

REPORT TO: Cabinet

MEETING DATE: 10 June 2014

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Proposed Revisions to Managing Attendance Policy

1 PURPOSE

- 1.1 The purpose of this report is to seek approval from Cabinet for revisions to the Council's Managing Attendance Policy.
- 1.2 The purpose of these proposed changes is to:
- Further reduce sickness absence within the Council
 - Ensure consistency and fairness in the management of absence and application of the policy
 - Streamline the process for line managers in relation to managing absence and attendance
 - Ensure better clarity of individual and line management responsibilities in relation to absence and attendance, and create a more robust framework in which to manage attendance
 - Make financial savings by reducing the number of unnecessary referrals to the Council's Occupational Health provider.

2 RECOMMENDATIONS

- 2.1 It is recommended that Cabinet approve the revisions to the Policy (Attached as appendix A) which have been fully consulted upon with the Trades Unions and workforce and are endorsed by the Council Management Team.

3 BACKGROUND

3.1 Since the current Managing Attendance Policy was last updated in October 2011, sickness absence levels have been reducing, and compared well to those in other Scottish councils. However, more recent benchmarking information indicates that our absence statistics again do not compare favourably with those in the other 15 comparator councils involved and it is hoped that further revisions to the policy will help improve the situation.

3.2 Key changes to the Policy are highlighted in **yellow** within Appendix A:

- The introduction of an automatic 6-month monitoring period once the trigger for short-term absence has been reached and no referral to Occupational Health unless there is further absence.
- Extension of Stage 2 monitoring from 4 months to 6 months.
- Extension of Stage 3 monitoring from 2 months to 6 months.
- Long-term trigger increased from 2 weeks to 28 days.
- More discretion for line managers to determine the appropriateness (and benefit) of referring employees to Occupational Health whilst they are absent long-term.

3.3 A number of additions have been made to the Policy, to provide clarification of current practice and statutory requirements which are not clear within the existing policy. These are highlighted in **green** within Appendix A and include:

- The need for an employee who is absent from work to remain in regular contact with their line manager.
- The expectation that employees will attend all absence meetings and Occupational Health appointments that they are requested to.
- The expectation that employees will seek the appropriate help, advice and support in relation to any health condition impacting on their ability to attend work.
- The requirement for line managers to submit Occupational Health referrals timeously, at the point of these being required.
- The requirement for line managers to make employees aware of services provided to support and promote employee wellbeing.
- Clarification for employees and managers in relation to certified sickness during periods of annual leave.
- Clarification for employees and managers in relation to abatement of annual leave following long-term sickness absence.

- Clarification for employees and managers in relation to phased returns to work.
 - Clarification for employees and managers in relation to implementation of reasonable adjustments.
- 3.4 As part of an employee and Trades Union consultation exercise, the draft policy was made available to employees and Trades Unions from 19 December 2013 until 17 January 2014. This period was subsequently extended to 31 January 2014 to allow the Trades Unions to meet as a Joint Trades Union Side and to feedback their views.
- 3.5 Twelve employees/line managers provided 39 points of feedback, all of which were individually considered, and incorporated if considered appropriate. None of these points were substantive to the Policy but were generally about improving communication, particularly in relation to: maintaining contact with absent staff; the requirement of employees to attend meetings; monitoring periods. It was also requested that there be a separate short guide for employees on absence procedures.
- 3.6 The Joint Trades Unions provided no specific feedback on the draft Policy, but have since indicated that they would again wish to enter into a collective agreement with the Council on absence management. Prior to 2009 the Absence Management Policy was a collective agreement but the Joint Trades Unions wrote at that time to say they no longer wanted to be part of a collective agreement. It is the view of the Corporate Management Team and HR that it would not be possible to achieve an effective joint policy on absence management. In the vast majority of comparative councils, absence management policies are council policies and not collective agreements.
- 3.7 A managers' guidance document has been drafted to support line managers in implementing the Policy.
- 3.8 Once the Policy is approved, the HR Advisers will roll out a series of workshops to line managers to assist them in rolling out the Policy sensitively and effectively.
- 3.9 Following feedback from the consultation process, an additional employee guide has also been drafted. This sets out what employees are required to do in relation to absence procedures, as well as what they can expect from their line manager.

4 POLICY IMPLICATIONS

- 4.1 The changes to this Policy simplify the procedure for Managers and ensure compliance with current employment law and legislation. It has been made available for employee and Trades Union consultation and changes made accordingly.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 An Equalities Impact Assessment has been carried out for this Policy and no negative impacts identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – There will be no additional costs to the Council.
- 6.2 Human Resources – The Policy will be made available on Elnet and additional support and training will be provided to line managers by the HR Operations team.
- 6.3 Other – none.

