



MANAGEMENT OF ABSENCE POLICY

1 Introduction

- 1.1 The Council and the residents of Hounslow are best served by a healthy and productive workforce. We aim to achieve this by providing a safe and healthy working environment and by implementing procedures which will maintain contact with absent employees and assist them in returning to work.
- 1.2 The Council does not wish its employees to attend for work when they are too ill to do so. However, employee absences have a direct effect on the quality of services provided and represent a significant cost to the Council. This policy therefore recognises the importance of balancing an employee's need to recover full health with the need to meet their obligation to work and is designed to ensure that all absences due to sickness will be treated fairly and consistently.
- 1.3 Any failure to comply with the requirements of this policy may result in further action being taken under the Council's Disciplinary and / or Capability Policies.

Scope of the Procedure

- 1.4 This policy applies to all employees of the Council, except those employed in schools under the control of Governing Bodies, for whom procedures adopted by the Governing Body will apply. For the purpose of this policy, employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation.

Employee Support

- 1.5 Employees, who require support and guidance in relation to health or absence, are able to speak to their line manager or to specialist advisors such as Occupational Health (OH), Employee Counselling or their HR advisor. Employees may also contact their trade union for advice.

Employees with a Disability

- 1.6 The Council is committed to the employment of people with disabilities and will not tolerate any unjustifiable less favourable treatment of a person on the grounds of their disability.
- 1.7 The Council will carefully consider, and make, any reasonable adjustments which are necessary to address any disadvantage which the employee may be experiencing as a result of their disability to enable them to carry out their core duties.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none"> • Management of Absence Policy October 2000 • Sickness overseas 	HR Policy Team	Page 1 of 12

Confidentiality

- 1.8 Throughout this policy, the need to maintain confidentiality is of paramount importance. All staff have a personal responsibility for ensuring that information they receive is kept confidential, whether it is written or verbal, or received directly or indirectly.
- 1.9 Further information regarding confidentiality is set out in the Council's Confidentiality Policy.

Longer Term Absences

- 1.10 Managers must consider the nature of an employee's absence and determine the appropriate approach which should be taken in each case. This is particularly relevant where employees are absent for longer periods of time, where the manager's focus should be to offer suitable support and consider how to assist the employee in returning to work.

Relationship with Disciplinary Policy

- 1.11 This policy should be used in all cases of sickness absence except in the following circumstances where the Council's Disciplinary Policy should be applied:
- Failure to follow the Council's procedure for the notification of sickness absences
 - Failure to attend work or leaving the workplace without permission
 - Refusal to explain an absence
 - Abuse of the sickness scheme thereby defrauding the Council
 - Absence to pursue secondary employment or leisure activity.

Referrals to OH

- 1.12 It is the Council's right to refer employees to OH at any time during their employment. Where employees refuse to attend, decisions will have to be made based on the available facts.
- 1.13 Referrals to OH only take place when it is necessary to obtain medical advice. Where OH consider it is warranted, they may visit an employee at home.
- 1.14 When OH seeks medical advice from a third party e.g. GP or Consultant, it will conform to the requirements of the Access to Medical Reports Act 1988. Employees will be fully advised of their rights under the Act, including that:
- (a) Their consent is required for OH to apply for a medical report from the employee's GP/Consultant.
 - (b) With certain exceptions, they have full access to the content of the report. It is the employee's responsibility, not the Council's, to make the

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none">• Management of Absence Policy October 2000• Sickness overseas	HR Policy Team	Page 2 of 12

necessary arrangements to see the medical report.

- (c) They have the right not to agree to the medical report being requested. Decisions will, however, be made, and a report prepared giving advice on the state of the employee's health, on the facts known at that time.

1.15 Where OH has requested a report from an employee's GP or consultant but does not receive any response, they will provide advice on the basis of their own assessment. They will provide advice on the state of the employee's health, including a statement regarding fitness to work in the current job and any adjustments that may be appropriate to enable them to carry out their full duties.

Medical Suspensions

1.16 There may be circumstances where it is necessary for employees to be suspended from work for medical reasons. In such cases, the employee will be required to stay at home while a medical matter is investigated.

1.17 Medical suspensions should only occur in exceptional circumstances and should be for as limited a time as possible. Suspension on medical grounds is likely to be a difficult time for all parties concerned and managers should ensure that a sensitive and supportive approach is taken throughout the process.

