 16 July 2018.

2. PURPOSE AND REASON FOR REPORT

2.1. The purpose of the report is to obtain approval to the changes made to the policies detailed above.

3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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4. BACKGROUND

4.1. Attendance and Absence Management Policy and Guidance document.

Employment Committee approved a revised Attendance and Absence Management policy in April 2017. The HR team have undertaken an annual review of the policy and supporting guidance, using feedback from the trade unions, line managers and HR Business Partners. The comments were considered and, where appropriate, included in the final draft version which was then reviewed by the internal legal team.

The proposed changes add further clarity and improvement to the processes - a summary of the feedback received and the resulting changes are detailed in Appendix 1. The updated policy and guidance documents are at Appendix 2 & 3.

4.2. Probation Policy

The Probation policy and guidance document have been reviewed after receiving feedback from users that the process required clarification in cases where the performance fell into the Serious/Gross misconduct category. Specifically, it was not clear if notice would be paid in these circumstances.

The new guidance document clearly states that regular 1:1 meetings should be carried out, and a form has now been included to ensure that the meeting is appropriately recorded using a standard template. This improvement on the previous process will ensure that all new starters are managed consistently.

Summary of the changes made:

The process was simplified, introducing:

- the requirement to carry out monthly 1:1 Review Meetings; at least 6 during the probation period but with the option to carry out more if required.
- a 1:1 Meeting Form created so managers have a standard template to use.
- a process Flow Chart created as a quick reference for managers to follow.

Paragraph 3, bullet point 6, has been amended. The addition to the paragraph is detailed in red below:

- A maximum one month's notice will apply for both employee and employer during the probation period (unless the statutory notice period is longer, **or the misconduct is considered gross misconduct thereby warranting dismissal without notice**).

The updated policy and guidance documents are included at Appendix 4-6.

5. PROPOSAL

To implement the updated policies, guidance and forms from 1 October 2018.

6. IMPLICATIONS

Financial – None

Human Resources – Increased guidance and flexibility will be available to managers when managing attendance and probationary cases.

Legal - None

7. REASONS FOR RECOMMENDATIONS

The updated documents provide clearer guidance for managers on how to manage attendance in their teams and how to carry out probation meetings. Improved standardised forms will also assist managers with consistent management of their team members.

8. APPENDICES

Appendix 1 - Table showing the feedback received and amendments made to the Attendance and Absence Monitoring Policy

Appendix 2 - Attendance and Absence Monitoring Policy

Appendix 3 - Attendance and Absence Monitoring Guidelines

Appendix 4 - Probation Policy

Appendix 5 - Probation Guidelines

Appendix 6 - Template 1:1 Meeting Form

Appendix 1 - Attendance and Absence Monitoring Policy.

Table showing the feedback received and amendments made

Changes to Policy	
Comment / Issue raised	Solution
There doesn't appear to be anything mentioned about skipping stages	Paragraph inserted in Section 2: <i>The council reserves the right to implement this procedure at any stage as set out below taking into account the situation of the individual case.</i>
If an employee is signed off work from day one, managers are still asking for a daily call to confirm absence from work. Is this necessary?	Sentence added to paragraph 7.1: <i>Should an employee be signed off from work from day one, and has obtained a Fit Note from their doctor, the manager and employee may agree a different timescale of reporting, instead of daily.</i>
Confusion about whether the trigger points refer to long term absence or just short term absence.	Title of Section 8 renamed 'Short Term Absence Trigger Points'
If employees cannot attend a formal meeting can we add in that we will rearrange the meeting within a set period and it will go ahead if they do not attend?	Paragraph added to Section 24: <i>Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence. The employee's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.</i>
State that warnings do not have to be issued, but when may this happen?	Paragraph added in Section 24: <i>Issuing Formal Warnings</i> <i>When carrying out the formal process for either the Short or Long term procedure, it is expected that a formal warning should be issued in all cases. However, there may be exceptional circumstances where a warning will not be issued.</i> <i>Circumstances that will not be considered exceptional include but are not limited to:</i> <i>Wishing to avoid a difficult conversation or awkward situation</i> <i>Feeling sorry for the employee or</i> <i>Thinking that the act of merely arranging and attending a formal meeting is enough and has fulfilled the requirements of the policy</i>
Observation made when making amendments to the policy	Section 25 Permanent Ill Health has been added to the policy; this previously was mentioned only in the guidance.
	Addition of Emergency Operation or procedure in Section 2 of the Short Term Absence Procedure.
Managers believe that options list is not descriptive enough and are unsure of what to issue and when	The outcome options list has been amended: First/Second/Final Written warning A review period, to be determined according to the circumstances of the case, but usually a 3-6 month period from the date of the meeting. An attendance monitoring period to be determined according to the circumstances of the case, but usually a 12 month period from the date

	<p>of the meeting.</p> <p>In extenuating circumstances, no further action</p>
<p>Phased return to work- clarification required on payment and working from home during this</p>	<p>Section 2 has the following added:</p> <p>Phased returns shall normally be for either a half or a full day. If an employee is unable to physically attend a council building for any part of the phased return, it may be agreed that the employee may work from home, subject to advice from occupational health and any relevant risk assessments.</p> <p>For employee's working on a phased return basis they will be paid normal pay for the half or full day that they are at work and sick pay (full, half or none) for the hours that they are not at work.</p>
<p>Issuing warnings during the long term sickness procedure - should we do this?</p>	<p>Legal advice has been received regarding this matter. No problems were raised about issuing warnings, however, it is important to bear in mind reasons for the absence and if any adjustments should be made. The first stage meeting allows the manager and HRBP to understand the reasons for absence and then evaluate what action is required on a case by case basis.</p> <p>No changes to the policy were made.</p>

Changes to Attendance and Absence Management Guidelines

Comment / Issue raised	Solution
<p>Confusion over what is a monitoring and a review period</p>	<p>This has been added to the FAQ section:</p> <p><i>What is the difference between a review period and a monitoring period?</i> <i>Review period - an agreed timeframe before a meeting is held between manager and employee to focus and concentrate on the employee's attendance and wellbeing. The manager should use this to ensure the employee is feeling well, and any adjustments or the phased return plan is still appropriate.</i></p> <p><i>Monitoring period - an agreed timeframe during which further absences count towards trigger points and means attendance is being constantly reviewed and monitored. This may result for example in referral to OH or formal action.</i></p>
<p>Confusion if warnings for short term absence can be combined with long term absence and vice versa</p>	<p>This has been added to the FAQ section:</p> <p><i>Can warnings from Short Term Absence be combined with warnings from Long Term Absence?</i> <i>Warnings can not be combined because these are two separate processes.</i></p>
<p>What is 'uncertified sickness absence'</p>	<p>Added to the final paragraph on page 2: <i>(absences that are self certified)</i></p>

ATTENDANCE AND ABSENCE MANAGEMENT POLICY



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SECTION A

1. Aim

The council is committed to the well-being of its workforce. Employee attendance is a vital factor in delivering the level of service required by our customers and community. This policy aims to provide guidance and support in both managing absence and in supporting the return to work process. We aim to ensure the efficiency and effectiveness of Peterborough City Council is maintained at all times.

2. Principles

Statutory Sick Pay and Contractual Sick Pay will be paid for periods of sickness absence only providing the notification process has been followed. Any unauthorised absence may result in disciplinary action being taken.

Our policy is based on the following key principles:

- No two cases of absence are identical. Employees will always be treated with sympathy, understanding and compassion.
- We recognise the importance of managing absence through good employment practice and effective return to work interviews.
- It is very important that employees and their manager have regular contact during periods of sickness absence. Support will be provided to help employee's return to work following a period of long term sickness.
- When dealing with cases of sickness absence which involve the issue of an individual's physical or mental capability to undertake their duties, it is advisable to involve the HR Business Partner and Occupational Health at the earliest possible stage.
- **The council reserves the right to implement this procedure at any stage as set out below taking into account the situation of the individual case.**

3. Scope

This policy applies to all City Council employees as far as possible, except where there is a specific local agreement, or a clause within the contract of employment, which is at variance with the provisions as contained within the NJC agreement. A different procedure may be necessary for certain employees, e.g. those based in schools and who are subject to procedures involving Governing Bodies. Schools are strongly advised to adopt the principles of this policy for non-teaching staff.

This policy does not form part of any employee's contract of employment and it may be amended at any time.

4. Responsibilities of the employee

- To attend work unless unfit or unable to do so, regardless of working style (as defined in the Agile Working Policy)
- To ensure they understand and comply with the standards that are expected of them detailed within this policy
- To report each absence promptly and in line with the notification process detailed in this document; to keep in regular contact with their manager during the absence
- To attend Occupational Health Appointments if referred
- At all times to follow medical advice to support a return to work at the appropriate time
- Not to undertake activities that may compromise their health, or their return to work following sickness.
- To make proper use of any equipment and systems of work provided for their safety.

5. Responsibilities of the line manager

- To ensure that the council fulfils its duty of care to employees according to the council's Health & Safety Policy
- To create a supportive climate in which good attendance prevails
- To ensure that all colleagues understand the importance of good attendance in the delivery of effective customer service
- To treat information regarding medical conditions sensitively and with due regard to confidentiality
- To maintain responsibility for the employee regardless of whether they are office based; flexible or agile workers
- To understand their responsibilities under the policy and ensure they are trained adequately to allow them to manage absence in a pro-active way, thus avoiding non-attendance from impacting on the department and service to our customers
- To give due regard to health promotion and ensure employees are aware of what support and help is available to them.

6. Management of workplace stress

The council is committed to protecting the health, safety, and welfare of our employees. The council recognises that workplace stress is a health and safety issue, and acknowledges the importance of identifying and alleviating workplace stress to as low a level as reasonably practicable through safe systems of work, risk assessments, suitable equipment and information and sharing.

The council will endeavour to give all employees appropriate support through the Employee Assistance Programme. Referral to Occupational Health will be undertaken as soon as the line manager has been informed that an employee is absent with a stress related condition.

7. Procedure for notification of sickness absence

If an employee is absent from work due to any illness or injury which incapacitates them and prevents them from doing the work they are employed to do, the following rules must be observed in order to qualify for sickness absence and payment for the absence. The same process applies to all staff regardless of their working status.

7.1 Contact from Day One to Day Seven

On the first and every subsequent day of absence, the employee must inform their line manager of their absence, by telephone, no later than their normal starting time. Departments may instigate a separate local agreement that states the daily reporting times, depending on service need. **Should an employee be signed off from work from day one, and has obtained a Fit Note from their doctor, the manager and employee may agree a different timescale of reporting, instead of daily.**

To allow a meaningful two way dialogue, only telephone calls or video calls are acceptable, (e.g. via Google Hangout or Facetime). The telephone or video call should be made by the employee themselves – only in extenuating circumstances will a call be accepted by another party.

The employee should give details of the nature of their illness/incapacity (i.e. migraine; chest infection etc.); whether they will be seeking medical attention; whether the illness is due to an accident at work and some indication of when they will be able to return to work.

Any delay in notification or failure to notify will require further explanation. Should the reason be deemed unacceptable, this may result in loss of entitlement to sick pay and/or disciplinary action.

Communication will be maintained with the employee throughout the absence, which may be in the form of telephone conversations, face to face meetings, or Google Hangout or Facetime Video call, whichever is most appropriate, unless medical evidence prevents this from happening.

7.2 Fit Notes Day Eight and onwards

If an employee is still unfit for work on account of ill health on the eighth calendar day, they should obtain a Fit Note from their GP. The original Fit Note should be forwarded to the employee's line manager within two days of the Fit Note being signed by a qualified medical practitioner, unless there are extenuating circumstances or there is a local agreement in place which states a different timescale.

Fit Notes must be submitted at the intervals specified by the medical practitioner on the note. It is the employee's responsibility to ensure that dates on subsequent Fit Notes follow on with no breaks in between, and that all notes are submitted within two days of the note being signed by the qualified medical practitioner, if they are to be paid sick pay for the whole period.

If hospital admission and discharge certificates cover any gaps from the first day of absence to the return to work, then these must also be submitted.

The manager will take a copy of all Fit Notes, hospital admission and discharge certificates. They will sign the copies to certify they are a true copy of the original, and then return all originals to the employee. Copies should be scanned to payroll immediately.

