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1. Introduction

We value the contribution our employees make in delivering high quality, efficient services. When an employee is unable to be at work for any reason, we miss that contribution and we need to balance the functional needs of the services whilst recognising that health concerns can and do arise.

We are committed to improving the health, wellbeing and attendance of all employees by offering access to support and guidance where appropriate.

This procedure outlines the attendance management process. It is designed to inform you, as an employee or as a manager, of the responsibilities and expectations placed on you relating to absence and the processes associated with managing absence.

Scope

The following procedural guidance applies to single-status and craft employees.

Please note: Where **See** and a document title **and** reference number are listed, please go to the intranet and search for the document reference number. If no document reference number is listed, look for the topic title under the HR Hub.

2. Preventing and Limiting Long Term Absence

Early intervention and support from managers is essential in the attendance management process. By initiating the attendance management process early managers can influence the length of absence or even prevent absence through implementing workplace adjustments or for example a stress risk assessment to enable the employee to remain at work.

For some illnesses, conditions and disabilities, it is appropriate to start managing the absence early. This can be considered upon receipt of the first fit note, or even before this, if enough information is established through conversations with the employee. These can include:

- Stress (personal and work related)
- Back and musculoskeletal conditions
- Serious / terminal illness (Occupational Health referral can be fast tracked in this instance)

See OH17 Employee Stress Questionnaire

If an employee is experiencing any of the above, a referral to Occupational Health (including physiotherapy) at the earliest opportunity may be suitable following a discussion with the employee. This could greatly benefit the employee and their manager in terms of managing (potential) absence. Where stress is identified, the employee stress questionnaire and action plan should be completed by the employee and manager prior to an Occupational Health referral.

3. Responsibilities

Employee

You are expected to attend work unless prevented by sickness or authorised absence. Sick leave may only be utilised when you are actually sick - other forms of leave are available to cover a variety of different situations.

See Appendix 1: Summary of Absence Types and Entitlements
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See LV01 Special Leave Policy

In addition, your responsibilities include:

- Reporting sickness absence in line with reporting procedures.
- Ending absence upon returning to work via the available system (if able to do so).
- Discussing the impact of relevant health concerns with your line manager in line with reporting procedures.
- Discussing any work issues that you think may be contributing to your ill health with your manager.
- Maintaining contact during periods of absence.
- Providing fit notes as required, in line with acceptable timescales detailed below.
- Attending meetings in line with this procedure.
- Attending appointments made by your manager e.g. Occupational Health, Employee Counselling or Physiotherapy.
- Keeping your contact details, including mobile phone number and home address, up to date.

If you are absent due to sickness, the HR Guide on When You Are Absent (AM51) details the steps you need to follow regarding notification, certification and returning to work.

The following table gives an overview of what is required, and when, during an absence:

Timescale (includes non-working days and weekends)	Action
1 st day of absence	Phone your manager before you normally start work unless you have been told of alternative or additional local reporting arrangements (including any Critical Contact requirements). You will be asked for your reason for absence and likely length of absence. Your manager may call you (the same day or on another day) to ask how you are doing and offer support.
4 th day of absence	Contact your line manager directly, advising them of your intended return to work date or provide an update. You should call even if there is no expected return to work date at this point.
7 th day of absence	You should agree and keep to a regular contact schedule with your line manager if your absence will extend beyond this day, informing them of any developments that could affect you returning to work.
8 th day of absence	You are required to submit a Fit Note (issued by your GP or other Healthcare Profession) or a MED10 form from hospital to cover absence from this day onwards.
Ending your absence on Return to Work (within 5 working days of returning to work)	You are responsible for ending your absence via the self-service system if you have access to do so. Any workplace adjustments discussed and agreed with your manager, enabling you to return should be in place or in the process of being implemented.

Please note:

1. If you fail to follow the detailed steps when absent due to sickness, your entitlement to payment of sickness allowances may be lost and disciplinary action may result.
2. Abuse of the sickness scheme will be dealt with under the Disciplinary Policy & Procedure.

