

BRIDGEND COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL PEN-Y-BONT AR OGWR

**ABSENCE MANAGEMENT
POLICY AND PROCEDURE**

SCOPE

This policy will apply to all employees of Bridgend County Borough Council except:

- Those under probation with the exception of the procedure for reporting sickness absence.
- Those employed under the JNC for Chief Officers Conditions of Service.
- Those employed by Governing Bodies in educational establishments under delegated powers.

MARCH 2010

1. Introduction

This policy is designed to assist with the management of absence and to ensure that the Authority meets its responsibility with regards to health and safety. All absence issues will be treated with care, sensitivity, confidentiality and on an individual basis. It is also to enable employees and managers to implement supportive measures that may be of assistance.

The policy is not designed to cover issues which are performance or capability related or are covered by another policy, eg, harassment, discipline, capability, grievance, etc.

All correspondence in respect of the formal procedure must be issued from the Human Resources Service Unit.

2. Payment

Entitlement to sickness absence pay is dependent upon the employee's length of continuous local government service, as laid out in the National Agreement on Pay and Conditions of Service.

Payments will not be made for injuries caused by sporting events, non-essential surgery, participation in professional sport or for injuries incurred whilst working for another employer. Additionally, the Authority will claim back any sickness payments made in cases where there is a third party claim in relation to an accident.

3. Non-Compliance

Failure to follow any aspect of this policy will result in payment of salary being withheld in cases of non-attendance at medical appointments if sufficient notice is not provided i.e. 48 hours, then the employee will be charged for the cost of the appointment. In addition, the Council's disciplinary procedure may be followed.

4. Representation

Employees are entitled to be accompanied at all meetings to discuss attendance management issues by either a work colleague or a trade union representative, with the exception of return to work interviews.

5. Reporting Procedure

5.1 First Day of Absence

When an employee is absent from work due to sickness, he/she must notify their line manager before the start of the working day, other than where staff are working in a front-line service, where contact has to be made no later than 2 hours before the start of the shift, and advise them of :

- the reason for and the likely duration of the sickness absence
- if there has been an injury, how it was caused and whether it is work related

5.2 Fourth Consecutive Day of Absence

If the sickness continues for four consecutive days, the employee must contact their line manager on the fourth day to provide an update on their absence.

5.3 Absences Longer Than Seven Consecutive Days

If the absence continues beyond the seventh consecutive day the employee must provide a medical certificate from their GP/hospital and further medical certificates must be submitted promptly to their manager to cover the absence. Employees need to ensure that their medical certificates provide continuous cover for the full duration of their sickness absence to avoid payments being withdrawn.

5.4 Returning to work

When the employee has been signed as fit to return to work, they must notify their line manager of the return date. In front line services, notification is required at least one day (24 hours) before the return to work date.

6. Management of absence continuing for more than seven consecutive days

6.1 Occupational Health

Absences continuing beyond three weeks (21 calendar days) will generate a referral to the Occupational Health Advisor. This process may also take place when there are shorter periods of absence if there are specific concerns.

Employees are contractually required to attend appointments with Occupational Health as appropriate. Following a referral, all employees will be sent forms to complete to authorise consent to obtain GP/Specialist information in relation to their health.

6.2 Meetings With Staff Who Are On Long Term Sickness Absence

Managers will maintain regular contact, ordinarily every two weeks, with employees during periods of long term sickness absence (ie, absences in excess of three weeks). Employees will be required to attend meetings with their manager at their place of work to discuss the reasons for their continued absence and to identify any supportive measures that may be necessary at that time. An alternative venue can be agreed in circumstances where the reason for the absence justifies this change.

6.3 Return to Work Meeting

When an employee returns to work from any period of absence, the line manager is responsible for ensuring that a meeting with the employee takes place on the day of the return.

Prior to the employee's return to work following an extended period of absence, or in cases where there are concerns in relation to an employee's fitness to undertake the full range of duties, it is the responsibility of the manager to liaise with an Occupational Health Advisor to ascertain whether workplace adjustments are necessary.

6.4 Disability Discrimination Act 1995

Where an employee has a condition, that has been medically confirmed as meeting the criteria of the Disability Discrimination legislation, it is their responsibility to notify their manager, in writing.

Once the Authority has been made aware that an employee has a condition as defined by the Act, a referral will be made to the Authority's Occupational Health provider for advice and guidance on reasonable adjustments, which will be tailored to each individual so as to ensure that the support provided is appropriate. This could include redeployment of such employees into vacant posts.

6.5 Inability To Return To Work

In circumstances when the Occupational Health Physician has determined that the employee is unlikely to return to work on either a permanent basis or for a protracted period of time the Authority may terminate the employee's contract of employment. Prior to any such termination taking place, a meeting will be arranged with the employee to explain the process to be followed prior to the termination of employment.

In all cases where a dismissal is being considered the three step process has to be followed:

- **Step 1** - Employee to be advised in writing of the circumstances of the meeting.
- **Step 2** - Meeting takes place with the employee to determine the options.
- **Step 3** - Employee to be advised in writing of the outcome of the meeting.

