

Isle of Wight Council **ATTENDANCE MANAGEMENT POLICY**

Policy Information	
Policy Title	Attendance Management Version 1.2
Policy Purpose	By implementing this policy, the Isle of Wight Council aims to minimise the impact on service delivery and strike a reasonable balance between this and employees' genuine need to be off work with a sickness related absence.
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Consultation	Consulted and agreed with all recognised Trade Unions
Scope	<p>This policy applies in its entirety to all Council employees.</p> <p>Where appropriate, this policy will be updated to account for any changes in legislation without further consultation</p> <p>This policy is contractual and therefore (does form part of the employee's contract of employment (and the Council reserves the right to amend or replace this policy at any time).</p>

If you have difficulty understanding this document, please contact us on 01983 821000 and we will do our best to help you.

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1 Attendance Management

The Isle of Wight Council aims to encourage all employees to maximise their attendance at work while supporting their wellbeing and recognising that occasionally employees will be unable to attend work due to ill health.

By implementing this policy, the Isle of Wight Council aims to minimise the impact on service delivery and strike a reasonable balance between this and employees' genuine need to be off work with a sickness related absence.

Support and assist staff to maintain good levels of attendance and performance through the application of this policy, effective line management, and access to support services including Occupational Health, Maximus, Employee Assistance Programme and appropriate health and safety policies and procedures.

The council is committed to managing attendance in a consistent, supportive and proactive way that minimises the impact on service delivery and makes the most of the effectiveness and capability of the workforce.

Comply with the Equality Act 2010 and all other relevant employment legislation by identifying necessary adaptations in the workplace or working practices to enable attendance.

A well-managed positive approach to attendance management is critical to the delivery of council services across the Island community and plays a significant role in promoting the health and wellbeing of employees.

This policy both focuses on preventative measures that encourages a healthy workforce and a culture where attendance is valued and respected.

1.1 Council Initiatives

The Isle of Wight Council has an ambitious corporate plan, with clear strategic priorities. The successful delivery of this plan, together with the maintenance of public confidence in the performance and efficiency of council services is very much reliant on our workforce. A key dependency in this respect is the wellbeing of our staff; the presence of a positive attendance culture; appropriate support to help employees with health problems stay in and/or return to work as quickly as possible and wherever possible and having a consistent and robust approach to management action where attendance gives cause for concern.

Failure to manage attendance issues effectively can lead to:

- Increased strain on service delivery
- Lost productivity, missed targets and delays
- Increased pressures on colleagues to cover workloads
- Increased costs in delivering essential front-line services
- Poor reputation of the council
- Recruitment and retention difficulties

The council already has a range of initiatives in place to encourage employee wellbeing and a positive attendance management culture. These include:

- This attendance management policy sets out sickness absence triggers that require management action and intervention and may result in formal action.
- The requirement for return-to-work interviews following absence to take place to monitor wellbeing and manage ill-health occurrences
- Our own 'in house' occupational health service and access to NHS occupational health consultants
- [EAP](#) (Employee Assistance Programme) that provides free access for staff to a 24/7/365 counselling helpline
- A wealth of on-line resources to promote wellbeing on the [Health and Wellbeing pages](#)
- Attendance management training for managers on the [Learning Hub](#)
- A series of healthy lifestyle promotion activities, including chamber health days, flu vaccination programmes, reduced rate one leisure membership
- Monthly e-mails sent to managers identifying staff that have hit a trigger and offering support and guidance with the absence.

1.2 Wellbeing Strategy

Considering the most recent absence management and wellbeing strategy 2021-2024 several trends were identified, these were:

Pro-active Prevention: Investigate the reduction of overall absence levels and consider the changes that have been occurring in absence data and establish trends such as with long term and mental health.

Pro-active Management: Building the confidence and skills of managers in handling attendance issues, empowering them to act as well as holding them to account for effective attendance management. Providing managers access and data prompts that will assist them in pro-actively managing attendance in accordance with the attendance management policy.

Pro-active Wellbeing: Raising awareness of employees' health and wellbeing including mental ill-health, signposting to sources of help and introducing initiatives that promote positive health and well-being in order to reduce the number and length of absences relating to stress and mental ill-health., To enable people to access work and remain in work whilst dealing with health-related problems.

1.3 Scope

This policy and procedure incorporates all health related absence and applies to all employees of the Isle of Wight Council. However, this policy does not apply to casual staff, contractors or agency workers.

1.4 Definition of Terms

The following definitions are used in this policy:

Short-term sickness is any period of sickness absence (of any part of a working day or more) but less than 20 continuous working days. It can be both certified and/or self-certified given the timeframes.

Long-term sickness is regarded as serious and/or prolonged where employees are absent from work for a period more than 20 continuous working days (pro rata if part time) or for any recurrent periods (which could be less than 4 weeks) associated with a serious/prolonged health problem.

Statement of fitness for work or fit note is a statement provided by an employee's GP, hospital doctor or other healthcare professionals now including:

- Nurses
- Occupational therapists
- Pharmacists
- Physiotherapists

A **fit note** will only be issued if the employee has seen the above healthcare professional in person and they have been absent from work for 7 continuous days and the healthcare professional considers their fitness to work to be impaired.

Following advice from the fit note it is for the employer to decide on what adjustments/recommendations can be reasonably made for the employee with advice from occupational health if needed.

Self-certification is required for absences between 1 and 7 days inclusive. Information on how employees can self-certificate is detailed [here](#).

Disability, as defined under the [Equality Act 2010](#) is where somebody has a physical or mental impairment that has a 'substantial' and 'long-term' adverse effect on their ability to carry out day-to-day activities.

Ill Health Retirement (IHR) is when an employee retires on the grounds of ill health via an occupational health referral, appointment and review of all medical evidence by an independent consultant.

Timescales/Days for the purposes of this policy, whenever a number of 'days' are referred to, these will always exclude weekends and bank holidays. For term-time only these will also exclude school holiday periods.

2 Attendance Management Responsibilities

2.1 Employees

Employees are responsible for attending work regularly in accordance with their contracted working hours and fulfilling their contract of employment.

Employees are encouraged to read this policy and ensure that they continue to keep in touch and notify their line manager while they are absent from work – [see guidance](#).

The validity of an employee's illness is not in dispute, this is purely about them not being able to attend work to fulfil their contract of employment.

All employees must inform their manager of any health related issue which affects their ability to do their work in a competent manner or if they have a disability to ensure that managers are aware of any requirements/adjustments that may need to be considered - [see guidance](#).