1.18 A medical suspension will arise where the manager and / or OH have concerns about an employee's fitness for work. Prior to any suspension, the manager / OH must:

- discuss their concerns with the employee
- consider whether further advice is required from OH / the GP's doctor before further action is taken
- consult the HR Advisory team regarding the situation
- be satisfied that there is no reasonable alternative to dealing with the situation than requiring the employee to stay at home
- obtain the approval of the Head of Service before proceeding.

1.19 If the employee's GP is consulted and there is any disagreement between OH and the employee's GP about the employee's fitness to be at work, the view of OH will prevail.

1.20 During the period of any medical suspension, the employee will receive their full contractual pay.

1.21 If the result of the assessment is that the employee is not fit to return to work, they will remain on sick leave and will receive sick pay according to their entitlement. This will be backdated to the start of the medical suspension.

Annual Leave during Sickness Absence

1.22 Employees can take annual leave, during periods of sick absence, subject to normal line management approval.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none">• Management of Absence Policy October 2000• Sickness overseas	HR Policy Team	Page 3 of 12

- 1.23 Employees will continue to accrue annual leave during any period of sick absence and are subject to the Council's procedures for carrying over annual leave as set out in the Authorised Leave Policy. Any variation to this must be agreed by the Chief Officer in conjunction with the HR Business Partner.

Sickness while overseas

- 1.24 Where an employee is sick whilst overseas, the normal reporting arrangements, set out in section 2 still apply. However, it is accepted that first and fourth day contact may need to be via a third party.
- 1.25 A medical certificate must be forwarded to the employee's line manager. The manager must forward the original to OH for verification. If the certificate is satisfactory, annual leave will cease and any sick pay the employee is entitled to will commence from the date of notification.
- 1.26 If the absence is deemed to be outside the terms of sickness absence, any absence which extends beyond the end of approved annual leave will be treated as leave without pay and the department may wish to review further action on the matter.

Medical Treatment Overseas

- 1.27 Where an employee proposes to receive medical treatment overseas, they must seek approval for their absence in advance, as they would for any period of leave.
- 1.28 The employee must provide their line manager with evidence of their medical condition and the treatment they are going to receive. This will be forwarded to OH for verification. Where the treatment is deemed to fall outside the terms of sickness absence, the absence will not be regarded as sick leave and the employee will not be entitled to pay in accordance with the Council's sickness allowance. Instead, the employee will need to take annual leave or the leave will be regarded as unauthorised and may result in action being taken under the Council's Disciplinary Policy.

Record Keeping

- 1.29 Full records of any dismissals under this policy must be kept for a period of 7 years.

2 Reporting Sickness Absence

- 2.1 All employees must comply with the reporting sickness process set out in this section. A failure to do so may result in action being taken under the Council's Disciplinary Policy and employees may disentitle themselves to Occupational and Statutory Sick Pay.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none"> • Management of Absence Policy October 2000 • Sickness overseas 	HR Policy Team	Page 4 of 12

First Day of Absence

- 2.2 Employees must contact their line manager as soon as possible. Managers should make clear to staff where local arrangements for contact (e.g. e-mail, text) apply. Wherever practicable, this should be before their normal starting time at work. If their line manager is unavailable the employee should contact another appropriate manager.
- 2.3 Special arrangements for reporting absence may be made by local managers to meet the needs of the service. In all cases it is essential that employees are aware of what is expected.
- 2.4 Managers must enter the employee's sickness on the Self-Service system or, for employees that are not on the system, complete the Notification of Sickness Absence form. The reason for absence should be entered, even if this subsequently needs to be amended following further information from the employee.

Fourth day of Absence (including any non-working day)

- 2.5 Employees must again contact their line manager as soon as possible.
- 2.6 In reporting sickness absence it is important to understand the relevance of the "non-working" day, particularly for those who do not work the standard week (i.e. Monday - Friday). For example, a part-time employee who normally works Monday to Wednesday each week and who rings in sick on the Monday will be expected to ring in on the Thursday (4th day of absence), regardless of the fact that this is a non working day.

No Later Than The Eighth Day of Absence (including any non-working day)

- 2.7 Employees must see their doctor (GP) and obtain a medical certificate (also known as a 'fit note'). This must be submitted immediately to their line manager. From this point onwards, consecutive medical certificates must be submitted to cover any further periods of absence.
- 2.8 Managers have a duty to maintain contact with absent employees, to ensure that they receive the required support to ease their return to work. To facilitate this, the employee must keep their manager informed of any change of contact details in particular their telephone number and/or address.
- 2.9 For a part-time employee, who does not work a standard working week, e.g. Monday to Wednesday each week and who has notified of sickness on the Monday: the 8th day of absence will be the following Monday, when a medical certificate will be required. If the employee returns to work on the 8th day and it is their first day of fitness, only 3 days should be recorded against the sickness record.
- 2.10 Where an employee has failed to report a sickness absence, the manager should consider such factors as the nature of the illness, the employee's ability

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none">Management of Absence Policy October 2000Sickness overseas	HR Policy Team	Page 5 of 12

to make contact etc., before deciding what action to take. Where there are no mitigating circumstances the absence should be treated as unauthorised and dealt with accordingly.

