



Attendance Management Policy & Procedure

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Key Signatories

Approvals Creation and Major Change

Name	Title	Approved
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Document Review Plans

This policy/ procedure will be reviewed on a 3 yearly basis unless it has:

- A monetary value included within it, in which case an annual review will be required, and/ or
- A legislative change is required as directed by government.

Distribution

The document will be distributed through Astute as a MANDATORY policy and will also be available on the Intranet.

Security Classification

This document is classified as SEC 1 Routine with access restricted to Tamworth Borough Council Staff and business partners.

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Template Forms

Absence Contact Log
 Return to Work Form
 Long Term Absence - Sickness Interview Form
 Phased Return to Work Plan

Template Letters

- a) Invite Letter to Stage One Short Term Sickness Meeting
- b) Invite Letter to Stage Two Short Term Sickness Meeting
- c) Invite Letter to Stage Three/ Final Short Term Sickness Meeting
- d) Invite Letter Stage One Meeting - Disability Short Term Sickness
- e) Outcome Letter – Formal Stage One short term sickness meeting
- f) Outcome Letter – Formal Stage Two short term sickness meeting
- g) Outcome Letter – Formal Stage Three short term sickness meeting (contract **not** terminated)
- h) Outcome Letter – Formal Stage Three short term sickness meeting (contract terminated)
- i) Invite Letter to Case Conference: One /Three/Six/Nine Months – Long Term Sickness
- j) Invite letter to Final Case Conference: Long Term Sickness
- k) Outcome Letter - Case Conference One/Three/Six/Nine Months - Long Term
- l) Outcome Letter - Final Case Conference Long Term
- m) Attendance Management – Notes of Meetings

- n) AWOL – first letter
- o) AWOL – second letter

Absence Management Flow Chart: Short Term Absence

1 Attendance Management

1.1 Statement of Policy

Tamworth Borough Council (TBC) promotes continuous improvement and works for the efficient and effective delivery of its services. A high level of attendance at work is crucial to enable it to meet its aims and objectives through the contribution of employees.

It takes its duty to support the health and wellbeing of employees very seriously and the Attendance Management Policy, along with conforming with health and safety standards, contributes to support the delivery of this objective.

1.2 Definitions

“Period of sickness absence” or **“Instance of sickness absence”** means any continuous period of sickness absence, of whatever length, during which the employee does not work.

“Short term sickness absence” means any period of sickness lasting 1 to 27 calendar days (up to 4 weeks).

“Long term sickness absence” means any period of sickness lasting 28 calendar days or more (over 4 weeks).

“Formal review period” means a defined period during which an employee is required to show an improvement in their sickness absence levels under the Council’s Sickness Absence Management procedure.

1.3 Introduction

This procedure enables managers to address absence issues, both short and long term, in a fair, consistent, supportive and equitable manner. It is recognised however that all cases must be dealt with on an individual basis because of differing circumstances. Therefore, this policy gives a guide of the principles to be observed.

This policy will be invoked where management has cause for concern regarding an employee’s short-term, persistent or long-term absence.

TBC recognises that everybody is sick from time to time. However, regular attendance at work is a contractual requirement.

Short-Term absence refers to a series of illnesses that are often unconnected which result in frequent, short periods of absence. Short term absence is **1 to 27 calendar days**.

It is acknowledged that occasions do arise when employees are away from work with **Long-Term absence** because of chronic or acute ill health. Although each case will be dealt with on an individual basis, this policy outlines certain principles that will always be observed. Long-term absence would normally be classed as at least **28 calendar days** and continuous absence.

Advice should be taken from Human Resources at all formal stages of this procedure to ensure the consistent and fair application of this procedure.

In accordance with the TBC's Equality Scheme, this procedure will not discriminate, either directly or indirectly, on the grounds age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief or sex, sexual orientation. This policy also complies with ACAS best practice.

The policy and procedure will be reviewed every 3 years, or sooner subject to relevant legislative changes.

TBC's procedure for managing absence must be followed at all times. It is the responsibility of every employee to report any absence and only in exceptional cases should this procedure be carried out by someone else on their behalf.