In cases where attendance and/or health become a concern, employees should discuss the situation with their manager as soon as possible so that every opportunity can be made to ensure a mutually positive outcome.

Ultimately, employees are responsible for their own health and should utilise the range of support and advice that is available both within and outside of the Council outlined in our Health and Wellbeing pages. This includes engaging with the [Occupational Health](#) process and attending any form of self-help that would either reduce or prevent absence.

Employees - Reporting Absences – [see guidance](#).

2.2 Employees with Less Than 2 Years' Service

Employees reaching a sickness trigger point for short term or long-term sickness can be escalated to Stage 2 of the formal sickness absence process when they have less than 2 years' service at the Isle of Wight Council.

This will be up to the managers discretion and on a case by case basis, with advice from Human Resources and depending on the level of sickness absence.

2.3 Employees on Probation Period

Where frequent short-term or long-term sickness absence is considered excessive during probationary period; this will be dealt with under the [Probationary Procedure](#).

2.4 Employees Covering Additional Hours as Overtime

If an employee agrees to work or cover extra shifts as overtime and additional to their contracted hours and then are unable to do so as they have a sickness absence this can be considered during Stage 1 formal absence meetings and can form part of their sickness improvement plan.

2.5 Managers

The manager is responsible for monitoring attendance, ensuring all sickness absence records are updated and maintained accurately on SAP.

The Manager will arrange return to work interviews when an employee has been absent and when an employee hits a sickness absence trigger, they are to follow the formal sickness absence stages in line with this policy and HR advice.

Be supportive towards the employee and where appropriate seek to identify ways to assist the employee to improve their attendance in the future.

The manager is also responsible for maintaining employee confidentiality where health related matters are disclosed to them.

2.6 HR Advisers

HR Advisers will help ensure that this policy is understood and implemented consistently by managers, staff and trade union representatives. They will also advise on specific cases where informal or formal action is required.

2.7 HR Officers/Payroll

The HR Officers/Payroll are responsible for checking accuracy of sickness information and processing sick pay information.

3 Types of Sickness

Type of Sickness	Actions
Pregnancy	<p>Time off work due to pregnancy related sickness will not be counted towards any absence sickness trigger. You must still follow the normal absence reporting procedure and process.</p> <p>All notified sickness absence, including pregnancy related, will be paid according to your sickness entitlement, which remains unchanged.</p> <p>Pregnancy related absence/illness will be counted when reviewing an employee's attendance but will not count towards the issue of a warning or any other penalty.</p> <p>Occupational Health advice may be sought to clarify pregnancy related absence; especially if absences are frequent; and/or where you request a change of working pattern during your pregnancy.</p> <p>Refer to the Family Friendly Policy.</p>
Disability	<p>Reasonable adjustments may include:</p> <ul style="list-style-type: none"> ▪ adapted equipment ▪ physical changes to the environment ▪ changes to working hours, location, shift pattern ▪ time off for treatment or appointments ▪ phased return to work. The council's 'reasonable adjustments' guidance sets out further options of adjustments <p>Disability-related absences will be recorded as sickness absence and still be sent out to managers in the sickness trigger e-mails but managers must ensure that they keep a record of which absences are disability-related (for absences to be identified separately). All absences will be paid according to your sickness entitlement, which remains unchanged.</p> <p>Absence related to an employee's disability may be discounted from sickness triggers. Having considered the proper information a different level of absence may be set as acceptable over the course of a 12-month period. This will, however, be considered on a case by case basis.</p> <p>In instances where your attendance is unsatisfactory, and you are unable to return to work; and no reasonable adjustments or redeployment are possible it may be necessary to consider</p>

	terminating your employment. In these circumstances the processes for managing sickness absence will be followed according to the specific circumstances – see process .
Stress/Mental Health Issues	<p>As part of the Councils on-going commitment to support employee wellbeing and their legal duty to protect employees from stress at work if an employee indicates that they are absent due to stress at work their manager should firstly refer them to the HSE Indicator Tool & available resources.</p> <p>Following this the manager should complete the stress risk assessment with the employee. The template can be found HERE.</p> <p>This assessment should be kept on record to enable you to update it when necessary, Health and Safety may request to see a copy to audit the assessment.</p> <p>Further information and guidance for both employees and line managers are contained within the Workplace Wellbeing policy and the Health and Wellbeing pages.</p>
Cosmetic/Elected Surgery	<p>Surgery that is not considered to be medically necessary will be managed on a case-by-case basis and at the discretion of the manager.</p> <p>There is no automatic right to be paid during periods of recovery due to cosmetic/elective surgery.</p> <p>Any leave granted whether paid or unpaid will be subject to the availability of staff to cover the employee's period of absence.</p>
Blood Donor	Employees who are blood donors are entitled to time away from work to give blood and this will be treated as authorised absence and is not to be counted as special leave.
Alcohol/Substance Misuse	<p>Where it is identified that alcohol or drug misuse is the underlying cause of a sickness absence or poor attendance, procedures set out in this policy should be followed.</p> <p>Specific information and guidance is also set out in the Alcohol/Substance Misuse policy.</p>

Long Covid	<p>Most people with Covid-19 feel better within a few weeks of their first symptoms and make a full recovery. However, for some people symptoms can last longer. This is called Long Covid or post Covid-19 syndrome. Long Covid is a new condition which is still being studied.</p> <p>This guide for managers explains how to understand the impact of long Covid and effectively managing an employee with a long term health condition – in line with this policy and Flexible Working policy.</p> <p>To manage a safe and productive return to work also consider an Occupational Health referral.</p>
Cancer – chemotherapy/radiotherapy treatment	<p>Managers want to support any employees facing cancer treatment without giving their employee additional stress and being sensitive to the needs of the employee.</p> <p>If an employee is facing treatment, they should discuss a way forward for time off/managing appointments with their manager, which can be mutually agreed to minimise any work anxiety. Managers will arrange with the employee when appropriate to keep in touch during this period.</p> <p>Refer to Working with a cancer diagnosis guidance</p>
Terminal Illness	<p>For employee's dealing with a terminal diagnosis this will obviously be a devastating and extremely difficult time for them. They will require support to come to terms with, they will require support and understanding and not additional stress or worry.</p> <p>Managers will support staff following their diagnosis, recognising that some employees will wish to carry on working. Employees with a terminal illness must also recognise though that there may come a time when this is not possible and they can then discuss this with their line manager.</p> <p>Occupational Health and HR advice can be obtained for continuation of work / monitoring absence / ill health retirement.</p> <p>For additional advice and support on terminal diagnosis please see a managers guide – Refer to guidance here.</p>

3.1 Types of Sickness Absence Situations

3.1.1 Annual Leave and Absence

If your sickness occurs during annual leave and you wish to have your leave reinstated, you must follow the normal sickness absence reporting procedures (paragraph 7.1) and, in this instance you will also be required to supply a fit note for the period of sickness absence (you cannot self-certificate in these circumstances). Annual leave will only be reinstated if you adhere to this policy correctly.