Manager

You are expected to be proactive in your approach to preventing absence where possible and appropriately managing absence when it occurs. This includes discussing the impact of work-related and other health concerns, including both physical and mental wellbeing with employees whilst at work or during/after an absence.

In addition, your responsibilities include:

- Ensuring all employees under your line management, are aware of the Attendance Management Policy and Procedure, their responsibilities and the consequences of not following this procedure. This should form part of any new supervisor's induction. If you don't know whether managing attendance is your responsibility or not then contact your own manager to find out.
- Ensuring that employees are aware of how to notify and certify absences and that procedures are followed. This includes making sure employees have a current contact number for you and are clear about local reporting rules.
- Making sure the employee notifies you on their first day of absence and follows any local rules.
- Entering required details to the Employee Information system if the employee cannot.
- Following any service Critical Contact notification requirements.
- Approaching absence issues with confidentiality and sensitivity, considering the nature of an employee's illness.
- Enquiring about work concerns during one-to-one's and undertaking a stress questionnaire with your employee where work-related stress is identified at an early stage.
- Advising on the range of leave options available (e.g. compassionate leave, parental leave, etc.) when a personal crisis happens.
- Potentially limiting the length of absence by discussing with the employee at the earliest opportunity (initial notification call or follow up) the reasons for absence, allowing you to identify appropriate supports and/or adjustments, including referrals for medical advice through our Occupational Health Provider, Employee Counselling and/or Physiotherapy and undertaking action quickly in accordance with the outcome of these referrals.
- Managing employee's sickness absence promptly; including monitoring and recording your team's absence levels, ending sickness absence (where required), holding and recording Return to Work health discussions, taking appropriate action when trigger levels have been breached and following stages of the attendance management procedure.
- Always record key discussions, agreements and adjustments using the appropriate forms, add to the appropriate electronic employee information

system and ensure these records are up to date and accurate for all employees you are responsible for.

- Initiating and maintaining contact with absent employees directly (or via an appropriate representative), as agreed with the employee, to discuss their wellbeing, expected length of continued absence and any other work matters that require attention in their absence.
- Seeking appropriate support and undertaking actions identified through meetings with employees.
- Keeping up to date about available employee supports.
- Be familiar and apply with time frames covered in long- and short-term absence.
- Ensuring line or central management is kept informed at all stages in Attendance Management process in accordance with Service requirements.

See AM11 How to Notification & Certification

See AM16 How to Occupational Health Referrals

See Employee Counselling Service

See E-learning for Sickness Absence Reporting

See WB01 Supporting Mental Wellbeing at Work Policy

See WB11 Supporting Mental Wellbeing at Work Manager Guide

See Information on Talking Points

See Managing Stress in the Workplace documentation including stress risk assessment and action plan templates

See AM67 Health Conversation Record and Action Plan

See Workplace Adjustment Passport

4. Contact During Absence

It is the responsibility of both the line manager and employee to ensure regular contact occurs during a period of absence. The appropriate method and frequency of contact should be agreed early in the absence and reviewed periodically.

Maintaining contact is particularly important when an absence becomes extended. As mentioned in Section 3 above, managers must maintain contact with absent employees, both by agreeing when the employee should be in touch and by making contact himself or herself or via an agreed management representative as appropriate.

Contact can be through telephone calls, emails or letters as agreed by the line manager and the employee.

Contact may also be agreed through a 3rd party where appropriate and the employee gives their consent.

There are times when a face to face discussion is appropriate. Discussions can be held at the employee's place of work or another suitable office/establishment. Discussions can be held in the employee's own home but only with the employee's agreement.

The line manager should keep a record of discussions held at each instance of contact and add this to the appropriate electronic employee information system.

5. Return to Work Health Discussion

The purpose of a Return to Work (RTW) health discussion between a manager and an employee is to confirm the employee is fit to return to work and there is adequate support in place upon return to ensure the employee is likely to remain at work.

If relevant, the notification and certification procedures can be reiterated during this discussion and the importance of good attendance emphasised. If trigger levels have been breached or the pattern of absence or reasons for absence is becoming a cause for concern, it may be necessary to hold a longer, more comprehensive return to work to explore any underlying issues. In this case, it can be used to indicate the manager's concern and interest in the welfare of the employee and to discuss whether further support is appropriate. It should also be used to discuss whether further support is appropriate.