7 BACKGROUND PAPERS

- 7.1 Draft Managers Guidance
- 7.2 Draft Employee Guide
- 7.3 Equality Impact Assessment

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DATE	28 th May 2014

MANAGING ATTENDANCE POLICY

this policy applies to ALL employees

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1.0 INTRODUCTION

- 1.1 East Lothian Council recognises the need for a clear, fair and consistent policy and robust procedures for managing employee attendance.
- 1.2 This policy and the procedures contained in it apply to **ALL** employees of the Council. For the purposes of this policy Head Teachers (or other appropriate promoted teacher) will come under the heading of Line Manager.
- 1.3 All employees will be treated consistently in relation to sickness absence.
- 1.4 When an employee reaches the short-term trigger they will be placed in an automatic Stage 1 monitoring period of 6 months. The short-term trigger for sickness absence is 3 occasions in any rolling 12 month period.
- 1.5 The long-term trigger for sickness absence is any consecutive period of absence of 28 days or more.
- 1.6 It is the responsibility of all Line Managers to ensure that they are adhering to the Managing Attendance Policy and that appropriate action is being taken at the necessary times.
- 1.7 If employees are absent from work the Council will always try to provide support in times of genuine need. Each case will be fully explored, managed individually and decisions made based on facts and medical opinions.
- 1.8 Referral to the Council's Occupational Health Service is not a sanction: referrals are intended to provide professional information to managers to help them decide how to handle sickness absence. Guidance on when a referral to Occupational Health is required or advisable is given throughout this policy.
- 1.9 There is no doubt that absence puts colleagues under pressure and affects the quality of service the Council is able to provide. The procedures contained in this policy are therefore designed to provide employees with the support they require whilst minimising the disruption caused by absence.
- 1.10 Employees may be accompanied to all formal meetings under the procedure by a Trade Union representative, colleague, friend, or family member.

2.0 OBJECTIVES

- 2.1 The key objectives of this Policy are to:
 - Ensure employees are aware of their role in maintaining good attendance.

- Promote the health and wellbeing of our workforce, and reduce sickness absence.
- Provide a fair and consistent framework for managing sickness absence.
- Set out the standards expected and the process for monitoring them.
- Support employees who are absent to return to normal working as soon as possible.
- Ensure employees who are no longer able to fulfil their duties are treated fairly.
- To comply with the legal framework of employment legislation, Health and Safety, the Equality Act 2010.
- To ensure that Council resources are managed effectively.

3.0 ROLES AND RESPONSIBILITIES

3.1 ROLE OF EMPLOYEE

- 3.1.1 As soon as an employee knows that they cannot come to work because they are sick they should phone their Line Manager or the designated person in their section to inform them that they will not be at work. This phone call should be made within one hour of normal start times. (Local sickness notification procedures may apply in some business units which should be adhered to wherever possible.)
- 3.1.2 Notification of absence by e-mail or voicemail is acceptable in cases where the employee's manager is unavailable. However, the manager or appropriate representative should follow up with direct telephone contact with the absent employee as soon as possible, to clarify the circumstances of their absence.
- 3.1.3 If sickness absence continues the employee should phone their Line Manager on the 4th and 7th calendar day of their absence in order to give an update on their medical condition. If the 4th or 7th day falls on an ELC non working day, the next working day is acceptable. If the employee is unable to make contact themselves, they may appoint another person to to act on his/her behalf.
- 3.1.4 Certification from a GP is required from the 8th calendar day onwards. It is important that an employee sends the GP Statement of Fitness for Work (or "Fit Note") in to their Line Manager as soon as they receive it. Failure to do this without good reason, within one week of:
- the end of self certification, or
 - the end of the cover period of a "Fit Note"

will result in an absence being regarded as unauthorised and pay will be deducted. Disciplinary procedures may also be invoked.

3.1.5 Any employee who is absent from work will remain in regular contact with their Line Manager, at a frequency to be agreed between both parties.

3.1.6 When an employee is ready to return to work they should advise their Line Manager by telephone as soon as the date of return is known.

3.1.7 Employees must follow the reporting and certification procedures to be entitled to Occupational Sickness Allowance and Statutory Sick Pay. Failure to do so may result in the employee's pay being stopped and the absence being deemed as unauthorised. Disciplinary procedures may also be invoked.

3.1.8 Employees are required to attend all Return to Work meetings and other absence meetings as directed by their Line Manager, and to discuss any health issues that are likely to impact on their attendance or performance at work.

3.1.9 Employees are required to attend Occupational Health when requested to do so.

3.1.10 Employees should seek the appropriate help, advice and support in relation to any health condition impacting on their ability to attend work.

