

## Managing Attendance Procedure – Local Agreement

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### City of Edinburgh Council

23 August 2012

#### **1 Purpose of report**

- 1.1 To seek approval for the implementation of a local collective agreement on a new Managing Attendance Procedure that has been reached with Trade Union Side. The proposed implementation date is Monday 3 September 2012.

#### **2 Main report**

- 2.1 The Managing Attendance Procedure was referred to the Full Council by the Policy and Strategy Committee on 24 January 2012. On 2 February 2012, the Council considered the Procedure, including hearing a Trade Union Side deputation. The Council decided that an implementation plan should be developed in conjunction with the Trade Unions.
- 2.2 As the discussions on the joint implementation plan progressed, the possibility of reaching a local collective agreement on the Managing Attendance Procedure emerged. A local collective agreement has the advantage of becoming a part of contracts of employment without the necessity of unilaterally imposing the change. It also created a context within which to work together with the trade unions to address and reduce levels of sickness absence.
- 2.3 Following challenging but constructive negotiations, the Trade Unions' Side (including the Teachers' Side) sought approval from their Branch Committees and Local Association structures for a draft which had been agreed by both sides as "representing the best that could be achieved through negotiation".
- 2.4 The Trade Union Side confirmed their agreement of the revised draft. Their letter of confirmation of a local agreement is attached as Appendix 1.
- 2.5 The Managing Attendance Procedure is attached as Appendix 2.

The most significant changes are;

- a movement in the short-term sickness absence trigger from 6 to 8 days in a 12 month rolling period.
- the reinforcing of a discretionary approach to initiating formal action based on a review of sickness absences when a trigger is reached. This is a move away from an automatic entry into the formal stages where trigger levels have been breached.

These elements of the earlier drafts had been of particular concern to the Trade Union Side.

- 2.6 Further work has been undertaken and transitional arrangements have been agreed with the Trade unions to transfer those employees already having their sickness absence managed in the current procedure into the new procedure. In addition, proposals were made and accepted in respect of the approach to staff who reach the new trigger levels for the first time in the increased monitoring period of a rolling 12 months.
- 2.7 A framework for a joint implementation plan has also been agreed with the Trade Unions. This framework includes the identification of training and briefing requirements and proposals for their delivery and finalisation of a Managing Attendance Procedure management toolkit. Work to finalise the plan is ongoing and will support an implementation date of 3 September 2012
- 2.8 In a new approach, to achieve a more consistent understanding and implementation of the new Procedure, joint training sessions for Officers and Trade Union representatives will be undertaken.
- 2.9 Research into the management of sickness absence has shown that where a senior officer oversees the operation of the Managing Attendance arrangements a more consistent operation of arrangements takes place and absence levels normally fall.

In that regard each Service area will be required to nominate a senior manager to undertake the role of Attendance Champion and will be responsible, amongst other things, for ensuring arrangements for auditing return to work interviews are in place and that the revised procedural arrangements are being carried out. If necessary, more intensive training will be given to those Officers nominated for this role.

### **3 Financial Implications**

- 3.1 There are no direct financial implications. However, the costs associated with absence are expected to reduce as the new procedure beds in.

### **4 Equalities Impact**

- 4.1 A full equalities impact assessment has been undertaken and no adverse impacts were identified. As the procedure has been modified through further discussion and negotiation, it has been jointly recognised that the revised version of the new draft Procedure is more supportive of employees with disabilities than had been the case in earlier drafts.

### **5 Environmental Impact**

- 5.1 None

### **6 Recommendations**

- 6.1 Council is recommended to;
- a) Note that the Managing Attendance procedure has been confirmed as a local collective agreement by the Trade Union Side (including teachers); and
  - b) Approve an implementation date of Monday 3 September 2012.

Appendices	1. Letter of confirmation of local agreement 2. Managing Attendance Procedure
Contact/tel/Email	John Allan, Employee Relations Manager; <a href="mailto:john.allan@edinburgh.gov.uk">john.allan@edinburgh.gov.uk</a> Tel 0131 469 3342
Wards affected	-
Single Outcome Agreement	-
Background Papers	Report to Full Council on 2 February 2012 (Agenda Item 7.2)

CITY OF EDINBURGH COUNCIL  
**Joint Consultative Group**



**STAFF SIDE**

(For Local Government Employees exc. Teaching Staff)

28 May 2012

Mr Philip Barr  
Head of Human Resources  
Corporate Governance  
Waverley Court  
4 East Market Street  
EDINBURGH EH8 8BG

Dear Mr Barr

**MANAGING ATTENDANCE PROCEDURE – LOCAL COLLECTIVE AGREEMENT**

I am writing to you in my capacity as Staff Side Secretary and with the agreement on behalf of the EIS (Teaching Unions) to confirm that the above is now a local collective agreement.

