



# **SICKNESS AND ABSENCE MANAGEMENT POLICY**

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# Sickness and Absence Management Policy

## 1. POLICY PURPOSE AND APPLICABILITY

This policy sets our procedures for reporting and management of absence in a fair and consistent way.

This procedure applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.

## 2. DISABILITIES

In relation to absence resulting from a disability, particular consideration will be given to whether there are reasonable adjustments that could be made to the requirements of a job or other aspects of working arrangements that will provide support at work and/or assist a return to work. If an employee considers that they are affected by a disability or any medical condition that affects their ability to undertake their work, they should inform their line manager.

### 2.1. The Definition of Disability under the Equality Act 2010

The final decision on whether an employee would be classed as disabled or not would be down to a tribunal court to decide. In general terms an individual could be classed as having a disability if:

- they have a physical or mental impairment
- the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities

For the purposes of the Act, these words have the following meanings:

- 'substantial' means more than minor or trivial
- 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions)
- 'normal day-to-day activities' include everyday things like eating, washing, walking and going shopping

People who have had a disability in the past that meets this definition are also protected by the Act.

### 2.2. Leave linked to Disability

#### Planned leave

Planned leave linked to disability is agreed in advance. Examples of the reasons that employees may have for requesting time off linked to their disability include (but are not limited to):

- hospital, doctors, or complementary medicine practitioner appointments
- hospital treatment as an outpatient
- assessment for such conditions as dyslexia
- hearing aid tests
- training with guide or hearing dog
- counselling/therapeutic treatment
- recovery time after blood transfusion or dialysis treatment
- physiotherapy (sessional or residential)
- dialysis treatment
- chemotherapy or other cancer related treatments
- recovery time after blood transfusion or dialysis

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In situations like those listed above managers should, following discussion with the employee about the frequency and duration of time off required, grant authorised leave.

### Unplanned disability leave

Where unplanned disability leave is needed, the employee must contact the line manager by 10am on the first day of leave and must also advise the line manager that they believe the absence would be covered by the Equality Act. It is the employee's responsibility to report on each period of absence when they believe their absence falls under the Equality Act even if the line manager may already know. This ensures that appropriate reporting is achieved on the HR/payroll system.

## 3. ABSENCE NOTIFICATION AND CERTIFICATION PROCEDURES

### 3.1. Reporting Absence

When unable to report for work, either due to illness or other reason, employees must inform their line manager as soon as is reasonably practicable on the first day of absence and should ideally be no later than the employee's expected start time. The following details should be provided:-

- nature of illness or other reason of absence;
- expected length of absence;
- any outstanding or urgent work that requires attention.

For the purposes of this policy, "line manager" denotes the designated officer with identified responsibility for the management of sickness and absence in the relevant department.

### 3.2 Keeping in Touch

If the absence continues beyond three days, the employee must contact the line manager again on the fourth, and every seventh day thereafter, to report progress and the likely duration of the absence. Weekly contact with the line manager should be maintained throughout the period of absence. It is the employee's responsibility to maintain regular contact throughout the period of absence. The line manager may agree with the employee the date and form of the next contact.

### 3.3 Self-Certificate/Return to Work Form

Employees are required to complete a self-certification form/return to work form, regardless of the length of their absence or the reason for absence.

### 3.4 Medical Certificate

Absence due to illness or injury exceeding seven consecutive days must also be supported by a certificate from the employee's doctor (a "Statement of Fitness for Work") stating that the employee is not fit for work and the reason(s) why. This should be forwarded to the employee's line manager as soon as possible. If the employee's absence continues, further medical certificates must be provided to cover the whole period of absence.

If an employee's doctor provides a certificate stating that they "may be fit for work" they should inform their line manager immediately. We will discuss with the employee any additional measures that may be needed to facilitate the employee's return to work, taking account of their doctor's advice. This may take place at a return to work interview. If appropriate measures cannot be taken, the employee will remain on sick leave and we will set a date to review the situation.

