

ATTENDANCE MANAGEMENT POLICY

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POLICY STATEMENT

Monmouthshire County Council is committed to providing a high quality range of services to all service users, through a healthy, motivated and committed workforce. The health and well-being of employees is important to Monmouthshire County Council and the purpose of the management of attendance policy and procedure is to ensure that employees are treated fairly and in a timely, effective and consistent manner which enables them to achieve and maintain good health and high levels of attendance at work.

Attendance is a vital factor in ensuring adequate service provision and high levels of attendance at work will contribute to high morale among employees and will provide positive assistance in the planning and provision of quality services.

In its application, this policy seeks to ensure that there is no discrimination against employees either directly or indirectly on grounds prohibited by the Equality Act 2010 which covers age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. This policy is inclusive of partners of the opposite or same sex.

POLICY SCOPE

This policy covers all Council employees and school based employees (appointed through a governing body where the policy is adopted).

Where reference is made to managers, this relates to the person the employee reports to. It should be noted that for school based employees that this may be their Supervisor, School Administrator, Head of Department, Assistant Head-teacher, Deputy Head-teacher or the Head-teacher. Reference to the manager's line manager refers to the manager that their manager reports to, or the next senior officer. This may include a Head of Service, Chief Officer, Head-teacher or Chair of Governors.

GENERAL PRINCIPLES

Consistent application of the Attendance Management Policy will improve productivity, service delivery and morale. The Policy provides a framework for managers/head-teachers to provide consistent support and guidance to their employees. It enables employees at all levels to have a clear understanding of employer expectations and the support mechanisms in place to facilitate a return to work. The cost of absence is felt at different levels of the Monmouthshire County Council, for example:

- Absence places a considerable burden on work colleagues, with increased workload;
- Lost productivity;
- Detrimental effect on service delivery;
- Time and money required to bring in supply cover.

All absence information will be handled sensitively and with due regard to confidentiality and data protection principles. All employees should be aware that absence is monitored and the importance of good attendance should be emphasised at all stages of employment.

In particular by:

- Emphasising good attendance at appointment and induction stage.
- Using pre-employment procedure to ensure the employee is fit to start the job.
- Taking account of any disabilities in accordance with the Equality Act 2010.
- Induction programmes should be used to communicate the Attendance Management policy and procedure.
- Attendance records should be monitored where appropriate.
- After every incident of sickness absence employees are required to complete a Self-certification Form and have a Return to Work discussion with their manager/head-teacher.

In this way the directorate/school/team will develop a working environment where attendance does matter and is notified and recorded. All parties should work to achieve high attendance levels and make absence controls effective.

ROLES AND RESPONSIBILITIES

Employees will:

- Attend work unless prevented by sickness or authorised to be absent for another reason. Sick leave may only be taken when actually sick – other forms of leave; (e.g. special leave, annual leave), may be available for other situations;
- Provide appropriate self-certification and/or fit notes as required;
- Raise concerns with their line manager if they believe that work related issues are contributing to their ill health;
- Discuss relevant health concerns with their line manager;
- Attend meetings under this procedure;
- Report their sickness absence in line with the reporting procedures;
- Maintain regular contact during periods of absence; and

- Attend appointments with the Council's Occupational Health Provider as appropriate.

Managers will:

- Ensure that employees are aware of the notification and certification procedures;
- Ensure receipt of appropriate self-certification and/or fit notes from employees;
- Input sickness absence start and ends dates into the absence recording database (My View) as soon as possible in order that absence information is up to date;
- Ensure that employees are aware of the policy and appropriate procedure, their responsibilities and the consequences of not complying;
- Deal with absence issues at the earliest possible stage and act promptly when absence issues arise;
- Approach issues of employee absence with sensitivity and confidentiality;
- Monitor levels of absence;
- Ensure employees are aware of the counselling provisions; [Well-being solutions management leaflet](#)
- Refer employees to the Council's Occupational Health Adviser and take appropriate action on the outcome of the health referrals;
- Maintain regular contact with employees who are absent in order to discuss their well-being, expected length of continued absence from work and any other work matters that require attention in their absence;
- Conduct return to work discussions and where appropriate further meetings with employees in accordance with the appropriate procedure;
- Participate and seek learning and development support related to attendance management; and
- Seek appropriate support and undertake actions identified through meetings with employees.

People Services will:

- Provide support and advice to managers/head-teachers which includes in accordance with attendance/ill health policies and procedures and other employee health issues.
- Assist with the provision and monitoring of absence data.
- Offer training in attendance management.
- Ensure that all relevant documentation is maintained and issued, including notification to employees prior to half or no pay situations.

- Assist managers/head-teachers in handling sensitive cases in liaising with employees, including participation in welfare meetings (home visits where necessary) and the provision of draft letters for follow-up correspondence
- Assist in referrals to, and liaising with, the Occupational Health Service, including medical clearances, supplying copies of their reports to the employee as necessary.
- Facilitate the release of Occupational Health Reports to managers/head-teachers and where applicable Chair of governors subject to employee consent arrangements.
- Offer advice where an employee's health or disability leads to situations where adjustment to the work situation, or redeployment on ill health grounds, needs to be considered, ensuring that employees who are or become disabled are treated sympathetically, having regard to the Council's and where applicable the Governing Body's/Management Committee's equalities policies.
- Support managers/head-teachers in the progress of cases. Ensuring that the requirements of the relevant legislation are adhered to including Health and Safety at Work Act and Equality Act.
- Offer support for arranging appeals arising out of this procedure.
- Review the policy and procedure.