Yours sincerely

Agnes Petkevicius  
Staff Side Secretary

APIJF/2012

THE CITY OF EDINBURGH COUNCIL JOINT CONSULTATIVE GROUP STAFF SIDE  
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## MANAGING ATTENDANCE PROCEDURE (covering all employees)

### Contents

	Page
1. Introduction	2
2. Notification and Certification	3
2.1 Notification	3
2.9 Certification	4
2.12 Unauthorised absence	4
2.13 Suspension of sickness payments	5
3. Procedural Recording and Monitoring	5
4. Well-being and Preventative Action	6
4.5 Terminal illness	6
5. Trigger points	6
6. Management Action	8
6.4 Occupational Health Advice	8
6.8 Case conferences	9
7. Staged approach	9
7.2 Stage 1	9
7.11 Stage 2	11
7.16 Stage 3	13
7.26 Action short of dismissal	14
7.27 Ill-Health Retiral	14
7.29 Dismissal – Employees other than teachers	15
7.30 Dismissal - Teachers	15
8. Recurring Absence	15
9. Review of Procedure	16
10. Local Agreement	16
11. Procedural Flowchart	17
12. Summary of Procedural Timescales	19

## MANAGING ATTENDANCE PROCEDURE (covering all employees)

### 1. INTRODUCTION

- 1.1 This procedure is designed to help line managers monitor, control and improve attendance levels and to reduce the adverse impact of sickness absence on staff and service delivery. All sickness absence will be dealt with using this procedure.
- 1.2 The Council recognises that high attendance levels are a vital factor in providing cost-effective and efficient Council Services. All parties to this agreement recognise that high sickness absence levels adversely impact on staff and service delivery and are therefore unsustainable.
- 1.3 It is also recognised that there are areas where there is consistently low sickness absence. The work practices in these areas will be examined to identify where good practice can be usefully applied in areas where sickness absence is problematic.
- 1.4 A Council wide sickness absence target level will be set and reviewed regularly. The effective management of sickness absence must therefore be a high priority for all managers.
- 1.5 To promote continuous improvement in the area of sickness absence, Services will continuously monitor their performance against the Council wide sickness absence targets.
- 1.6 A key tool in the effective management of absence is the **Return to Work** interview. From the implementation of this procedure it will be mandatory to undertake a return to work interview each time an employee returns to work from a period of sickness absence, even where the absence duration is only one day.
- 1.7 Key to the operation of the procedure, will be the consistent application of its provisions. Management discretion used appropriately will, when used in conjunction with other supportive policies and procedures, provide employees with appropriate support to improve their attendance levels where possible/practicable.
- 1.8 A Senior Manager in each service and/or service division will oversee the operation of the procedure.

- 1.9 The procedure provides a process for Managing Attendance which may result in action being taken up to and including dismissal on capability grounds.
- 1.10 Line managers will ensure that employees are made aware of the Procedure and that their attendance will be monitored against the standards set by the Council. In addition, they will also be responsible for operating the procedural arrangements for their employees.
- 1.11 Medical information relating to cases will be kept confidential.
- 1.12 An employee has the right to be represented by a Trade Union representative or a work colleague at any formal stage meeting convened under this procedure.
- 1.13 This procedure has been developed in compliance with the legislative framework and guidance on the public sector equality duty.
- 1.14 Where sickness absence relates to a disability, line managers will comply with the requirements of the Equality Act and the duty to make reasonable adjustments, with advice from Human Resources

## 2. NOTIFICATION AND CERTIFICATION

### Notification

- 2.1 Local arrangements to make contact to notify sickness absence should be confirmed and communicated to all employees.
- 2.2 An employee must telephone their line manager or alternative designated contact on the first day of absence in accordance with local reporting arrangements and provide the following information:
  - the reason for absence
  - an anticipated return to work date
  - any work commitments that may need to be rearranged or re-allocated

If an employee cannot make personal contact, they must ensure that notification is always made on their behalf, in line with the appropriate contact arrangements.
- 2.3 E-mails or text messages **are not accepted** as an appropriate method of notification other than when they are agreed for use as a reasonable adjustment in disability cases.
- 2.4 Failure to notify the designated contact without good reason will lead to the absence being deemed unauthorised and will result in the withholding of sickness absence payments and possibly disciplinary action. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.

- 2.5 If a manager has not heard from an employee on the first day of absence, within the timescales indicated in reporting arrangements, they should try to establish contact later on the first day and also on successive days, in an attempt to determine the reason for the absence.
- 2.6 Contact made with employees in accordance with this provision is considered reasonable. This is neither harassment nor an invasion of privacy as it is the responsibility of the manager to establish the whereabouts of the employee and why they are not at work.
- 2.7 The employee must update their line manager on their absence on the fourth and seventh day of absence and weekly thereafter. Failure to do so will result in the withholding of sickness absence payments. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.