Where we are concerned about the reason for absence, or frequent short-term absence, we may require a medical certificate for each absence regardless of duration.

### **3.5 Failure to Follow Procedures**

Absence that has not been notified according to the above procedures will be treated as unauthorised absence and dealt with under the West Lothian Housing Partnership's (WLHP) Disciplinary Policy. Employees may not be paid for the duration of any unauthorised absence.

## **4. MEDICAL EXAMINATIONS**

If a period of sickness absence continues beyond 4 weeks, and the likely date of return is uncertain, the employee may be required to attend occupational health. In some situations it may be appropriate for an appointment to be arranged before the 4 week period has passed. Where an employee fails to attend a medical without prior notice, a cancellation fee of up to 50% will be charged.

If the occupational health provider requires to contact the employee's GP or other specialist for a written report, the employee will be made fully aware of their rights regarding the granting of this permission. Any expense incurred for written reports will be covered by WLHP.

The purpose of obtaining a medical report will be to establish:-

- the nature of the condition;
- likely duration of absence/recurrence of further absences;
- whether the employee is likely to make a full recovery and if not, what work he/she is capable of and in what period;
- any recommended adjustments e.g. phased return to work etc;
- any other issues e.g. lack of capability considerations, industrial accidents, links to a specific occupational hazard (back injury, stress) etc.

The employee will receive a copy of any resulting medical report. All medical records will be treated in the strictest confidence by WLHP.

## **5. SICK PAY**

When absent due to sickness, or disability, an employee will normally receive 2 categories of payment. Firstly, an employee will receive either statutory sick pay from WLHP provided the relevant requirements are satisfied or incapacity benefit from the Department of Work and Pensions. Secondly, subject to complying with WLHP's Sickness and Absence Management Policy, an employee will receive a sickness allowance from WLHP.

### **5.1 Exclusions**

Employees will be excluded from receiving sickness allowance, where:-

- they go sick whilst taking part in a stoppage of work due to a trade dispute at their place of work;
- they go sick whilst on maternity leave (see Maternity Policy);
- on the first day of sickness they are in legal custody;
- on the first day of sickness they have already exhausted their sickness allowance entitlement in the preceding 12 months;
- sickness or injury arises out of the employee's gross misconduct or negligence, active participation in sport for payment or injury whilst working in the employee's own time for private gain, or for another employer.

### **5.2 Absence as a result of an accident**

An employee who is absent as a result of an accident will be required to indicate whether they intend to pursue a claim against a third party or insurer in respect of responsibility for the accident. Where an employee does not intend to pursue a claim against a third party, sickness allowance is payable in the normal way. Where the employee does intend to pursue a claim against a third party, WLHP may advance to the employee a sum not exceeding the sickness allowance provided under this section. This is subject to the

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employee undertaking to refund to WLHP the total amount of any advance or the proportion represented in any amount of damages received. Any amount previously paid as sickness allowance will be taken to be part of the advance and treated as such.

### 5.3 Days and periods of sickness

Sickness allowance is payable in respect of all days of sickness (including public holidays but excluding Saturdays and Sundays unless these are part of the normal working week). Sickness allowance is payable from the first day of sickness; there are no “waiting days”.

Qualifying days are as follows:-

All seven days, Sunday to Saturday in each calendar week:-

- for full-time employees working Monday to Friday;
- for part-time/job sharing employees working all 5 days, Monday to Friday;
- for full-time employees with irregular work patterns;
- for part-time/job sharing employees with irregular work patterns spread over 5 or more days other than Monday to Friday.

and whose pay is based on an annual salary.

Five days, Monday to Friday, in each calendar week:-

- for full-time employees working Monday to Friday;
- for part-time/job sharing employees working all 5 days, Monday to Friday;

and whose pay is based on an hourly rate/weekly salary or wage.

For those working different patterns, the days in the week on which the employee was actually rostered to work; whether on a full-time or part-time basis.