You will not be entitled to an additional day off if the sickness falls on a statutory holiday. (This applies to both long term and short-term sickness absences.)

Please refer to the Annual Leave Policy regarding accrual and carry-over of annual leave entitlement while off sick.

3.1.2 Health Appointments During Work Time

Doctor, Dentist or Optician - there is no right to paid time off to attend these routine appointments. Employee's must try to make appointments outside or at the end or beginning of their normal working hours/shift time to minimise any disruption. Please refer to the [Special Leave policy](#) regarding the use of flexi leave or annual leave to accommodate appointments during the working day when necessary.

Disability - if you have a disability, you may have the right to paid time off for health/medical appointments related to your disability if agreed as a 'reasonable adjustment'. The law ([Equality Act 2010](#)) requires that all employers consider 'reasonable adjustments' to ensure that no disabled employee is put at a disadvantage compared to non-disabled colleagues. It may be necessary for you to therefore disclose a disability to be allowed paid time off for health/medical appointments if they relate to your disability.

Pregnancy - once you have advised your line manager that you are pregnant, you will be entitled to take reasonable paid time off work (at normal rate of pay) to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor. Please refer to the [Family Friendly policy](#).

Occupational Health - appointments with OH will be booked during your work hours where available. However, this is not always possible due to availability so on occasion may be arranged out of works time.

3.2 Occupational Health – obtaining medical advice

If an employee's attendance, health or productivity gives cause for concern (whether absent from work or not) they may be referred to Occupational Health (OH) for a medical opinion.

Referrals can only be made by a manager, but at any stage of an employee's absence.

If employees are advised to see the Occupational Health Nurse Adviser they are required to attend as below:

- The Council has the right under their contract of employment to require them to attend such appointments

- If employee's do not attend, or refuse to release a report following an appointment, then management will have to make decisions without this information.
- Appointments are required to be paid for whether employee's attend or not. Employee's may be responsible for the cost of the appointment.
- An employee consents to the OH appointment and for the report to be written. However, if an employee refuses consent for the OH report to be released their manager must proceed with the Attendance Management process without OH recommendations which could have negative consequences for the employee.
- An OH report can be released without consent if it can be justified to be in the best interests of the employee, employer and the business service.
- Advice within the OH report should be implemented where possible. However, it is the managers responsibility to apply the recommendations to the specific work scenario, considering factors such as the team requirements within the context of the service area.

On receipt of the OH report managers should contact their **HR Advisor** to discuss the outcome and recommendations – [Refer to our Occupational Health pages.](#)

3.3 Phased Return to Work

A phased return to work may be recommended by OH or agreed following a period of long-term absence (please use phased return to work form which can be found [here](#)). This enables an employee to work towards fulfilling all their duties and responsibilities within a defined and appropriate time period and then gradually increase their working hours and/or duties back to the full contractual hours and full duties.

A phased return to work may not always be suitable or possible, it is only a recommendation and must also meet the needs of the service.

A phased return to work will not normally last for longer than 4 weeks but can be extended in exceptional circumstances at the line manager's discretion. If so, then outstanding annual leave should be used to cover the extended period which ensures you are still able to return over a phased period but, also ensures that you are not returning to work with vast amounts of leave (which could impact on service delivery).

If you are currently in a period of half-pay and the hours worked upon return are 50% or less of your usual contractual hours then you will remain on half-pay for that period. If you are on half-pay and the hours worked upon return are more than 50% of your usual contractual hours, you will receive full-pay for the period of the phased return.

All referrals will be triaged by the Occupational Health Nurse Advisor before they are referred with all medical evidence to an independent Occupational Health Consultant, arranged via the NHS OH service for consideration for IHR.

For more information on ill health retirement and the process for managers and employees to follow – [Refer to guidance here.](#)

3.4 Redeployment on Grounds of Ill Health

Upon the advice of OH, where employees may be prevented from continuing in their current role due to ill-health or disability, the council may consider redeployment where possible. If redeployment is agreed an employee must be put on notice in their current role, the pay and conditions of the new post will apply.

If redeployment is not possible or available, your employment will be terminated on the grounds of ill health due to incapacity to work.

Employees with a recognised disability, who require redeployment will be considered for roles prior to general applicants as per the redeployment policy.

3.5 Ill Health Retirement (IHR)

A referral to occupational health for Retirement on the grounds of ill health (Ill health retirement or IHR) can only be considered if It is unlikely from medical advice that an employee on long term sickness absence will be unable to return to their current or any role – [refer to guidance here](#). and IHR tiers explained – [Refer to guidance here](#).

4 Paid Sickness Benefits

Sickness absence benefits are calculated based on a 'rolling' calendar year and is based on your length of Local Government service. There is no automatic right to exhaust sickness benefits.

Each individual absence will be treated on its merits according to the circumstances of the case. You are entitled to receive sick pay at the following rates up to a maximum of the periods set out below:

Length of Service	Sick Leave at Full Pay	Sick Leave at Half Pay
During 1 st year of service	1 month	2 months (after 4 months service)
During 2 nd year of service	2 months	2 months
During 3 rd year of service	4 months	4 months
During 4 th and 5 th year of service	5 months	5 months
After 5 years' service	6 months	6 months

Entitlement is based on the length of service on the day the absence starts, it does not change during the absence.

For sickness pay entitlement for Teachers please refer to the relevant terms and conditions document as set out in their contract of employment.

4.1 The 'rolling year'

Entitlement to paid / unpaid sick leave is based on the amount of sickness absence recorded during a 'rolling year' – one year back from the start of the current absence.

For example, if you were absent from work on the 01/04/2023, the 'rolling' year will be from 01/04/2022 – 01/04/2023.

Should you transfer departments [within the council] your sickness record and entitlement will also be transferred and therefore, counted towards both the initiation points and total absence.

4.2 Third Party Claims

If you are absent because of the negligence of a third party (for example, a road traffic accident in which you are claiming damages), you may be required to refund the amount of money equivalent to the amount of sick pay you received during the relevant absence to the Council (to avoid being paid both through your claim and through the council). This amount will form part of your damages claim.