MAINTAINING CONTACT DURING ABSENCE

When an employee is absent from work due to sickness it is important that contact is maintained. The responsibility to maintain contact rests equally with the manager/head-teacher and employee. Managers/head-teachers should establish from the outset the appropriate method and frequency of contact. The manager/head-teacher will undertake a welfare meeting (this can be a home visit if that is appropriate) at the earliest opportunity. Whether personal or work news is relayed (or both) should be decided on a case-by case basis, with particular care if absence is due to work-related stress.

The manager/head-teacher also has a responsibility to ensure that the employee is aware of the Council's Counselling provisions.

In most cases contact with the employee will be by telephone and/or letter. Meetings will be required to discuss occupational health reports etc. Meetings can be held at the employee's place of work, another suitable office/establishment or the employee's own home. An employee has the right to be accompanied by a trade union representative or work colleague. A home visit can only take place with the agreement of the employee. On home visits it may be advisable for the manager to be accompanied by another colleague. The manager/head-teacher is required to follow up with a letter following meetings and/or home visits. For sensitive situations HR advisers can offer their support

On occasions an employee may request that a different manager deal with their absence and where reasons are felt to be justifiable and this can be arranged then the request should be dealt with objectively.

On occasions an employee may go absent without leave. This may occur during a period of sickness absence (e.g. the employee stops sending in medical certificates), or the employee fails to attend work without authorisation or advising of a reason or making a pre-arrangement. Clearly, managers/head-teachers should attempt to make contact with the employee to establish what the issue might be. Each case will need to be treated on its merits and may need to be dealt with under the disciplinary process.

SICKNESS ABSENCE NOTIFICATION AND RECORDING

Notification

It is the employee's responsibility to contact their manager/head-teacher, personally by telephone, on the first working day of their absence. This must be done at the earliest opportunity and in all cases notification should take place at least at their normal start time, or in accordance with the business area's procedure for shift patterns and school start times where it is likely that reporting will be before the start of their normal working. A person acting on their behalf should only make the call in exceptional circumstances where they are unable to do so personally. **It is their** responsibility to ensure their manager is made aware of the absence at the start of the working day. If an illness / absence commences on a day when the employee is not

scheduled to work and it is unlikely they will be fit before you they are due to work, to aid service continuity they should be advised to notify their head-teacher/manager or nominated person immediately, where this is possible. The following outlines the generic reporting procedures. Managers/head-teachers will communicate the detailed arrangements relating to their team/school. Failure to comply with the above notification requirements (or any specific requirements as detailed by the Service) may result in the need to withhold sick pay. Failure to comply with notification requirements may be treated as a disciplinary matter.

Day One

The employee should contact the head-teacher/manager or nominated person as soon as possible before they are due to commence work or at least at their normal start time (or earlier as above). If the absence is due to an accident or injury sustained at work, this should be reported along with details of the incident and an Accident Form should be completed in all cases. Issues to be covered in conversation include:

- details of reason for absence / nature of the illness ('sickness' or 'unwell' are not acceptable)
- date absence began
- indicating return to work date (if possible)

The employee should be informed that they should not work whilst they are sick.

Day 3

The employee should make contact with the head-teacher/manager or nominated person and inform them where possible of the following:

- prognosis
- medical opinion (if appointment with GP relevant)
- indication of date of return to work (if possible)

Self-Certification

For all sickness absences of up to 7 calendar days duration (including non-working days) it is a requirement for employees to complete a Return to Work / Self Certification form. [See Self-certification/RTW form](#)

GP Fit-notes

If absence is likely to be longer than 8 days the manager/head-teacher or nominated person informs individual of the need for a Fit Note from their GP with effect from 8th day. [See Fitness for work Managers' Guide](#)

Day 8

The employee submits a GP Fit Note to the manager/head-teacher or nominated person. **Employees are reminded that frequent delays in submitting a Fit Notes may result in sick pay being withheld until the Fit Note is received and non-compliance under the disciplinary procedure.** [See Fitness for Work-Employees' Brief](#)

Days 9-30+

The manager/head-teacher or nominated person should maintain contact on a regular basis to monitor progress. Sensitivity must be exercised in discussing work related issues whilst the employee is absent. The premise for maintaining contact is to ensure employee does not feel isolated and to aid the return to work. Many employees will wish to be updated on work related matters and managers/head-teachers should ascertain what is appropriate to the circumstances including asking the employee what their expectations are for maintaining contact.

Recording

All absence should be recorded on My View Leave Management systems, Managers/head-teachers should refer to the

[My View Leave Management guide – reporting absence.](#)

Please note for some illnesses, in particular stress-related or musculoskeletal disorders, support should be initiated as soon as the first medical certificate is received. [Stress Risk Assessment for Head-teachers](#) [Stress Risk Assessment](#). This may involve early referral to occupational health. Managers should be considering referring to occupational health as a supportive measure when it is known that the absence is likely to be long term or when the duration exceeds 28 days.

OCCUPATIONAL HEALTH REFERRAL

(LONG OR SHORT TERM ABSENCE)

An **Occupational Health Referral** is carried out as a supportive measure for the employee to ensure we are supporting them and to enable managers to have medical advice on how to best manage an absence from work. Depending on the detail on the GP Fit note and/or information from employee immediate referral to OH may be appropriate i.e. stress related concerns.

If absence is likely to be long term or the duration exceeds 28 days the employee should be advised that a referral to OH will be required. An OH referral may also be an option for shorter duration absence where the agreed absence triggers have been reached

Where an occupational health referral is deemed appropriate the [Occupational Health Referral form](#) should be completed and the line manager will take any necessary steps to support the employee through reasonable adjustment and in consideration of recommendations made by Occupational health if appropriate and possible. Whether the referral is made for long term or short term absence a formal review of the occupational health report must take place either through the attendance management review meetings or welfare meetings.