When the employee has submitted a Fit Note, the manager and employee should agree the intervals at which communication will take place. In normal circumstances, there should be contact at least once per week.

7.3 Reporting of Industrial Disease/Accident or Assault

Where Industrial Disease/Accident or Assault is alleged, the employee:-

- must inform their line manager that they believe their medical condition arises from their work with the council, and state how they believe their work caused the condition
- report this within 3 days of the incident happening.
- where this is not possible the employee must ensure that this is done on their behalf.

Further information regarding the reporting of incidents is available in section 7 of the council's Health & Safety Policy.

8. Short Term Absence Trigger Points

The **Short Term Sickness Management Procedure** will be followed when an employee reaches one or more of the following points during any rolling twelve-month period:

- Three or more occasions of sickness absence
- 10 working days absence over 2 occasions (eg. 9+1, 8+2, 7+3, 6+4,5+5)
- Unacceptable patterns of absence.

Where an employee has two or more posts the sickness absence will only count against the role that would have been worked on the day of the absence.

The unacceptable patterns may cover a period of more than one year if there is evidence to confirm the absence or the absence pattern occurs annually, bi-annually etc.

The trigger points for employees that work fewer than 5 days in a week will be pro rata to the average number of days worked per week, as detailed below:-

<u>Working days per week</u>	<u>Trigger Point</u>
1 Day	2 days absence
2 days	4 days absence
3 days	6 days absence
4 days	8 days absence
5 days	10 days absence

There will not be an adjustment to the number of occasions.

If employees work on an annualised hours' contract, managers will need to apply an average working week and make adjustments during the year if needed.

9. Return to Work Interview

It is Council policy that a return to work interview is carried out with all employees on the first day of their return from any sickness absence. The line manager or supervisor should complete a Return to Work Form during the return to work interview, with the employee. This meeting is to

determine the reasons for the absence, to ensure that the employee is fit to have returned to work and to consider any support required to ensure a successful return to work.

The interview may be used to consider short or long-term changes to working hours or working practices. It may also be used to update the employee of any relevant changes that may have occurred during their absence. All sections must be completed fully, with the reason for absence given in each section. The reason given at the interview may differ from the reason originally given.

If the employee chooses not to complete a Sickness Self Certification and Return to Work form on the first day of their return, or knowingly completes it inaccurately, then the entitlement to contractual sick pay may be lost. This may also be dealt with as a disciplinary matter.

Managers must ensure that employees partake in a meaningful return to work interview, which is carried out on the first day of the employee returning to work, in private and face to face. Where the employee works on an agile basis, this may be carried out by telephone or Google Hangout Video or Facetime.

Managers' performance in respect of return to work interviews carried out will be monitored and reported on, and is a standard expectation within the role of a line manager.

10. Risk Assessments

Risk Assessments applicable to the reasons for absence, will be carried out before any reasonable adjustments are agreed, and will usually inform part of the decision making process when determining the suitability of a return to work and subsequent reasonable adjustments.

11. Reasonable Adjustments

It may be the case that an employee could return to work if adjustments were made to either the role they carry out, or to their working pattern on a permanent basis. The council will endeavour to accommodate the needs of employees in line with the requirements of the Equality Act. Reasonable adjustments may include a phased return to work. Where this is the case the employee will be paid normal pay whilst at work and sick pay (which may be no pay) when they are not at work.

12. Sick Pay Scheme

The sick pay scheme is part of a key national provision (part two) for application by all local authorities to all employees covered by the National Joint Council (NJC). The rules of the scheme may be changed at any time after consultation with the relevant Trade Unions.

The payment of sick pay operates on trust. Employees are expected to act with integrity and honesty in complying with the spirit of the scheme. All employees must comply fully with the requirements of this policy to retain their eligibility to sickness pay.

The period of paid sick absence may be extended only in exceptional circumstances and only at the discretion of the Service Director in conjunction with the Assistant Director of HR.

If the absence is for less than half a day/shift then the absence will be classed as a half-day sick absence. If the absence is for more than half a day/shift then the absence will be classed as a full day's sickness absence.

12.1 Details of the scheme

If the employee has complied fully with this policy, the council will provide contractual sick pay at the levels and for the periods outlined in the table below. Statutory payments will be offset against this and not paid in addition.

LENGTH OF SERVICE	SICK PAY PERIOD
Less than four months' service	One month's full pay
Between four months and one year's service	One month's full pay and two month's half pay
During second year of service	Two months' full pay and two months' half pay
During third year of service	Four months' full pay and four months' half pay
During fourth and fifth year of service	Five months' full pay and five months' half pay

After five years' service	Six months' full pay and six months' half pay
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Sick pay is calculated by deducting from the employee's entitlement on the first day the aggregate of periods of paid absence during the twelve months immediately preceding the first day of absence.

12.2. Sick pay for cases of Industrial disease, accident, or assault

For sick pay purposes, absence arising from normal sickness is entirely separate from absence due to alleged industrial disease, accident or assault arising out of or in the course of employment with the council. Periods of absence in respect of one shall not be offset against the other for the purposes of calculating sickness pay periods.

For example, an employee may have exhausted their contractual sick pay (CSP) entitlement through having normal sickness absence, but be entitled to full CSP if they have an industrial disease, accident or assault arising out of or in the course of employment with the council.

All absence arising from an alleged industrial disease, accident or assault must be recorded correctly on the absence recording system. Failure to record correctly may result in inappropriate payments being made to the absent employee.

12.3 Loss of entitlement to sickness pay

There are circumstances where the council may consider suspending contractual and/or statutory sickness payments. The council would advise the employee of the grounds for the suspension of pay and the employee would have the right of appeal to the Assistant Director of HR against the suspension of pay. If the council decide that the grounds for suspension were justified then the right to any further payment in respect of that period of absence would be forfeited.

Circumstances of sickness pay suspension may include, but is not limited to:-

- If an employee refuses to meet with their manager to discuss their absence (unless medical evidence has been submitted to state that the employee is too unwell to meet with their employer or manager)
- If an employee is absent on account of sickness which is as a result of deliberate conduct that does not help their recovery or makes it worse,
- The employee's own misconduct or neglect
- The employee's active participation in professional sport
- An injury sustained while working in the employee's own time on their own account for their own private gain or for another employer
- If the Council have any reason to doubt the validity of an employee's illness or injury or the reason given for absence.
- If an employee does not comply with their obligations under this policy, for example, if they do not submit medical certification within 10 calendar days from the first day of absence, and/or do not comply with the sickness reporting procedure,

Occupational Health advice will be sought as appropriate throughout an employee's absence.

Disciplinary action may be taken against an employee for fraudulent sickness pay claims, which could result in sanctions against the employee, up to and including dismissal if appropriate.

13. Conduct during sickness absence

In all cases of sickness absence that necessitates taking time off work, it is expected that the employee will do their utmost to facilitate a speedy return to fitness and to work. In this regard, employees are expected to act sensibly and honestly.

Peterborough City Council would not expect any employee who is absent from work due to sickness or injury to:-

- participate in any sports, hobbies or social activities etc. which are in any way inconsistent with their stated illness or injury or which could aggravate the illness or injury or which could delay recovery.
- undertake any other employment whether paid or unpaid.

- engage in any activity that is inconsistent with the nature of the stated illness/injury

The council reserves the right to fully investigate the reasons why an employee refuses treatment that would expedite their recovery. Should the reason given not be acceptable, the disciplinary procedure may be followed.

Any employee who does undertake any other duties whilst absent from their employment on sickness absence, may be subject to disciplinary action, as undertaking other employment may be seen as an act of gross misconduct, and may lead to dismissal under the disciplinary procedure.

It is the responsibility of the employee to ensure that their return to work is not compromised by their actions outside of work.

If it is recommended that exercise or any other therapeutic treatment is required to assist recovery, then the employee may be asked to submit a written report, outlining the reasons for the recommended exercise/therapeutic treatment and details of the exercise/therapeutic treatment. The report/letter must be issued by the employee's GP or other specialist.

The employee must ensure they follow the reporting procedure and that every day of the absence is properly covered by a medical certificate.

14. Claims for damages

If the employee intends to claim for damages against a third party following an accident or incident that results in sickness absence where contractual sick pay is paid the employee is obliged to: -

- tell their line manager, and
- sign an undertaking to repay any sick pay that the Council has paid to them when their claim against the other party has been settled (any claim will normally include the cost of sick pay paid by the Council during their absence from work).

The employee must do this even if the accident happened away from work (whilst the Council is incurring employee costs). The employee will not be expected to repay more than any award made to them.

Any period of absence where a full refund of sick pay is made will not be recorded as sickness absence for the purposes of the sick pay scheme.

15. Annual Leave instead of sickness absence

If employees are unfit for work then the day should be classed as a sickness day and annual leave days will not be authorised to 'cover' the sickness.

Should an employees' sickness absence fall into the long term category (as per Section C of this policy), consideration will be given to granting (statutory) annual leave during this absence, should the employee request it via the normal leave request procedure. At the Council's entire discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable Council policy.

If the employment is terminated before an employee returns from sickness absence, they will receive a payment in lieu of any accrued but untaken statutory leave entitlement.

All employees must have the statutory leave each year under the working time regulations. Any employee who has taken below the statutory level will be able to carry over those days into the following leave year and take the days within 18 months. Bank holidays taken are included in the total. The contractual leave would not be carried over in addition to the statutory leave.

16. Employee taken ill during a period of annual leave

Where an employee falls sick or is injured while away from home on holiday, within or outside of the UK, the council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This is subject to the following strict conditions:

- The total period of incapacity must be fully certificated by a qualified medical practitioner
- The employee must contact the organisation (by telephone) as soon as he/she knows that there will be a period of incapacity during a holiday.

- The employee must submit a written request no later than 10 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.
- Where the employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location. If the medical certificate is not printed in the English language, then the employee will be expected to obtain a translation to ensure that it can be appropriately considered. Any translation costs or certification costs must be borne by the employee in full if they choose to request the leave be allocated back to them.

Where the employee fulfils all of the above conditions, the organisation will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

17. Pre-booked annual leave during periods of certified sickness

If an employee is ill or is injured before the start of a period of planned holiday, and consequently unable to take the holiday, the council will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the council's normal policy on sickness absence, providing medical certificates are in place to cover the absence.

The employee must submit a written request to postpone the planned holiday and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit, to take the holiday.

If an employee wishes to take the pre-booked period of leave as leave then they must provide a medical statement which states that the period of sickness is as at an end before the holiday starts.

18. Sickness on a Public/Bank holiday

If a public or bank holiday occurs during sick leave the employee will continue to receive sick pay. Where an employee has exhausted his/her period of entitlement to sick pay, no payment will be made (other than SSP if applicable) in respect of a public or extra statutory holiday occurring during his/her period of sick leave.

19. Sickness during a period of suspension

If an employee falls sick during a period of suspension, he/she must notify the Investigating Officer or HR Business Partner by 10.00 a.m. on the first day of incapacity. The employee should be regarded as being on sick leave from the date of the medical statement. A medical certificate must cover all sickness during a period of suspension as there will be no entitlement to self-certified absence during a period of suspension. The council will meet the cost of any medical certificate if the medical practitioner imposes a charge.

Whilst off sick, the suspended employee must continue to observe the provisions of para 5.6 of the disciplinary procedure. The suspended employee may still be required to attend meetings with the investigating officer whilst off sick, but this will only be done following consultation with the council's occupational health adviser.

20. Poor Attendance of disabled employees

The Council will always endeavour to support and will comply with all relevant legislation relating to its disabled employees. However, if a disabled employee has been given all the relevant support and all options have been explored, but their absence or ability to carry out their role is a cause for concern, then Section B or C of this policy will be followed.

If an employee considers that he or she is affected by a disability or any medical condition which affects their ability to undertake their work, they should inform their line manager or the HR department.

21. Referral to Occupational Health

All employees who are absent (or likely to be absent) for two weeks or more, will be referred to the occupational health service.

Employees who are absent due to a stress related illness should be referred to Occupational Health as soon as their line manager has been informed that they are absent, and this is the reason for the absence.