It should also be used to confirm trigger levels and explain that breaching them would normally result in formal action being taken.

When an employee is absent due to sickness for three months or more, the line manager must reduce their annual leave. The First Contact offering should be used to request abatement calculations - Services > People and Pay > Me and Pay > Abatement Request

See AM12 How to Return to Work

Where workplace adjustments cannot be accommodated by the service or are not reasonable to the role the employee performs, other options should be explored. These can be discussed with HR.

6. Managing Absence

Fife Council moves to managing sickness absence through our Attendance Management procedures when:

- Trigger levels have been breached or there are other concerns about absence, such as identified patterns in sick days.

OR

- It is deemed reasonable and appropriate, for example if an employee has a long-term absence with no anticipated return to work date.

6.1 Disability

If an employee considers themselves disabled or has condition that could be considered a disability then reasonable adjustments must be considered to support those with disabilities, physical or mental health conditions.

The Equality Act 2010 defines a disability as a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on a person's ability to do normal daily activities.

- 'substantial' is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed
- 'long-term' means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection
- 'has the potential to become longer term, e.g. depression

There are special rules about recurring or fluctuating conditions, e.g. arthritis which might only occur sporadically or for short periods but can still qualify as impairments for the purposes of the Act, in respect of the meaning of 'long-term'. An employee's disability may have an impact on their absence therefore Occupational Health advice may be useful to inform further management actions.

For employees who are off work on a regular basis due to treatments for their illness (e.g. cancer, serious digestive conditions), agree what the options are for working arrangements and follow up communication. For example, undertake joint return-to-work planning with the employee, ease the handover of work, and look at possible short-term alternative duties.

6.2 Frequent Absence

Sickness absence that breaches a Council specific trigger level must be managed. A trigger level is the point at which absence cannot be sustained by the service and initiates formal management action, normally starting with a Stage A Attendance Hearing and progressing through to Stage B and then to Capability if triggers continue to be breached.

Fife Council's agreed **trigger levels** are:

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Attendance Management

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- **Three occasions of absence** (of any duration) in a **rolling 12-month period**.
- **Two occasions** each of **two calendar weeks** or more in a **rolling 12-month period**.

Action may also be taken if there are any identified patterns of absence.

Absence for employees with less than one year's service will be assessed on a pro-rata basis.

Application of Attendance Management Procedure for Frequent Absence

If an employee breaches a trigger level, or there are concerns around patterns of absence, the Attendance Management Procedure should be initiated. There are two formal stages, always beginning with a Stage A, before a Capability Hearing is held. These are referred to as Stage A and Stage B, each of which is live for a period of 12 consecutive months. During this live period, the employee's attendance is closely monitored and, if their absence frequency breaches a trigger level, the next level of hearing is arranged.

General

- At each formal stage in the procedure, the employee is entitled to be represented by a work colleague or Trade Union representative.
- Employees should be given adequate notification of a hearing (normally 5 working days) and have access to relevant documents.
- A note of each hearing should be kept, and a copy given to the employee along with the relevant letter prepared and sent by the Chair. This letter will also detail the employee's right of appeal at each stage of the process.
- All documentation should be placed in the appropriate electronic employee information system.

Stage A

- Formal hearing for which the manager must give five working days' notice.
- Employee must have access to any relevant papers that will be referred to, such as their absence record.
- Discussion during this hearing should identify whether there are any underlying causes for absence and the appropriate support mechanisms to help the employee return to an acceptable level of attendance.
- Stage A is live for a period of 12 months from the date of the Hearing. Only absences occurring during the 12 month monitoring period will count towards the trigger levels, with the employee being reminded at any return to work discussions of the consequence if a trigger level is eventually breached.
- A review meeting should be set for six months' time to discuss any potential issues.
- If a trigger level *is* breached during the period of the live Stage A, advise the employee and start the process necessary for a Stage B Hearing to take place.
- If by the end of the 12-month period, a trigger level has not been breached then the Stage A expires and normal attendance monitoring should take place.