### 5.4 Payment and period of sickness allowance

Where an employee satisfies the above qualifying conditions, sickness allowance will be paid depending on length of service as follows:-

<b>Service at commencement of absence from duty</b>	<b>Full allowance (inclusive of SSP) for</b>	<b>Half allowance (plus SSP) for</b>
Less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years or more	26 weeks	26 weeks

Entitlement to sickness allowance is calculated according to an employee's service on the first day of absence, with reference to any period of absence over the 12 preceding months. From the first day of absence, an employee will be entitled to a sickness allowance as set out above, minus any sickness allowance used up over the previous 12 months. This will not include any other period of absence or unpaid leave. The aggregate of any periods of sickness allowance will be deducted in the first instance from the full allowance period and the balance from the half allowance period, which the employee is eligible to receive.

In exceptional circumstances, WLHP will have the discretion to extend the period of full allowance or half allowance provided.

### 5.5 Calculation of Allowance

Sickness allowance is payable only in respect of normal working days and the daily rate of it will be based on the calculation of one day's salary/pay for other purposes.

#### 5.5.1 Full Allowance

Where an employee is entitled to SSP, the full allowance shall be a sum equal to normal pay. Where an employee is or becomes excluded from SSP entitlement, the full allowance shall be a sum which, when added to the benefits payable through incapacity benefit, shall secure to the employee a sum equal to normal pay.

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Where an employee is over normal retirement age, for the purpose of accessing any accrued pension benefits, the full allowance shall be a sum which, when added to any additional payment (including dependants' allowances) by way of national insurance benefit or state pension which the employee receives in consequence of being absent from duty through sickness, shall secure to the employee a sum equal to normal pay. Where an individual is in receipt of a state pension and this is not as a result of being absent from duty through sickness, then this will not be offset against sickness allowance.

### **5.5.2 Half Allowance**

Where an employee is entitled to SSP, the half allowance shall be a sum equal to half normal pay added to the SSP to which the employee is entitled so long as this sum does not exceed full normal pay. Where an employee is or becomes excluded from SSP, the half allowance shall be a sum equal to half normal pay, so long as this, when added to the benefits payable, through incapacity benefit does not exceed full normal pay; in which case the amount in excess of full normal pay shall be deducted.

### **5.5.3 Reduced National Insurance Contribution**

Until May 1977 a woman could elect not to pay the full national insurance contribution. This does not affect the calculation of the full or half allowance when she is receiving SSP. Where a woman has elected not to pay the full national insurance contribution and she has exhausted any entitlement to SSP, the full and half allowances shall be calculated by reference to the full national insurance benefits to which she would have been entitled if she had not so elected.

### **5.5.4 Normal Pay/Salary**

In determining the pay of an employee during sick leave, overtime payments made to the employee shall be included where terms of employment provide that they must work hours in excess of the agreed normal working hours. In such cases, consideration will also be given to contractual arrangements which include regular agreed payments for night-work, shift-work, weekend working, irregular working hours etc. as detailed in WLHP's Policy on Hours of Work, Overtime, Related Allowances and Flexible Working Hours.

### **5.6 Obligation to provide information**

Employee must provide to WLHP, in whatever manner requested, information required to determine whether the employee is excluded from entitlement to statute based benefits and any subsequent alteration in the circumstances on which such entitlement is based. Where an employee has received payments based on erroneous information, WLHP shall be entitled to recover such payments from the employee.

### **5.7 Sickness allowance to victims of crimes of violence**

Where an employee is absent from work due to an injury in respect of which an award may be made by the Criminal Injuries Compensation Board and the employee is otherwise qualified to receive sickness allowance, such allowance shall be granted without a requirement to refund any proportion of it from the sum that the Compensation Board may award.

In the case of an assault in the course of employment the employee shall be paid a separate allowance calculated on the same basis as the sickness allowance. The allowance in respect of victims of crimes or violence and absence due to industrial accident or disease are entirely separate. Periods of absence in respect of one shall not count against the allowance for the other.