3.2 ROLE OF MANAGER

3.2.1 Managers have direct responsibility for managing sickness absence. It is essential that managers are familiar with and fully understand the Council's procedures for reporting, recording and monitoring sickness absence.

3.2.2 Managers will ensure that all staff are treated consistently in relation to sickness absence and that procedures are applied fairly to all employees.

3.2.3 Managers will ensure that all their employees are fully aware of the sickness absence procedures used in their Business Unit: e.g.

- When to phone in
- Who to phone
- How often to phone in
- The consequences of not following these procedures.

3.2.4 Managers will ascertain the following information:

- Why the employee is unable to attend work
- How long the employee expects to be absent
- Whether the employee intends to seek a GP appointment
- The date and time the absence was notified

3.2.5 Managers will monitor individuals' and Business Unit sickness absence records.

3.2.6 Managers will be sensitive and supportive to their employees, but will deal appropriately with unjustified or high levels of sickness absence in their Business Unit.

3.2.7 Managers will ensure that employees are made aware if they are approaching the trigger for short-term absence, and the implications for them should they reach this.

3.2.8 Managers will ensure that all employees who have reached the short-term trigger are aware that their attendance will be formally monitored for a period of 6 months, and that a 'Commencement of Absence Monitoring' form has been completed (Appendix 1).

3.2.9 Managers will ensure that referrals to Occupational Health are submitted timeously, at the point of these being required, in accordance with this policy.

3.2.10 Managers will be aware of services provided to support and promote employee wellbeing, such as the Employee Assistance Programme (EAP) and Midlothian Physiotherapy, and provide details of these to staff as and when required.

3.2.11 Managers will conduct a Return to Work meeting for even the shortest of sickness absence periods, even if this is for a portion of a working day, and ensure that a self certification form is filled out. Teachers are not required to complete a self certification form until the 4th day of absence. However, where an absence has been for less than four days, it may be helpful for the Head Teacher and employee to use the form as a means of keeping a record of any Return to Work discussion. Return to Work meetings should be supportive and held privately and informally.

3.2.12 Managers will ensure that at the Return to Work meeting the following points are noted:

- Reason for the employee's absence
- Agreement about any actions to be taken upon return to work
- The frequency/patterns of employee's absences (and triggers, if appropriate)
- Any problems/agreed actions that are highlighted
- If appropriate, identification of ways to assist the employee to improve their attendance in the future.

3.2.13 Managers will ensure that all recording of sickness absence is done confidentially and that all sickness absence returns are submitted promptly to ensure that absences are recorded and Sickness Allowance and Statutory Sick Pay is processed timeously.

4.0 SICKNESS ABSENCE TRIGGERS

It is the responsibility of all Line Managers to ensure that they are adhering to this policy and taking appropriate action when a trigger is reached.

4.1 SHORT TERM ABSENCE

4.1.1 Stage 1

- An employee will reach the short-term absence trigger when they have had 3 separate occasions of absence within a rolling 12 month period. An automatic 6-month monitoring period will apply to **all** employees who have reached the short-term trigger, regardless of the reasons for the absences. (N.B. Any absences which are pregnancy related will be exempt for the purposes of triggers and monitoring).
- The employee will be informed at their Return to Work meeting, following the third absence, that they are being placed on Stage 1 monitoring and the appropriate notification form will be completed and signed off at the meeting (see Appendix 1). The monitoring period will commence from the date of this meeting.
- If there are further absences during Stage 1 monitoring, the employee will progress to Stage 2 and be referred to Occupational Health. If, however, their level of attendance remains at an acceptable level they will be returned to normal monitoring **at the end of the 6 month period**.

4.1.2 Stage 2

- Where there have been further absences during Stage 1 monitoring, the Line Manager will refer the employee to Occupational Health to determine if an underlying medical condition is present and whether any adjustments are required.
- Once a medical report is received from Occupational Health, the Line Manager should arrange a Stage 2 Absence Meeting with the employee **as early as possible** to discuss the content of the report.

No Underlying Medical Condition

- If Occupational Health confirm that there is no underlying medical condition which would account for the absences, the matter should be regarded as a conduct issue. The employee should be advised that absence procedures will cease and an investigation will be instigated under the relevant Disciplinary Procedure which may/may not result in disciplinary action being taken.

Underlying Medical Condition

- If Occupational Health confirm that the employee does have an underlying medical condition that accounts for the absences, the employee should be advised that their level of sickness absence will be monitored for a further period of **6 months** from the date of the meeting. This will be confirmed to the employee in writing following the meeting.
- If the employee has any further absence during Stage 2 monitoring, they will progress to Stage 3. If, however, their level of attendance remains at an acceptable level they will be returned to normal monitoring **at the end of the 6 month period**.