### **Certification**

- 2.8 For an absence of **seven calendar days or less**, the employee must submit a self-certificate form to their line manager on the day they return to work unless a Medical Practitioner has issued a Fit Note from day one that covers the absence
- 2.9 For an absence continuing for **more than seven calendar days**, in addition to completing a self-certificate form, the employee must consult a Medical Practitioner and obtain a Fit Note. The certificate must be forwarded immediately to the line manager. If the absence is likely to continue beyond the date shown on the medical certificate the employee should consult their Medical Practitioner again and submit additional medical certificates to cover the period of their absence.
- 2.10 If the employee's health improves, they will be expected to return to work at the end of the period and under any specific workplace/ working time adjustments/restrictions specified in the most current Fit Note. In the case of an employee with a disability, any adjustments which are deemed reasonable will be made.

### **Unauthorised Absence**

- 2.11 When an employee's absence is not supported by appropriate documentation or where the correct notification procedure has not been followed, this will be regarded as unauthorised absence and sickness absence payments will be withheld. If a satisfactory explanation is provided after investigation of the circumstances, payment will be re-instated.
- 2.12 However, if, after investigation and consideration of the circumstances and any explanation given, the absence remains unauthorised, pay will not be re-instated and the matter will be dealt with under the Council's disciplinary arrangements. This will not prevent the absence itself being dealt with under the provisions of this procedure.

### **Suspension of Sickness Payments**

- 2.13 Sickness payments will be suspended where an employee abuses the provisions of this procedure. Examples of abuse will be:-

- sickness due or attributable to deliberate conduct prejudicial to recovery eg a failure to take the necessary steps to assist recovery or to deliberately act in a way which sets the employee's recovery back.
- the employee's own misconduct or neglect
- active participation in professional sport ie under a contract
- injury while working in the employee's own time on their own account for private gain or for another employer
- fraudulent claims for sickness payments (which are likely to constitute gross misconduct and could lead to dismissal).

2.14 Where such an abuse constitutes misconduct it will be dealt with under the provisions of the Council's disciplinary arrangements. This will not prevent the absence itself being dealt with under the provisions of this procedure.

### 3. PROCEDURAL RECORDING AND MONITORING

3.1 A Senior Manager in each Service area will oversee the operation of the procedure, and work with line managers to continuously improve attendance levels.

3.2 **All sickness absences must be recorded by line managers on the Council's computerised HR system (myPeople) on the first day of absence or as soon as possible thereafter.**

This information is used to :-

- ensure timely notification of changes in sick pay level (ie a reduction to half pay or to zero pay)
- produce corporate and departmental absence reports
- produce reports of formal action taken
- monitor the effectiveness of the Council's Managing Attendance arrangements

3.3 Each line manager is required to monitor attendance levels within their team and apply the formal stages of this procedure in line with sections 5 and 6 below.

3.4 An early decision must be made on whether the issue is one of frequent short-term or long-term absence or if a recognisable pattern of absence has emerged. In reaching a decision, the nature of the absence and the employee's current medical circumstances should be taken into account when determining a way forward eg their disability, a planned recuperation/rehabilitation following hospitalisation.

3.5 Line managers must keep records of actions taken and when they were taken. This includes the recording of decisions made using managerial discretion which result in the formal stages of the procedure not being used.

### 4. WELL- BEING AND PREVENTATIVE ACTION

4.1 The Council, through its well-being strategy, is actively seeking to encourage employees to adopt and pursue healthy lifestyle options which can contribute

to a positive work-life balance and lead to lower employee sickness absence levels.

4.2 In furtherance of its well-being strategy, the Council offers supportive measures such as a confidential employee counselling service, physiotherapy and subscribes to other employee focussed initiatives such as “see-me” and Investors in People.

4.3 Effective monitoring of sickness absence can identify issues which, if tackled early, can impact positively on an employees well-being/ absence level, eg sickness absence related to stress or musculo-skeletal problems.

4.4 This monitoring can also incorporate the use of Health and Safety statistics to identify areas where early intervention and preventative action can reduce the adverse impact of workplace accidents and injuries and lost time.

#### 4.5 **Terminal illness**

Where an illness or medical condition is diagnosed as one from which the individual will not recover ie their illness/condition is terminal, the formal stages of this procedure **will not** operate and any medical referral will only be to assist in the employee’s wellbeing.