22. Access to medical records

In operating this policy, the Council may, at any time, ask an employee to consent to a medical examination carried out by an external medical practitioner nominated by the Council.

If such a request is made, the employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the Council, and that the Council may discuss the contents of the report with our advisers and the relevant doctor.

If an employee refuses to attend appointments or allow access to their medical records, then they will be informed that the council will have no option but to take decisions based on the information it has to hand.

23. Notification of absence meetings

Unless it is impractical to do so, the Council will give the employee written notice of the date, time and place of an absence meeting, and will put any concerns about the employee's sickness absence, and the basis for those concerns, in writing or otherwise advise the employee why the meeting is being called.

The employee will be given a reasonable opportunity to consider this information before a meeting is held.

24. General information about absence meetings

Absence meetings should, wherever possible, be carried out in private and conducted face to face, regardless of the employee's agile working status. The meetings will normally be conducted by an employee's line manager, a more senior manager or nominated deputy; a representative of the HR Department may be in attendance at any of these meetings.

An employee is entitled to bring a companion with them to formal meetings. A companion may make representations, ask questions, and sum up an employee's position, but will not be allowed to answer questions on an employee's behalf.

The Council may, at its discretion and on a case by case basis, allow an employee to bring a companion who is not a work colleague or union representative (for example, a member of the employee's family) if this will help overcome a particular difficulty caused by a disability.

An employee must take all reasonable steps to attend a meeting. Failure to do so without good reason may be treated as misconduct. If an employee or his or her companion is unable to attend at the time specified they should immediately inform their line manager or the HRPB who will seek to agree an alternative time.

Unless there are special circumstances mitigating against it, if the employee is unable to attend the rearranged hearing, the rearranged hearing will take place in the employee's absence. The employee's fellow worker or trade union official may attend in such circumstances and will be allowed the opportunity to present the employee's case. The employee will also be allowed to make written submissions in such a situation.

A meeting may be adjourned if the employee's line manager or the HRPB is awaiting receipt of information, needs to gather any further information, or needs to give consideration to matters discussed at a previous meeting. An employee will be given a reasonable opportunity to consider any new information obtained before the meeting is reconvened.

Confirmation of any decision made at a meeting, the reasons for it, and the right of appeal will be given to an employee, in writing, usually within 1 week of an absence meeting (unless this time scale is not practicable, in which case it will be provided as soon as is practicable).

If, at any time, the line manager or the HR Department considers that an employee has taken or is taking sickness absence when they are not unwell, they may refer matters to be dealt with under the Disciplinary Procedure.

Issuing Formal Warnings

When carrying out the formal process for either the Short or Long term procedure, it is expected that a formal warning should be issued in all cases. However, there may be exceptional circumstances where a warning will not be issued.

Circumstances that will not be considered exceptional include but are not limited to:

- Wishing to avoid a difficult conversation or awkward situation
- Feeling sorry for the employee or
- Thinking that the act of merely arranging and attending a formal meeting is enough and has fulfilled the requirements of the policy

25. Permanent ill health

There will be a very limited number of cases where the only option is termination of employment on the grounds of permanent ill health. The criteria for this is those employees who are permanently unfit to do their job efficiently on the basis of ill health or infirmity of the mind or body. It is only the council's Occupational Health Adviser who can make this declaration initially, which then has to be accepted by an external adviser. Once this decision has been taken then normal dismissal procedures have to be applied.

26. Further information

Further guidance can be found in the Guidelines. Further advice can be sought from the HRBP.

SECTION B - SHORT TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE

1. Management of Short Term Sickness Absence

An employee whose level of sickness absence has reached a defined trigger point (as outlined in Section A paragraph 8.0), will be invited to attend Formal Attendance Management Meetings. These meetings should take place as soon as is reasonably practicable after the trigger point has been reached.

2. Absences that may be taken into account

In most cases all sickness reasons will be taken into account. However, those wholly attributable to an employee's pregnancy, will be discounted. The absence will be recorded and discussed at the return to work interview, but not used to take further action against the employee.

The Council will always endeavour to support and will comply with all relevant legislation relating to its disabled employees. Absences due to a disability will not be discounted, however, the triggers may be amended to take the disability into account.

Should an employee's sickness absence immediately follow a pre-planned **or emergency** operation **or procedure**, be wholly related to the operation **or procedure** and be for recuperation purposes, the absence will be recorded and discussed at the return to work interview, but not used to take further action against the employee.

However, should further related absences occur after the employee has returned to work, they will not be discounted.

3. Stage 1 Formal Attendance Management Meeting

Where an employee has reached a defined trigger point (as outlined in Section A paragraph 8.0 of this policy), they will be invited to a Stage 1 Formal Attendance Management Meeting.

The purpose of the meeting is to:

- Review the concerns as highlighted in any informal meetings and in return to work interviews
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider whether any formal action is required
- Agree a time-scale for review over which the employees attendance will continue to be monitored
- To remind the employee of the importance of regular attendance at work and that if the appropriate improvement in attendance has not taken place by the review date, that a further formal meeting in line with Stage 2 of the procedure will be arranged and may result in further disciplinary action and that their employment may be at risk.

Possible Outcomes

The Stage 1 formal attendance management meeting may result in one or more of the following outcomes:

- **First Written warning**
- **A review period, to be determined according to the circumstances of the case, but usually a 3-6 month period from the date of the meeting.**
- **An attendance monitoring period to be determined according to the circumstances of the case, but usually a 12 month period from the date of the meeting.**
- **In extenuating circumstances, no further action**

Should a first written warning be issued, this will be held on the employees' file and be considered

live for a period of 12 months. The employee will have the right to appeal against a first written warning by following the Council's Appeals Policy and Procedure.

4. Stage 2 Formal Attendance Management Meeting

In circumstances where an employee had failed to achieve the attendance targets set in the Stage 1 meeting, or has reached a defined trigger point (as outlined in Section A paragraph 8.0 of this policy), they will be invited to a Stage 2 Formal Attendance Management Meeting.

The purpose of the meeting will be to:

- Review the concerns as highlighted in the Stage 1 meeting, in subsequent return to work interviews and in any informal meetings that may have taken place
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Remind the employee of the need for immediate sustained improvement in attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider the employees ability to remain in their current role in view of their capabilities and business needs and possible redeployment opportunities
- Consider whether any formal action is required
- Agree a further time-scale for review over which the employees attendance will continue to be monitored
- To remind the employee of the importance of regular attendance at work and that if the appropriate improvement in attendance has not taken place by the review date, that a further formal meeting in line with Stage 3 of the procedure will be arranged and may result in termination of their employment

Possible Outcomes

The Stage 2 formal attendance management meeting may result in one or more of the following outcomes:

- **Final Written warning**
- **A review period, to be determined according to the circumstances of the case, but usually a 3-6 month period from the date of the meeting.**
- **An attendance monitoring period to be determined according to the circumstances of the case, but usually a 12 month period from the date of the meeting.**
- **In extenuating circumstances, no further action**

Should a final written warning be issued, this will be held on the employees file and be considered live for a period of 12 months. The employee will have the right to appeal against a final written warning by following the councils Appeals Policy and Procedure.

5. Stage 3 Formal Attendance Management Meeting

In circumstances where an employee has failed to achieve the attendance targets set in the Formal Stage 2 Attendance Management Meeting, or has reached a defined trigger point (as outlined in Section A paragraph 8.0 of this policy), the employee will be invited to a Stage 3 Formal Attendance Management Meeting.

The meeting will be chaired by the Head of Service (or their nominee) and a representative from the HR Department will be present.

The purpose of the meeting will be to:

- Review the concerns as in the Stage 2 Meeting and in subsequent return to work interviews
- Review and discuss the success of any measures made and consider what, if any, further strategies / support might improve the employees' health and attendance
- Provide the employee an opportunity to fully explain the circumstances of their absences
- Consider the employees ability to remain in their current role in view of their capabilities and business needs and possible redeployment opportunities
- Consider whether any formal action is required

Possible Outcomes

The Stage 3 formal attendance management meeting may result in one or more of the following outcomes:

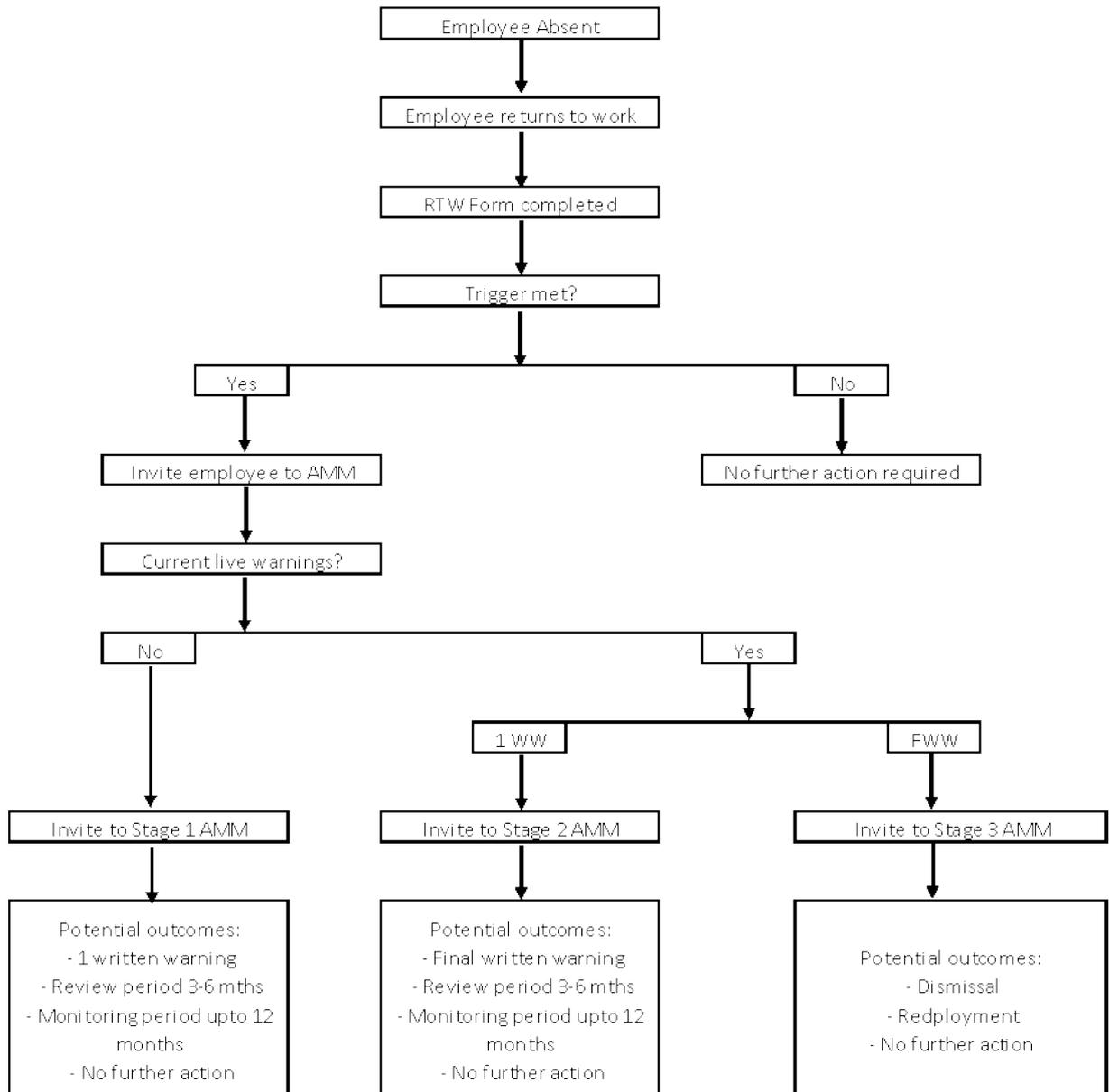
- An extended review and attendance monitoring period
- Dismissal, usually with notice

Should the employee be dismissed, they shall have the right to appeal against the dismissal by following the Council's Appeals Policy and Procedure.