4.1.3 Stage 3

- If an employee reaches Stage 3 in the procedure they should be re-referred to Occupational Health for updated medical advice (if no review is scheduled).
- A Stage 3 Absence Meeting should be convened to review the support mechanisms put in place and determine how effective these have been, and to discuss whether any further adjustments can reasonably be implemented.
- The employee should be advised that their level of sickness absence will be monitored for a further period of **6 months**. If the employee has any further absences during Stage 3 monitoring, a decision may be taken to hold a Capability Hearing which may result in the employee being dismissed on the grounds of capability due to ill health. If, however, their level of sickness absence remains at an acceptable level they will be returned to normal monitoring **at the end of the 6 month period**.

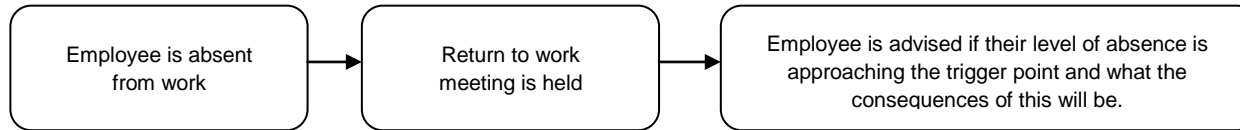
4.1.4 Further Absences

If an employee has returned to normal monitoring but their level of sickness absence is such that a Line Manager again has serious concerns about it then the Line Manager can choose to invoke the policy at the appropriate stage i.e. it may not necessarily be Stage 1. A Manager need not wait until the end of the appropriate monitoring period to meet with the employee to discuss their unacceptable level of absence but should always ensure that the employee is aware of the stage of the procedure that is being followed.

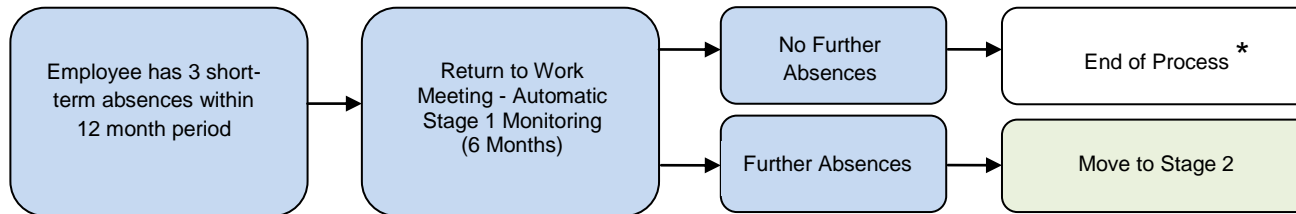
SHORT-TERM ABSENCE PROCEDURES

Short-Term Absence = any absence less than 28 days in duration

TRIGGER = 3 separate absences within a rolling 12 month period.



Stage 1 (6 months automatic monitoring)



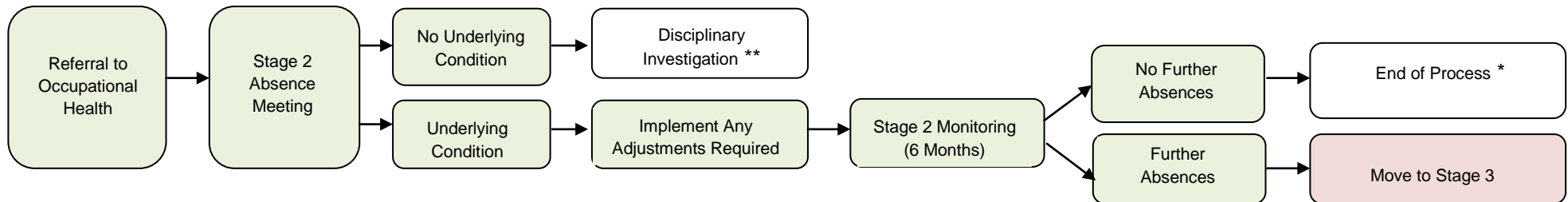
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Further absences will be progressed accordingly, under the appropriate stage of the process.

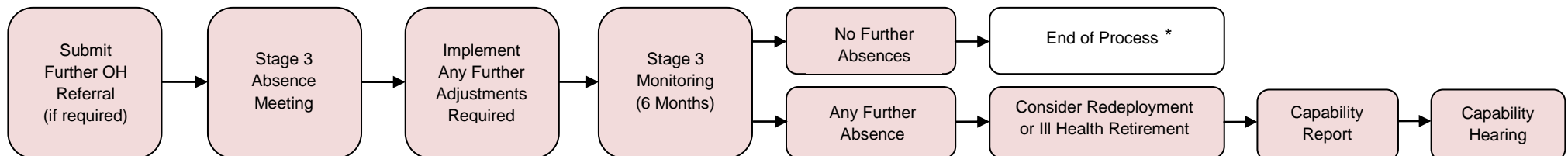
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Absence procedures will cease and disciplinary procedures will commence. Where disciplinary action is taken as a result of sickness absence, any further absences within a live warning period will result in a further disciplinary investigation.