- 2.11 Following a period of absence the employee should contact their manager before returning to work.

Absences related to an activity at work

- 2.12 In all cases where an injury, accident, illness or disease has arisen as the result of a work activity, the following steps **MUST** be taken:

- the incident must be reported to the employee’s manager, regardless of severity, as soon as possible but no later than 24 hours after the incident
- the employee and line manager must ensure that the details are entered into the Council’s Accident Database via ‘Report an accident’ button on intranet homepage. A failure to notify and properly record the incident **or** where contributory negligence on the part of the employee is proven may result in action being taken under the Council's Disciplinary Policy. In these circumstances employees may disentitle themselves from receiving Occupational Sick Pay.
- the manager must notify the Health and Safety team if the employee is absent for more than 3 days as a result of the incident. This notification is required whether the absence is immediately after the incident or at a later date, but due to the incident.

3 Returning to Work

- 3.1 Immediately on returning to work, it is the employee’s responsibility to report to their manager confirming they are fit to return to full duties. The manager should, as far as is reasonably practicable, be satisfied that the employee is fit to return.
- 3.2 In all cases it is essential that the manager and employee discuss the reasons for the absence. Where possible this discussion should take place on the first day back, be in private, be informal and be helpful to the employee.
- 3.3 During the return to work interview the manager should:
- (a) Make the employee aware of any changes that have occurred during their absence.
 - (b) Establish whether the employee requires any further advice or counselling.
 - (c) Establish whether the absence is related to a disability or impairment and discuss whether reasonable adjustments are required.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none"> • Management of Absence Policy October 2000 • Sickness overseas 	HR Policy Team	Page 6 of 12

- (d) Find out if the illness is likely to recur and if further time-off (e.g. for treatment) is necessary.
 - (e) Try to establish at this stage whether or not a single underlying medical condition exists which is related to, or causing, the absence.
 - (f) Ensure the employee is aware of and understands the Council's sickness absence procedures.
 - (g) Inform the employee of details of absence over the previous 12 months and the possible action which may follow.
- 3.4 The manager must ensure that the employee's absence record is updated on the Council's Self-Service system and that the Return to Work Interview form is completed and attached to this record.
- 3.5 Where the manager agrees, in consultation with OH, that it is appropriate for an employee to return to work on a reduced hours basis, the balance of their working hours will be treated as recuperative leave and will not be recorded as sickness absence. During the recuperative leave, the employee will receive any sick pay that they are entitled to, rather than their normal salary. The employee would normally be expected to return to their full contractual hours within 6 weeks of returning to work. The periods of recuperative leave which form part of the return to work arrangements should not be counted as periods of sickness which in themselves would trigger further stages of the formal process in section 4.1.
- 3.6 Where the duration, frequency, pattern or reasons for absence causes concern, the manager must discuss this informally with the employee as part of the normal managerial process. If necessary, managers should seek advice from HR, OH or Employee Counselling if they are unsure of how to proceed.

4 Formal Process

- 4.1 The formal process, set out in this section, will be triggered by any one of the following absence levels:
- (a) 10 working days' absence either continuously or as a total during a rolling 12 month period¹.
 - (b) an unacceptable level of absence where a combination of one or two day absences, or patterns of absence exists, which gives cause for concern.
- 4.2 The above are guidelines only and do not mean, for example, that employees are "allowed" 10 days' sickness absence before action can be taken. Equally the issue of a doctor's medical certificate does not mean that action cannot be taken against an employee.

¹ The trigger point will be reviewed after 12 months of operation of the policy.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none"> • Management of Absence Policy October 2000 • Sickness overseas 	HR Policy Team	Page 7 of 12

- 4.3 Managers must recognise that a disabled person may need to be absent from work for rehabilitation, assessment, or treatment which is directly related to their disability. It may be appropriate for the provision of leave for these purposes to be regarded as a reasonable adjustment.
- 4.4 Managers should distinguish between disability-related sickness absence and general sickness. Where sickness absence is related to the employee's disability, the manager must consider the most appropriate means of managing the situation. This could include providing further support or making reasonable adjustments in relation to the absence.
- 4.5 Where the number of days' absence is under consideration, part-time workers, working less than 5 days a week, will be considered on a pro-rata basis.