### **5.8 Sickness due to accident in the course of employment**

An accepted industrial injury will be treated as an absence category within these procedures. Where an employee is absent due to sickness or disability as a result of an accident arising out of and in the course of employment or due to industrial disease, the employee shall be entitled to a separate allowance calculated on the same basis as the Sickness Allowance.

## **Sickness and Absence Management Policy**

The allowances in respect of normal sickness, victims of crimes of violence and that of absence due to an industrial accident or disease are entirely separate. Periods of absence in respect of one shall not count against the allowance for the other.

An absence due to an accident shall only be accepted and qualify for payment when appropriate details are recorded in WLHP's Accident Book and, in the subsequent investigation by WLHP, the facts recorded are found to be accurate and there has not been negligence on the part of the employee in terms of his/her complying with the recognised safe methods of work.

Where the employee, as a result of the accident, is unable to make an entry, then another employee should make the entry on his/her behalf. In circumstances where no entry is made at the time of the accident, WLHP will not unreasonably refuse the payment of the allowance and an investigation will still take place.

In determining what action, if any, should be taken where an employee's overall absence record includes period(s) of accepted industrial injury, managers should know the reasons for absence when assessing the record, and account should be taken of accepted industrial injuries when dealing with employees under the terms of this policy.

Where, in applying this procedure, a manager identifies an employee who regularly sustains industrial injuries, additional training and/or advice may be required. The Health and Safety department will be available to offer managers assistance in this area.

### **6. SICKNESS DURING ANNUAL LEAVE**

If an employee falls sick during a period of annual leave and submits the appropriate self-certificate or medical certificate to their line manager by the earliest practicable date, the period of sickness absence shall be treated as sick leave and not as annual leave provided the employee has otherwise complied with the absence reporting procedure.

An employee who is absent through sickness on a public holiday and submits the appropriate self-certificate or medical certificate shall receive sickness allowance on that date and shall be entitled to a day-off-in-lieu thereafter, depending on the contingencies of the service. Where an employee has exhausted sickness allowance, no payment will be made in respect of a public holiday occurring during the period of unpaid leave.

### **7. CONTACT WITH INFECTIOUS DISEASES**

An employee, who is deemed to be incapable of work and is prevented from attending the place of employment because of contact with a notifiable infectious disease will be required to advise the line manager immediately and shall be eligible for full pay for the absence covering the duration of the infectious period for up to 12 months. WLHP will seek guidance from occupational health with regards to the management of this absence. The period of absence, deemed as infectious will not be reckoned against the employee's normal sickness allowance.

### **8. RETURN TO WORK**

When an employee returns to work after an absence of any kind, however short, they should report to their line manager on the first day back. The line manager will carry out a return to work interview with the employee. The line manager will offer help if appropriate and assess what action, if any, is required at this stage, before countersigning the self-certificate/return to work form. The line manager will assess the employee's absence record and attempt to establish reasons for the absences, identifying underlying trends and seeking to offer any appropriate assistance to the employee in consultation with Employee Relations.

Failure to report for a return to work interview may result in disciplinary action being taken, which may include loss of sickness benefit.

### **9. MANAGEMENT OF UNAUTHORISED ABSENCE**

Unauthorised absence will be dealt with under the WLHP Disciplinary Policy.

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## 10. MANAGEMENT OF SHORT-TERM ABSENCE

Short-term absence is defined by WLHP as any single period of absence, including for industrial injury, up to a maximum of 19 working days.

Sickness/absence interviews will be arranged with employees whose absence record, including periods of industrial injury, falls into the following categories of 'rolling' absence:

- 3 self-certificates or a total of 6 working days' absence within 6 months;
- 5 absences (self or medically certified) or 8 working days within 12 months.