If your damages claim is successful, the amount to be refunded will be equivalent to the total amount of sick pay you received. If the claim is only partially successful, you will be required to refund the same proportion of the sick pay.

In these cases, your return-to-work interview form must contain confirmation that the absence was due to an accident involving a third party. An undertaking form will then be sent to you via your solicitor; you must complete and return it so that if a request for information in connection

with your claim is made by your legal representatives, the correct amount of sick pay will form part of your claim (therefore, you will need to liaise with Payroll directly for this information). For the IWC to release such pay information to your legal representative a signed form of authority (drafted by your legal representative) must be obtained by you whereby you consent to such information being released to your legal representative. If your claim cannot be made, or is unsuccessful, the undertaking does not commit you in any way.

5 Sickness Absence Triggers

When an employee's sickness absence raises concern for the following reasons your manager will be sent a sickness absence trigger e-mail informing them of this and asking them to now take action in line with this policy:

The initiation points are as follows:

- **Short term** - four or more separate periods of absence within the preceding 12 months, this could be a combination of ½ days, several days or separate weeks
- **Long term** - twenty continuous working days (pro rata if part-time)
- **Stress/Mental Health** – an absence which has been identified for a reason of stress (work related or otherwise) or a mental health reason.

*A Stress/Mental Health absence is a trigger for managers to support employees but will not **automatically** be a reason to move to a formal process:*

5.1 Noticeable Patterns of Absence

Noticeable patterns of absence can be a cause for concern for a manager but are not included in the absence trigger e-mails, although a manager should be aware of:

- Regular Fridays and Mondays
- Absence following a bank holiday/annual leave/weekend
- Regular absences on specific days of the week or times of the year

If an employee's sickness absence suggests that a pattern such as outlined above may be building up, they will be invited to an absence review meeting with the manager to discuss the issue.

If appropriate, disciplinary action may be taken – [Refer to Disciplinary policy](#).

6 Formal Action

6.1 Short Term - reaching a short-term sickness absence trigger

Short term absence is an employee that has 4 or more absences.

Stages	Absence	Action
Stage 1	Employee has reached an initiation short term sickness absence point – 4 or more absences in a rolling year. And/or a history or pattern of absence is over a prolonged period.	Your manager will invite you to a Stage 1 Formal Sickness Absence meeting giving 5 days' notice to discuss your attendance. Refer to process.
	If there is an underlying health condition or disability.	Your manager will take this into consideration with their HR Adviser and either adjust your trigger points and/or make an OH referral. This can be discussed at the meeting. Depending on the outcome of the OH report the manager can move to the next stage.
	If there is no underlying health condition	A Stage 1 absence warning can be issued by the manager at this meeting. This warning will include improvement required – an immediate and sustained improvement. A letter will be issued confirming this and the consequences of more sickness absences. The warning will stay live on the employees record for either a year or if sickness does not improve it will be moved onto a Stage 2 warning and proceed to Stage 2 of the process.
	No more absences occur	No further action will be taken.
Stage 2	Another sickness absence occurs within the planned improvement timeframe or attendance remains unsatisfactory.	Your manager will invite you to a Stage 2 Formal Sickness Absence meeting giving 5 days' notice to discuss your further absences.

	<p>If you have a Stage 1 absence warning on file, and there is a further breach of the absence initiation points.</p> <p>And/or where the history and pattern of absence over a prolonged period.</p>	<p>At this point a Stage 2 absence warning will be given – this will move the Stage 1 warning to a Stage 2 warning which is a final warning.</p> <p>Refer to process.</p>
Stage 3	<p>Another sickness absence occurs within the planned improvement timeframe and/or attendance remains unsatisfactory.</p> <p>And/or where you have previously been invited to and/or attended a final stage hearing in the previous 12 months</p> <p>And/or where the history and pattern of absence over a prolonged period.</p>	<p>The employee will be required to attend a Stage 3 formal absence hearing.</p> <p>The outcomes of which could be any of the following:</p> <ul style="list-style-type: none"> • no further action • Sickness Improvement Action plan updated; the monitoring period extended • redeployment on ill health grounds • dismissal (on the grounds of ill health capability or Ill health retirement). <p>The employee may appeal the outcome – Refer to appeals.</p> <p>Refer to process.</p>

6.2 Long Term – reaching a long-term sickness absence trigger

Long term absence is an employee that has been absent for 20 days or more or prolonged sickness.

Stages	Absence	Action
Stage 1	<p>Employee has reached the trigger point of 20 continuous days or more sickness absence.</p> <p>And/or a serious and prolonged absence where employees are absent from work for a period of over 20 working days.</p>	<p>Your manager will invite you to a Stage 1 Formal Absence meeting giving 5 days' notice to discuss your long-term absence – Refer to process</p> <p>This meeting can take place before the 20th day of absence.</p> <p>Where appropriate a Sickness Attendance Improvement Action plan will be put in place, which may include an occupational health referral, reasonable adjustments to support a return to work and future attendance together</p>

		<p>with keeping in touch arrangements during this absence.</p> <p>The length of the formal monitoring period will consider the total absence, reason for that absence and the anticipated return to work.</p> <p>However, it should not, in the first instance exceed 3 months.</p>
	An OH referral has been made and the report has come back.	<p>At any stage when an OH report is received the manager can contact the employee for an additional Sickness Formal Absence meeting giving 5 days' notice – called Stage 1.</p> <p>Depending on the outcome of the OH report recommendation for IHR, phased return to work, no foreseeable return to work, necessary adjustments will be discussed at this meeting.</p>
Stage 2	<p>Employee does not come back to work after 20 continuous days.</p> <p>And/or the employee comes back to work after the absence and then has another episode of sickness absence.</p>	<p>Your manager will invite you to a Stage 2 Formal Sickness Absence meeting giving 5 days' notice to discuss your continued or additional absences and the content of the OH report and Sickness Attendance Improvement Action plan. (the employee may have had regular absence meetings in between)</p> <p>Your manager will write to you after each meeting to confirm any actions or review dates that have been agreed.</p> <p>Refer to process</p>
Stage 3	Employee continues to be on long term sickness absence.	<p>Your manager will write to you requesting you to attend a Stage 3 formal absence hearing giving 5 days' notice; setting out the reason for the hearing, including any evidence to support the</p>

	Occupational health report states there is no foreseeable return to work.	<p>case and making clear that the outcome could be dismissal.</p> <p>The outcomes of which could be any of the following:</p> <ul style="list-style-type: none"> • no further action • Sickness Improvement Action plan updated; the monitoring period extended • redeployment on ill health grounds • dismissal (on the grounds of ill health capability or Ill health retirement). <p>Any decision to dismiss will only be made by a manager with the appropriate authority.</p> <p>The employee may appeal the outcome – Refer to appeals.</p> <p>Refer to process</p>
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6.2.1 General Considerations

During any of the above stages of the Attendance Management policy The Isle of Wight Council reserves the right to escalate review of an employee's attendance to any stage of this policy on a case-by-case basis if appropriate.