Stage B

- Stage B is chaired by a more senior manager than Stage A. The same points apply to Stage B in terms of five working days' notice to the employee, access to relevant papers etc. This hearing should follow the same sequence of events as Stage A.
- Stage B is live for a period of 12 months from the date of the Stage B Hearing.
- Only absences that occur during that 12-month period will count towards the trigger levels.
- A review meeting should be set for six months' time to discuss any potential issues.
- If there is an absence during the monitoring period, it should be treated as any other absence, but the employee should be reminded at any return to work discussions of the serious consequence if a trigger level is eventually breached.
- If by the end of the 12-month period attendance is acceptable, then the Stage B expires, and normal attendance monitoring should take place.
- If, however, the employee breaches a trigger level during the period of the live Stage B, Capability Hearing should be considered. Submit a request via First Contact for an HR Case Officer if one is not already allocated. A representative from HR should be available to support and offer advice before, during and after the Capability Hearing.

See Appendix 2: Stage A and B Process Flowchart

See AM17 How to Hold an Attendance Stage Hearing – Non Teaching

See AM66 Frequent Absence Review Record

Capability Hearing due to Frequent Absence

Before arranging a Capability Hearing in relation to frequent absence, managers must have:

1. Obtained an occupational health report within the previous 12 weeks (an exception may be where the employee does not give their consent or has failed to follow the process).
2. Meet the employee to:
 - Discuss the content of the report
 - Advise the employee of how the absence pattern impacts at work.
 - Explore and consider any issues raised or comments expressed by the employee or their representative. For example, if the employee perceives that work has caused or contributed to their absence pattern, the issues must have been recorded and fully explored by the manager and all reasonable steps taken to address them.
 - Confirm all options which would lead to acceptable attendance levels have been considered.
3. The employee should be informed that:
 - Their absences can no longer be sustained and the reason(s) why this is the case
 - Why alternatives discussed are not feasible
 - That they are required to attend a formal Capability Hearing where they may be dismissed on the grounds of capability due to sustained poor attendance resulting in frequent absence.

Once triggers have been breached and the above steps have been taken, the following steps should be undertaken:

- Employee given absence record and any other relevant documents that will be referred to. Notification of Capability Hearing 5 working days beforehand.
- Informed of option to attend with colleague/Union Representative, confirmed in writing.
- This hearing should be chaired by a manager with the authority to dismiss.

6.3 Long-term Absence

Long-term absence is a continuous absence for health reasons, which lasts, or is likely to last, more than 4 weeks. This is managed through regular review of circumstances surrounding absence by management and the employee (or agreed representative) with a view to assisting the employee to return to work.

Long-term absence still counts towards trigger levels and, if breached, should be managed through the Frequent Absence procedure once the employee returns to work.

Application of Attendance Management Procedure for Long-term Sickness Absence

- As mentioned previously, maintaining contact is particularly important when an absence becomes extended. See [Section 4](#) for further guidance.
- Informal contact and/or formal meetings can take place in the employee's home, or elsewhere, with the employee's agreement, if the employee is unable to attend Council premises due to their health. The same procedure applies during a home visit as it would in Council premises, for example if a Capability Hearing were arranged to take place at an employee's home, they are entitled to have their Trade Union representative present.
- It may be appropriate to start managing some absences once the first fit note is received in instances of stress-related, back and musculoskeletal conditions and serious illness.
- Unless the circumstances are exceptional, there will normally be a first absence review meeting with the employee around 4-6 weeks, followed by further reviews, with or without HR presence, around 4- 6 months and until there has been a return to work or some other resolution.
- The purpose of the first review and the meetings thereafter is to develop a plan based on:
 1. The employee's current state of health
 2. The likely duration of the sickness absence
 3. The employee's expectations about their future fitness to return to work
 4. Whether the employee could return with temporary additional support or adjustments to their duties and/or hours
- A decision should be taken at the first and subsequent meetings on whether an Occupational Health referral is necessary or whether there is sufficient information and other interventions would be more appropriate. Depending on the cause of absence, a stress risk assessment, referral to Physiotherapy, a workstation/DSE Assessment or a meeting with HR should also be considered.
- If a referral to Occupational Health is to be made this should be discussed with the employee, they should be made aware of the reason(s) for the referral and offered a copy of the information e.g. a screenshot.
- Reviews should continue until the absence is resolved or it becomes clear that a return to work within a reasonable time-scale acceptable to management is not possible.
- All reviews should be recorded. See review form.