6. Example

	Absences	Action taken	Reason for action
YEAR ONE			
January	0		
February	2 days	RTW interview. No further action	
March	9 days	RTW Interview. Stage 1 Attendance Management Meeting – 1 st written warning	10 working days over 2 occasions
April	0		
May	0		
June	6 days	RTW interview. No further action	
July	1 day	RTW interview. No further action	
August	0		
September	2 days	RTW interview. Stage 2 Attendance Management Meeting – Final Written Warning	3 rd occasion of absence
October	0		
November	0		
December	3 days	RTW interview. No further action	
YEAR TWO			
January	0		
February	0		
March	0		
April	0		
May	0		
June	0		
July	3 days	RTW interview. No further action	
August	6 days	RTW interview. No further action Stage 3 Attendance Management Meeting – Dismissal	3 rd occasion of absence

7. Short Term Absence Flowchart



AMM- Attendance Management Meeting

WW - Written Warning

FWW - Final Written Warning

SECTION C – LONG TERM SICKNESS ABSENCE MANAGEMENT PROCEDURE

1. Management of Long Term Sickness Absence

The definition of long term sickness absence is absences of two weeks or more. Each case will be treated on an individual basis, and in partnership with the employee, their manager, HR Business Partner and the Occupational Health Advisor. It is expected that the manager will already have been in contact with the employee on an informal basis before this process is followed.

The Council will maintain contact with the employee during periods of long term sickness absence, unless there is medical evidence that no contact should be made. Contact ensures that the council are fully aware of the issues surrounding the absence and the likely return to work date. This may be in the form of telephone conversations or face to face meetings or a combination, whichever is most appropriate.

All employees who are absent (or likely to be absent) for two weeks or more, will be referred to the occupational health service. Employees who are absent due to a stress related illness should be referred to Occupational Health as soon as their line manager has been informed that they are absent, and this is the reason for the absence.

If at any stage during this procedure it is considered that the absences from work are not due to sickness and that the employee is abusing the scheme, this will be dealt with under the disciplinary procedure.

2. Returning to work after Long Term Sickness Absence - light duties and phased returns

When an employee's GP or Specialist states that the employee is fit to return to work providing that they can work on 'light duties' or on a 'phased return' then the council will endeavour to support this. However, 'light duties' cannot be guaranteed and will depend on the role, the request and the advice of the council's Occupational Health Advisor. 'Light duties' may be defined as:-

- reduced or altered duties;
- reduced or amended working hours, working pattern or location
- temporary medical re-deployment to an alternative role.

Light duties are a temporary measure and will usually be for a period of not more than four weeks unless medical advice recommends that a longer period is necessary. This can only be extended after consultation with the Occupational Health Advisor.

During any period of light duties, the employee must be able to carry out the majority of their job, and play a useful role once back at work. If the employee is unlikely to be fully fit within four weeks then they should obtain a Fit Note and remain absent due to sickness.

Phased returns shall normally be for either a half or a full day. If an employee is unable to physically attend a council building for any part of the phased return, it may be agreed that the employee may work from home, subject to advice from occupational health and any relevant risk assessments.

For employee's working on a phased return basis they will be paid normal pay **for the half or full day** that they are at work and sick pay (full, half or none) for the hours that they are not at work.

Light duties will not automatically be arranged for employees returning from long term sickness absence. The Council will consider all relevant factors before making a decision as to whether light duties will be implemented.

If an employee has a relief post/s with the council in addition to their substantive role then they will not normally be allowed to work in the relief role until they are fully working in their substantive role. Overtime and training shall not be carried out during any period of light duties.

3. Stage 1: First Sickness Absence Meeting

The Stage 1 First Sickness Absence Meeting will be arranged after the employee has been absent for 6 weeks or where an employee has been absent on a number of occasions lasting 4 weeks or more.

The purposes of a first sickness absence meeting will include:

- Discussing the reasons for absence;
- To determine how long the absence is likely to last;
- Where an employee has been absent on a number of occasions lasting 4 weeks or more, determining the likelihood of further absences;
- Considering whether medical advice is required, obtaining the employees permission to write to their doctor if so, and informing the employee that they shall be referred to Occupational Health;
- Considering what, if any, measures might improve the employees health and/or attendance;
- Agreeing a way forward; any action that will be taken and a time-scale for review and a further meeting under the sickness absence procedure.

Possible Outcomes

The Stage 1: first sickness absence meeting may result in one or more of the following outcomes:

- First Written warning
- An extended review and monitoring period
- **In extenuating circumstances, no further action**

Should a first written warning be issued, this will be held on the employees' file and be considered live for a period of 12 months. The employee will have the right to appeal against a first written warning by following the Council's Appeals Policy and Procedure.

4. Stage 2: Second Sickness Absence Meeting

Depending on the matters discussed at the first stage of the sickness absence procedure, a further meeting or meetings may be necessary under Stage 2.

The purposes of further meeting(s) may include:

- Discussing the reasons for and impact of an employee's ongoing absence(s);
- Discussing how long the absence is likely to last
- Where an employee has been absent on a number of separate occasions lasting 4 weeks or more, discussing the likelihood of further absences;
- If it has not already been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
- Considering an employee's ability to return to/remain in their job in view both of their capabilities and the Council's business needs and any adjustments that can reasonably be made to the employees job to enable them to do so;
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying the employee;
- Where an employee is able to return from long-term sickness absence, whether to their own job or to a redeployed job, agreeing a return to work programme;
- If it is considered that an employee is unlikely to be able to return to work from long-term absence, whether there are any benefits for which he or she should be considered; and
- Agreeing a way forward, action that will be taken and a time-scale for review and/or a further meeting(s). This may, depending on steps the Council has already taken, include warning an employee that they are at risk of dismissal.

Possible Outcomes

The Stage 2: Second sickness absence meeting may result in one or more of the following outcomes:

- Final Written warning
- An extended review and monitoring period
- **In extenuating circumstances, no further action**

Should a final written warning be issued, this will be held on the employees file and be considered live for a period of 12 months. The employee will have the right to appeal against a final written warning by following the councils Appeals Policy and Procedure.

5. Stage 3: Final Sickness Absence Meeting

Where an employee has been warned that they are at risk of dismissal, the Council may invite them to a meeting under the third stage of the sickness absence procedure.

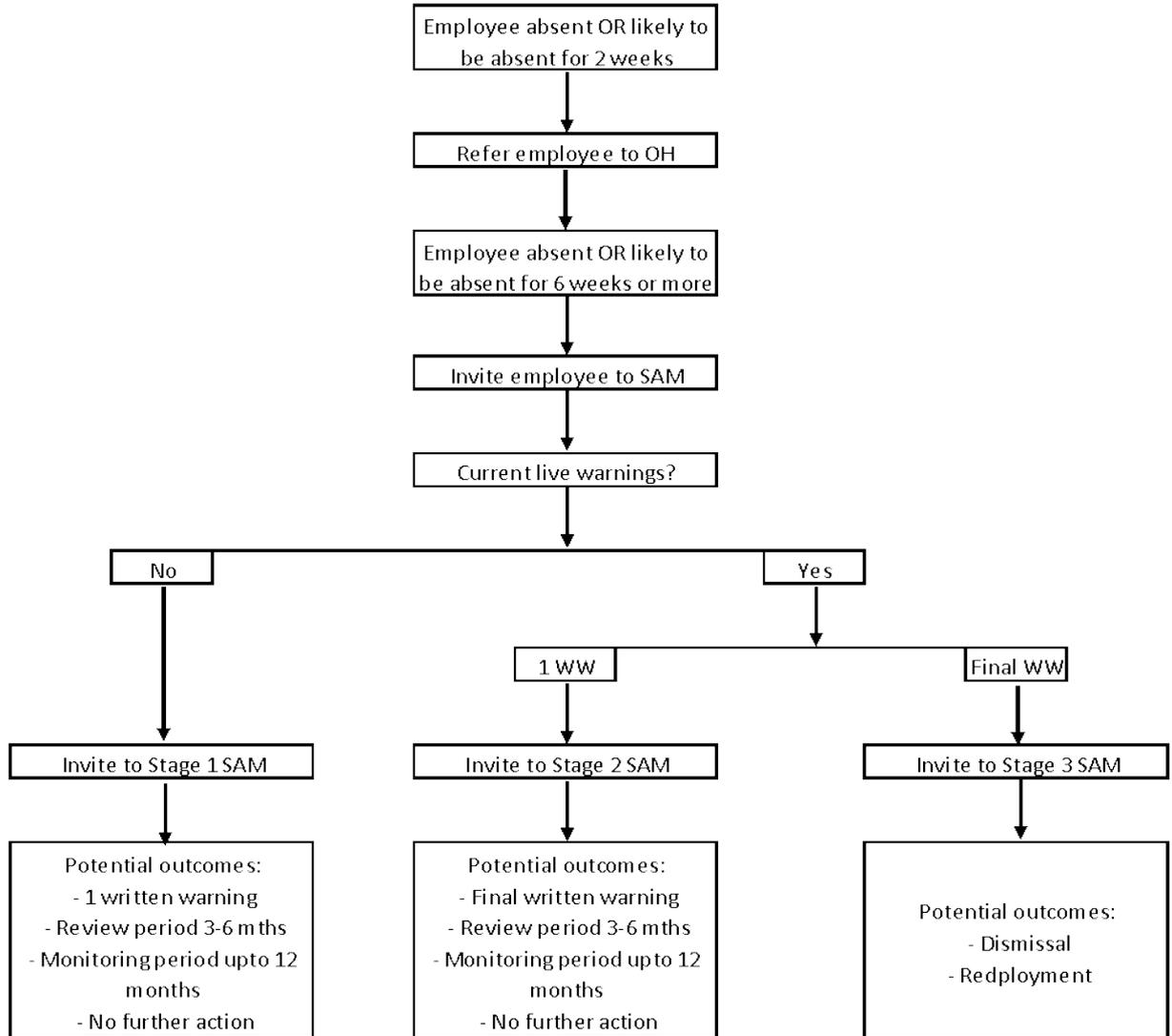
The purposes of a stage 3 meeting will be:

- To review the meetings that have taken place and matters discussed with the employee;
- Where an employee remains on long-term sickness absence, to consider whether there have been any changes since the last meeting; either as regards their possible return to work or opportunities for return or redeployment;
- To consider any further matters that the employee wishes to raise;
- To consider whether there is a reasonable likelihood of the employee returning to work or achieving the desired level of attendance in a reasonable time;
- To consider the possible termination of the employees employment due to lack of capability to carry out their role. Termination in such circumstances will normally be with full notice or payment in lieu of notice. Should the employee be dismissed the employee will have the right to appeal against this by following the Councils Appeals Policy and Procedure.

6. Example

	Absences	Action taken	Reason for action
YEAR ONE			
January	0		
February	2 days	RTW interview. No further action	
March	17 – 31 15 days	Refer to OH	Employee absent for over two weeks
April	30 days	Invite to Stage 1 First Sickness Absence Meeting – 1st written warning; 3 month review effective from 25/4	Employee absent for over 6 weeks from 17/4
May	31 days	No formal action – regular review meetings	Review period
June	30 days	No formal action – regular review meetings	Review period
July	31 days	Invite to stage 2 Second Sickness Absence Meeting – 2 nd written warning; 3 month review; employee informed that their job is at risk	Review period end 24/7
August	31 days	Redeployment/ reasonable adjustments reviewed at meetings	Review period
September	30 days		Review period
October	31 days	Invite to stage 2 Second Sickness Absence Meeting; 3 month review; employee informed that their job is at risk	Review period end 24/10 Employee had informed their manager that they should be returning to work in the next 3 months
November	30 days	Redeployment/ reasonable adjustments reviewed at meetings None identified	Review period
December	31 days		Review period
YEAR TWO			
January	31 days		Review period
February	31 days	Invite to stage 3 Third Sickness Absence Meeting Outcome - dismissal	Review period end 24/1

7. Long Term Absence Flow Chart



SAM - Sickness Absence Meeting
 WW - Written Warning

Attendance Management – Guidelines to using the Attendance and Absence Management Policy



1. Introduction

This guide is to help managers navigate their way through the Attendance and Absence Management Policy. It is important to remember that every absence is unique and all cases will need to be treated according to the individual circumstances, sometimes a flexible approach is required. However, a consistent approach is a must, and all employees must be treated fairly, sensitively, and in accordance with the policy. Further guidance and advice is available in the Attendance and Absence Management Policy or from your HR Business Partner.