7 Procedure/Process

7.1 Reporting Sickness Absence

All employees and managers must report absence in line with the Council's agreed procedures. Failure to report absence or return to work may result in loss of pay for the absent employee for the relevant period. Failure to adhere to these procedures – by either the manager or employee may be dealt with as a disciplinary matter.

7.1.1 Self-Certification

For absence between one and seven days inclusive, an online SAP self-certification form will need to be completed within 5 working days from the date of return which will be sufficient for the payment of sick pay. There may be circumstances in which self-certification is not appropriate or where it cannot be accessed via SAP. If this is the case, you will need to speak to your manager or their nominated deputy. Absences longer than this must be covered by a doctor's fit note.

7.1.2 Doctors Fit Notes

Where absence extends beyond seven calendar days (i.e. on the eighth consecutive day of absence), a fit note must be obtained from a doctor and forwarded immediately to your manager. This will ensure that the correct pay is received.

7.2 Process for Managers

7.2.1 Managing / Monitoring Sickness Absence

- Managers must record the absence on the Managers Self Service Portal at the earliest opportunity.
- A single absence across multiple days should be recorded as one absence on the self-service portal with the start and end dates set appropriately. If the absence is then extended, the current record should be amended (and not a new absence created). Creating separate absences for each consecutive day will cause it to show up as separate absences on the HR system and may cause the employee to reach a sickness trigger point.
- For absence between one and seven days inclusive, an online SAP self-certification form will need to be completed within 5 working days from the date of return which will be sufficient for the payment of sick pay. There may be circumstances in which self-certification is not appropriate or where it cannot be accessed via SAP. If this is the case, you will need to speak to your manager or their nominated deputy. Absences longer than this must be covered by a doctor's fit note (see paragraph 7.3.1).

7.2.2 Keeping in Touch During Sickness Absence

- SBM's/Managers will keep in touch with their employees to see how they are feeling, particularly if an employee has indicated that the absence is due to work related (or other) stress. If it is not appropriate for your immediate line manager to maintain contact, arrangements will be made for another manager to keep in touch.
- Employees are required to keep in touch with their manager during periods of sickness absence and respond to any reasonable contact made by the Team Manager or Deputy Team Manager or Headteacher/SBM.
- The manager should offer the support of the Council's [Employee Assistance Programme](#).
- The frequency of contact needed will be determined on an individual basis and will be in a constructive and supportive manner with the aim of seeking a timely return to work.
- A manager may make contact by telephone, Teams, email, letter, home visit, meeting at work site, off-site or at a neutral venue and sometimes home visits (if pre-arranged). Records of contact and what was discussed should be maintained by managers.
- Additional guidance on maintaining contact with the employee during sickness absence - [Guidance on Maintaining Contact with Employee's During Absence](#).

7.3 Process for Employees

- On the first day of sickness all employees must notify their manager by phone, by 9.00am or, before the start of their shift by giving the reason for the absence. This is to enable the manager to make adequate cover arrangements at the earliest opportunity. If possible, they should indicate how long they expect to be off work. In exceptional circumstances (e.g. if you are too unwell to get to a phone or speak) someone may call on an employee's behalf.
- If the absence continues beyond the third day employees must contact their managers to explain the nature of their illness and the length of time they expect to be absent. If employees do not follow the procedures outlined above, their manager should contact them to seek the reason for your absence.
- If a manager **is not** notified as detailed above, this may result in the absence being recorded as unauthorised unpaid absence and disciplinary action could also be taken. The Council's sick pay benefits are detailed [here](#).

8 Occupational Health

8.1 Occupational Health Referrals

A referral to Occupational Health should only be made by an employee's manager and should contain the following;

- Detailed reasons for referral - i.e., why the manager is making the referral?
- Dates and reason of previous and current absence
- Relevant medical history – any medications, medical appointments or procedures in the future
- What adjustments/considerations have already been made or plan to be implemented
- What is the effect on the service?
- Whether a HSE assessment/stress risk assessment has been completed – where appropriate
- Include the job summary – this helps the Nurse Advisor understand what the employee's role involves

8.1.1 Ill Health Retirement Process

If [Ill Health Retirement](#) is being considered, before making an Occupational Health Referral your Manager should contact their HR Adviser. Any possible medical evidence should be provided with the OH referral, our OH Nurse Advisor will triage these referrals and send the employee to an independent consultant if appropriate to determine IHR.

If the Occupational Health Report concludes that the employee is not fit to carry out their duties and Ill Health Retirement is granted under Tier 1, Tier 2 or Tier 3 ([tiers explained](#)) of the Local Government Pension Scheme, the manager will write to the employee to invite them to a formal absence review meeting to confirm that employment will be terminated on grounds of incapability to work due to ill health. The employee will be entitled to the release of their occupational pension under the Local Government Pension Scheme Ill Health Retirement Pension Provisions.

8.1.2 Appeal for IHR

If the employee is dissatisfied with any decision made in relation to the scheme (including the decision to grant retirement and/or the benefits paid), they have a right to challenge it and have their complaint reviewed under the scheme's Adjudication procedure, also known as the Internal Disputes Resolution Procedure. If you feel this is the case, please contact Human Resources.

For more OH information - refer to the [Occupational Health](#) pages and [IHR Guide](#).

8.2 Process for Managing Short Term Sickness

8.2.1 Stage 1 Formal Sickness Absence Meeting

Upon reaching one or more of the initiation points within this policy, formal action can now be taken.

The manager will write inviting the employee to a Stage 1 Formal Sickness Absence meeting giving 5 days' notice outlining the purpose of the meeting and informing you of your right to be accompanied by a trade union representative or work colleague.

At this meeting the manager will:

- Seek to understand the reasons for the absence
- Provide support, with a view to reducing your sickness absence levels
- Discuss what adjustments, if necessary, are required
- Discuss whether there is an underlying health concern giving rise to your absence
- Discuss making the appropriate medical referral (where an underlying health concern or suspected health concern requires further information – [Refer to OH referrals.](#))
- Signpost you to relevant support services if required e.g. [EAP and Health and Wellbeing pages](#)
- Outline the required improvement (subject to an OH referral*) in attendance and the consequences of little or no improvement will be clearly explained to you (i.e. a warning with the expectation of zero absence until date X).