### 5. **TRIGGER POINTS**

5.1 Sickness absence will be considered as problematic and having an adverse impact on individual and /or team performance and service delivery where any of the following trigger points are reached:

#### **Short-term**

- a) Three instances of sickness absence within a 12 month rolling period; or
- b) Eight days of sickness absence within a 12 month rolling period;

#### **Long-term**

- c) Four weeks of continuous sickness absence

#### **Pattern**

- d) Other recurring or recognisable patterns such as sickness absence which occurs eg
  - on a Friday and/or a Monday
  - before or after public holidays or periods of annual leave
  - before, during or after school holidays
  - in regular patterns of sickness absence in a year or in successive years ie specific recurring dates when sickness absence occurs.

#### **Disabled employees**

Where an employee has a disability, it may be appropriate to increase the trigger levels as a reasonable adjustment where it is evident that the disability is adversely impacting on the employees efforts to attend work.

#### **Special measures**

It is recognised that a main aim of this procedure is to promote continuous improvement in attendance levels.

Special measures may be locally identified and applied in conjunction with the provisions of this procedure.

Where any special measures are contemplated HR and the trade union side should be consulted.

### **Line management review of individual circumstances**

5.2 Progression into the formal stages of the procedure will not be automatic when a trigger is reached but will be the subject of a review. In conducting the review it is anticipated that managers will use their discretion in individual cases where it is clear that although the sickness absence trigger has been reached, the absence level is not deemed to be problematic.

5.3 The review will take place where the trigger level is reached and the absence relates to a “**one off**” situation (which could involve one or more periods of absence) eg.

- a surgical intervention or
- a management enforced absence relating to a contagious or other infection or notifiable disease\*,

**or**

where up to that point the employee has had very low or no sickness absence over an extended period of a year or more. It is anticipated that “low” in this regard is a level of absence consistently well under the Council’s sickness absence target level.

In such circumstances managers can use their discretion and the formal stages of the procedure will not normally apply.

Where managers apply such discretion it should be recorded and their own line manager informed where a decision taken as a consequence of the review means that the employee is not progressed into the formal stages of the procedure.

* a <b>notifiable disease</b> is any disease that is required by law to be reported to government authorities.
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## **6. MANAGEMENT ACTION**

6.1 Other than where the provisions of paragraph 5.3 above apply or where an illness is terminal, a line manager **must** use the formal stages of this procedure when an employee’s absence level or pattern reaches a trigger point (see also section 7). It may be that a combination of long and short-term absence occurs. For the purposes of this procedure, after a stage 1 warning is issued **any** further periods of sickness absence will normally result in further, formal action.

6.2 Where taking action has led to the issuing of a staged warning, **any** subsequent sickness absence which does not meet improvement targets will result in a progression to the next procedural stage. This means that additional long or short-term absence or a continuation of recognisable sickness absence patterns will mean progression to the next stage if improvement targets are not met.

6.3 Stage 1 and 2 monitoring periods are 12 months but line managers need to assess if progression to the next stage is required at an earlier point in the monitoring period due to a significant adverse impact on Service delivery ie **there is no requirement for the monitoring period to end if action is required earlier.**

#### **Occupational Health advice**

6.4 It is recognised that an early referral can have a positive effect on absences related to stress, mental illness and muscular skeletal conditions. In stress cases a referral should be made immediately to ensure the earliest possible intervention. Absences due to musculo - skeletal or mental health should be the subject of a referral prior to a trigger being reached.

6.5 Where an employee has reached a trigger point, the Line Manager will seek appropriate medical advice from the Council's Occupational Health provider and taking account of the advice received, decide on a course of action in accordance with the procedure.

6.6 An employee will be required to participate in a medical assessment by the Council's Occupational Health provider. In these circumstances the employee will be advised of the reason(s) for seeking medical advice, his/her rights under Access to Medical Reports legislation and given a copy of the referral form prior to the occupational health appointment.

6.7 In any Occupational Health referral, advice should be sought to determine if the employee could be covered by the disability provisions in the Equality Act and, if so, whether the circumstances of the case therefore require consideration of any reasonable adjustments, as provided for in the Equality Act and what they might be.

#### **Case conferences**

6.8 In particularly complex cases (eg where disability is a feature), a case conference may be used to identify a way forward. This would normally be attended by the employee and their representative, line management and any appropriate professionals/specialists eg HR. Contemporary occupational health reports or advice should be available to inform the meeting.