- If the employee is returning to work, an action plan may be appropriate. See Section 5 for further guidance.
- Where an employee returns to work following an absence through illness of 3 months or more, they should be advised at the return to work discussion that their absence has triggered the need for leave abatement.
- If a return to work within a reasonable time-scale acceptable to management is not possible, dismissal on the grounds of capability due to long-term ill-health will normally apply.

See AM19 How to Long Term Absence

See AM16 How to Refer to Occupational Health

See AM67 Health Conversation Record and Action Plan

See AM68 Absence Review Checklist – Non Teaching

See Workplace Adjustment Passport

Capability Hearing due to Long Term Sickness Absence

Before a Capability Hearing is arranged the following steps must have been taken:

1. There has been discussion with the employee (and their representative), and where the employee perceives that work has caused or contributed to their ill health, the concerns must have been fully explored by the manager. There must also be evidence of all reasonable attempts to try and address the concerns. These should have been documented.
2. A medical report has been obtained in the previous 12 weeks (unless the employee does not comply).
3. Where appropriate, details of alternative employment that has been explored.
4. Consideration of adjustments to the workplace and job etc and the details of each.
5. Consideration of a stress risk assessment where appropriate.
6. The possibility of dismissal has been raised in at least one of the attendance meetings above and has been noted.
7. The employee has been made aware of the impact of their absence on the workplace.
8. All appropriate steps should have been taken to comply with the Equality Act legislation (2010).
9. Further independent medical opinion has been sought where the employee has provided written evidence from their GP/Specialist that disagrees with the Council's Occupational Health report. – This includes any appropriate written evidence that is presented when the hearing takes place.

If the above alternatives to dismissal are impractical or unreasonable to either the employee or the service, the employee will be offered the opportunity to attend a formal Capability Hearing chaired by a manager with authority to dismiss. If the employee indicates that they do not want to attend such a hearing every effort

should be made to ensure that they are aware that dismissal is the likely outcome and the manager should discuss with the employee how this might be avoided by a return to work.

A manager with delegated authority to dismiss must chair the Capability Hearing and confirm the dismissal in writing within 5 working days. The letter must also detail the employee's right of appeal against the decision and a note of the hearing should be included. A representative from HR must be present at the hearing.

Capability Hearing due to Permanent Ill Health

Where an Occupational Health referral has indicated that the Local Government Pension Scheme (LGPS) criteria has been met for ill-health retirement, all of the steps under the previous section on Capability Hearing due to Long Term Sickness Absence must have been taken. It is good practice to obtain an estimate of pension benefits (and, or, gratuity) for the employee from the pensions section before the hearing.

When considering if the individual is permanently unfit, the Chair must ensure that they have obtained all the available evidence and given the employee the opportunity to provide more. If there is a question about untried treatments, Occupational Health must be asked to provide a professional opinion as the expected effectiveness of those treatments.

All of the evidence must be considered and where there are doubts about the advice further reports or clarifications must be sought. You should contact the HR Case Officer for further advice.

A manager with delegated authority to dismiss must chair the capability hearing and confirm the dismissal in writing within 5 working days. The letter must detail the employee's right of appeal against both the decision to dismiss and the decision regarding ill health retirement. A note of the Hearing should be included. A representative from HR may be required to be present and the Chair should check with the HR Case Officer for guidance.

General

See AM18 How to Capability Hearing

See AM12 How to Return to Work Health Conversations

Where an employee leaves employment following a period of absence through illness of 3 months or more, a leave abatement calculation should be requested through First Contact, and any remaining annual leave entitlement will be paid with their final pay.