The council is committed to the well being of its workforce. This must be balanced against the duty of all local authorities to ensure the best use of its main resource – its people. It is the responsibility of the employee to promote high attendance levels to minimise working time lost. It is the responsibility of the employer to ensure it fulfils its duty of care to its employees.

The council does not encourage a presenteeism culture. Those who are unfit for work should be at home getting better and not feel pressurised into attending work, or working from home, where their performance may be reduced and their illness impact on others around them.

Managers should remember that the first aim of this guidance is to try to improve employee's attendance and not punish them for their absence.

2. Employee Wellbeing

Various initiatives are in place to promote healthy living. Ensure that your employees are aware of what's available and encourage them to take them up. Initiatives include BOOST Week, Health Awareness Weeks/Days such as No Smoking etc., VDU eye tests for all designated visual display unit users and promotion of lunchtime walks.

The council operates a confidential counselling service through the Employee Assistance Programme. In certain cases an employee may be referred to an external counsellor. To arrange this service, the line manager should refer the employee to the occupational health advisor. The employee does not have to discuss the issues with their manager unless this is appropriate. The council's Occupational Health Advisor will make the decision regarding the level of support the council can provide. This service is available to all employees and is one the council supports and encourages employees to avail themselves of.

It is important to be mindful of the Equality Act 2010, which protects employees who have mental and/or physical disabilities. The Act imposes obligations on employers not to discriminate against disabled employees but it is also realistic in its expectations on employers, providing advice and guidance on the areas of 'reasonable adjustments'.

- It will not always be obvious that an employee has a disability. An employee may have a disability for the purposes of the Act even if they are not registered as disabled.
- Remember that employees may not always disclose their disability – the Council cannot avoid liability under the Act simply because an employee has not explicitly disclosed the nature of their disability. The Council may be deemed to have knowledge of a disability because, for example, an employee's absence appears to be caused by a long term underlying medical condition or simply because the employee acts out of character at work.
- A disabled employee needs to be given additional considerations when monitoring their sickness absence (which may or may not be linked to their disability).

3. Sickness Reporting

Good communication between managers and their employees is vital, regardless of the employee's working status. Employees must be in no doubt about exactly what they have to do to report their sickness absence from the commencement of the absence.

Workplaces may have their own systems in place but these will follow council policy which states:-

- All employees, regardless of their working status, must report the absence to their manager on every day of absence. Only telephone calls or video calls are acceptable, (e.g. via Google Hangout or Facetime).
- They must provide a signed Fit Note if they are still absent on the eighth calendar day
- If still absent after two weeks, the manager must refer them to the occupational health department

Suggested questions for Managers to ask staff when they ring in sick:

Ask

- How they are feeling?
- If they have taken any medication and whether it was prescribed or not
- If they have seen or need to see their GP?
- Did they attend hospital (if applicable)?
- If they are doing anything to help themselves / alternative therapy?
- When they expect they will be well enough to return to work?
- If this is a condition they have suffered from before?
- If so how long does it usually last for?
- How long they have suffered from this?
- If there is anything that can be done to help whilst they are off?

Other points to watch out for: -

- A valid Fit note with no breaks that must cover the entire absence
- The employee may self-certify for calendar days one to seven only
- The medical certificate must state the actual reason for absence (not just 'ill' or 'unwell')
- Whenever possible employees must inform their manager if they believe the absence was as a result of an industrial incident to ensure the relevant documents are completed.
- Don't forget to ensure sickness returns are completed properly and timely. Incorrect information may result in sickness payments being made wrongly, the absence not recorded against the employees record, or disciplinary action being taken against you for failing to carry out your managerial responsibility

Uncertified sickness absence (**absences that are self certified**) may be withdrawn if it is considered inappropriate for individual employees; this would normally apply to those who do not follow the correct reporting in procedure, those with a history of poor attendance, a breach of the sickness rules, or those employees that are being taken through the Sickness Management Procedure.

Guidelines for conduct during sickness absence are in place, which all employees should follow whilst absent due to sickness. Basically, they remind employees that it is their responsibility to ensure that their return to work is not compromised by any action they take outside of work. The council also expects employees to follow the correct reporting procedures and to take up any exercise or treatment regime recommended by their medical practitioner to assist with their recovery.

If an employee submits a certificate from someone who is not a registered medical practitioner (Osteopaths, Chiropractors, Christian Scientists, Herbalists, Acupuncturists) then the certificate will only be accepted at the discretion of the council on the merits of the certificate. Advice may be sought from the Occupational Health Adviser.

A copy of all Fit Notes, hospital admission and discharge certificates must be made, they should be dated and signed and the original note or certificate returned to the employee. The copies must be scanned to payroll.

4. Issuing Formal Warnings

When carrying out the formal process for either the Short or Long term procedure, it is expected that a formal warning should be issued in all cases. However, there may be exceptional circumstances where a warning will not be issued.

Circumstances that will not be considered exceptional include but are not limited to:

- Wishing to avoid a difficult conversation or awkward situation
- Feeling sorry for the employee or
- Thinking that the act of merely arranging and attending a formal meeting is enough and has fulfilled the requirements of the policy

It is important to state that if a formal warning is not given, then this will prevent the manager moving through the formal process, resulting in the procedure being delayed. Also, this means that the absence issue is not actually dealt with; it is, in effect ignored resulting in employees being treated differently and the absence issue still affecting the team.

The important point is not to ignore these difficult issues. All managers must take responsibility for following the Attendance and Absence Management Policy consistently. This will in turn assist those employees who may need support and help. The service may be suffering due to inconsistency of delivery and this must be measured against the needs of the employee.

If you decide that, due to the evidence presented, no formal warning should be issued, you must inform the employee of your reasons for this by detailing them in the outcome letter. Evidence may include, but is not limited to:

- The employee declaring an underlying medical reason not previously known about
- The employee undergoing a form of treatment for an illness that is listed in the Equality Act 2010, and which subsequently affects their attendance; e.g. cancer; HIV infection; multiple sclerosis etc
- Taking a new type of medicine that is adversely affecting their ability to manage an existing illness; e.g. diabetes; asthma; mental health etc
- The employee declaring they are taking sickness absence due to childcare or other caring issues (this needs to be dealt with separately)

Advice is available to assist managers dealing with sickness cases from the HR Business Partners.

5. Return to Work Interviews

An important part of effective sickness management is the Return to Work Interview. Our policy states that every employee is seen on their return and formally taken through this process which informs both manager and employee. The council takes the WARM approach to these meetings:

Welcome – the employee back to work,

Absence – discuss the absence in detail,

Responsibility – ensure the employee understands that the absence is their responsibility,

Move On – discuss the future.

To ensure that the council is managing sickness absence effectively all absences, which continue for 2 weeks or more, should be referred to the Occupational Health Advisor. The council has a standard referral form, which should be completed by the line manager – who has the best

knowledge of the case. Those that are absent due to a stress related illness must be referred immediately.

When referring an employee to Occupational Health, please remind them that:

- They may not necessarily be seen by the OH Advisor – initial contact may take place over the telephone
- It is expected that employees will comply with reasonable requests from their employer and attend medicals if required
- Employees will remain under the care of the Occupational Health Advisor until the adviser believes their case is resolved or their employment ends.

It is likely that all managers will have to manage the absence of employees who take persistent intermittent sickness absence or those who are on long-term sickness absence. The management of short and long-term absence cases should be a partnership between the employee, their manager, the HR Business Partner and the council's occupational health service.

Please remember that:

- A disabled employee needs to be given additional considerations when monitoring their sickness absence (which may or may not be linked to their disability).
- It is absolutely vital that managers maintain contact with their employees throughout the period of the absence (unless medical advice says otherwise). Employees who feel neglected are likely to take longer to recover and hence delay their return to full fitness and work.

6. Short Term Absence Trigger Points

When an employee has reached a defined trigger point for the first time in a rolling 12 month period, they should be invited to a First Stage Formal Attendance Management meeting. The trigger points (as detailed in Section A paragraph 8 of the Attendance and Absence Management Policy) are as follows:-

- Three or more occasions of sickness absence
- 10 working days absence over 2 occasions (eg. 9+1, 8+2, 7+3, 6+4,5+5)
- Unacceptable patterns of absence.

Managers should note that an absence of a duration up to 6 continuous weeks of absence should be included when calculating if a trigger has been met. When an employee has been absent, or is expected to be absent, for more than 6 weeks, then managers should arrange a Stage 1 First Sickness Absence Meeting as detailed in the Long Term Absence Procedure.

7. Short Term Sickness Absence

When an employee has reached a defined trigger point for the first time in a rolling 12 month period, they should be invited to a First Stage Formal Attendance Management meeting. A Stage 1 STS Meeting template form should be used for this meeting, which can be found on Insite.

You may choose to meet with the employee during any live warnings to ensure that their health and attendance is improving. This will show them that you are monitoring their attendance and also wish to help and assist them to achieve an acceptable level of attendance.

Providing the employee has been issued with a First Written Warning at Stage 1, as soon as they reach a defined trigger point (whilst the warning is still live), then you should move onto Stage 2 of the process, and so on until all stages have been exhausted.

Please remember that some employees may not be open with you, and may not ask for help with their attendance until you start the formal attendance process. When they do talk to you, be supportive and consider what assistance they may need from Occupational Health or the Employee Assistance Programme.

If an employee is at Stage 2 of the formal attendance process, always remind them that their employment is at risk should their absences continue.

Remember

- Managers should continue to carry out return to work interviews following every absence, even where a meeting under the trigger point sickness procedure occurs

If at any time the manager believes that the sickness procedures are being abused then they should consider taking action under the disciplinary procedure.

8. Long Term Sickness Absence

The council defines long-term sick leave as absences of two weeks or more.

It may be that the medical practitioner has completed a Fit Note for the employee to present when returning that requests either a phased return to work and/or reduced duties or hours. The council, taking advice from its Occupational Health Adviser, will always consider such requests but phased returns are not an entitlement, and if agreed they will always be time limited. It is for you as the manager to decide if the phased return can be accommodated within your area, after completion of a Risk Assessment.

The formal process of managing long term sickness is designed to be followed step by step and different action needs to be taken at each stage. Any actions taken will be dependant totally on the individual circumstances of the case but could ultimately result in a meeting being held where termination of employment is considered. This dismissal is different to the permanent ill health termination outlined below. Providing employees are treated fairly and consistently then the process is designed to ensure the best possible outcome for the employee balanced against the needs of the service.

Stage 1

This stage should be arranged when the employee has been absent for 6 weeks, and starts the process of formally understanding the employee's illness and potential for returning to work. It also starts the process of potential termination of employment.

These meetings should always take place face to face, regardless of the employee's working status, at a location that is mutually convenient for both parties. However, caution should be exercised when arranging a meeting in a public location. Remember that anything that is discussed will be private and confidential so the location must be suitable.

A Stage 1 LTS Meeting template form should be used for this meeting, which can be found on Insite.

Stage 2

Under this stage, there may be more than one meeting, dependant on the nature of the employee's illness. You may remain at this stage if it is initially felt that the employee will be off work for a defined, reasonable period of time, and would be ready to return within, for example, two or three months. You may also need more time to review alternative employment, rehabilitation plans and any reasonable adjustments. Under these circumstances, you would continue to meet under this stage, however, be able to move to Stage 3 if the employee does not return to work as agreed; there are no suitable alternative roles; rehabilitation plans or reasonable adjustments that can be made.

Stage 3

This stage should only be arranged if all other avenues have been exhausted. Alternative roles and rehabilitation plans must always be explored before an employee's employment is terminated. As a result, it would be rare to end this stage with any outcome other than termination of employment.

Permanent Ill Health

There will be a very limited number of cases where the only option is termination of employment on the grounds of permanent ill health. The criteria for this is those employees who are permanently unfit to do their job efficiently on the basis of ill health or infirmity of the mind or body. It is only the council's Occupational Health Adviser who can make this declaration initially, which then has to be

accepted by an external adviser. Once this decision has been taken then normal dismissal procedures have to be applied.

Standard forms and standard letters are provided for managers and can be found on Insite.