First Formal Stage

- 4.6 Where an employee has an absence record which triggers the formal process, the manager will arrange a First Formal Meeting.
- 4.7 The employee will be given at least five working days' written notice of the meeting, advised of its purpose and of their right to be accompanied by a Trade Union representative or work colleague.
- 4.8 The employee should be advised that, if they fail to attend, the meeting can be held in their absence and appropriate action taken. The manager should consider any request by the employee for a deferment but this should not delay proceedings unduly.
- 4.9 If the employee is not at work, the meeting may take place at their home or any other mutually agreed venue.

Purpose of the Meeting

- 4.10 The purpose of this meeting is to:
 - (a) review the employee's attendance record and give them the opportunity to explain the reasons for their absence.
 - (b) clearly establish the improvement in attendance which the employee is required to achieve.
 - (c) review any previous efforts to assist the employee and to discuss any further assistance that may be helpful in achieving the required improvement. This may include a consideration of alternative duties, reasonable adjustments, working arrangements, redeployment or other additional support (e.g. Employee Counselling, support under either the Alcohol and Drugs Policy or the Stress Management Policy).
 - (d) Set a review period during which the employee's progress will be regularly monitored (see paragraphs 4.16 – 4.20).

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none"> • Management of Absence Policy October 2000 • Sickness overseas 	HR Policy Team	Page 8 of 12

- (e) Ensure that the employee is aware of the subsequent stages of the formal process, that is:
- Second Formal Stage, if the required improvement is not achieved during the review period
 - A dismissal hearing, if the required improvement has still not been achieved, the result of which may be that the employee's contract of employment could be terminated.

4.11 In conducting the First Formal Meeting, the manager should also:

- (a) consider referring the employee to OH to obtain a medical opinion on the person's fitness.
- (b) ensure that employees with a disability are not automatically referred to OH. Decisions should be based on the need for greater information for managers to accommodate the employee in the post. Referrals should focus around the effect of the disability and what adjustments may be effective to address any disadvantage which the employee may be experiencing as a result of their disability to enable them to carry out their duties. It is then a management decision to determine if the changes needed are reasonable.
- (c) consider, in conjunction with the HR Advisor, whether it may be appropriate to stop sick pay in line with the provisions of the Green Book (paragraph 10.10). Any decision to stop pay must be approved by the Chief Officer.

4.12 The outcome of the meeting should be confirmed to the employee in writing. This should set out any action proposed to assist the employee in achieving the required improvement. The employee must be informed that a failure to make the necessary improvement will lead to further action being taken under this policy.

Exceptional Circumstances

4.13 In certain, exceptional circumstances, the manager may feel it is inappropriate to commence the formal process or move to the next stage even though the level of absence has passed the trigger points set out at paragraph 4.1 (e.g. in cases of terminal illness, death of a partner, accident, hospital admission etc). An example may be where an employee, who has recently returned from a long period of sickness absence, suffers a short illness, unconnected to the longer absence.

4.14 In these circumstances, the manager may wish to delay implementing the formal process. The line manager must complete the 'Management of Absence – Exceptional Circumstances' form (available on the HR Forms site of the intranet) and seek approval from their own line manager regarding this decision.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none"> • Management of Absence Policy October 2000 • Sickness overseas 	HR Policy Team	Page 9 of 12

4.15 Where it is agreed that the formal process should not commence, the situation must be kept under review and further action taken when this is considered appropriate. The manager must continue to support the employee throughout the absence.

Review Periods

4.16 The aim of any review period (which may be set after the First Formal Meeting, Second Formal Meeting or Dismissal Hearing) is to consider whether the employee has achieved the required improvement in attendance. During the review period the employee's attendance should be closely monitored and the manager should discuss all sickness absences with the employee or maintain contact with those employees who are not at work.

4.17 It is for the manager to determine a suitable review period which will allow the individual to demonstrate an improvement. This will vary, depending on the circumstances of the case, but should not normally exceed 3 months.

4.18 At the end of the review period or at an earlier stage, if circumstances have changed (e.g. new information has come to light about the employee's condition or their attendance record has deteriorated), the manager should consider whether further action should be taken under this policy.

Improvement Achieved

4.19 Where, during the review period, there has been a clear improvement in the employee's attendance they should be advised in writing that:

- no further formal meeting will take place as long as the improvement is maintained.
- a failure to maintain a satisfactory level of attendance during the following 12 months will normally result in the next Formal Stage taking place immediately.