### **7. STAGED APPROACH**

7.1 Where a review determines that action in line with this procedure is required, there are 3 formal stages to managing absence cases:

**Stage 1:** if no improvement or sustained return to work, move to

**Stage 2** : if no improvement or sustained return to work, move to

**Stage 3:** Final assessment and potential dismissal on the grounds of capability due to ill-health

**Stage 1**

- 7.2 In cases where an employee reaches a trigger point, the line manager will review the absence record and seek appropriate medical advice, both to comply with this procedure and to identify what additional support / measures can be provided to improve the employees attendance and wellbeing.
- 7.3 The line manager will arrange a Stage 1 meeting giving seven calendar days' notice. Along with the invitation to the meeting, written details of the sickness absence record and any other relevant information, eg any current occupational health report, should be provided and the employee informed of the right to be represented by a trade union representative or work colleague.
- 7.4 The meeting should normally take place in the workplace. If it is mutually suitable, the meeting may be held at the employee's home or at another location.
- 7.5 The purpose of a stage 1 meeting between the line manager and the employee is to-:
- a) explore reasons for absence and consider any mitigating factors;
  - b) discuss the absence record and any adverse operational impact;
  - c) consider further Occupational Health advice and identify what could reasonably be done to facilitate an improvement in attendance or an early return to work;
- 7.6 During the meeting line managers should
- assess the overall situation to determine if there are any mitigating factors (including any medical condition; disability; absence as a result of stress in the workplace),
  - If the employee is disabled, consider reasonable adjustments
  - consider the availability of funding for adjustments or adaptations that could allow the employee to maintain regular attendance and the impact of the absence on service delivery.

At the conclusion of the meeting the following will apply -:

- a) where there are no mitigating factors which would prevent it, a Stage 1 warning for unsatisfactory attendance will be issued and a formal monitoring period put in place, this will normally be for a period of 12 months;
- b) an improvement target is defined;

- c) any reasonable adjustments such as changes to workload, work practices are identified and implemented if required (including any requirements supporting a phased return).
- d) outline any impact that this stage1 warning may have on the employees future pay step

7.7 A record of the meeting will be made (see toolkit page 25) and the outcome of the meeting will be confirmed in writing to the employee and any representative attending the meeting within 7 calendar days. A copy must be sent to the HR and Payroll Service Centre to be placed in the employee's personal file. The outcome of this meeting must also be recorded electronically on myPeople.

7.8 Where the employee achieves an acceptable level of attendance following the monitoring period set at stage 1, the manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

7.9 Where an acceptable level of attendance or a return to work is not achieved or maintained during the stage 1 warning period the line manager will activate stage 2 of the process.

7.10 For long-term absence cases, stage 2 will normally be activated if a return to work is not achieved within 6 months of the first day of absence **or earlier** if the absence is having a significant adverse impact on service delivery.

### **Stage 2**

7.11 The line manager will arrange a stage 2 meeting, giving 7 calendar days notice, where:

- the required level of improvement in attendance has not been achieved or maintained during the monitoring of the stage 1 warning period ie additional periods of short-term or a new period of long-term-term absence occurs during the monitoring period, or
- there has not been a return to work.

7.12 At this meeting, the line manager will confirm the issues discussed at previous meetings and :-

- a) explore reasons for absence and consider any mitigating factors;
- b) discuss the absence record and any adverse operational impact
- c) discuss any updated Occupational Health report obtained prior to the meeting;
- d) In cases of continuous long-term absence, consider whether the employee may be eligible for ill-health retirement;
- e) identify any support already provided and what further support may be appropriate including consideration of reasonable adjustments;

- f) discuss whether redeployment on medical grounds might allow the employee to reach an acceptable level of attendance or a return to work;
- g) refer to a previous warning issued at Stage 1 that is still “live”;
- h) where there are no mitigating factors which would prevent it, issue a Stage 2 warning for continued unsatisfactory attendance and set a further formal monitoring period, this will normally be a further period of 12 months;
- i) advise that attendance/absence will continue to be closely monitored;
- j) set a target for improvement;
- k) highlight the action that may be taken if the required improvement or a return to work is not achieved (including the possibility of dismissal).
- l) outline any impact that this stage 2 warning may have on the employees future pay step

7.13 A record of the meeting will be made (see toolkit page 25) and the outcome of the meeting will be confirmed in writing to the employee and her/his representative within 7 calendar days and a copy will be sent to the HR and Payroll Service Centre to be placed in the employee’s personal file. The outcome of this meeting must also be recorded electronically on myPeople.

7.14 Where the employee achieves an acceptable level of attendance following the review period set at Stage 2, the manager will confirm that in writing and normal monitoring arrangements will apply thereafter.

7.15 Where steps taken at stages 1 and 2 have not been successful in improving attendance levels, the line manager should consider:

- if the monitoring period should be extended by a relatively short period to allow an employee who has just fallen short of meeting their defined targets to succeed;
- if an aspect of their job has an adverse effect on an employee and if redeployment is a possibility that might enable them to make a return to work or reach an acceptable attendance level;
- referring the case to a senior manager for a Stage 3 meeting.

Meeting attendance targets through significantly improved attendance as a result of a successful redeployment will lead to a return to normal monitoring.