6.6 Appeal to an Independent Occupational Health Physician

In cases where an employee has been terminated on the grounds of permanent ill health and they do not accept the medical advice they have the right to appeal to an independent Occupational Health Physician.

Should an employee wish to exercise this right they must write to the Human Resources Service Unit within seven days of written notification and arrangements will be made for an appointment with an independent Occupational Health Physician.

7. Management of absence levels

7.1 Step 1 – Informal Stage

An absence review meeting with the employee will be prompted by the pattern of an employee's sickness absence. The "triggers" will be :

- four separate periods of absence in a rolling twelve month period;
or
- ten days absence in a rolling twelve month period; or
- a discernable pattern of sickness e.g. days following weekends or rest days;
- where there are concerns in relation to the overall level of absence

At this meeting, the employee will be advised that their attendance needs to be improved and that improvement sustained and that failure to do so will lead to sanctions being invoked, which could have an effect upon the employee's future employment contract with the Authority. The underlying cause of the absences will also be explored and a referral made to Occupational Health if appropriate.

7.2 Step 2 – Formal Stage

Where absence levels continue to hit the triggers, a meeting with the employee will be arranged to discuss the reasons for the absence and a determination will be made which could mean a sanction being invoked. These sanctions fall into three categories and will remain "live" for the following periods :

- First written warning – 6 months
- Second written warning - 12 months
- Final warning – 18 months
- Dismissal

If it is determined that the employee is incapable of fulfilling their contract of employment, the employee will be dismissed on the grounds of them being incapable of attending work on a regular basis.

8. Right of appeal

8.1 Appeal Against First or Final Written Warning

Should an employee wish to appeal against the decision to be issued with a first or final warning they must write to the Human Resources Unit within seven calendar days of written notification of the warning. The appellant must indicate the basis of the appeal.

Arrangements will be made for the line manager of the person who issued the warning to hear the appeal. The line manager will hear representations from the employee and their representative and from the person who issued the warning before making a decision.

The decision of the appeal hearing will be conveyed in writing to the employee within seven calendar days of the hearing.

8.2 Appeal Against Dismissal

Should an employee wish to appeal against the decision to be dismissed they must write to the Human Resources Unit within seven days of written notification of the dismissal stating the grounds for appeal.

Arrangements will be made for the Member Panel to hear the appeal. The process to be followed is attached as Appendix A.

The decision of the Committee will be conveyed in writing to the employee within seven calendar days of the hearing.

APPENDIX A

PROCEDURE TO BE ADOPTED AT MEMBER APPEAL

This procedure applies to the following policies: Disciplinary; Capability; Management of Absence and Dignity at Work.

There is a separate procedure which applies to the Grievance policy.

1. The hearing will be held by the Grievance and Disciplinary Appeals Committee, who will be supported by one of the Council's Solicitors in the role of Clerk, a Human Resources Advisor and a minute taker.
2. The parties and their representatives shall be called in simultaneously before the Committee. At the start of the hearing the Chairman will introduce those present and will explain the procedure.
3. The Chief Officer or his/her representative will present the management's case calling, if appropriate, any witnesses to assist in substantiating or clarifying the facts.
4. The appellant or his/her representative will be entitled to question the Chief Officer or his/her representative and any witnesses.
5. The appellant or his/her representative will present the appellant's case calling, if appropriate, any witnesses.
6. The Chief Officer or his/her representative will be entitled to question the appellant and any witnesses.
7. The Members, Clerk of the Committee and the Human Resources Advisor will be entitled at any time during the hearing, with the consent of the Chairman, to ask questions.
8. Where new evidence arises during an appeal it may be appropriate to adjourn in order to investigate or consider such points.
9. The Chief Officer or his/her representative will be given an opportunity to sum up but will not be able to introduce any new evidence at this stage.
10. The appellant or his/her representative will be given an opportunity to sum up. He/she will not be able to introduce any new evidence at this stage.
11. All parties other than the Members of the Committee, the Human Resources Advisor and the Legal Clerk will withdraw from the meeting.

The Human Resources Advisor and Legal Clerk will remain in the meeting whilst the Committee require advice.

12. Once the Committee has received advice from the Human Resources Advisor and Legal, Clerk the Human Resources Advisor and Legal Clerk will withdraw while the Committee considered the appeal.
13. The Committee may recall the Human Resources Advisor, Legal Clerk and minute-taker to clarify any points. Should the Committee require advice from the Human Resources Advisor or Legal Clerk both officers should be recalled together.
14. The Committee may recall the parties to clarify any points but, if so, must recall both parties and their representatives and allow them to comment if they so wish.
15. After the Committee has reached a decision on the appeal the parties and their representatives will be recalled and the decision announced to them together with the reasons for it. The decision will be confirmed in writing by the Human Resources Advisor as soon as possible after the hearing.

NOTE:

- **The term 'Chief Officer' means Chief Executive, Assistant Chief Executive, Corporate Director or Head of Service of the Council.**

The appellant may be represented by either his / her Trade Union representative or by a work colleague.