9. Sick Pay Scheme

If the employee has complied fully with the Attendance and Absence Management Policy, the council will provide sick pay at the levels and for the periods outlined in the table below.

The sickness payment scheme is calculated on a *rolling year basis*. All sickness taken in the twelve months preceding each absence is deducted before the amount payable is calculated. Taking this into account, sickness payments currently are as follows: -

LENGTH OF SERVICE	SICK PAY PERIODS
Less than four months'	One month's full pay
Between four months and one year	One month's full pay and two month's half pay
During second year	Two months' full pay and two months' half pay
During third year	Four months' full pay and four months' half pay
During fourth and fifth year	Five months' full pay and five months' half pay
After five years' service	Six months' full pay and six months' half pay

Sickness pay important points to note: -

- It is not council policy to extend periods of paid sick leave
- Absence of less than half a day/shift = half day sick leave,
- Absence of more than half a day/shift = full day sick leave
- Definition of full pay may vary according to local payment schemes
- Absence as a result of an industrial incident is counted separately to other forms of sickness absence
- Sickness pay suspension may be appropriate in certain cases
- Sickness pay may be repayable if damages are subsequently paid to the recipient

10. Paid Time Off

Paid time off is usually given for hospital appointments of the employee themselves as the timing of such appointments is normally determined by the hospital.

- Wherever possible the council would expect that appointments were made outside of working hours
- Time off is not given for appointments relating to surgery or dentistry for cosmetic purposes
- Agreed time off should not usually be recorded as sick leave.
- Paid time off is not given for doctor or dentist appointments.

11. Employee taken ill during a period of annual leave

Where an employee falls sick or is injured while away from home on holiday, within or outside of the UK, the council will allow the employee to transfer to sick leave and take replacement holiday at a later time. This is subject to the following strict conditions:

- The total period of incapacity must be fully certified by a qualified medical practitioner
- The employee must contact the organisation (by telephone) as soon as he/she knows that there will be a period of incapacity during a holiday.
- The employee must submit a written request no later than 10 days after returning to work

setting out how much of the holiday period was affected by sickness and the amount of leave that the employee wishes to take at another time.

- Where the employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee was ill by way of either a medical certificate or proof of a claim on an insurance policy for medical treatment received at the overseas location. If the medical certificate is not printed in the English language then the employee will be expected to obtain a translation to ensure that it can be appropriately considered. Any translation costs or certification costs must be borne by the employee in full if they choose to request the leave be allocated back to them.

Where the employee fulfils all of the above conditions, the organisation will grant the employee the same number of days' replacement holiday leave as the number of holiday days lost due to sickness or injury.

12. Pre-booked annual leave during periods of certified sickness

If an employee is ill or is injured before the start of a period of planned holiday, and consequently unable to take the holiday, the council will agree to the employee postponing the holiday dates to another mutually agreed time. Any period of sickness absence will then be treated in accordance with the council's normal policy on sickness absence, providing medical certificates are in place to cover the absence.

The employee must submit a written request to postpone the planned holiday and this must be accompanied by a letter from his/her doctor confirming that he/she is unfit, or is still likely to be unfit, to take the holiday.

If an employee wishes to take the pre-booked period of leave as leave then they must provide a medical statement which states that the period of sickness is as at an end before the holiday starts.

13. Sickness on a Public/Bank Holiday

If a public or bank holiday occurs during sick leave the employee will continue to receive sick pay. Where an employee has exhausted his/her period of entitlement to sick pay, no payment will be made (other than SSP if applicable) in respect of a public or extra statutory holiday occurring during his/her period of sick leave.

14. Sickness during a period of suspension

If an employee falls sick during a period of suspension, he/she must notify the Investigating Officer or HR Business Partner by 10.00 a.m. on the first day of incapacity. The employee should be regarded as being on sick leave from the date of the medical statement. A medical certificate must cover all sickness during a period of suspension as there will be no entitlement to self-certified absence during a period of suspension. The council will meet the cost of any medical certificate if the medical practitioner imposes a charge.

Whilst off sick, the suspended employee must continue to observe the provisions of para 5.6 of the disciplinary procedure. The suspended employee may still be required to attend meetings with the investigating officer whilst off sick, but this will only be done following consultation with the council's occupational health adviser.

15. Annual Leave instead of sickness absence

Managers must not authorise annual leave to cover employees who need to take the occasional day off due to sickness. If employees are unfit for work then the day should be classed as a sickness day.

Should an employee's sickness absence fall into the long term category, consideration will be given to granting holiday during this long term sickness absence, should the employee request it via the normal holiday request procedure. At the Council's entire discretion, it may waive the need for the employee to comply with normal notice requirements or any other applicable Council policy.

If the employment is terminated before an employee returns from sick leave, he/she will receive a payment in lieu of any accrued but untaken statutory holiday entitlement.

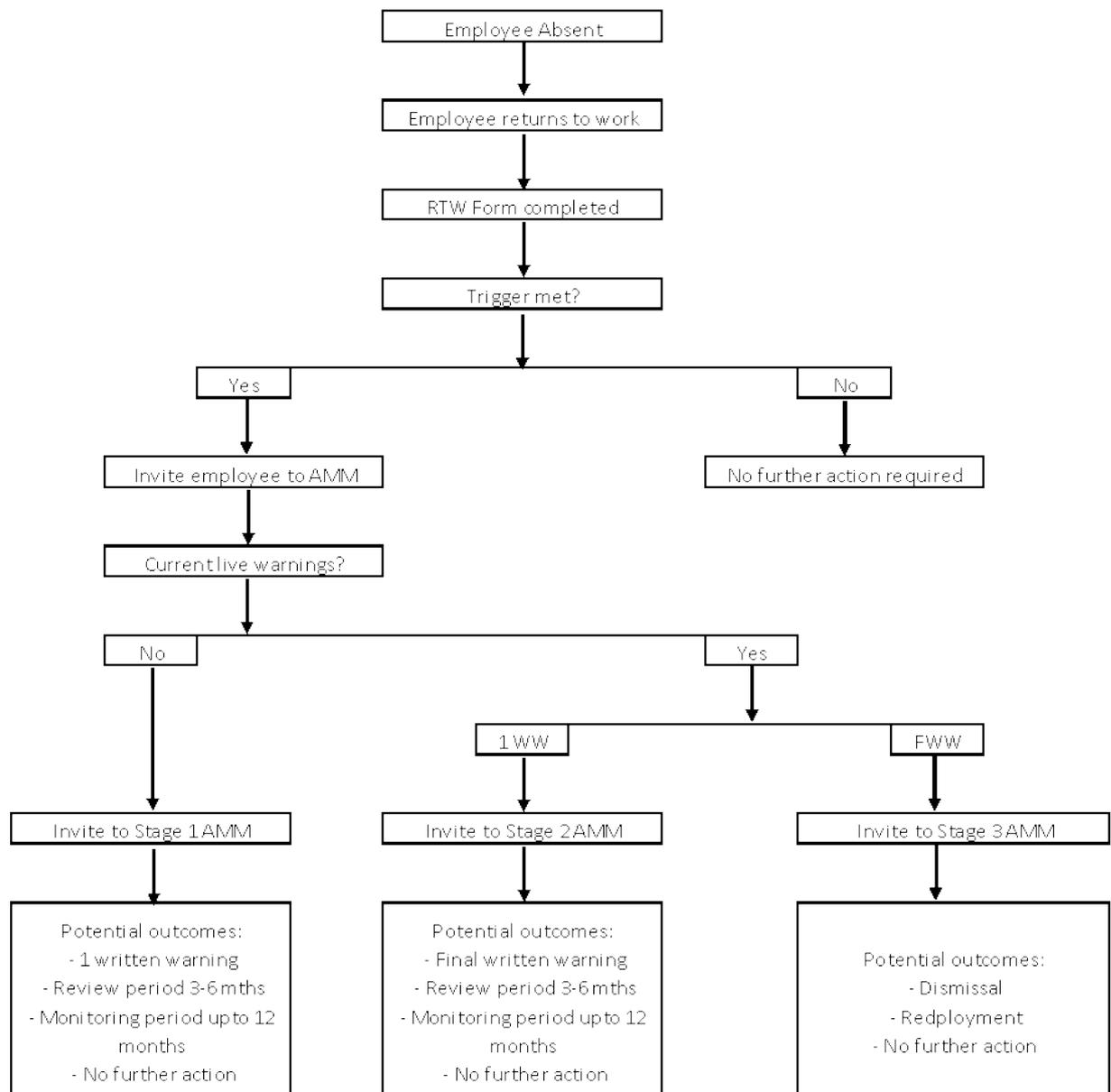
All employees must have the statutory leave each year under the working time regulations. Any employee who has taken below the statutory level will be able to carry over those days into the following leave year and take the days within 18 months. Bank holidays taken are included in the total. The contractual leave would not normally be in addition to the statutory leave.

16. Further Advice

- Your HR Business Partner can provide advice and guidance on all aspects of sickness management
- The occupational health unit can provide guidance on all medical matters
- The Attendance and Absence Management Policy provides detailed guidance on all areas outlined above
- For additional advice on stress management standards refer to:
www.hse.gov.uk/stress/standards/index.htm

17. Flow Charts

17.1 Short Term Absence

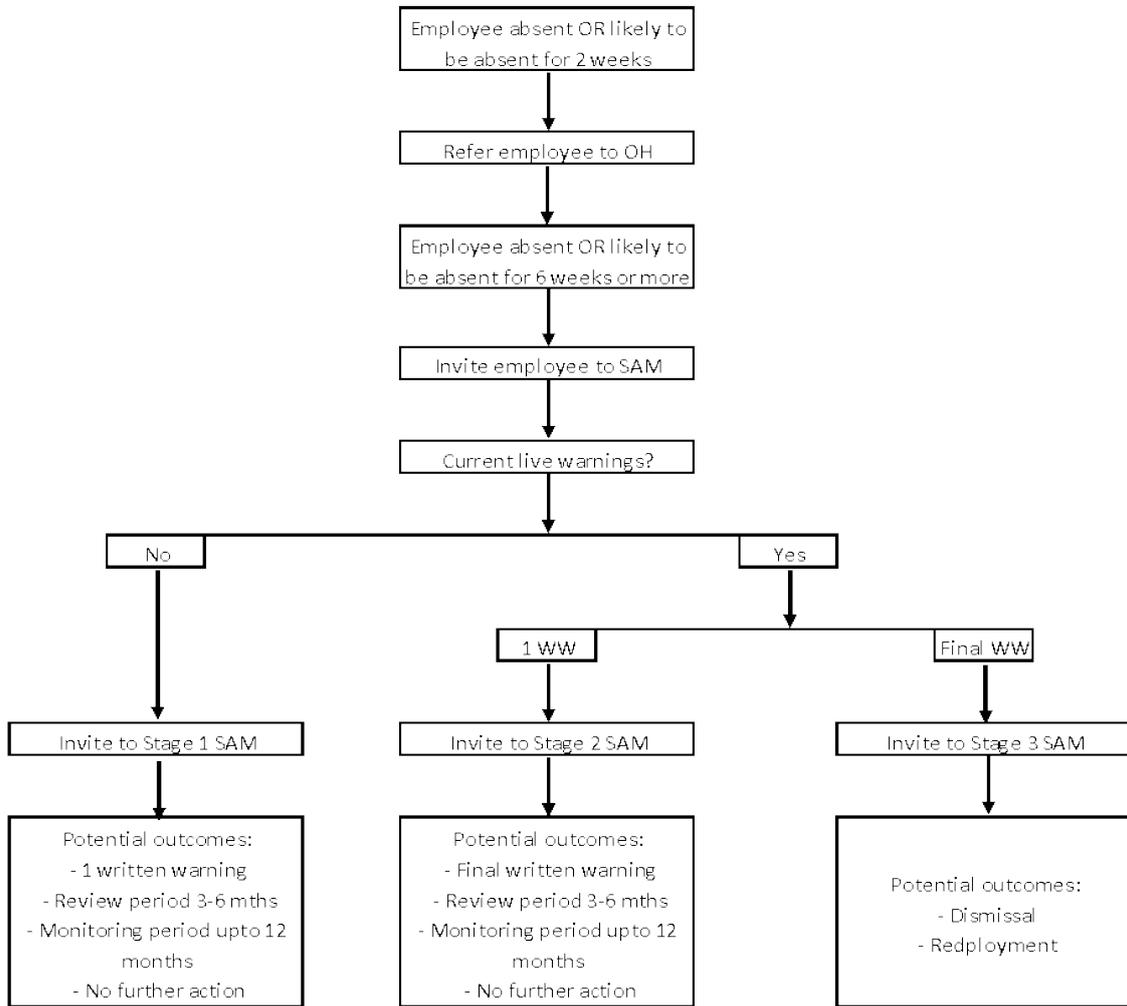


AMM - Attendance Management Meeting

WW - Written Warning

FWW - Final Written Warning

17.2 Long Term Absence



SAM - Sickness Absence Meeting
 WW - Written Warning

18. FAQs

The following FAQs may help and assist you find an answer to a query, however, you are also advised to seek support from your HR Business Partner.