Where "rolling" absence levels fall into one of the above categories or there is an identified pattern of absence, excluding periods of industrial injury, the line manager will normally take formal action and this will be dealt with under the WLHP Disciplinary policy for unacceptable attendance:

WLHP has the following stages:

- Stage 1 – Formal monitoring period (3 months)
- Stage 2 - 1st written warning (6 months)
- Stage 3 –Final written warning (12 months)
- Stage 4 – Dismissal

Should the employee be absent from work while a monitoring period/warning is in effect, the next stage of the formal process may be implemented.

### 10.1 Monitoring Period/Follow-Up Sickness/Absence Interview

A sickness/absence interview may result in the line manager deciding to monitor the employee's attendance for 3 months.

The manager should consider, where appropriate, any forms of assistance which would improve the employee's attendance record and/or facilitate a quicker return to work.

There will be a requirement to conduct a follow-up sickness/absence interview, which should take place no later than 3 months from the date of the first sickness/absence interview, or earlier if appropriate.

At the follow-up sickness/absence interview, when an acceptable level of attendance has been achieved, the employee should be encouraged to maintain that level. If no acceptable improvement has been made then further advice/help may be offered and an extension to the existing monitoring period put in place.

If a manager considers that an employee's attendance levels are unacceptable and that disciplinary action may be appropriate then this should be dealt with in line with WLHP's Disciplinary Policy.

In the case of absence, where there is an underlying health problem confirmed by a Medical Practitioner, it is not appropriate to take disciplinary action. Where medical examination and/or information reveals an inherent underlying medical problem, the employee will usually receive medical treatment, physiotherapy, remedial surgery etc. that will often result in an acceptable rate of recovery and attendance being achieved. If it is evident that frequent or prolonged absences will be a continuing feature, the case would require to be treated as one of capability and the employee advised in writing accordingly. In cases such as these the process outlined in section 12 – Capability will apply. In some circumstances, even where the absences are of a short-term intermittent nature it may be appropriate in consultation with the Occupational Health Service to consider ill health retirement.

Where there is no underlying health problem, WLHP's Disciplinary Procedure will be invoked.

At each stage of the Disciplinary Policy, consideration will be given to the following matters in respect of short-term absence as categorised above:-

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- the reasons for and impact of an employee's absences;
- the likelihood of further absences;
- whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required;
- what, if any, measures might improve an employee's health and/or attendance;
- depending on the stage reached, the employee will be warned that they are at risk of dismissal on the grounds of persistent short-term absence;
- in the event that dismissal is under consideration, WLHP will consider whether there is a reasonable likelihood of the employee achieving the desired level of attendance in a reasonable time.

### 11. MANAGEMENT OF LONG-TERM ABSENCE

Long-term absence is defined as any single period of absence amounting to 20 or more working days.

We are committed to helping employees return to work from long-term absence. We will maintain regular contact with employees on long-term ill health absence as appropriate to their circumstances. We will seek to meet with employees on long-term ill health absence to consult with them regarding their absence and their ability to return to work.

We will, where possible, support the return to work of employees on long-term ill health absence by:-

- obtaining medical advice;
- making reasonable adjustments to the workplace, working practices and working hours;
- considering redeployment; and/or
- agreeing a return to work programme.

Employees may contact their trade union representative at any point for advice in relation to the management of their absence. They may be accompanied to any absence meeting by a certified trade union representative or any person currently employed by one of the Wheatley Group companies. The line manager will be supported by Employee Relations.

If an employee is unable to return to work from long-term sickness absence, we will consider whether they are entitled to ill health or early retirement and/or any other benefits under their contract of employment and/or any insurance schemes we operate.

Where there is no foreseeable return to work date, there are no contractual benefits for which the employee may be eligible and there are no reasonable adjustments that can be made to facilitate the employee's return to work, as a last resort, dismissal on the grounds of ill-health/capability may at that stage be appropriate. In this situation the process outlined in Section 12 - Capability will apply.

Employees will be given the right of appeal against dismissal on the grounds of long-term ill health absence.