If an employee knowingly gives any false information or makes false statements about their sickness absence it may be treated as misconduct and may result in disciplinary action being taken. In proven cases of gross misconduct it could lead to dismissal (e.g. sickness absence and working elsewhere, repeatedly failing to follow the procedure for reporting sickness absence or failing to stay in contact with TBC without reasonable cause).

Any employee who unreasonably fails to comply with the TBC's Attendance Management policy and procedure may have their Occupational Sick Pay (OSP) withheld.

TBC reserves the right to dismiss employees whilst they are receiving occupational sick pay benefits. Any decision to dismiss will be supported by medical advice. Employees who are dismissed whilst still receiving contractual sick pay are entitled to receive the relevant notice, annual leave entitlement and remaining contractual sick pay entitlement.

1.4 Key Principles

Employees will be treated fairly, consistently and sensitively during times of sickness and are encouraged to use support mechanisms available to them. Managers have a structured framework to assist in managing sickness absence with the aim of supporting employees back to work. This includes conducting return to work interviews after every period of absence, monitoring employee sickness in accordance with set sickness triggers, maintaining regular contact and referring to Occupational Health (OH) where appropriate.

TBC reserves the right to adjust trigger points to reflect sickness absence targets. This will be done only after full and meaningful consultation with our recognised Trade Unions.

Employees understand their responsibilities and follow sickness reporting arrangements.

The highest levels of quality and service are maintained to allow TBC to fulfil its obligations to the community.

Managers will implement reasonable adjustments, for employees, where applicable and appropriate, to enable and sustain attendance at work.

The policy and procedure aims to support an employee's return to work. Where employees are absent from work for a considerable amount of time or are no longer able to carry out the duties of their role, they will be supported but also made aware that the outcome of this procedure could be dismissal. Where employees are unable to improve attendance levels, due to persistent short-term absence to acceptable standards, they will also be made aware that the outcome of this procedure could be dismissal.

2. Roles and Responsibilities

2.1 Managers

Two levels of management are involved with specific responsibilities within the Attendance Management Policy and Procedure:

- Line Manager – chairs stages 1&2 short term absence and months 1-9 long term absence of the Attendance Management Procedure. The line manager presents the case at the final case conference meeting.
- Assistant Director/Executive Director – chairs the final meeting.

2.2 Recording and Monitoring

Management are responsible for managing absence issues sensitively and compassionately, ensuring they follow the procedure contained in this policy and associated documents including:

- Ensuring employee sickness absence information is accurately and promptly submitted to HR.
- Ensuring Tensor is updated.
- Recording and monitoring all activities associated with managing the employee's absences.
- Explaining to employees the role and service provided by Occupational Health (OH) and referring employees, if appropriate. Advice can be sought from HR if required.
- Ensuring employees are aware of other supporting policies such as Carer's Leave and Right to Request Flexible Working.
- Where absence results from a work-related accident or disease the relevant H&S form must be completed and the absence recorded as such.
- Check whether the employee's absence is in any way work related, for example because of workplace stress. A stress risk assessment should then be completed in conjunction with Health & Safety.
- Managers should promote the confidential counselling service to all employees when appropriate. [Counselling | Infozone \(tamworth.gov.uk\)](http://tamworth.gov.uk/Counselling-Infozone)
- Managers must ensure any information associated with the absence management policy and procedure is transferred with the employee should they move positions within the organisation.
- Managers should seek advice from HR.

2.3 Records

It is very important to keep written records during the process. Records should include:

- the attendance issues.
- the employee's response.
- what the employee will be doing to aid their recovery.
- findings made and actions taken.
- the reasons for action taken.
- whether an appeal was lodged.
- the outcome of the appeal.
- any grievances raised during the procedure; and
- any subsequent developments.

Records should be treated as confidential and be kept in accordance with the principles of the Data Protection Act.

2.4 Return to Work Interviews

Return to work interviews must be conducted with employees after every episode of sickness absence on the first day of work after a period of sickness absence. The employee should fill in a Self-Certification section which is part one of the Return-to-Work form (where the sickness absence is 7 calendar days or less) and provide a Statement of Fitness for Work (Fit Note) where the sickness absence is longer than 7 calendar days. The return-to-work discussion should be recorded on the **Return to Work Form**. The return-to-work discussion may:

- Identify support mechanisms beneficial following a return to work and any issues which may be affecting the employee's ability to attend work.
- Monitor absence levels and patterns. Where an employee absence(s) reaches the identified trigger points, to manage them accordingly. The manager will check absences 12 months prior to the date of the employee's return to work. For example, if the employee returns to work on 1st April, the manager will examine the period from 1st April the previous year to 31st March.
- Consider reasonable adjustments for employees (where applicable), including discussing with employees the advice given on a Fit Note or OH report. When the Equality Act 2010 applies managers must ensure they consider any possible reasonable adjustments. See reasonable adjustments guidance further in the policy.
- Consider phased return to work (where advised by occupational health) following long term sickness absence.