[Attendance Management Review Meeting Guidance](#)

[Attendance Management Review Form](#)

[Template Letter: Outcome Letter following Welfare Meeting \(with occupational health report\).](#)

SHORT-TERM ABSENCE

Frequent and persistent short-term absence can give cause for concern in relation to the operation of Council Services and for school effectiveness. Line managers/head-teachers should follow the procedures as outlined in this document for short term absence and seek advice and guidance where required.

If there is evidence that the employee may be abusing the procedures this will be dealt with under Monmouthshire Council's [Disciplinary Policy](#) or the [Schools' Disciplinary and Dismissal Procedure](#).

Return to Work Discussions

The meeting should be an informal discussion and conducted sympathetically and discreetly during the first day back, or as soon as possible thereafter. This is a mandatory requirement. These do not have to be undertaken face to face and can be undertaken by telephone. (For example for managers who do not see their employees on a daily basis).

Managers must conduct return to work discussions with employees on their return from every absence and provide the appropriate support if required. They are also required to ensure that all absence is recorded on MY VIEW.) It is a requirement for employees to complete a Return to Work form and/or Self Certification form/fit note.

Please refer to the following guidance

[Attendance Management and Well-being Protocol/Workflow](#)

[Return to Work Guidance for Managers](#)

The purpose of the discussion is to (please note not all these points may be applicable for every discussion):

- Welcome the employee back.
- Confirm the details of the employee's absence.
- Give the employee the opportunity to raise any concerns or questions they might have, or to bring any relevant health matters to the line manager's attention.
- Discuss any additional measures that may be needed to facilitate the employee's return to work or to remain in work, taking account of any medical advice received from the employee's GP or from occupational health advisors.
- Address any work related issues which may be causing ill health and ensure any actions are recorded.
- If approaching an absence trigger point review the employee's absence record and highlight the short-term absence triggers if appropriate and invite the employee to an attendance management review meeting and explain the difference between the meetings.
- Discuss the reasons for the absence in order to gain more information in order for the line manager to determine if there is any need for action or support such as counselling, guidance or occupational health referral etc.
- Allow the manager the opportunity to raise concerns and ask questions.
- Ensure the employee has complied with the absence notification and certification procedures.
- Take a note that a discussion has taken place and any agreed action points by completing a return to work discussion form.

Trigger Points

Short term absences are short periods of ill health. In order to ensure consistency of practice in dealing and supporting employees with short-term absence, trigger points have been set for short term absences which are:

There are specific trigger points for instigating a formal review of attendance. These are as follows:

- 2 absences within any 3 month period
- 3 absences within any 6 month period
- 4 absences within any 12 month period

- 10 working days or more absence in a 12 month period

It should be noted that the 12 month period relates to the employees rolling year for absence and not to the academic year, calendar year or financial year.

Once the trigger points have been reached an Attendance Review Meeting should be held ideally within 10 working days if practical, following the Return to Work Discussion and certainly without any unreasonable delay.

Absence Patterns

Where regular pattern of absence occurs, e.g. after most bank holidays or repeated absence when certain duties are to be undertaken, an Attendance Review Meeting is also applicable

Trigger Point Reached

When a short term trigger point is reached (identified through return to work discussion and monitoring on My View or the line manager has identified a pattern of absences) then it is their responsibility to invite them to attend an attendance management review meeting. Once the trigger points have been reached an Attendance Review Meeting should be held ideally within fourteen working days or later with agreement following the Return to Work Discussion and certainly without any unreasonable delay.

Attendance Review Meeting

Please note that this is a supportive meeting and should be used even when the reason for the absence is in relation to a very evident medical condition, the basis of the meeting would be to gather information, discuss the way forward and determine any required support.

Managers/head-teachers should conduct the absence review meeting every time a trigger is broken. Consistency is a key stone to effective attendance management. Conducting absence review meetings for some employees when they have broken a trigger and not others can lead to feelings of organisational unfairness. However, the outcome of an attendance review meeting will be dependent upon the circumstances of each case where the manager/head-teacher can exercise discretion.

The employee will need to be given 7 working days' notice of the meeting and must be provided with a copy of the Attendance Management Policy and Procedure. The employee may be accompanied to the meeting by a trade union representative or work colleague. This meeting should take place ideally no longer than 14 working days from the manager identifying a broken trigger or a pattern of absence that is cause for concern.

Please refer to:

[Attendance Management Review Guidance for Managers](#)

[Attendance Management Review Form](#)

Employees are required to attend the meeting. Failure to do so without good reason may be treated as misconduct and dealt with under the Disciplinary Policy and Procedure.

At the Attendance Management Review Meeting the manager/head-teacher will:

- Explain the purpose of the meeting.
- Identify the absences in question.
- Discuss with the employee the reasons for the absence(s), considering whether there may be an underlying medical reason, whether absences are related, whether absence is related to work, and whether there are any personal issues.
- Outline their concerns and explain their responsibility to apply the policy and what this means for the employee.
- Set out the impact on delivery or the service to service users, impact of absence on other employees and costs implications for cover or lost productivity.
- Explore ways that improvement can be supported.
- Identify and explain the appropriate support that can be offered.
- Set out and explain that satisfactory levels of attendance are expected below the absence trigger points as set by Monmouthshire Council and also explain the steps that will be taken by the line manager if this is not maintained which could include progression to the ill-health capability or disciplinary procedures.