**if an occupational health referral is being made, formal warnings will be 'on hold' until the outcome of the report is received.* Consideration will be given to other and/or additional activities you may be involved in, e.g. project work, training and development; overtime/additional hours.

Whether adjustments are made or not, then disability related absence will be counted in the same way as other individuals regarding the initiation points and the issue of a warning or other penalty may take place.

The HR Adviser will not normally be involved at this stage unless it is to assist a new manager. This meeting should take place as soon as possible following an initiation point being met.

8.3 Absence warnings for Short Term Sickness

8.3.1 Stage 1

Formal Sickness Absence Meeting

An absence warning may be issued at this Stage 1 formal sickness absence meeting if the employee has reached one of the initiation points. The decision will be made once all relevant circumstances have been given full consideration and whether there is an underlying health concern or not.

If a Stage 1 absence warning is issued this will be confirmed in writing and a record kept on file, this does not need to be sent to HR. If an employee already has a live absence warning; a second warning will normally be issued. The warning letter will contain:

- the required improvement in attendance
- the date in which no further absences can occur,
- the consequences of little or no improvement and
- a review date set (the date when the employee's absence is expected to be below the absence initiation points)

However, the line manager may take action sooner if the employee has a further period of absence within this period.

Each absence warning will remain 'live' on an employee's record for 12 months from the date of issue or unless absences do not improve the employee will be moved to Stage 2 of the process.

If, following the review period, the employee has achieved the required improvement in attendance a review meeting will be held and the outcome of this will be confirmed in writing and no further action will be taken at this point. Any existing warnings will remain live until expiry of the 12 months, from the date they were issued.

If further sickness absence occurs the following action will be taken:

- If the employee has a live absence caution file; the absence will be reviewed again at a formal absence review meeting and moved to Stage 2
- If you have a second live absence caution on file; your absence will be reviewed at Stage 2 and possibly result in dismissal.

8.3.2 Stage 2

If further absences have occurred, then the manager will invite the employee to a Stage 2 Formal Sickness Absence meeting giving 5 days' notice to discuss the further absences.

At this point a Stage 2 absence warning will be given – this will override the Stage 1 warning and be a final warning.

This will be given with another timeframe of improvement necessary with the understanding that if this is not achieved you will be invited to a Stage 3 formal absence hearing. Which could result in a dismissal.

An [Occupational Health](#) referral can be made at this stage.

A Stage 1 or Stage 2 absence warning may be appealed – [Refer to Appeals](#)

8.3.3 Stage 3

Formal Sickness Absence Hearing

You will be required to attend a Stage 3 Formal Sickness Absence Hearing in the following circumstances:

- Where there is no significant improvement in attendance

- And/or where you have a second live absence warning on file, and there is a further breach of the absence initiation points
- And/or where you have previously been invited to and/or attended a final stage hearing in the previous 12 months
- And/or where the history and pattern of absence over a prolonged period (which could include all or part of their employment with the IWC) continues to give cause for concern.

As an outcome of the final stage absence hearing may be dismissal, it will be held by a manager with authority to dismiss.

The employee has the right to be accompanied by a trade union representative or work colleague - [Refer to hearing process.](#)

8.4 Process for Managing Long Term Sickness

8.4.1 Stage 1

Formal Sickness Absence Meeting

The manager will invite the employee to attend a Stage 1 Formal Sickness Absence meeting. The manager will need to be flexible about the place where the meeting will take place, considering the nature of the illness. The employee will have the right to be accompanied by a union representative, work colleague, friend or family member at these meetings.

In this meeting your manager will consider the possible length of the total absence, the reason for that absence and the anticipated return to work. The first of these meetings will normally take place upon confirmation that you are expected to be absent for 20 days or more; and where no specific return date is imminent.

At the meeting your manager will discuss:

- The continuing absence and the cause of this absence
- Any support the IWC can offer to aid recovery
- Any reasonable adjustments that should be considered
- A possible phased return to work (where applicable)
- What the expected period of absence will be
- An [Occupational Health](#) referral (to seek medical advice on the likely duration of the absence and any adjustments that could be made to support the employee in returning to work)

The manager will write to the employee after each meeting to confirm any actions or review dates that have been agreed.

8.4.2 Stage 2

If the employee has still not returned to work or had a further sickness absence the manager will invite them to a Stage 2 Formal Sickness Absence meeting giving 5 days' notice to discuss the continued or additional absences and the content of the OH report and Sickness Attendance Improvement Action plan.

The employee may have had regular absence meetings in between.

8.4.3 Stage 3

Formal Sickness Absence Hearing (excluding IHR)

Where there is no foreseeable date of return* or upon advice from OH that the employee is not fit to return to work within a reasonable timescale, the manager must write to the employee requesting they attend a final long term sickness absence hearing giving 5 days' notice; setting out the reason for the hearing, including any evidence to support the case and making it clear that the outcome could be dismissal.

When considering what a reasonable timescale for a return to work is, the manager will consider the current length of absence, the likely length of the continuing absence and the impact the absence is having on the service.

The employee has the right to be accompanied by a trade union representative, work colleague, friend or family member. You will also be given the opportunity to provide any additional evidence to support your case, normally up to 3 clear days prior to the date of the hearing.

As an outcome of the final stage long-term absence hearing may be dismissal, it will be held by a manager with authority to dismiss.

8.4.4 Sending an Employee to Occupational Health

On receipt of the OH report the manager will arrange another meeting with the employee to discuss the content of the report. HR may be involved at this stage.

Depending on the outcome of the OH report the result could be a phased return to work, return date to work or no foreseeable return to work, in which case the manager would move to stage 3 of the process.

8.5 The Hearing

8.5.1 Preparing for the Hearing

Where sickness absence/multiple absences have meant that a hearing is taking place, it is essential to ensure that the case is appropriately put together and that preparation has taken place.

The manager will do the following:

- Write to the employee requesting they attend a hearing giving 5 days' notice setting out the reason for the hearing, including any evidence to support the case and making clear that the outcome could be dismissal.

- At the hearing the manager will present a formal management case which will normally include an Occupational Health assessment alongside further evidence of the employee's absences.
- Any decision to dismiss will only be made following previous formal meeting/s and once all other alternatives have been considered. The decision will be confirmed in writing within 5 days of the hearing.