2.5 Employees – notification requirements

Employees have a duty under their terms and conditions of employment to be at work and must ensure they adhere to their responsibilities, including:

- Employees must report sickness absence to their line manager on the first day of absence and as early as possible, preferably before but no later than one hour after their normal work starting time, unless other local arrangements have been agreed.
- Employees must make personal contact (not by means of a partner, family member or friend) and by telephone (not by text, WhatsApp or e-mail). A contact number must also be provided in all instances. It is recognised there may be instances where employees are unable to contact their line manager

personally (e.g., admittance to hospital). In these exceptional circumstances the individual who contacts the line manager must leave a contact name and number.

- The employee must provide the following information:
 - Employee (or person making contact) must confirm when the illness commenced
 - Nature of illness (e.g. migraine, chest infection)
 - Whether the illness is due to an accident or injury at work
 - Whether they have or will be seeking medical attention
 - The likely date of return (if known)
- If the employee is unable to speak with their line manager they must leave a message and a contact phone number, asking that it is passed on to the line manager as soon as possible. The employee should expect and be available to receive a return phone call to discuss the above points.
- If the employee is absent for two calendar days or more or where the absence is going to be longer than originally envisaged, they must make contact with their line manager to update them and thereafter regular contact must be maintained as agreed between the employee and line manager.
- Employees must obtain a Fit Note from a GP and submit this to their line manager on the eighth calendar day of absence.
- Employees must continue to send in Fit Notes for the duration of the absence and keep their Line Manager advised of their health and progress towards returning to work. When a Fit Note expires, employees not returning to work must ensure a new Fit Note is sent to their line manager immediately and that the dates run consecutively. Failure to submit prompt Fit Notes could result in pay being suspended.

2.6 Employees – other requirements

- Employees must ensure medical advice and treatment is received as quickly as possible and must follow all recommended medical advice or treatment in order to prioritise their wellbeing and fulfil their contractual obligation to facilitate a prompt return to work.
- Employees are encouraged to attend all OH appointments and this is seen as a reasonable management request. If employees do not attend these appointments or fail to give consent to release the report, any decisions made regarding their absence from work will be made without the benefit of this information.
- Employees must ensure they are contactable and available to attend absence management meetings and respond in a timely manner to any communications from TBC.
- Employees must advise their line manager of any changes to contact details occurring during an absence.
- Employees must advise their line manager of any concerns with their job or workplace, which they feel are making them ill or contributing to illness/absence.
- Employees wishing to take time off work who are not sick, must use annual or other approved leave. All leave of absence must be approved by management.
- Employees may request to take accrued annual leave whilst on long term sickness.
- Employees wishing to take annual leave whilst sick must obtain management authorisation and have the appropriate period of annual leave deducted from

their entitlement. If they wish to go away on a holiday, their GP and occupational health, where relevant, should support this to ensure it helps rather than hinders their recovery. The employee must also advise if they are leaving the UK.

- If the employee is undertaking activities that would prevent or delay recovery this may be managed under the Disciplinary Policy.
- Employees are encouraged to take advantage of TBC initiatives to promote good health where appropriate, e.g. using UK Healthcare, Health Assured or any other service provided by TBC. The Wellbeing Policy details TBC's health and wellbeing initiatives.
- To co-operate with the organisation regarding the possible implementation of any adjustments to job duties, hours of work etc., particularly those suggested by a professional medical practitioner or Occupational Health.
- Employees are responsible for managing their own health by taking any appropriate action, as determined by any health professional, to minimise any reoccurrence of the sickness.

2.7 Human Resources

Are responsible for;

- Advising managers in the application of this policy
- Attending meetings or hearings as required by the policy
- Overseeing the application of the policy to ensure an equitable and fair approach
- Providing absence data
- Acting as the conduit with Occupational Health.