### **Stage 3**

7.16 Progression to Stage 3 need not be delayed until the end of the 12 -month monitoring period, or any extension to it, where the absence is creating severe adverse operational difficulties.

7.17 For long-term absence cases, Stage 3 will normally be activated if a return to work is not achieved or likely to be achieved within 12 months of the

commencement of the absence or earlier if the absence is having an unsustainable impact on service delivery.

- 7.18 As a Stage 3 meeting can result in dismissal, an up-to-date Occupational Health report must be available before a Stage 3 meeting is convened. The report should include advice on reasonable adjustments where appropriate or if redeployment could be considered. In appropriate cases, the referral should request information as to whether early retirement on the basis of permanent incapacity is a possibility.
- 7.19 When that report is received, a Stage 3 meeting will be arranged to consider, in the light of the occupational health advice, whether there are any further actions that the Council can take to assist the employee to continue in employment or whether employment should be terminated due to ill - health.
- 7.20 The Head of Service (or nominated senior officer) will normally chair the meeting. An advisor from HR may attend on request.
- 7.21 The employee will be given at least 7 days' written notice of the intention to hold a Stage 3 meeting which will outline the grounds for convening the meeting and that one possible outcome may be dismissal by reason of lack of capability due to ill-health.
- 7.22 If for any reason the employee cannot attend the meeting, one further date will be set and the employee informed that non-attendance will result in a decision being taken in their absence on the basis of the information available and that it could result in dismissal.

Alternatively, the employee can be advised that a Trade Union representative or work colleague can attend the meeting on their behalf or provide a written submission.

- 7.23 At the meeting the line manager will present a report on the employee's attendance record and on the content of the previous meetings held, including any measures taken to assist the employee to improve their attendance record or return to work, such as reasonable adjustments to help overcome a disability or consideration of a redeployment opportunity .
- 7.24 The employee and/or the representative will be given an opportunity to provide a full response and to put forward any suggestions as an alternative to dismissal. Any options identified as an alternative to dismissal will be discussed and may require further consideration.
- 7.25 When reaching a decision about whether or not to terminate employment, the Head of Service (or nominated senior officer) will consider issues such as:
- the employee's absence record and its impact on other employees and service delivery
  - the likelihood of a sustained return to work in the foreseeable future
  - financial implications of continuing sickness absence
  - submissions made by the employee and/or their representative

- where appropriate what actions have been taken or adjustments made to attempt to enable the employee to continue in employment
- any mitigating factors
- the medical advice received including consideration of termination of employment due to ill-health.

This list is not exhaustive and the weight attached to each will depend upon the circumstances of the case, balancing the needs of the Council and the employee.

### **Meeting Outcomes**

#### **7.26 Action short of dismissal**

Where the use of discretion or the existence of mitigating factors means that further action short of dismissal is appropriate (such as extending Stage 2 monitoring on an exceptional basis), this will be set out in a letter and the employee's situation will continue to be monitored. The letter confirming the decision will normally be issued within 7 calendar days of the meeting. The outcome of this meeting must also be recorded electronically on myPeople.

A further stage 3 meeting may be necessary should the expected improvement not happen or sickness absence re-occurs.

It is not anticipated that regular extensions will apply.

#### **7.27 Ill-Health Retiral (Termination of employment on grounds of capability due to permanent ill-health)**

Where the Council's Occupational Health provider considers that the employee is permanently unfit to carry out the duties of her/his post or a comparable post, a senior manager will meet with the employee to inform her/him of this decision. Where no suitable alternative employment can be found from a trawl of Council-wide vacancies, in conjunction with any training or retraining which would facilitate alternative employment, the employee will be informed that:

- (a) for staff covered by the provisions of the Local Government Pension Scheme, her/his services will be terminated on grounds of capability due to permanent ill-health with Tier 1 or Tier 2 benefits; or
- (b) the early retirement on ill-health grounds provisions of the Scottish Teachers' Superannuation Scheme will be followed where the employee is a teacher with Tier 1 or Tier 2 benefits applying as appropriate;
- (c) Staff who are not members of the pension Schemes and therefore cannot access the Schemes' provisions will be dismissed on the grounds of capability due to ill health

#### **7.28** Where an employee provides written evidence that her/his GP or specialist disagrees with the Occupational Health decision, Line Management will

review the case and, if necessary, a further, independent, medical opinion obtained which will be used to reach a final decision.

### **Dismissal – Employees other than Teachers**

- 7.29 At a stage 3 meeting where it is decided that no other options, including redeployment, can be pursued which will improve attendance or facilitate a sustained return to work, the employee will be informed that she/he is to be dismissed on grounds of capability due to ill-health. This letter will normally be issued within 7 calendar days of the meeting. The letter will indicate that there is a right of appeal against the decision

### **7.30 Dismissal – Teachers**

As teachers have a national condition of service which means that dismissal cannot be actioned until they have “expired their half pay period”, a check must be done to ensure that this criterion has been met before a teacher is dismissed for an unacceptable level of sickness absence.