Stage 2 (OH referral, absence meeting, 6 months monitoring)



Stage 3 (Further OH advice, absence meeting, 6 months monitoring)



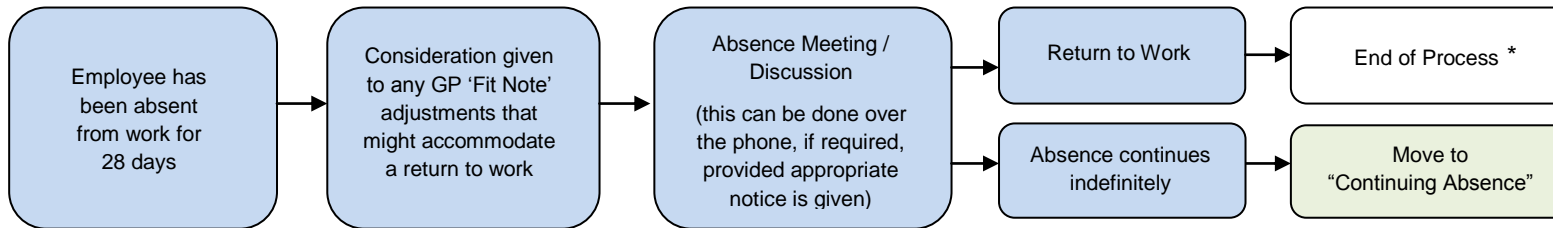
4.2 **LONG TERM ABSENCE**

- 4.2.1 The trigger point for long term absence is where an employee is off sick or is expected to be off, on a continuous basis, for a period of **28 days or more**.
- 4.2.2 In this situation the Manager should keep in touch with the employee at regular intervals, arrange to meet with them if appropriate, and consider whether a referral to Occupational Health would be of benefit. Further information is available from Human Resources.
- 4.2.3 **Referral to Occupational Health in relation to long-term absence is at the discretion of the Line Manager.** There may be situations where, depending on the reason for absence, it would not be beneficial to refer an employee who has met the long-term trigger e.g. if it is known that the employee is coming back to work and the cause of the absence has no implications in respect of the work they carry out, or if the absence is going to be prolonged and is not caused or impacted on by work-related factors.
- 4.2.4 If any long-term absence case is to progress to either Redeployment, Ill-Health Retirement, or a Capability Hearing, a recent Occupational Health report is required and a referral would require to be submitted.