Outcome of Attendance Management Review Meeting

The outcome of the meeting will be one or more of the following:

- No further action.
- Further information/advice required e.g. Occupational Health Referral
- Consideration of supportive measures/ reasonable adjustments or other applicable changes e.g. working patterns.
- Placement of employee on attendance management monitoring period (3 months)
- Placement of employee on attendance management extended monitoring period (further 3 months)
- Deal with matters under the ill-health capability or disciplinary procedures

If there is evidence that the employee may be abusing the procedures this will be dealt with under the Council's [Disciplinary Procedure](#) or [the Schools' Disciplinary and Dismissal procedure](#).

It is unlikely that an outcome of a first or second broken trigger or identifying a pattern of absence will be placement on an attendance management review period.

The outcome of an attendance management review meeting must be confirmed in writing to the employee no later than 7 working days after the meeting.

When an employee is to commence an absence monitoring period they should be notified that any absence that occurs during this period will result in a further meeting with their line manager to discuss the absence, which may lead to the placement of the employee on a further absence monitoring period (3 months).

If the attendance management process has not previously resulted in an occupational health referral, where an employee is subject to placement on a monitoring period there should be a referral to occupational health even where it is known that there is an underlying medical condition which results in short term intermittent absences. Employees with an underlying medical condition can still be placed on the absence monitoring periods. If after support, adjustments (such as reduction in working hours) and medical advice further trigger points are broken as the employee is unable to achieve satisfactory levels of attendance then this may need to be dealt with in terms of ill health capability. Managers/head-teachers will have regard to the Council's and where applicable the Governing Body's equalities policy. All employees' circumstances will be treated with sensitivity.

Any agreed support measures and/or reasonable adjustments arising as outcomes of an attendance management review meeting must be put in place. This is particularly important for any employee who has a disability. Please refer to the guidance contained within the [How to - reasonable adjustments](#). If there is an underlying medical condition consideration must be given to potential implications of the Equality Act prior to progressing. Where an outcome of an attendance management review meeting is placement on an attendance management monitoring period this should be confirmed in writing. The following section provides guidance on outcomes of attendance management monitoring periods.

Placement on an Attendance Management Monitoring Period

Where an outcome of an attendance management review meeting is placement on an attendance management monitoring period this should be confirmed in writing.

[Template letter - Placement on formal monitoring period](#)

Over a 3 month period the employee's attendance will be monitored by the manager/head-teacher.

[No sickness absence during the monitoring period](#)

At the end of the 3 month attendance management monitoring period a management review meeting should take place. Where there has been no sickness absence then no further action will be taken. The employee will be informed in writing following the meeting and advised that if they hit a further trigger point or absence pattern within six months of the completion of a monitoring period then depending on the reasons for the absence they may be placed on an extended absence monitoring period.

[Sickness absence during monitoring period](#)

If there is a sickness absence during the 3 month period the line manager must arrange a further attendance management review meeting with the employee to discuss the impact of the on-going absence during the monitoring period and the reasons for the absence. The employee's record of attendance by this point will be a significant cause for concern and the manager may place the employee on an extended monitoring period. The employee will have this confirmed in writing.

[Template letter - Placement on formal extended monitoring period](#)

Placement on an Attendance Management Extended Monitoring Period

[No sickness absence during the extended monitoring period](#)

At the end of the 3 month attendance management extended monitoring period a management review meeting should take place. Where there has been no sickness absence then no further action will be taken. The employee will be informed in writing following the meeting and advised that if they hit a further trigger point or absence pattern within six months of the completion of a final monitoring period then they will attend an attendance management review meeting, an outcome of which could be attendance at a formal Ill Health Capability Meeting.

Sickness absence during the extended monitoring period

During the second 3 month period the employee's attendance will again be monitored by the manager/head-teacher and if there is a further sickness absence then the employee will attend a further Attendance Management Review Meeting with the line manager. At this meeting the reasons for the employee's recurring absence will be discussed. It is essential that the employee is advised of the potential consequences of their continued absences.

The line manager must ensure that all support and any actions identified at previous meetings with the employee has been sought and undertaken where appropriate. This is particularly important in relation to an employee who has a disability which may be covered by the Equality Act 2010. If it is determined that a further monitoring period requires to be established then this shall be put in place at this point and monitored accordingly. This may be for example for an employee who has a disability or if significant improvements have been made and employee is close to meeting expectations.

If no further support can be identified for employees with or without an underlying medical condition then the employee will move to a Formal Ill-Health Capability Meeting.

Please refer to the following guidance:

[Template letter - Invite to Ill health capability \(attendance management\) meeting](#)

[How to - Ill health capability meeting](#)

[How to - reasonable adjustments](#)

LONG TERM ABSENCE

Long-term absences are often attributed to major illness, surgery or injury and are characterised by a continuous absence from work for a period of at least 4 weeks.

It is very important that managers maintain contact with employees throughout the period of absences please refer to the [Attendance Management and Well-being Protocol/Workflow](#) for further information.

The manager will first examine the circumstances of the case, taking advice from People Services where appropriate. Please consider making an immediate referral where there is a notification of a work related stress condition or generally for psychological conditions. In some cases the prognosis for a long-term absence will be self-evident i.e. the condition such as a hysterectomy has an expected duration and recovery period therefore no immediate intervention is required.

However, the welfare of the employee is very important and welfare meetings and occupational health report review meetings are intended as supportive measures during the period of absence and to facilitate a return to work.

Long term absences, particularly with a history of absence or a previous return to work from long term absence which was not sustained, may in some circumstances mean that consideration be given to whether or not employment can continue, regardless of whether sick pay has been exhausted or not.