The Employee:

- The employee has the right to be accompanied by a trade union representative or work colleague.
- The employee will also be given the opportunity to provide any additional evidence to support their case up to the day before the hearing.

If the Employee is dismissed:

- The employee will be given written notice in accordance with the terms of their contract. Their SAP record will be updated accordingly. If it is agreed that they will be paid for, rather than work their notice, this will be withheld until the deadline for appeals has passed to ensure that at any stage (where possible), overpayment does not occur.
- The employee can appeal against the decision to dismiss - [Refer to appeal process.](#)

8.6 Preparation for the Hearing

A hearing pack should contain;

- Covering paperwork/sheet (supplied by the HR Adviser)
- Invite to hearing letter, giving 5 days' notice
- Occupational health report(s)
- Report of sickness with the reasons for absence
- Copies of previous formal absence review meeting letters
- Copies of minutes from previous formal absence review meetings
- Information on what adjustments/considerations have already been implemented/would be implemented should the individual return/remains in employment
- Confirmation on discussions around reasonable adjustments and what the employee's response was to these adjustments
- Stress risk assessments (where appropriate)
- HSE Assessment Tool (where appropriate)
- Mental health checklist (where appropriate)
- Return to work interview forms (if short-term absences)

Agenda

This should be completed and sent out to the employee. It sets out the purpose of the hearing, the running order of the hearing and who will be attending.

Appendix A - Attendance Management Policy

It is best practice to include a copy of the Attendance Management policy in the pack for reference during the hearing itself.

Appendix B - Management Submission

The manager should write a management summary before the evidence begins in this section to set the context, in summary, as to what you have already done so far, how long the employee has been off for, what mechanism of return to work you have put together and how, despite this, a hearing has been called.

This is also useful as it provides the manager with information to either read out or refer to during the hearing to ensure an effective and efficient process takes place. You should take time to consider what you are thinking of writing and how this will support you presenting your case in the hearing. An order for your management case could be;

- Nature of the absence
- Background (other absences – length of time, reason etc.)
- Background to employee (i.e. how long they've worked for the council, in what roles etc.)
- Chronology of events and what the results of these were (meetings/adjustments/OH reports etc)
- Conclusion
- Following on from this 'statement' should be the evidence to substantiate what you have written as your summary. The evidence included should contain all the support, evidence of meetings/discussions and context to date.

Appendix C - Employee Submission

- The employee will need to send in their submissions before the hearing and **not on the day of the hearing**. The submissions will need to be added to the pack in readiness for the hearing so that the chair can have time to consider all submissions before the day of the hearing.

8.7 Process for the Hearing

8.7.1 Managers

The manager will present the issues regarding the employee's sickness absence to the Chair.

Matters to be considered at this hearing will include:

- Whether a phased return to work would be appropriate (and if so what training and support is required)
- Whether any reasonable adjustments could be made to the role or working environment to enable a return to work.
- What has happened to date in regards to managing the absence
- The impact of absence upon the service delivery

- Redeployment on the grounds of ill-health
- Retirement on the grounds of ill-health

Termination of employment would be on the grounds of incapacity to work (ill-health) and may be actioned prior to entitlement to Occupational Sick Pay being exhausted, where there is no reasonable prospect of you returning to work.

If an employee fails to attend any of the meetings set out above (without prior and reasonable explanation) then their manager may make a decision based on the information they have.

The manager will keep a written record of all meetings and actions throughout the process.

8.7.2 Employee

The employee will have the right to be accompanied by a union representative, work colleague, friend or family member at the hearing.

At the hearing the employee will need to put forward any reasons why they consider their employment should not be terminated. The Chair will consider the information provided in the employee's submission when deciding whether to terminate the contract of employment.

The Chair of the hearing will communicate any decision to terminate the employees' contract or any decision other than to terminate the contract in writing within 5 days of the meeting.

If an employee is dismissed as a result of sickness absence/ill-health, they will be paid in lieu of notice (in accordance with their contractual notice period). Pay in lieu of notice will be based on normal contractual pay.

If it is agreed that the employee will be paid for, rather than work their notice, this will be withheld until the deadline for appeals has passed to ensure that at any stage (where possible), you are not overpaid.

The employee can appeal against the decision against their dismissal - [Refer to appeal](#).

8.8 Appeal

An employee has the right to appeal against any sanction imposed at any stage of the formal attendance procedure, including dismissal. The request for an appeal must be made in writing to HR.

The appeal must be made within 5 days of the date of the decision letter and must clearly state the grounds upon which an appeal is being made.

An employee may only make an appeal on the following grounds:

- The decision: the evidence did not support the conclusion of the manager
- The penalty: this was too severe given the circumstances of the case
- New evidence: evidence has come to light since the formal review of attendance hearing and was not reasonably available at the time of that hearing
- The attendance management procedure was not followed correctly.

The appeal will try and be arranged within fifteen days of receipt of the employees written notice of appeal. However, this is not always possible so on a date which is mutually agreed by the parties.

HR will work with the Manager who conducted the dismissal hearing to arrange an appeal hearing. The appeal will be referred to the Appointment and Employment Committee as per the Council's Constitution.

This will be arranged as soon as is reasonably practicable but within ten working days. However, if this is not possible, the employee will be informed of the reason for any delay.

An appeal, not against a dismissal, but a [sickness absence warning](#) may be conducted by another manager who has the necessary experience to chair such a hearing.

The manager will write to the employee inviting them to attend an appeal hearing. The employee has the right to be accompanied by a Trade Union representative or work colleague and must take all reasonable steps to attend. Consideration will be given of any reasonable adjustments required under the [Equality Act 2010](#).

The appeal hearing will consider representations from the employee and/or their representative. The employee must provide any supporting evidence for the basis of their appeal to HR, at least 5 days prior to the appeal hearing date.

The manager who made the previous decision will be required to attend the appeal hearing to respond to the grounds of the appeal. All parties will receive copies of the evidence to be presented at the appeal hearing at least two clear days prior to the hearing.

8.9 Appeal against Sickness Absence Warnings

If the appeal is against a sickness absence warning, then the appeal will normally be heard by the manager of the manager who issued the warning. The manager who issued the warning will be at the appeal to answer any questions and the employee will put their case forward first as to why they are appealing the warning.

As soon as possible after the conclusion of the appeal hearing, the chair conducting the hearing will confirm the decision verbally to the employee and the manager who issued the warning.