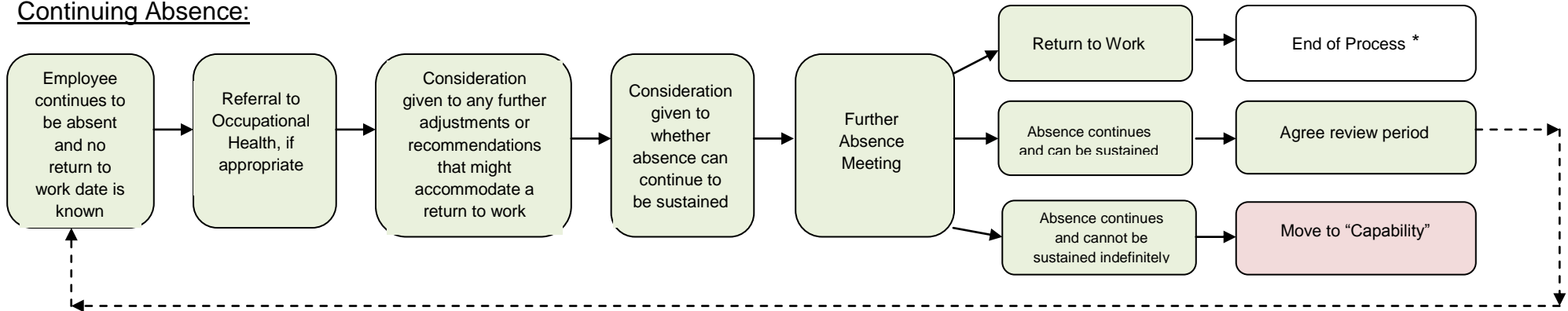
LONG-TERM ABSENCE PROCEDURES

Long-Term Absence = any absence of 28 days or more

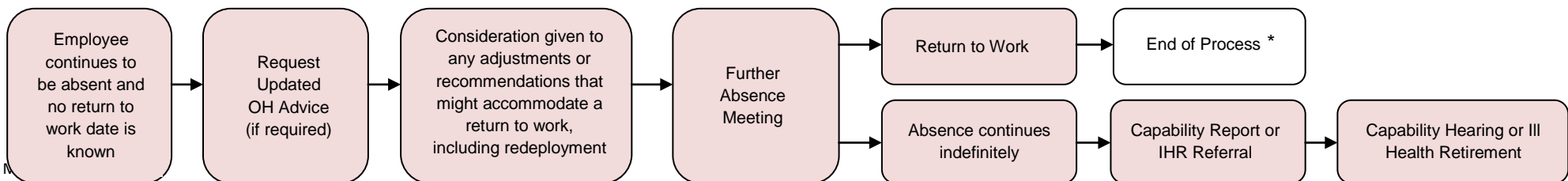
Absence reaches 28 days and no return to work date is known:



Continuing Absence:



Capability:



5.0 OCCUPATIONAL HEALTH

- 5.1 Occupational Health is a specific branch of medicine that deals with the impact of health on work and work on health. Occupational Health professionals are specialists in this field of medicine and are best placed to comment on work related health issues.
- 5.2 Referrals to Occupational Health are made to obtain professional and legally defensible management advice to Line Managers on issues such as:
- Sickness absence and return to work
 - Fitness for work
 - Workplace assessments and adjustments
- 5.3 Any employee who has been absent for work during Stage 1 monitoring, will require to be referred to Occupational Health. A further referral will be required at Stage 3, if no review is scheduled by Occupational Health.
- 5.4 In addition to this, an **immediate referral** to Occupational Health will be required when:
- An employee has reported sick with stress/anxiety/depression, or a related illness;
 - An employee is not absent but has disclosed to their Line Manager that they are suffering from stress/anxiety/depression, or a related illness;
 - An employee has sustained a musculoskeletal condition or injury (regardless of whether they are absent from work);
 - An employee has raised concerns about a health issue impacting on their performance or capability at work;
 - An employee has raised concerns about a work issue impacting on their health.
- 5.5 Once a medical report is received from Occupational Health, the Line Manager should arrange to meet with the employee **as early as possible** to discuss its content - including reasonable adjustments that could be made to facilitate the employee's return to work. Whilst Occupational Health may make recommendations on possible adjustments, it is the Line Manager's role to consider whether the adjustments are reasonable in the context of the service. Where appropriate, managers should consult HR as to the reasonableness of any recommended adjustments.

6.0 SICK PAY AND ANNUAL LEAVE

- 6.1 The amount of occupational sick pay an employee may be eligible for depends on their length of service. Information on entitlements to sick pay is contained in the Statement of Particulars sent to every employee on commencement of employment with the Council.
- 6.2 Periods of absence due to a work related injury or illness may result in the employee continuing to be paid an industrial injury allowance (calculated on the same qualifying criteria as sickness allowance) following expiry of sick pay.
- 6.3 **Teaching Employees only** – when a continuous period of sickness absence has resulted in at least 4 weeks falling within the summer holiday period, the employee will accrue credit of 2 days compensatory leave entitlement for each complete week of designated annual leave that has been lost (up to a maximum of 6 days). When a

continuous period of sickness absence has resulted in at least 1 week falling within any other holiday period, the employee will accrue credit of 2 days compensatory leave entitlement for each complete week of designated annual leave that has been lost. A maximum credit of 10 compensatory leave days may be accrued in any one leave year. Compensatory leave should normally be taken in the term that the employee returns to work, subject to the needs of the service.

- 6.4 **Non Teaching Employees only** – when a certified period of sickness absence falls within a period of annual leave, the annual leave will be superseded by the sickness absence and these days returned to the employee’s annual leave balance at their request. A GP “fit note” must be submitted to cover the days being claimed back, and the absence would have to have been reported through normal reporting procedures at the point of it occurring, even if the employee was not due to have been at work that day.

7.0 **ABATEMENT OF LEAVE FOLLOWING LONG TERM ABSENCE**

- 7.1 The National Agreements on pay and conditions of service state that ‘where an employee has been absent through illness for a period exceeding three months the Council will have the discretion to limit annual leave to an amount equal to the period of actual service given’.

- 7.2 Within East Lothian Council, the abatement of annual leave applies when an employee has been absent continuously for 13 weeks or more, even if this crosses leave years. Leave will be abated to service given, provided this meets the statutory minimum of 28 days (pro rata for part-time workers).

- 7.3 Abatement of leave does not apply to Teachers.