Where an employee has been diagnosed as having a terminal illness it may be appropriate to suspend any decision to dismiss.

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## 12. CAPABILITY

In the case of absences where there is an underlying health problem confirmed by a Medical Practitioner, it is not appropriate to take disciplinary action. If it is evident that frequent or prolonged absences will be a continuing feature, the case would require to be treated as one of capability and the employee advised in writing accordingly.

### 12.1 Ill health retirement

There may be occasions where an employee can no longer sustain a reasonable and reliable attendance level or perform effectively in their role due to their health, and the impact a condition may have on their physical or mental capabilities.

In these circumstances, where reasonable adjustments cannot be made, or where they have been made but have failed to improve attendance, the employee and WLHP may discuss the possibility of ill-health retirement rather than following the formal capability procedure. In such cases, managers should seek advice from Employee Relations.

Please note: Ill-health retirement can only be granted if the employee is a member of a pension scheme that provides for ill health retirement and following an assessment and recommendation from an external Occupational Health Provider.

### 12.2 Lack of Capability considerations

Where the circumstances are such that the employee's attendance should be dealt with as a lack of capability issue, appropriate discussions should take place with the employee to assess progress, assistance, support etc.

Managers should, in the first instance, discuss with the employee, whether the following, options would help them to achieve a satisfactory attendance level:

- Redeployment to alternative work
  
- Allocate some duties to another employee
  
- Part-time work/job sharing
  
- Transfer the employee to fill an existing vacancy
  
- Phased return to work
  
- Allow absences during working hours for rehabilitation/treatment
  
- Supply additional training/retraining

For short term intermittent absence, such discussion would take place at return to work meetings. For long term absence these discussions would take place as part of long term sickness meetings usually once the employee has been absent for a minimum of six months.

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### 12.3 Capability – Long Term absence

Long-term absence is defined as any single period of absence amounting to 20 or more working days. In cases such as these the manager should meet with the employee every month.

The purpose of this meeting is to allow the opportunity to:

- Keep the employee updated on developments at work whilst absent
- Allow the employee to keep the manager updated on any developments with regard to their health and general well-being and discuss a return to work plan if appropriate
- Discuss any additional support which may be required during the absence
- Discuss the outcome of any Occupational Health reports
- Discuss any adjustments (including those outlined above) which may be required to assist the employee to return to work

The manager should confirm, in writing, what was discussed at these meetings.

If, through the course of these discussions, none of the options outlined above are viable and a return to work date cannot be identified the employee must be advised in writing of the possibility that termination of their contract of employment due to lack of capability could be an outcome should they be unable to return to work within a reasonable timescale. In most cases capability will normally only be discussed once the employee has been absent for six months and will be discussed on at least 3 occasions before any decision is made to progress the case to a formal Capability Hearing.

If a return to work date is identified by the employee and/or Occupational Health and this is within a reasonable timeframe the employee will be expected to return to work on the agreed date. If they are unable to return to work on this date then the employee may be invited to attend a formal Capability Hearing.

### 12.4 Capability Hearing

Prior to any decision being made the manager must be satisfied that all reasonable and practical steps have been taken to try and help the employee to improve their attendance. The manager must take all Occupational Health advice into account and determine whether further support would be appropriate or additional time should be given to allow the employee to return to work.

If there is no change to circumstances or advice from Occupational Health deems that a likelihood of return to work is unlikely within the immediate future and the manager believes that the level of absence can no longer be sustained then the manager may take the decision to dismiss the employee on the grounds of lack of capability.

Alternatively, if the manager feels that there are extenuating circumstances then he/she may consider alternative options such as extension of the formal monitoring period, demotion or transfer to another role.

The decision will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

Warnings are not automatic and each case will be treated individually. Dismissal will only be considered as a final option.

## Sickness and Absence Management Policy

Dismissal for ill health is a potentially fair reason for dismissal, but it is important to note the distinction between dismissal for an unacceptable level of absence (conduct) and dismissal for lack of capability where a genuine underlying health problem exists.