Attendance Management Welfare Meeting(s)

Please note that this is a supportive meeting and should be used even when the reason for the absence is in relation to a very evident medical condition, the basis of the meeting would be gather information, discuss the way forward and determine any required support. Please also note that the requirement to maintain contact with the employee commences at the beginning of the absence period when it is not necessarily known whether the absence will become long term. A welfare meeting should take place as soon as possible to ensure the manager can discuss support for their employee and find out about any concerns.

The manager will send the employee a letter to invite them to attend an Attendance Management Welfare meeting. [Template letter - Invite to welfare meeting](#) (Adjust letter as appropriate to the individual situation). The employee must be provided with a copy of the Attendance Management Policy and Procedure and may be accompanied to the meeting by a trade union representative or work colleague should they so wish. The employee will be required to be given 7 working days' notice of the meeting. Please note that the welfare meeting can take place at alternative venues to the work place including undertaking a visit to the employee's home if this is the agreed keeping in contact arrangement.

Employees are required to attend the meeting. Failure to do so without good reason may be treated as misconduct and dealt with under the Disciplinary Policy and Procedure.

The meeting will be conducted sensitively and the manager will:

- Explain the purpose of the meeting.
- Ask the employee how they are feeling and what course of action they would like to see to support them
- Discuss with the employee the reason(s) for their absence and their progress.
- Ascertain whether the absence is work related in any way.
- Outline concerns as a manager and their responsibility to apply the policy.
- Identify and explain the appropriate action to be taken.

- Initiate a referral to the Occupational Health Provider and where appropriate schedule a further attendance management review meeting to discuss the contents of the occupational health report and agree a course of action.

The outcome of the meeting will be confirmed to the employee in writing, no later than 7 working days after the meeting. [Template letter - Outcome letter following welfare meeting](#) (Please adapt this letter as appropriate to the individual situation).

Courses of action for long term absence cases

Managers/head-teachers who follow the policy will ensure that there is consistency in terms of keeping in touch, undertaking attendance management welfare review meetings (including follow up meetings to discuss occupational health reports) and confirming the outcomes of meetings in writing with an agreed course of action and the next steps. However, each employee's circumstances will be unique and it is difficult to be prescriptive in terms of time scales or outcomes as each case is treated on its merits. The manager/head-teacher is responsible for undertaking the relevant stages in a timely manner and can obtain support from People Services. The Occupational Health Adviser should be involved as early as possible as a supportive measure and for the next steps to be fully understood by the employee.

The courses of action could be one or more of the following:

- Return to Work (including Phased Return to Work).
- Consideration of supportive measures/ reasonable adjustments or other applicable changes e.g. working patterns.
- Redeployment
- Ill-health retirement (under pension regulations)
- Ill-Health Capability

Phased Return to Work

Where an employee has been off sick and appears to have recuperated sufficiently to return to work, the Occupational Health Provider or the General Practitioner (GP) may recommend a phased return to work.

When an employee commences a phased return to work it must be recorded that they have returned to work through the absence recording procedures in order for the correct payments to be made. In normal circumstances, a phased return to work period should not extend beyond a maximum of four weeks. It would be expected that an employee returning to work should be able to resume full duties after the phased return period has elapsed.

During the 4 week 'phasing in' period an employee receives full pay. Thereafter, where the employee has not returned to their normal working hours within a four week period in normal circumstances, the employee would only receive pay for the actual hours worked and not a combination of normal pay and sick pay. (Annual leave may be used with the agreement of the employee's manager to cover any hours not being worked during any phased return extension).

Any changes to an employee's pay must be notified to People Services Payroll by the completion of an e form. The duration of a paid phased return may be extended only in exceptional circumstances. During a phased return to work period the employee will be considered as working and not on sickness absence. Any sickness absence during this period will be treated as sickness [How to - Phased return to work](#).

Reasonable Adjustments

The purpose of reasonable adjustments is to remove any disadvantage created by an employee's disability to perform their day to day duties. There is no requirement to create a new job. It is the employer's duty to identify, **consider** and implement reasonable adjustments – it is not enough to simply ask the employee their view of what adjustments are required.

[How to - reasonable adjustments](#)

Redeployment

The Council's Occupational Health Advisor/physician may advise that an employee can no longer undertake the duties of their job and recommend that the employee is considered for redeployment. The Occupational Health Advisor will provide guidance in respect of identifying what duties or post may be suitable for the employee. If after a reasonable time period there are no redeployment opportunities the continued employment of the employee on long term sickness absence may be considered at an ill health (attendance management) meeting. All these matters and considerations must be discussed during the welfare meetings and followed up with an outcome letter.

Ill-Health Retirement

The occupational health referral process may result in advice that the ill health is likely to be permanent, and if so, whether early retirement on grounds of ill health could be considered. The administrative arrangements that will be followed will be dependent upon the employee being a member of either the local government pensions scheme (LGPS) or teachers pensions (TP). Please refer to the separate guidance for each pension scheme. Dismissal through ill health capability for staff in the LGPS should only be considered when there has been a determination of whether the employee meets the criteria for pension release on the grounds of permanent ill health. Where a teacher has accepted an ill health pension by TP there will be an agreed finishing date, no notice pay is needed.

Ill Health Capability

Dismissal on the grounds of capability due to ill health may be considered if:

- There is no improvement in attendance following attendance management monitoring
- The prognosis is one of further absence in the long term (whether or not release of pension benefits have been agreed for an LGPS member and where a teacher has not been granted an ill health pension).