8.0 **FIT NOTES**

- 8.1 The Statement of Fitness for Work, or “fit note” has replaced the medical certificate. The purpose of a “fit note” is to focus on what an employee **may** be able to do at work rather than what they cannot do. The employee’s GP will advise one of two options:

Not fit for work - this means that the GP has assessed the employee as having a health condition that prevents them from working for the stated period of time.

May be fit for work taking account of the following advice - this means that the GP’s assessment of the employee is that their condition does not necessarily stop them from returning to work, if adjustments can be accommodated.

- 8.2 The “fit note” is intended as a guide for the employer. It is for the Line Manager to determine whether the advice can be accommodated, although every attempt should be made to try and accommodate any adjustments being recommended.
- 8.3 If GP recommendations cannot be accommodated to allow the employee to return to work, their absence would continue but they should be referred to Occupational Health for further advice.

- 8.4 A “fit note” must be submitted by the absent employee for any period of absence exceeding 7 days and will apply from Day 8 of the absence onwards. The “fit note” should be submitted by the employee to their Line Manager within 2 weeks of it being issued.
- 8.5 Failure to submit a “fit note” without good reason within 1 week of the end of self certification or the end of the cover period of an existing “fit note” will result in an absence being regarded as unauthorised and pay will be deducted. Disciplinary procedures may also be invoked.
- 8.6 **NB** If they feel well enough, an employee can return to work before their “fit note” expires provided that they have the agreement of their Line Manager. A risk assessment and/or Occupational Health assessment may be required before a return to work can be attempted. Further advice in relation to this is available from your HR Adviser.

9.0 PHASED RETURN TO WORK

- 9.1 Following a long-term sickness absence there will be times when a phased return to work is recommended by Occupational Health, which would allow the employee to return to work on less than their contracted hours for a definitive period of time. Line Managers will consider whether such an arrangement can be accommodated, and make the necessary adjustments. Phased returns to work will not normally exceed a period of four weeks.
- 9.2 When working hours are reduced to accommodate a phased return, the employee’s pay will be adjusted accordingly. Payment will only be made for hours worked. If an employee has accrued annual leave available, they may choose to use this leave to accommodate any reduction in hours. If an employee has no accrued leave available to facilitate a recommended phased return the line manager should contact their HR Adviser for guidance. When a phased return is being undertaken, the Line Manager will complete and submit a “Temporary Change to Working Hours” form to HR and Payroll (Appendix 2).
- 9.3 When an employee has undertaken a phased return to work and does not feel able to resume their substantive hours at the end of a four week period, further advice should be obtained from Occupational Health. Consideration should be given to whether the employee wishes to reduce their working hours on a substantive basis, if redeployment to an alternative role is required, or whether a further period of absence is necessary.

10.0 REASONABLE ADJUSTMENTS

- 10.1 Where an employee’s health condition falls within the remit of the Equality Act (2010), Line Managers will need to seek medical advice from Occupational Health on how they can best support their employee in the workplace. This may include reasonable adjustments to the employee’s existing post, such as provision or modification of certain equipment or tools.
- 10.2 Reasonable adjustments may also be required on a short-term basis, in order to facilitate a period of recovery following illness or injury.

10.3 Any recommendations made by a GP or Occupational Health in relation to reasonable adjustments do not need to be followed if it is not operationally possible to do so, but they must be considered. If recommended reasonable adjustments cannot be accommodated, the reasons for this must be justified and recorded.

11.0 MEDICAL REDEPLOYMENT

11.1 There will be occasions when Occupational Health will advise that an employee is not fit to return to their substantive post, but may be able to carry out alternative duties in another role. In these cases, the employee would be considered to be in a redeployment situation and four weeks would be allowed to allow for identification of a suitable alternative post.

11.2 If a suitable alternative post is identified, the employee will be offered the post on a trial basis for four weeks. Following the four week trial period, if both parties are in agreement, the redeployment will be confirmed on the terms and conditions of the new post.

11.3 During the four week trial period, the employee will remain on the grade and terms and conditions of their substantive post, funded by their substantive Business Unit. If the redeployment becomes permanent, they would transfer to the new Business Unit on the grade and terms and conditions of the new post.

11.4 If no suitable alternative post is identified, or a trial period is unsuccessful, the employee will revert to Stage 3 of the absence procedures and a Capability Report will be submitted.

11.5 If the decision is taken to dismiss the employee on the grounds of capability due to ill health, the employee has a right to appeal. Any appeal must be submitted in writing to the Head of Council Resources within 10 days of receipt of the letter confirming their dismissal, and should clearly set out the grounds for appealing. Further details in relation to the appeals process are contained within the Council's Disciplinary Procedures.