### 12.5 Capability – Short term intermittent

The decision to progress to a formal Stage 1 Capability hearing as a result of short term intermittent absences should only be taken after all other options have been explored and the employee clearly advised in writing of the possibility that termination employment could be an outcome of this process. In addition advice must be sought from Occupational Health regarding the employee's current medical condition, any future treatment and, whether this is likely to result in the employee's attendance improving to an acceptable level.

If it is felt that an employee's attendance level is unsatisfactory then the employee will be invited to attend a formal Stage 1 Capability hearing. The employee will have the right to be accompanied at this meeting by a Trade Union representative or any person currently employed by one of the Wheatley Group companies.

### 12.6 Stage 1 Capability

The primary purpose of this formal hearing is to consider all relevant facts concerning the employee's attendance.

The manager and employee will meet to:

- Discuss what are the health issues/other issues that are affecting attendance
- Discuss whether any adjustments (including those listed above) can assist the employee to improve and maintain attendance
- Make the employee aware of the required improvement and set timescales for improvement
- Make the employee aware of possible consequences of further absences/failing to achieve require improvement
- Make the employee aware that they will be issued with a formal written improvement notice and their attendance will be monitored for a period of 6 months

The above will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

If at the end of the 6 months improvement period the employee's attendance level is satisfactory, the employee will be informed that they have satisfactorily completed the improvement period and that their attendance will continue to be monitored for a further 6 months. If the employee's attendance during the monitoring period is satisfactory they will be advised in writing that they have satisfactorily completed the monitoring period.

If, during or at the end of the improvement period, it is considered that a satisfactory level of attendance has not been achieved, the employee will be invited to a Stage 2 Capability hearing. Should the employee's attendance fall below acceptable standards within the 6 month monitoring period, the employee may be invited to a Stage 2 Capability hearing.

### 12.7 Stage 2 Capability

If the employee fails to meet the attendance requirements set under Stage 1, the manager will arrange a Stage 2 formal hearing and this hearing will be conducted in accordance with the procedure outlined in Stage 1.

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If, after consideration of the relevant facts, the employee's level of attendance is still unsatisfactory the employee should be informed that they will be issued with a Final Written improvement notice and their attendance will be monitored for 12 months.

The above will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

If at the end of the 12 months improvement period the employee's attendance level is satisfactory, the employee will be informed that they have satisfactorily completed the improvement period and that their attendance will continue to be monitored for a further 6 months. If the employee's attendance during the monitoring period is satisfactory they will be advised in writing that they have satisfactorily completed the monitoring period.

If, during or at the end of the improvement period, it is considered that a satisfactory level of attendance has not been achieved, the employee will be invited to a Stage 3 Capability hearing. Should the employee's attendance fall below acceptable standards within the 6 month monitoring period, the employee may be invited to a Stage 3 Capability hearing.

### **12.8 Stage 3 Capability**

If the employee fails to meet the attendance requirements set under Stage 2, the senior officer will arrange a Stage 3 formal hearing and this will be conducted in accordance with the procedure outlined in Stage 1.

Prior to any decision being made the senior officer must be satisfied that all reasonable and practical steps have been taken to try and help the employee to improve their attendance.

If, following consideration of all information available at the hearing, the employee has failed to meet the required standard of attendance then the senior officer may take the decision to dismiss the employee with notice. If the senior officer feels that there are extenuating circumstances then he/she may consider alternative options such as extension of the formal monitoring period, demotion or transfer to another role.

The decision will be confirmed in writing to the employee. The confirmation letter will also outline the employee's right of appeal.

Warnings are not automatic and each case will be treated individually. Dismissal will only be considered as a final option.

Dismissal for ill health is a potentially fair reason for dismissal, but it is important to note the distinction between dismissal for an unacceptable level of absence (conduct) and dismissal for lack of capability where a genuine underlying health problem exists.