When do I refer the employee to OH?

When an employee is off work for sickness absence for two continuous weeks and has not returned to work, you must refer them to OH.

If an employee is off work for a stress related illness, regardless of whether they have been signed off by their doctor, they must be referred to OH immediately.

How do I refer an employee to the Employee Assistance Programme?

Employees do not need to be referred to this service. It is a free 24 hour support service that the employee can contact directly by calling 0800 030 5182, and +44 161 836 9498 from outside the UK.

How do I know the employee has a disability?

The disability may not be obvious and the employee may not declare it to you. However, through your normal day to day conversations with the employee, they might have disclosed information that leads you to reasonably assume that the illness may be due to a disability.

My direct reports start work before me, who do they report to when absent due to sickness?

Employees could report any absences to the most senior person available under these circumstances. As the manager, it would be your responsibility to arrange a system that worked in your area, but that also adhered to the council policy.

Are weekends included when deciding when a Fit Note is required?

Weekends are included. On the eighth calendar day, an employee must provide a Fit Note to cover their absence.

The employee refuses to call me or allow me to contact them during their absence.

While some managers may, understandably, feel uneasy about the notion of contacting an employee who is off sick, from the employee's perspective this may be vital for his or her wellbeing and confidence, to avoid isolation and maintain a link with his or her "normal" life.

It will be very important to make sure that no pressure of any kind is put on the employee, and that he or she understands that the purpose of the contact is to keep in touch, provide support and, at a later stage, properly manage the rehabilitation process. Provided that contact is maintained using a sensitive and non-intrusive approach, it can act to prevent the employee from feeling unwanted and undervalued while absent from work.

A record of any attempt to contact the employee should be kept; the information you should log would include the date and time of contact; if a message was left; the content of the message or of any conversation had with the employee.

Ultimately, if the employee refuses all contact during their absence, any decisions can only be made on the information you hold at the time.

The employee refuses to attend an attendance management meeting

If an employee refuses to attend a meeting, a suitable alternative date and location should be offered to them. If they still refuse to attend, then the meeting should take place without them and any decisions then based on the information to hand. You should offer the employee an opportunity to submit their comments in written form for you to consider at the meeting.

If a warning is not live, do we have to start the formal process at the beginning?

Not necessarily. Please speak with your HR Business Partner for further advice on a case by case basis.

How do I know if a phased return to work is suitable?

The OH advisor will advise you on whether a phased return to work is a suitable option, and will, with agreement with you and the employee, decide how best to accommodate it in the workplace.

Phased returns are not an entitlement, and may not be suitable in all cases.

Can an employee be dismissed without looking at alternative roles?

You have a legal requirement to explore if alternative roles, rehabilitation plans and reasonable adjustments can be accommodated before any dismissal takes place. Only when these avenues have been exhausted, can a dismissal take place.

Can an employee book holiday instead of having a few days off for a short term illness such as a cold?

If an employee is unwell, then the absence should be reported as a sickness absence and the employee given time to recover before returning to work, regardless of their agile working status.

What policy do I follow when the employee is not performing their job to the agreed standards?

If the employee is not performing their job to agreed standards, or is willfully underperforming, then you should follow the Capability Policy.

If the underperformance is as a result of an illness, then you should speak with the employee and, dependant on the outcome of the conversation, consider referring them to Occupational Health.

What process do I follow when the employee is off work intermittently?

If the absence is intermittent, then you should follow the Short Term Absence Procedure.

I have just realised that an employee has been off work for more than 7 continuous weeks, what do I do?

You should follow the Long Term Absence Procedure and ensure the employee is referred to OH as soon as possible.

The employee has returned to work after being off for 3 continuous weeks, does this hit a trigger?

If this is the employee's first period of absence, then no trigger would be met. If it is their third period of absence; or their second period of absence of 10 days or more; or forms part of an unacceptable pattern, then this does meet a trigger and the short term absence procedure should be followed.

The employee has raised a grievance whilst going through the absence management procedure, what do I do?

Where an employee raises a grievance during the absence management process, the sickness process may be temporarily suspended in order to deal with the grievance.

Where an absence management meeting triggers a disciplinary investigation the absence process may be temporarily suspended in order to deal with the disciplinary matter.

In any circumstance where both the procedures apply in relation to the same facts it may be appropriate to deal with both matters together.

I've been told I can't take any action if the employee is disabled, is this true?

If an employee is registered disabled, then any absences will be taken into account for both short term and long term reasons. Reasonable adjustments must be considered both to the employee's working environment and equipment, and the triggers may be amended accordingly. However, despite the sensitivity of the disability or individual personal thoughts, we have to consider the impact on the service delivery and other staff members. Ultimately, a disabled employee may be dismissed, but only after fully exploring any reasonable adjustments that may be implemented.

How should phased returns be recorded

When an employee is on a phased return to work, their attendance should be recorded as per the example below. Please remember that the payroll record is updated to reflect the hours that they are still on sick leave, so absence returns should reflect the time they are and are not working.

Example:

The employee normally works Monday to Friday 9am – 5pm.

On the phased return to work, they work Monday to Friday 9 am-12 noon

The afternoon would be recorded as sick and they would receive half normal basic pay plus half day at sick pay based on the entitlement they had remaining.

Should hospital appointments count towards sickness absence?

Paid time off is usually given for hospital appointments as the timing of such appointments is normally determined by the hospital.

What is the difference between a review period and a monitoring period?

Review period - an agreed timeframe before a meeting is held between manager and employee to focus and concentrate on the employee's attendance and wellbeing. The manager should use this to ensure the employee is feeling well, and any adjustments or the phased return plan is still appropriate.

Monitoring period - an agreed timeframe during which further absences count towards trigger points and means attendance is being constantly reviewed and monitored. This may result for example in referral to OH or formal action.

Can warnings from Short Term Absence be combined with warnings from Long Term Absence?

Warnings can not be combined because these are two separate processes.

PROBATION POLICY

1. Purpose

The purpose of this Policy and the [Probation Procedure](#) is to provide a basis for the effective management of new employees during their probationary period. This includes where there is unsatisfactory performance during the probationary period.

This policy does not form part of any employee's contract of employment. It may be amended from time to time.

2. Scope

This policy applies to all City Council employees as far as possible, except where there is a specific local agreement, or a clause within the contract of employment, which is at variance with the provisions as contained within the NJC agreement. A different procedure may be necessary for certain employees, e.g. those based in schools and who are subject to procedures involving Governing Bodies. Schools are strongly advised to adopt the principles of this procedure for non-teaching staff.

3. Key principles

- All newly appointed employees will be subject to a probation period.
- Appointments 'subject to a probation period' are made with a view to permanency.
- The probation period provides an important opportunity for the newly appointed employee to familiarise themselves with the requirements of their role and to objectively assess with their line manager whether they can be adequately satisfied.
- Line managers will meet with newly appointed employees as soon as possible after the commencement of their employment in order to confirm the standards of performance expected and the way in which this will be evaluated during the probation period.
- Line managers will continue to provide appropriate support throughout the probation or extended probation period to assist the newly appointed employee in achieving the required standards of their role.
- A maximum one month's notice will apply for both employee and employer during the probation period (unless the statutory notice period is longer, or the misconduct is considered gross misconduct thereby warranting dismissal without notice).
- Matters of attendance, capability and conduct will be dealt with under this Policy and the [Probation Procedure](#). No other Policy or Procedure will apply.

4. Further information

This Policy should be read in conjunction with the [Probation Procedure](#).

Appendix 5



Probation Procedure

These guidelines are to provide helpful information to assist the management of probationary periods and are not intended to amount to legal advice.

1. Introduction

This Procedure should be read in conjunction with the [Probation Policy](#).

2. Definitions

Newly Appointed Employees

Includes all new recruits including those joining with continuous service from another local authority or associated employer.¹

It does not include existing staff transferring into new roles (including secondments) who have previously completed a period of probation with Peterborough City Council.

Probation Period

Will unless otherwise and expressly agreed be a period of six calendar months beginning on the newly appointed employee's start date.

Extended Probation Period

Will be any period of probation extending beyond 6 months. An extended probation period must not extend beyond 11 months from the newly appointed employee's start date

Performance

Includes matters relating to attendance, capability and conduct.

3. Monitoring and Support

Newly appointed employees will receive feedback on their performance during 1:1 Review meetings with their line manager, using the Probation Review Meetings Form (PRM). The timings of these meetings will be as agreed between the manager and employee, however, should take place at least once a month during the probation period.

If minor performance issues arise the line manager should inform the newly appointed employee and attempt to alleviate the problem at an early stage. Any issues should be detailed in the PRM Form and an improvement plan agreed.

Where reasonable and if required additional support and/or training will be given to assist the newly appointed employee in achieving an acceptable level of performance.

1:1 Review Meetings should continue throughout the probation period, regardless of whether any performance issues have been identified. Where performance issues persist beyond the fourth 1:1 Review Meeting, the manager should meet with the employee, and termination of the employees contract should be considered in line with paragraph 6 of the probation procedure.

4. Performance Issues

¹ for a list of associated employers refer to the Redundancy Payments Modification Order (Local Government) 1983 (as amended).

Where the employee is rated as 1 or 2 at the 1:1 review meeting this clearly means that the required standards are not being met in any circumstances.

The line manager should discuss the areas of concern with the newly appointed employee and put in place an agreed improvement plan. A record of this shall be kept on the PRM Form, a copy should be given to the employee and scanned to the relevant HR Business Partner.

Where the actions agreed in the improvement plan cannot be achieved within the probation period the line manager should consider setting an extended probation period.

The line manager will confirm the improvement plan in writing to the newly appointed employee and will include the following information:

- A summary of the performance issues identified;
- Confirmation of the actions agreed to achieve satisfactory standards of performance;
- The timescale within which actions should be completed and performance levels improved;
- Confirmation of any extended probation period; and
- Confirmation of the date and time of the next 1:1 Review Meeting
- Consequences of not reaching the agreed standards

The line manager will continue to monitor the newly appointed employee's performance to ensure compliance with the improvement plan.

At the conclusion of the improvement plan and where performance levels have been improved the newly appointed employee should be informed of this. The line manager should continue to monitor progress and provide support and where performance levels are maintained throughout the probation or extended probation period, line managers should confirm the newly appointed employee's appointment.

In circumstances where performance remains unsatisfactory or the improvement plan is not complied with, a meeting should be organised in line with paragraph 6 of this probation procedure.

5. Sickness absence during a probation period

On the first and every subsequent day of absence, the employee must inform their line manager of their absence, by telephone, no later than their normal starting time.

Departments may instigate a separate local agreement that states the daily reporting times, depending on service need.

To allow a meaningful two way dialogue, only telephone calls or video calls are acceptable, (e.g. via Google Hangout or Facetime). The telephone or video call should be made by the employee themselves – only in extenuating circumstances will a call be accepted by another party.

The employee should give details of the nature of their illness/incapacity (i.e. migraine; chest infection etc.); whether they will be seeking medical attention; whether the illness is due to an accident at work and some indication of when they will be able to return to work.

Any delay in notification or failure to notify will require further explanation. Should the reason be deemed unacceptable, this may result in loss of entitlement to sick pay and/or termination of employment.

Communication will be maintained with the employee throughout the absence, which may be in the form of telephone conversations, face to face meetings, or Google Hangout or Facetime Video call, whichever is most appropriate, unless medical evidence prevents this from happening.