Failure to achieve Improvement

4.20 Where the required improvement in attendance has not been achieved, or there has been a significant deterioration before the end of the review period, the next formal stage of the procedure will commence.

Second Formal Stage

4.21 The employee will be given at least five working days' written notice of a Second Formal Meeting, advised of its purpose and of her/his right to be accompanied by a Trade Union representative or work colleague. The manager will be accompanied by an HR advisor.

4.22 The employee should be advised that, if they fail to attend, the meeting can be

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none">• Management of Absence Policy October 2000• Sickness overseas	HR Policy Team	Page 10 of 12

held in their absence and appropriate action taken. The manager should consider any request by the employee for a deferment.

- 4.23 In cases where the employee is not at work the Second Formal Meeting may take place at their home or any other mutually agreed venue. If no recent medical advice has been obtained the employee must be referred to OH.
- 4.24 The purpose of the meeting mirrors that of the First Formal Meeting (see paragraphs 4.10 – 4.12).
- 4.25 After the Second Formal Meeting, the manager will determine whether or not the case will proceed to a dismissal hearing.
- 4.26 Where the decision is that the case will proceed to a dismissal hearing, the manager must notify the employee of this in writing. The process outlined from paragraph 4.28 of this policy will be applied.
- 4.27 Where a dismissal hearing is not recommended at this stage, the manager will:
- (a) Advise the employee, in writing, that an improvement is essential and that a further review will take place (see paragraphs 4.16 – 4.20) after a period, determined by the manager in accordance with the circumstances of the case. Failure to achieve the required standard of improvement will result in a dismissal hearing, which may lead to the termination of the employee's contract of employment.
 - (b) Agree a programme to assist the employee in achieving the required standard of improvement.
 - (c) Obtain an up to date report from OH.
 - (d) Consider whether it is appropriate to offer additional support (e.g. under the Council's Drugs and Alcohol Policy or Stress Management Policy or through Employee Counselling).

Dismissal Hearing

- 4.28 Where the formal process moves to a dismissal hearing, the manager dealing with the absence must prepare a report for the Chief Officer (Director or Assistant Director). This must set out the background to the case, the measures taken to support the individual in trying to improve their attendance record and the reason for the case now proceeding to a dismissal hearing.
- 4.29 The employee will be provided with a copy of this report and invited to attend a hearing with the Chief Officer. The employee will be given at least 5 working days' notice of the hearing.
- 4.30 The employee has the right to be accompanied at this hearing by a trade union representative or a work colleague. An HR adviser will also be present at this

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none">• Management of Absence Policy October 2000• Sickness overseas	HR Policy Team	Page 11 of 12

hearing.

- 4.31 The employee must be advised that the result of the dismissal hearing is that the employee's contract of employment with the council may be terminated.
- 4.32 Where the employee is unable to attend the hearing, and provides a good reason for failing to attend, the hearing will be adjourned to another day. The employee will receive 3 working days' notice of the rearranged hearing. Unless there are special mitigating circumstances, if the employee is unable to attend the rearranged hearing, it will take place in the employee's absence. The employee's work colleague 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.
- 4.33 The purpose of this hearing will be for the employee to have an opportunity to explain their case to the Chief Officer and to submit any reasons or mitigation to support a claim that their contract of employment should not be terminated.
- 4.34 The Chief Officer must be satisfied that they have sufficient information on which to make a decision regarding the employee's contract of employment with the Council (e.g. an OH report if not obtained at the second formal stage, see paragraph 4.23). They should also be satisfied that all the appropriate procedures have been followed, that reasonable adjustments have been considered (where appropriate) and that the employee has previously been advised that their employment with the Council could be terminated.
- 4.35 Where the Chief Officer determines that dismissal is not appropriate, the employee will be notified in writing. The Chief Officer should also indicate what further action needs to be taken to support the employee in improving their attendance record and how this will be monitored and assessed.
- 4.36 Where the decision is that dismissal is appropriate, the employee will be issued with notice of termination of employment, in accordance with their contract or their statutory period of notice whichever is the greater. The employee must be informed, in this notification, of their right of appeal against the decision (see paragraph 4.37), the timescales for doing so and the person to whom it should be addressed.

Right of Appeal against Dismissal

- 4.37 An employee, who has been issued with notice of dismissal under this Policy, has the right of appeal to the Employment Appeals Panel. Further information is set out in the Council's Policy on Employment Appeals.

Effective From	Replaces	Originator	Page of Total Pages
1 May 2012	<ul style="list-style-type: none">• Management of Absence Policy October 2000• Sickness overseas	HR Policy Team	Page 12 of 12