## **8. RECURRING ABSENCE**

- 8.1 It is recognised that cases may arise where, following a period of satisfactory attendance of less than a full year, the employee’s absence level returns to a level which gives cause for concern. In such cases it may be appropriate to seek further Occupational Health advice.
- 8.2 Following receipt of this advice, the line manager will review the employee’s general attendance record and will normally hold a further staged meeting returning to the last stage previously reached in the procedure. Thereafter, subsequent stages of the procedure may be followed if necessary.
- 8.3 Where satisfactory attendance is achieved for a full year following the issuing of a staged warning the employee will return to normal monitoring and the trigger points in section 5 will apply again.

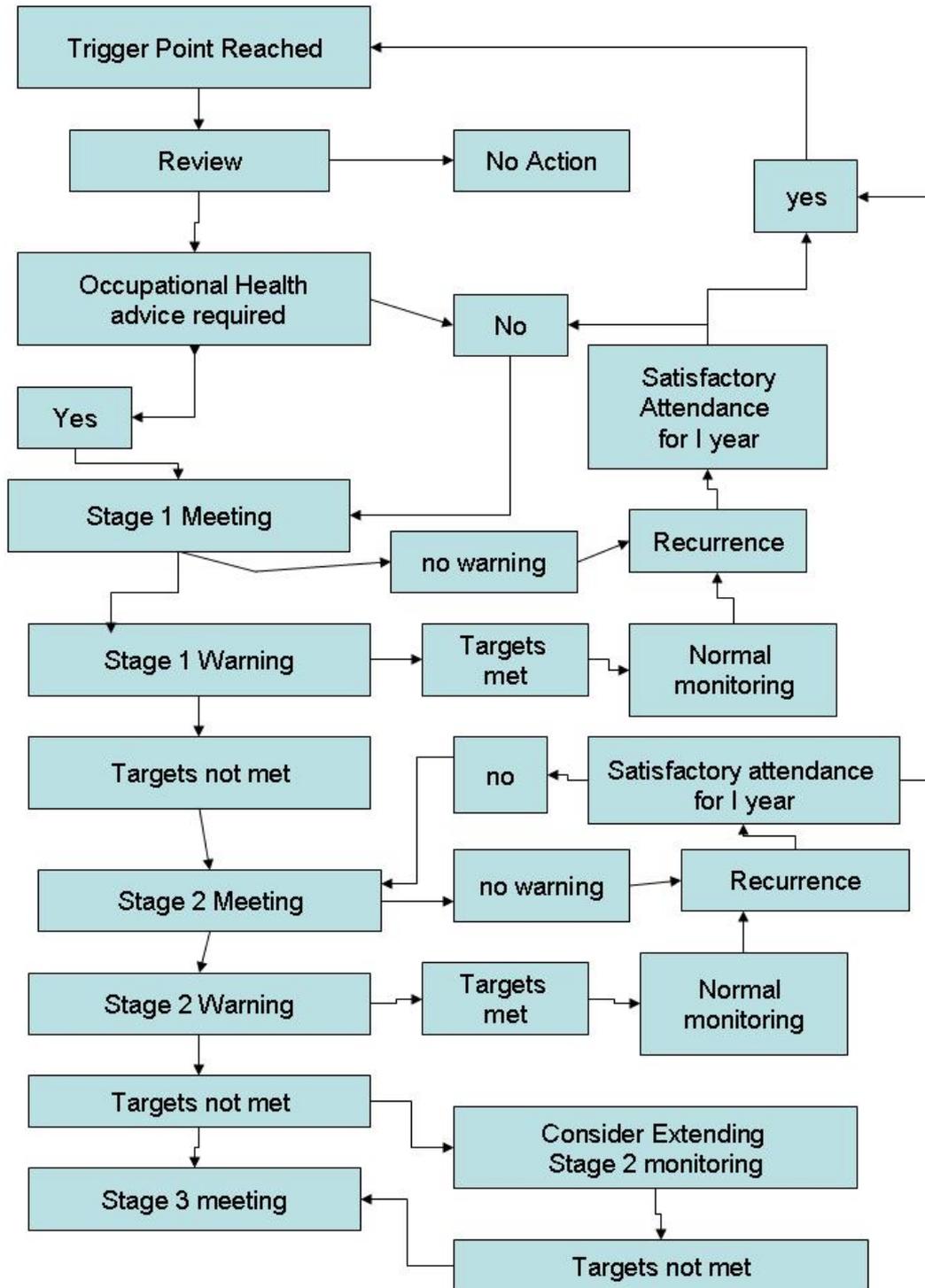
## **9. REVIEW OF PROCEDURE**

- 9.1 The Procedure will be reviewed as required, in the light of experience or changes to legislation, in consultation with the recognised Trade Unions.