The entire Attendance Management Procedure is summarised in the table below:

<u>Frequent Absence</u>		<u>Required for Capability</u>
<u>Required for Stage A</u>	<u>Required for Stage B</u>	For Permanent Ill-Health, Long-term Absence and Frequent Absence
Trigger level breached or concerns around patterns of absence.	Trigger breached during 12-month live Stage A monitoring period.	Trigger breached during 12-month live Stage B monitoring period or unsustainable long term absence has been identified and alternative options explored. **
Employee advised trigger breached/absence concerns and Stage A Hearing will be arranged.	Employee advised trigger breached, proceeding to Stage B.	Refer employee to Occupational Health Provider for medical report dated within last 12 weeks.
Employee given absence record and any other relevant documents that will be referred to.	Employee given absence record and any other relevant documents that will be referred to.	Upon receipt of report, discuss with employee and advise a Capability Hearing will be arranged.
Notification of Stage A hearing 5 working days beforehand.	Notification of Stage B Hearing 5 working days beforehand.	Discuss the process and advise of possible outcomes, one of which is dismissal.
Informed of option to attend with colleague or Union Representative.	Informed of option to attend with colleague or Union Representative. HR presence not mandatory.	Employee given absence record and any other relevant documents that will be referred to. Notification of Capability Hearing 5 working days beforehand. Informed of option to attend with colleague/Union Representative or not to attend, confirmed in writing. The HR Representative should be present in most cases.
Stage A Hearing is held.	Stage B hearing is held.	Capability Hearing is held.
Copy of hearing note and outcome letter prepared and sent by Chair to employee.	Copy of hearing note and outcome letter prepared and sent by Chair to employee.	Copy of meeting note and outcome letter prepared and sent by Chair to employee

Save documentation to Personal File. (personnel.files@fife.gov.uk)	Save documentation to Personal File. (personnel.files@fife.gov.uk)	Copy of hearing note and outcome letter, including the right to appeal, sent by Chair to employee.
Attendance is monitored for 12 months and a six monthly Review Meeting is held.	Attendance is monitored for 12 months and a six monthly Review Meeting is held.	Save documentation to Personal File. (personnel.files@fife.gov.uk)
Chair: Line Manager	Chair: Normally a more Senior Manager than Stage A hearing chair.	Chair: Service Manager or equivalent (with authority to dismiss).
**In long-term absence cases, triggers need not have been breached to initiate a Capability Hearing. Instead, the absence will have been identified as unsustainable by the Service and other options will have been explored prior to convening a Capability Hearing.		