There is not a requirement to wait until the employee's sick pay has been exhausted before undertaking appropriate actions in relation to the recommendations made by Occupational Health. Each welfare meeting and attendance management review meeting will have a documented outcome letter which will have provided the employee with an understanding of when an ill health capability meeting may be appropriate.

Throughout the period of sickness absence, the following will apply: -

- Regular contact will be maintained with the employee, encouraging them to discuss any particular health issue, personal circumstances or work related issues, which may be affecting their health.
- The manager/head-teacher, (supported by HR where applicable) and the employee will consider any advice and recommendations made by

occupational health, including possible adjustments to the work situation which would facilitate a return to work.

- The employee will be provided with the opportunity to express views about the assessment of the situation and whether there are any other actions they wish the nominated officer/governing body committee to consider.

- All information will be treated confidentially.

- The employee will have the right to be accompanied by a workplace colleague or trade union Representative.

- Once all other options have been exhausted the nominated officer/governing body committee will ultimately have to decide to dismiss an employee on the grounds of capability due to ill health. Please see Appendix for Procedure for Schools. (This course of action should have been discussed with the employee well in advance.) The employee will also be notified of their rights with regard to appealing a decision made at the ill-health capability meeting.

[How to - Ill Health Capability \(Attendance Management\) Meeting](#)
[Template letter - Invite to Ill Health Capability \(attendance management\) meeting](#)

APPENDIX: DEFINITIONS AND USEFUL INFORMATION

SICK PAY ENTITLEMENTS (NJC):

Permanent, Fixed Term, Term-Time and Temporary employees of the Monmouthshire County Council are entitled to the following sick pay benefits, dependent on their length of service:

1st year – 1 month full pay and (after 4 months service) 2 months half pay

2nd year – 2 months full pay and 2 months half pay

3rd year – 4 months full pay and 4 months half pay

4th and 5th year – 5 months full pay and 5 months half pay

After 5 years – 6 months full pay and 6 months half pay

Sickness entitlement is calculated on a rolling 12 month basis, which starts on the first day of sickness absence looking back a calendar year.

SICK PAY ENTITLEMENTS (TEACHERS):

Teachers' national sick pay entitlements, set out in the Burgundy Book, giving a sliding scale of entitlement according to the length of service as follows:

During the first year of service: Full pay for 25 working days and, after completing four calendar months' service, half pay for 75 working days.

During the second year of service: Full pay for 50 working days and half pay for 50 working days.

During the third year of service: Full pay for 75 working days and half pay for 75 working days.

During fourth and successive years: Full pay for 100 working days and half pay for 100 working days.

Periods of absence in respect of industrial injury arising out of, or in the course of, employment with Monmouthshire will not be counted for the purpose of calculating entitlement to sick pay.

All sickness and absence periods must be submitted as part of the Manager's/Head-teacher's weekly sick returns to People Services

DEFINITION - 'PERIOD OF INCAPACITY FOR WORK'

For the purpose of this policy, a 'Period of Incapacity for Work' means any complete day or days when an employee is unable to work due to sickness, injury or disease. A day of incapacity can be a working day or non-working day.

N.B. For OSP purposes, half day absences are recorded on sickness absence returns and will count as part of the total sickness absence.

OCCUPATIONAL SICK PAY (OSP) SCHEME DETAILS

This appendix sets out the main details of the Occupational Sick Pay Scheme applicable to an employee under the National Agreement laid down by The National Joint Council for Local Government Services. Teacher's terms and conditions are set out in the Burgundy Book.

SICK PAY ALLOWANCES AND REGULATIONS

Sick Pay Allowances - the County Council is responsible for making two forms of payment as follows:-

- Statutory Sick Pay - which is paid in accordance with the rates and regulations laid down by the Government from time to time.
- Occupational Sick Pay Allowances - payable in accordance with the terms of an employee's contract of employment as laid down by National Agreement in the Scheme of Conditions of Service of the appropriate National Negotiating Body.

In certain circumstances an employee may be entitled to Statutory Sick Pay, but alternatively an employee may be entitled to a benefit under the National Insurance Regulations which will be paid by the Department of Work and Pensions. Under the terms of the Occupational Sick Pay Scheme, Statutory Sick Pay and National Insurance Benefits received, or deemed to be receivable, will always be off set against occupational sick pay receivable so that the combined payment will not exceed an employee's normal County Council pay.

Special Note for New Employees:

If an employee has worked for another employer within 56 days (8 weeks) prior to the new employee commencing work with Monmouthshire County Council and:-

The employee has had a period of incapacity for work ending within 56 days (8 weeks) of the date the employee's contract of employment with that previous employer came to an end

And;

The employee has received payment of Statutory Sick Pay for four days or more of that period (previous "linked" periods are to be taken into account for this purpose) - your former employer should issue the employee with a statement of the Statutory Sick Pay for the period(s) involved on form SSP1(L).

This is an official form printed by the Department of Work and Pensions.

The employee's former employer is responsible for entering the necessary information and passing the form on to the employee not later than 7 days after the employee's contract of employment has ended.

An employee is responsible for forwarding their form SSP1 (L) to their manager either on the first day of reporting to duty for the County Council or immediately they receive the form from their employer - if later (this should only be a matter of days).

If an employee has received a benefit payment from the Department of Work and Pensions in respect of any period ending within 56 days (8 weeks) immediately before the employee's first day of employment with the County Council and they have received statement, the employee is responsible for forwarding this to their manager on the first day of reporting for duty with the County Council. The manager then needs to submit to Payroll.