All employees who are absent (or likely to be absent) for two weeks or more, may be referred to

the occupational health service.

Employees who are absent due to a stress related illness, should be referred to Occupational Health as soon as their line manager has been informed that they are absent and this is the reason for the absence.

In operating this policy, the Council may, at any time, ask an employee to consent to a medical examination carried out by an external medical practitioner nominated by the Council.

If such a request is made, the employee will be asked to agree that any report produced in connection with any such examination may be disclosed to the Council, and that the Council may discuss the contents of the report with our advisers and the relevant doctor.

If an employee refuses to attend appointments or allow access to their medical records, then they will be informed that the council will have no option but to take decisions based on the information it has to hand.

To enable the manager to properly monitor the employee's performance, the probation period shall be extended by the same period of absence taken if the absence is over five working days, upto a maximum of six weeks. Should the absence last longer than this, paragraph 6 of this procedure should be implemented, and permission to obtain a medical report may be sought.

6. Termination of Employment

If an employee's performance while on probation has been unsatisfactory, and it is thought unlikely that further training or support would lead to a satisfactory level of improvement, or if after investigation, the issues identified are sufficiently serious or considered gross misconduct, the employment may be terminated.

Where this decision is taken, the employee must be invited to a meeting. The newly appointed employee should be sent a letter dealing with the following matters:

- the date, time and venue;
- the right to be accompanied;
- details of the way in which their performance has fallen short of required standards with reference where applicable to the improvement plan; and
- confirmation of the possible outcomes of the meeting.

If the newly appointed employee or their companion is unable to attend the meeting they must notify the line manager as soon as possible. They should be asked to suggest an alternative date so long as it is reasonable and unless exceptional circumstances exist not more than 1 calendar week after the original date proposed.

The newly appointed employee and/or their companion (if any) should make every effort to attend the meeting.

Meetings will not be delayed beyond the probation period or where applicable the extended probation period.

An HR Business Partner must be present at these meetings unless it is agreed by the HR Business Partner, in discussion with the line manager, that their attendance is not required.

The line manager will confirm the outcome to the newly appointed employee in writing. The following information should be included:

- Confirmation of the decision and the reasons for making that decision.
- Where employment is terminated, confirmation of the newly appointed employee's last date of employment taking into account any relevant period of notice.

7. Successful Completion of Probation

Required standards will be met in any circumstances where the newly appointed employee achieves level 3 or above in all areas.

Line managers should use the [Probation Checklist](#) and PRM Form, available on the intranet, to complete the performance review. The Probation Checklist and PRM Form should then be sent to HR Business Support, who will confirm, via letter to the employee, that they have passed their probation period.

8. Right to be Accompanied

Newly appointed employees may bring a companion to any meeting held under paragraph 6 of this procedure. The companion may be a trade union representative or a colleague.

The line manager may at their discretion allow the newly appointed employee to bring a companion who is not a colleague or trade union representative if this will help overcome a disability or difficulties in understanding English.

Companions may make representations and ask questions but should not answer questions on the newly appointed employee's behalf. The newly appointed employee may talk privately with their companion at any time.

Acting as a companion is voluntary and no employee is required to fulfil this role unless they are happy to do so.

If the newly appointed employee's choice of companion is unreasonable they may be asked to choose someone else for example:

- If there is a conflict of interest or the companion's attendance that may prejudice the Meeting; or
- If the companion's unavailability will undermine the line manager's ability to call a meeting within required time frames unless exceptional circumstances exist.

9. Appeals

Employees have the right of appeal where employment is terminated during, or at the end of the probation period. Appeals must be put in writing to the line manager within one calendar week of receipt of the letter advising on the termination. The appeal letter must include the reasons for lodging the appeal.

The employee's line manager will make arrangements for the appeal to be heard by a senior manager or Head of Service as soon as is reasonably practical on receiving the letter, and will remind the employee of their right to be accompanied by a work colleague or Trade Union Representative. A member of the HR team will be present at the appeal hearing.

The employee will be given an opportunity to state their case at the meeting. The meeting will adjourn for the decision maker to consider their decision and the outcome will be confirmed in writing. The employee will be advised that the outcome is final.

10. Document Retention

The line manager should keep a record of 1:1 Review Meetings using the PRM Form and any associated correspondence, and should forward copies of these to HR Support. Any such correspondence should be labelled for the attention of the relevant HR Business Partner for the service area and marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the Council's records

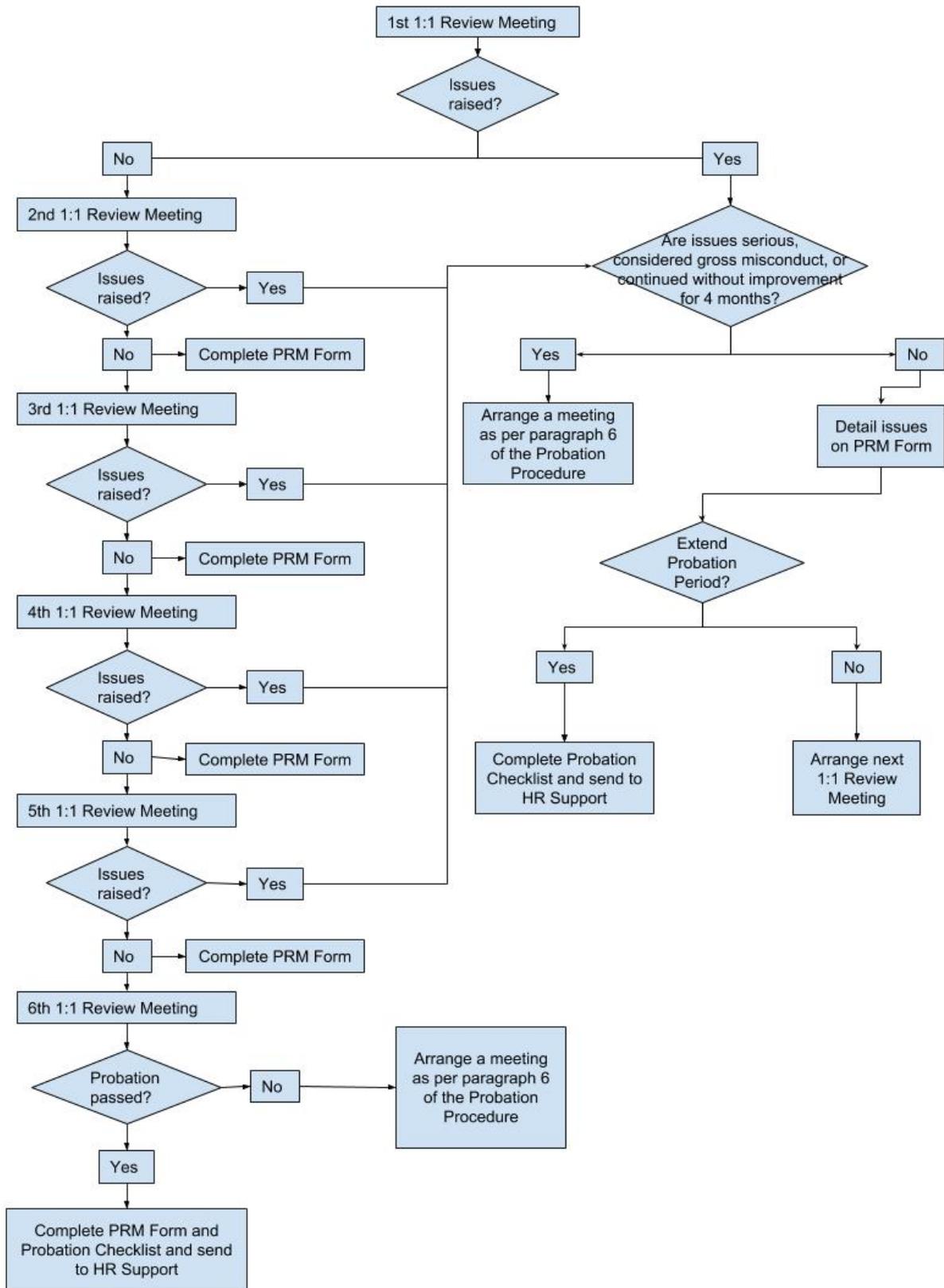
retention and management policies.

11. Further information

For further advice and/or template letters please discuss with the HR Business Partner for your service area.

12. Flow Chart

A flow chart showing the probation process can be viewed on page 6 of this guidance document.



PROBATION REVIEW MEETING FORM



This form should be used to document the outcome of **all** meetings that are held during the Probation Period of an employee. It should be used in conjunction with the Probation Policy, Probation Procedure and Probation Checklist.

Employee Name:	
Employee Number:	<input type="text"/>
Job Title:	
Start Date:	
Manager Name:	
Directorate:	
Service:	
Team:	

Please note:

1:1 Meetings should be carried out throughout the probation period, at least on a monthly basis. If these are carried out on a more frequent basis, add additional tables to reflect this.

1:1 REVIEW MEETINGS

1:1 REVIEW MEETING ONE

Date of review meeting:		Name of manager chairing review meeting:	
5 = Consistently exceeds expectations 4 = Regularly exceeds expectations 3 = Meets expectations 2 = Marginally below expectations 1 = Significantly below expectations			
Performance against job description			
Quality and accuracy of work			
Attendance			
Time keeping			
Work relationships (teamwork, attitude to work and colleagues, interpersonal and communication skills)			
Conduct (note the allegation, supporting evidence/facts and whether it is a misconduct/gross misconduct issue)			
Other comments:			

If the employee has been rated at 2 or below, please complete the table below. If the issues identified are regarded as serious/gross incompetence, arrange for a meeting to take place in line with the Probation Procedure Paragraph 6.

What needs to be improved? (Set out the issue and what standard/needs to be achieved to improve)	How will it be improved? (Set out what the employee needs to do to improve)	What support will be given to make the improvement? (Set out what support you will give the employee to help them improve)	When will the improvement be made by? (Set out the date when this plan will be reviewed)

Name of employee:	Signature of employee:
Name of Manager:	Signature of manager:

1:1 REVIEW MEETING TWO

Date of review meeting:		Name of manager chairing review meeting:	
<p>5 = Consistently exceeds expectations 4 = Regularly exceeds expectations 3 = Meets expectations 2 = Marginally below expectations 1 = Significantly below expectations</p>			
Performance against job description			
Quality and accuracy of work			
Attendance			
Time keeping			
Work relationships (teamwork, attitude to work and colleagues, interpersonal and communication skills)			
Conduct (note the allegation, supporting evidence/facts and whether it is a misconduct/gross misconduct issue)			
Other comments:			
Have the performance issues raised in 1:1 Review Meeting One been resolved? Yes / No / Not applicable			

If the employee has been rated at 2 or below or the performance issues previously highlighted have not been resolved, please complete the table below. If the issues identified are regarded as serious/gross incompetence, arrange for a meeting to take place in line with the Probation Procedure Paragraph 6.

What needs to be improved? (Set out the issue and what standard/needs to be achieved to improve)	How will it be improved? (Set out what the employee needs to do to improve)	What support will be given to make the improvement? (Set out what support you will give the employee to help them improve)	When will the improvement be made by? (Set out the date when this plan will be reviewed)

Name of employee:	Signature of employee:
Name of Manager:	Signature of manager:

Each meeting review form remains the same as previous pages, until the sixth meeting

1:1 REVIEW MEETING SIX - Final Probation Review Meeting

Date of review meeting:	Name of manager chairing review meeting:
5 = Consistently exceeds expectations 4 = Regularly exceeds expectations 3 = Meets expectations 2 = Marginally below expectations 1 = Significantly below expectations	
Performance against job description	
Quality and accuracy of work	
Attendance	
Time keeping	
Work relationships (teamwork, attitude to work and colleagues, interpersonal and communication skills)	
Conduct (note the allegation, supporting evidence/facts and whether it is a misconduct/gross misconduct issue)	
Other comments:	

Has the employee successfully passed their probation period?	Yes / No
Date Probation Checklist Form completed	

Name of employee:	Signature of employee:
Name of Manager:	Signature of manager:

Please note:

This document should be sent to HR|Support along with the completed Probation Checklist Form.