7. Model Letters

See AM56 Attendance Management Model Letters – Non-Teaching

Find Out More

See LV01 Special Leave Policy

See WB01 Supporting Mental Wellbeing at Work

See WB11 Supporting Mental Wellbeing at Work Manager Guide

See Information on Talking Points

See AM11 How to Notification Certification

See OH17 Employee Stress Questionnaire

See AM12 How to Return to Work Health Conversation

See AM13 How to Trigger Levels – Non Teaching

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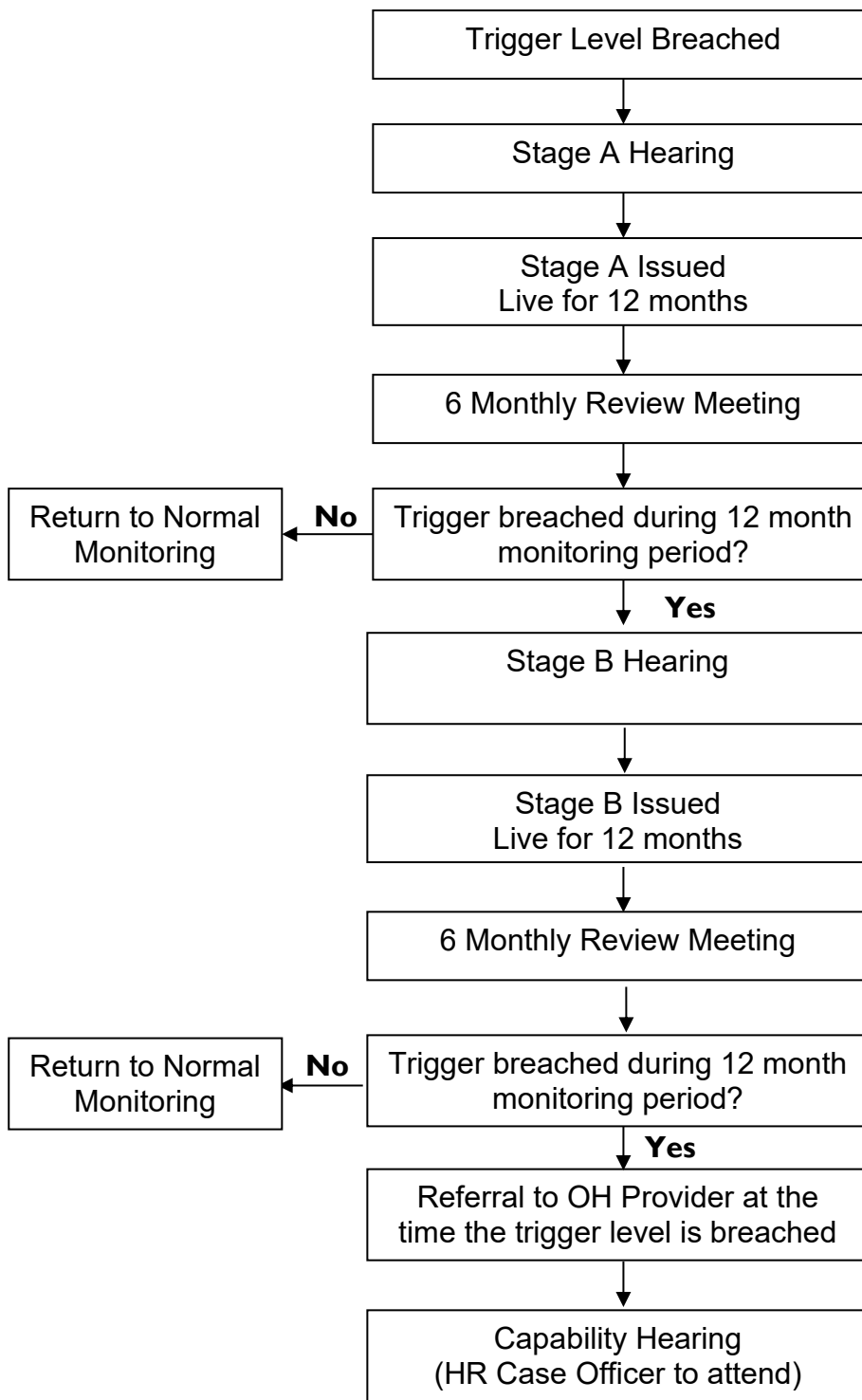
Appendix 1: Summary of Absence Types and Entitlements

The table below summarises the payments due to employees where they are absent from work, but not due to normal sickness.

- If an employee is absent for one of these reasons, they will still need to follow the normal notification and certification processes to cover the period of their absence.
- The line manager will manage the absence and support the employee back to work as normal.
- Line managers should advise Human Resources if an employee breaches a trigger level because of one of these types of absences.

Absence Reason	Payment Entitlement	Classification of Absence	Additional Notes
Absence due to non-work-related injury	Sickness Allowance	Sickness absence. See additional notes.	An employee must repay sickness allowance if they receive damages. The actual amount will be proportionate to the amount of damages they receive. If the employee fully refunds their sickness allowance, the council will treat the period of absence as special leave.
Absence due to an accident at work or an industrial disease	Industrial Injury Allowance	Industrial Injury	This allowance and sickness allowance, although paid at the same rates, are entirely separate entitlements. These absences still add to overall trigger levels.
Assault in the course of employment	see employee's specific terms and conditions of employment.	see employee's specific terms and conditions of employment.	
Victim of crime of violence i.e. where the Criminal Injuries Compensation Authority (CICA) may make a payment	Sickness allowance	Sickness absence	Where a CICA award is made, there will be no need to repay sickness allowance and the period of absence will be treated as special leave.

Appendix 2: Frequent Absence Stage A & B Flowchart



Appendix 3: Long Term Absence Flowchart