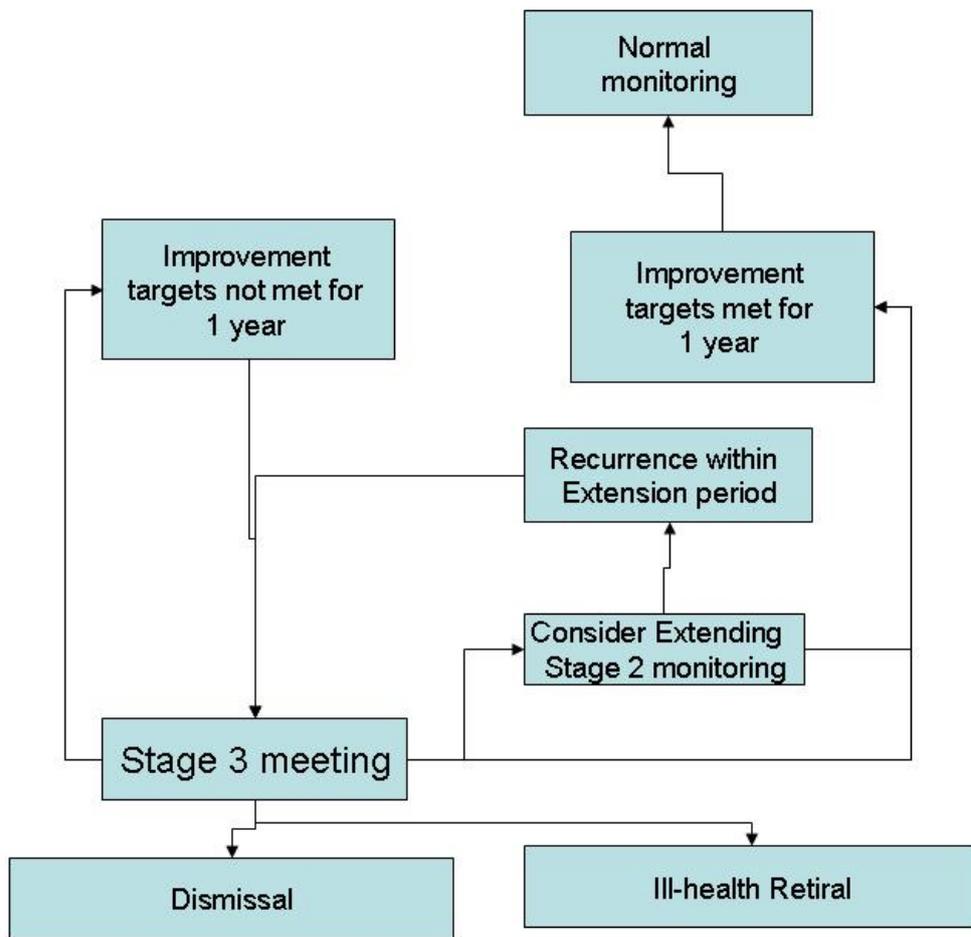
## **10. LOCAL AGREEMENT**

- 10.1 This document is a local collective agreement between the Council and the recognised trade unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of a failure to reach agreement both parties reserve the right to terminate this local agreement by giving four months notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

## 11. MANAGING ATTENDANCE PROCEDURE - FLOWCHARTS



**Go to next page**



## 12 SUMMARY OF PROCEDURAL TIMESCALES

<b>Procedural step</b>	<b>Timescale</b>	<b>Action Point</b>
<b>Trigger reached</b>	During a rolling 12 months	Review – “one off” arrangements considered for discretion/mitigation. Otherwise move to Stage 1
<b>Stage 1 Meeting</b>	7 calendar days notice	Stage 1 outcome letter within 7 calendar days
<b>Stage 1 monitoring</b>	12 months*	Any further absence leads to stage 2
<b>Stage 2 Meeting</b>	7 calendar days notice	Stage 2 outcome letter within 7 calendar days
<b>Stage 2 monitoring</b>	12 months*	Any further absence leads to stage 3
<b>Stage 3</b>	7 calendar days notice	<ul style="list-style-type: none"> <li>• Can extend stage two monitoring</li> <li>• Dismiss</li> <li>• Approve ill -health retiral</li> </ul>
<b>Stage 3 outcome</b>	Letter of outcome within 7 calendar days	Right of appeal if dismissal

- appropriate action can be taken within the 12 month monitoring period where the absence has a significant adverse impact on service delivery.