STATUTORY SICK PAY

Statutory Sick Pay becomes payable to you when incapacitated for work, in accordance with Government Regulations which determine the rate of payment, if any, to which you are due according to your "average" earnings, and your entitlement (if any), at any particular time.

It is only payable whilst you are in employment.

Statutory deductions e.g. Income Tax, National Insurance and superannuation must be deducted from Statutory Sick Pay under the Government's regulations.

Payment Rules

Provided an employee's manager is satisfied regarding the employee's notification and certification of incapacity and the employee is not disqualified from payment under the Statutory Sick Pay Regulations, the following rules apply for payment of Statutory Sick Pay.

An employee's period of incapacity for work must last for four or more consecutive days (including days on which an employee is not required to work).

N.B. Periods of incapacity of 3 days or less never qualify for Statutory Sick Pay.

Payment of Statutory Sick Pay will only be made for days on incapacity which are classified as "qualifying days". Qualifying days will be those days each week which an employee regularly work under their contract of employment (see "qualifying days").

An employee must satisfy the "waiting days" rule before payment can be made for "qualifying days" in an employee's "period of incapacity for work" (see "waiting days" and "linked Periods" below).

Waiting Days

The first three qualifying days in a "period of incapacity for work" will not count for payment of Statutory Sick Pay unless the period links with a previous period in which waiting days have already been served. If there is a link with the previous period where all or some waiting days were still to be served when the previous period ended then these days will apply in the next (linked) period before payment can be made.

“Linked Periods”

In order for two periods of incapacity for work to be linked the time between the day on which the first period ends and the day on which the second period begins must not be greater than 56 days (8 weeks). Linked periods are treated as one “continuous” period for the purpose of assessing entitlement to Statutory Sick Pay.

Qualifying Days

Payment of Statutory Sick Pay will be apportioned in accordance with qualifying days as they apply to you week by week. For the purposes of the Social Security and Housing Benefits Act 1982 (Section 4 (2)) your qualifying days each week will be as follows:-

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday (i.e. all days). This “qualifying day” arrangement is solely for the purposes of Statutory Sick Pay and payments will always be apportioned accordingly.

Maximum Entitlement

Maximum entitlement to Statutory Sick Pay is 28 weeks in one period of incapacity for work or in any succession of “linked” periods of incapacity within 3 years of the first day of the first “linked” period. Employees who are new to the County Council’s service who have had recent sickness with a previous employer may have an abated maximum entitlement in certain circumstances in accordance with the Statutory Sick Pay Regulations.

Average Earnings**Monthly Paid Employees**

Average earnings are assessed for monthly paid employees on the basis of the gross earnings paid over the two months ending with the pay day immediately preceding the first day of incapacity. This figure is then converted into a weekly rate for the purpose of determining average earnings under the Statutory Sick Pay Regulations. Any special or additional payments made to you during the assessment period must be taken into account.

Weekly Paid Employees

Average earnings are calculated as a weekly rate and are assessed on the basis of the gross earnings paid to you during the 8 weeks ending with the pay day immediately preceding the first day of incapacity. Any weekly pay day in this period on which you do not receive payment must still be included in the calculation of the average. Any special or additional payments you receive during the assessment period must also be taken into account.

General Regulations excluding persons from Statutory Sick Pay

If your average earnings are insufficient you must be excluded from Statutory Sick Pay. In addition, there are a number of other regulations laid down in the Statutory Sick Pay Scheme which may exclude you from payment. Whenever you are excluded from Statutory Sick Pay, the Council will send you a formal notification. (This does not apply to periods of incapacity of 3 days or less when

the Scheme is not effective). If you do not have an entitlement to Statutory Sick Pay you may be entitled to payment of State Benefit (National Insurance etc.) from the Department of Work and Pensions.

Reasons why an employee cannot get SSP:

- If you claimed incapacity Benefit or Severe Disablement Allowance during the last 8 weeks, or if you are entitled to the 52 week benefit protection
- After you stop working for your employer if your contract has ended
- After your contract has been ended by your employer. However, your employer will have to pay you SSP if they ended your contract of employment solely or mainly to avoid paying SSP
- After you have had SSP for 28 weeks in a row or for periods of sickness that are 8 weeks or less apart and that add up to 28 weeks. SSP paid by another employer may be counted.
- If your average weekly earnings are less than the Lower Earnings Limit for the 8 weeks before you went sick. If on the first day you became sick you are aged 65 or over.
- Whilst you are entitled to maternity pay or maternity allowance
- If during the last 3 years, you have been sick on and off for 4 days or more in a row, and you have never been back at work for more than 8 weeks before going sick again.
- If you were away from work because of a trade dispute on the first day you were sick unless you had no direct interest in the dispute. We use trade dispute to mean: a strike, a walkout, a lockout, another dispute about work
- If you were in legal custody or sentenced to term of imprisonment on the day you became sick, or SSP will stop if you are now in legal custody or sentenced to a term of imprisonment.
- Until you start working for an employer.

Disputed Incapacity

Under the Statutory Sick Pay Regulations, it is for the County Council to decide whether to accept that the employee is incapacitated from work. If therefore the County Council has good reason to believe that incapacity is not genuine it can refuse to pay Statutory Sick Pay.

OCCUPATIONAL SICK PAY ALLOWANCE

An employee will not be entitled to occupational sick pay allowance under the scheme if the incapacity stems from an accident due to active participation in sport as a profession, nor in a case in which the absence arises from or is attributable to your own misconduct, unless the County Council by resolution decide otherwise. However, an employee would still be entitled to Statutory Sick Pay.