12.0 ILL HEALTH RETIREMENT

12.1 Ill Health Retirement will not be pursued as an option unless the employee is in agreement with this. This can be instigated by the employee at any time during the managing attendance process, but would not normally be explored by management unless the employee was absent long-term or had reached Stage 3 of the absence procedures.

12.2 **Non Teaching Employees** – Occupational Health may recommend that an employee meets the superannuation criteria for ill health retirement. If this is the case, and the employee wishes to pursue this option, the Line Manager must submit a Referral for Ill Health Retirement to allow the employee to be assessed by an OH Physician. If the employee meets the criteria, The OH Physician will issue the Council with a Certificate of Permanent Ill-Health and the Line Manager will thereafter meet with the employee to advise that their employment is being terminated. The employee will receive pay in lieu

of notice (up to a maximum of 12 weeks) and will receive payment for any accrued leave not taken.

12.3 **Teaching Employees** – must apply directly to the Scottish Public Pensions Agency for consideration to be given to ill-health retirement.

12.4 Further information in relation to both schemes is available from www.lpf.org.uk (Non-teaching) and www.sppa.gov.uk (Teaching).

13.0 ACCIDENTS AT WORK

13.1 If an employee suffers an injury at work or during the course of their duties they, or someone acting on their behalf must report the accident to their Line Manager immediately. It is essential that details of the accident are recorded on the Council's electronic health and safety incident recording system, RIVO. Each business unit should ensure that there is an employee/employees responsible for inputting information into this system.

13.2 If an employee is injured during the course of their employment, or is off sick with an Industrial Illness, the employee may be entitled to payment of Industrial Injury Allowance. This is separate from Occupational Sickness Allowance and does not count against this entitlement. (Further advice is available from your HR Adviser).

13.3 **NB** These absences will be taken into account for sickness absence triggers.

14.0 EMPLOYEES OFF SICK WHO ARE EMPLOYED ELSEWHERE

14.1 It should be noted that employees who have second jobs outside the Council may be subject to investigation under the appropriate Disciplinary Procedure and may be subject to Disciplinary action under the Council's Disciplinary Code if they work for financial gain whilst receiving sick pay from the Council. The employee may also be referred to Occupational Health to determine whether the other employment is impacting on their fitness for work at East Lothian Council.

15.0 GENERAL INFORMATION

15.1 Employees, if they wish, can be accompanied to all formal sickness absence meetings (Stages 2 and 3) by a person of their choice, including a Trade Union representative. They will normally be given five working days' notice, of the meetings. In addition, after each meeting, the Line Manager will write out to the employee, within 10 working days, confirming what has been discussed at the meeting.

15.2 Employees who fail to attend a medical appointment with the Council's Occupational Health provider without good reason may be deemed to be in breach of their terms and conditions of employment and the relevant Disciplinary Procedure may be invoked which could therefore lead to disciplinary action.

16.0 POLICY REVIEW

16.1 The Policy will be reviewed and amended from time to time by the Head of Human Resources following appropriate consultation with the recognised Trades Unions.

Head of Council Resources
February 2014



Managing Attendance Policy – Stage 1 Commencement of Absence Monitoring

Employee Name:	
Job Title:	
Employee Number:	
Business Unit:	

Date of Meeting:	
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Details of all absences within last 12 months:

	Date From:	Date To:	No. of Days:	Reason:
1.				
2.				
3.				
4.				

Summary of Discussion:

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Start Date of Monitoring:		End Date of Monitoring:	
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I acknowledge that my attendance at work will be monitored for a period of 6 months and that further absences from work will result in a referral to Occupational Health and progression to Stage 2 of the Council's Absence Procedures which may result in disciplinary or capability procedures commencing.

Signed (Employee):		Date:	
Signed (Manager):		Date:	

A scanned copy of this form should be emailed to HR@eastlothian.gov.uk on completion



Temporary Change to Working Hours

To be completed on commencement

Employee Name	
Job Title	
Employee Number	
Business Unit Code	

Date Range of Temporary Working Hours					
		Substantive Hours	Temporary hours worked	Hours taken as Holiday	Hours to be unpaid
Week 1	S				
	M				
	T				
	W				
	T				
	F				
	S				
Week 2	S				
	M				
	T				
	W				
	T				
	F				
	S				
Week 3	S				
	M				
	T				
	W				
	T				
	F				
	S				
Week 4	S				
	M				
	T				
	W				
	T				
	F				
	S				

Managers Name			
Managers Signature		Date	
Employees Signature		Date	

PLEASE TAKE 2 COPIES – 1 TO BE SENT TO HR, 1 TO BE SENT TO PAYROLL
 (Payroll and HR to be notified of amendments) (Manager to keep copy)