The chair will confirm their decision in writing to the employee within 5 days of the appeal hearing; the employee will also be informed of the reasons for the decision and that the decision is final.

8.10 At the Appeal Hearing

The appeal chair will:

- consider all the evidence, including any new evidence presented
- determine whether the grounds for the previous absence sanction are valid
- determine whether the sanction remains the same or should be increased, reduced or removed

The chair conducting the hearing may adjourn proceedings during the appeal hearing. If further information is to be gathered, you will be allowed a reasonable period, together with your representative, to consider the new information prior to the reconvening of proceedings.

As soon as possible after the conclusion of the appeal hearing, the chair conducting the hearing will confirm the decision verbally to you and to the manager who presented the case.

The chair will confirm their decision in writing to you within 5 days of the appeal hearing; you will also be informed of the reasons for the decision and that the decision is final.

9 Return to Work after a Sickness Absence

9.1 Process for Managers

Where necessary managers may need to consider specific competency or health and safety issues and construct a plan prior to the return-to-work meeting (for example, workplace assessment, or placing the employee on temporary restricted duties). A phased return to work plan template is available - [Refer to template.](#)

9.1.1 Return to Work Interview

The return-to-work interview will ideally be carried out on the day of an employee's return so that their fitness to return to work can be judged.

Notes must be taken at this meeting to ensure:

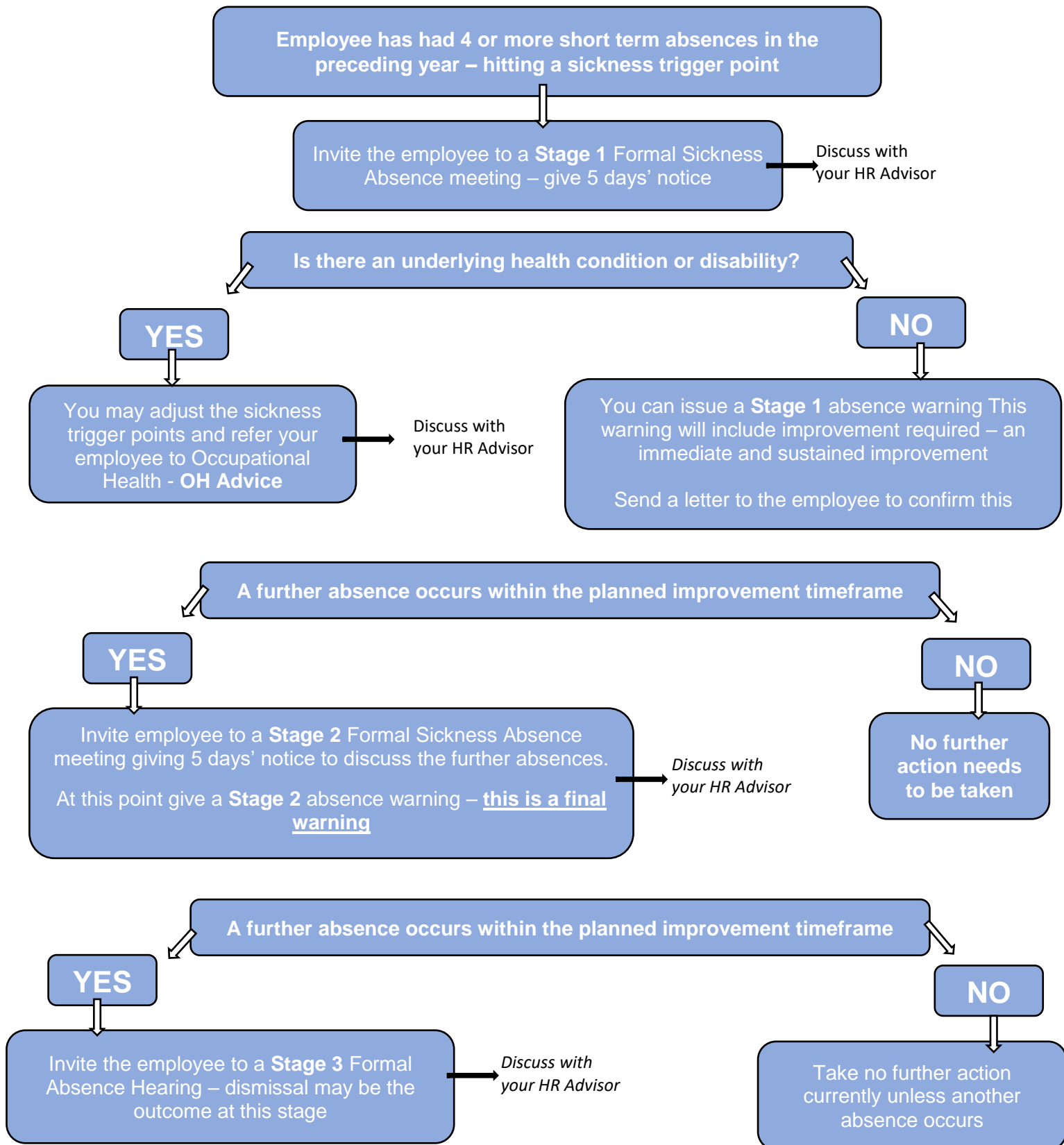
- Confirmation that the notification of absence/self-certification online SAP form has been completed by the employee
- If a sickness absence extended beyond 7 continuous days, there are fit notes covering the absence that have been received by the manager within 5 days of them being issued to you.
- The reason for the absence has been stated on the notification of absence/self-certification form (including whether the absence is due to stress, disability, or pregnancy related reasons)
- That any reasonable adjustments have been considered and determined
- Any Occupational Health reports have been read and discussed and any recommendations phased returns have been considered
- Any periods/patterns of absence have been discussed to identify any underlying health concerns
- Managers will complete the return-to-work interview form with details of the discussion, recording decisions made or arrangements agreed, with timescales where relevant. Once signed by both parties, a copy will be given to the employee and the manager will keep a copy on file. There is no need to send this to HR but have available if needed in the future.
- Refer to - [Return to Work Interview guidance](#) and [Return to Work Interview Form](#)

9.2 Process for Employees

- Prior to the day of return, employees must advise their line manager (or contact person) of their return-to-work date.
- When returning from long term sickness absence employees should, where possible, give at least one week's notice to ensure that any special arrangements can be made.
- On the day of return the employee must report to their line manager (or nominated person) for a return-to-work interview.

10 Guidance for Managers

10.1 Quick Guide – Managing Short Term Sickness Absence



10.2 Quick Guide – Managing Long Term Sickness Absence