For occupational sick pay purposes, full pay means that the County Council will pay the balance between your "normal earnings" for the period concerned and either:-

The amount of Statutory Sick Pay determined as applicable to an employee, or
The amount of State Benefit receivable by an employee under the National Insurance Acts and Regulations made thereunder.

Persons who are excluded from Statutory Sick Pay because they earn below the National Insurance threshold and cannot claim sickness benefit from the Department of Work and Pensions, will not have benefit deducted from their wages.

However, as entitlement to sickness benefit can only be determined by the Department of Work and Pensions, Monmouthshire County Council will initially deduct benefit until proof of non-payment is established. The following procedure must be followed to minimize delay between the deduction and refund of benefit.

On receipt of form SSP1 from payroll an employee must complete and send it immediately to their local Department of Work and Pensions. The Department of Work and Pensions will then inform the employee of their entitlement /non entitlement to benefit.

Upon receipt of the evidence a refund will be made where it is appropriate.

Where an employee has opted out of paying full National Insurance contributions, the amount taken into account when calculating an allowance under the sick pay scheme will be the amount equal to the total state benefit and SSP receivable had full contributions been paid.

When occupational sick pay allowance applies at the half pay rate it will not be subject to adjustment for Statutory Sick Pay or National Insurance Benefit except in so far as the occupational half rate sick pay allowance, when added to Statutory Sick Pay or National Insurance Benefit applying to an employee, or deemed to apply to an employee, in the same way as under full rate payments, would exceed the full pay rate.

CONTACT WITH INFECTIOUS DISEASES - PERSONS DEEMED TO BE INCAPABLE OF WORK

An employee who is prevented from attending work because of contact with infectious disease shall be entitled to receive normal pay. The period of absence on this account shall not be reckoned against the employee's entitlements under this scheme.

FERTILITY TREATMENT

Reasonable time off will be granted for employees undergoing fertility treatment.

TIME OFF FOR MEDICAL SCREENING

Necessary paid time off will be granted for the purpose of cancer or other medical screening.

INDUSTRIAL INJURY ALLOWANCE (OCCUPATIONAL SICK PAY PROVISION)

This is an entirely separate allowance from "normal" occupational sick pay. The scale of allowance is the same as for occupational sick pay. Payment under the "normal" occupational sick pay scheme does not affect the Industrial Injury Allowance, and vice versa.

Statutory Sick Pay must be set off against the occupational Industrial Injury Allowance in the same way as for "normal" occupational sick pay.

The notification and certification of incapacity due to Industrial Injury must follow the rules for "normal" sickness and in addition the following provisions apply to any claim for Industrial Injury Allowance.

The Industrial Injury must be reported on an accident report form and recorded in the County Council's Accident Book.

The County Council must be satisfied the injury occurred in the actual discharge of the employee's duty and without his/her own default.

The employee must agree, if required by the County Council, to undergo a medical examination by a doctor nominated by the County Council. If the employee disagrees with the findings of the doctor, provision will be made for a right of appeal in such cases.

N.B. Prompt notification of an accident should be given by either the employee or someone acting on their behalf as soon as is practicable.

**MONMOUTHSHIRE COUNTY COUNCIL
DIRECTORATE FOR CHILDREN AND YOUNG PEOPLE**

PROCEDURE FOR SCHOOL BASED EMPLOYEES

Procedure for Staff Dismissal Committee Meeting and Appeals Committee Meetings

- Chair to introduce those present
- Headteacher/Manager presents report outlining the reasons for consideration of dismissal. HR will be present to provide appropriate advice.
- Committee to consider the representations from the employee (or their representative) (if applicable)
- Questions from the Committee for clarification
- Both parties to sum up – firstly the Headteacher/Manager and then employee (or their representative) (if applicable)
- All parties to withdraw for the Committee to consider representations
- All parties return and the Chair informs all present of the decision of the Committee
- The decision of the Committee will be communicated to the employee in writing by a Headteacher/Manager
- The post holder identified for dismissal has the right to appeal the decision. The grounds of the appeal should be sent in writing to the Chair of the Governors within 10 working days of the Committee meeting.
- The Appeal will be heard by the Appeals Committee no earlier than 7 days and no later than 15 days after the appeal is lodged unless both parties agree otherwise. The date of the appeal hearing must be agreed with another HR Business Partner and be conducted in accordance with the procedure above. The decision of the Appeals Committee will be final.

**MONMOUTHSHIRE COUNTY COUNCIL
DIRECTORATE FOR CHILDREN AND YOUNG PEOPLE**

PROCEDURE FOR CENTRALLY EMPLOYED TEACHERS

Procedure for Staff Dismissal Committee Meeting and Appeals Meeting

- Chair of the Committee to introduce those present
- Line Manager presents report, outlining the reasons for dismissal. HR will be present to provide appropriate advice.
- Chair of the Committee to consider the representations from the employee (or their representative) (if applicable)
- Questions from the Chair of the Committee for clarification
- Both parties to sum up – firstly the Line Manager and then employee (or their representative)
- All parties to withdraw for the Line Manager to consider representations (if applicable)
- All parties return and the Chair of the Committee informs all present of the decision
- The decision of the Chair of the Committee will be communicated to the employee in writing.
- The post holder identified for dismissal has the right to appeal the decision. The grounds of the appeal should be sent in writing to the Director of Children and Young People within 10 working days of the Committee meeting.
- The Appeal will be heard by the Appeals Committee no earlier than 7 days and no later than 15 days after the appeal is lodged unless both parties agree otherwise. The date of the appeal hearing must be agreed with another HR Business Partner and be conducted in accordance with the procedure above. The decision of the Appeals Committee will be final.

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