2.8 Trade Union Representatives

Are responsible for;

- Advising their members on the policy and the employee's responsibility under the policy.
- Providing support in meetings or hearings.

2.9 Advice and Support

Managers and all staff should contact Human Resources for advice on the application of this policy and procedure and for Equality and Diversity queries. Health & Safety are available for stress risk assessments and work-related accidents reporting/risk assessments.

3. Short Term Absence

3.1 Absence Trigger Points

The short-term absence procedure in the Attendance Management Policy is a 3-stage process based on trigger points which are agreed levels of sickness absence which, when reached, will trigger management action. Absence triggers or stages have the following advantages:

- They provide a framework to manage absence, giving managers confidence to manage any type of sickness absence.

- They make sure that employees are treated fairly and consistently so there is less chance of employees feeling that they are victimised.

The earliest point at which Stage One of the procedure can be considered is **8 working days absence or 4 separate absences (of any duration) in any rolling 12-month period (i.e the preceeding 12 months. For example the employee returns to work on 1st April, the manager will review all absences from 1st April – 31st March in the previous year).**

Line managers should consider each case on its merits and take account of:

- Isolated illnesses/accidents which should not lead to formal action in an otherwise good attendance record.
- Employees who are disabled, where special consideration may have to be given to a higher level of absence as a reasonable adjustment where this has been medically advised and can be accommodated.
- Whether the absence is related to pregnancy, in which case no further formal action should be taken. However, the pregnant employee's absence will be recorded and the return-to-work interview conducted.
- Advice from HR.

In all instances, a meeting should be held if an employee triggers, even if no action is to follow, to ensure that employees receive the appropriate support – see section 3.6 and 3.7.

TBC operates the following trigger points, one or a combination will instigate action:

- **4 or more episodes of absence in a rolling 12-month period and/or**
- **8 working days of absence in a rolling 12-month period and/or**
- **A pattern of absence causing concern, e.g. regular Friday or Monday absences or absences regularly occurring on a particular day/week, pre or post annual leave, school holidays, bank holidays, after pay day**
- **These triggers will include any episodes of long-term sickness which occur within the period**
- **Trigger points for employees working fewer than 5 days in a week will be pro-rata.**

No of days worked per week	No of days absence in a 12 month period after which formal action can be considered	No of separate absences in a 12 month period after which formal action can be considered.
5	8	4
4	7	4
3	5	4
2	4	4
1	2	2

The above is applied irrespective of the number of hours worked in a day. For those employees who condense their working time, for example: 37 hours over 4 days, then the trigger point would be 7 days absence.

There may also be cases where sickness absence levels have exceeded the triggers, but no previous improvement notices have been given. In these cases line managers in consultation with HR should commence with Stage One - the Support Notice Stage - of the Absence Management procedures.

3.2 Stage One Action: Support Notice – if an employee meets the triggers as defined previously and a support notice is issued this is then followed by a period of **6 months** in order to give the employee an opportunity to improve attendance to a satisfactory level (the support notice review period).

3.3 Stage Two Action: Final Support Notice – when attendance fails to improve sufficiently following an improvement notice, stage two will be triggered and a further period of **6 months** review will give the employee another opportunity to improve to a satisfactory level (the final support notice review period).

3.4 Stage Three Action: Dismissal or Other Action/Penalty - when attendance fails to improve sufficiently following a final support notice.

Note – if the employee reaches a trigger before the 6-month review period expires, they will proceed to the next stage at that point.

3.5 Probationary Period

Employees in their first 6 months of service will have their sickness levels reviewed as part of their probationary period. Any employee who reaches the pro-rata triggers of a full year will be reviewed under the Probationary Period Policy and may be dismissed. Attendance Management actions outlined in this procedure must also be followed.

3.6 Guidance - Short Term Absence

It is the line manager's decision, in conjunction with HR advice, to issue a support notice. It is important to remember that although the number of sickness absences is an important element in determining whether a support notice is appropriate, it is just as important to consider individual circumstances. These might include:

- the employee's sickness absence record over the last 12 months.
- any relevant advice from Occupational Health Services (in appropriate cases);
- any history of previous support notices in respect to sickness absence.
- information obtained at return-to-work interviews.
- the reasons for the sickness absences and how likely they are to reoccur (e.g. an employee who has consistently good attendance over a number of years is off for a few weeks after sustaining a broken leg, in such case it would probably not be appropriate to issue a support notice in such an isolated case);
- patterns of sickness absence such as frequent Monday and Friday absences.
- whether reasonable adjustments have been made in the workplace to support an employee who suffers with an underlying health condition or disability.
- considering if any of the sickness absences are regarded as pregnancy-related absences as these absences do not count towards trigger points.
- consideration should be given to altering trigger points to disability related absence as this could be a reasonable adjustment. Occupational Health can advise on this.

3.7 Stage One and Stage Two: Support Notices

The line manager should write to the employee and invite them to a meeting to discuss their sickness absence; HR will be able to assist with the wording of the letter, if required. However, template letters are attached in the appendix section of this policy, which can be tailored to individual circumstances. The line manager may invite a Human Resources representative to also attend this meeting.

The letter from the line manager should:

- Require the employee to attend a meeting to discuss the matter – informing them of the level of action that may result.
- Give at least 5 working days' notice.
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes and Occupational Health advice, sickness data.
- Refer to previous support notice(s).
- Inform the employee that they have the right to bring a Trade Union Representative or work-place colleague. If the employee or their Trade Union Representative/ colleague cannot attend the first scheduled meeting date they have the right to re-arrange the meeting once, but only to a further 5 working days.
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision can be made in their absence. Line managers must take advice from HR in these circumstances.

The purpose of the meeting is to explain clearly why attendance is unsatisfactory and to give the employee the opportunity to comment. There are three potential outcomes from the meeting. They are:

1. That no further action should be taken although the employee should be reminded that their absence is still being monitored under the policy,
2. That a referral to Occupational Health would be appropriate; and/or
3. That a Stage One or Final (whichever is applicable) support notice should be administered.

The line manager should listen to the employee and then consider what action is appropriate. The line manager should inform the employee of the decision at the end of the meeting, or as soon as reasonably practicable following the meeting. The employee should be sent a note of the meeting and be asked to sign to confirm that a fair and accurate record has been taken. Any disagreements about the record should be attached to this note.

If a decision to issue a Stage One or Final (whichever is applicable) Support Notice has been taken, the manager must explain to the employee:

- that they have carefully considered the evidence.
- the reason(s) for the Stage One or Final Support notice.
- that attendance will be kept under review for 6 months.
- the improvement and level of attendance that will be required.
- that further absence within the review period may lead to a Final Support notice (if applicable).

- further unsatisfactory absence within the review period for a Final Support Notice may lead to their dismissal.
- the right of appeal, as outlined in Section 5 of this policy.

A letter confirming the outcome, regardless of whether or not a support notice is issued must be issued. **A copy of the letter must be sent to HR for the personal file and for monitoring purposes.**

3.8 Support Notice Review Periods

The review period is the period following the issuing of a first or final support notice (whichever is applicable) that gives the employee an opportunity to show that they can achieve the required level of attendance. The start date of the review is the date on which the interview took place and the decision made to issue a support notice.

As a guide, the review period should last **6 months**. If at any stage within that review period the employee has a further **4 working days or 2 further absences**, the manager may consider moving to the next stage of the formal procedure straight away, having due regard to the guidance on administering support notices above.

For part-time employees, these triggers are calculated pro-rata, and the table below is a guide to when formal action will be considered.

No of days worked per week	No of days absence in a 6 month period after which formal action can be considered	No of separate absences in a 6-month period after which formal action can be considered.
5	4	2
4	3.5	2
3	2.5	2
2	2	2
1	1	1

3.9 Stage Three: Final

Where there are further absences within the review period, which have met or exceeded the trigger for action, the line manager should refer the matter to their relevant Assistant Director or Executive Director (or equivalent). They should invite the employee to a meeting to discuss their sickness absence; HR will be able to assist with tailoring the letter from templates, if required.

The letter must:

- Require the employee to attend a meeting to discuss the matter – warning that a possible outcome of this meeting is dismissal.
- Give at least 5 working days' notice.
- Set out details of the unsatisfactory attendance, including a copy of all relevant documentation, e.g. copies of return to work interview notes, Occupational Health advice, support put in place, support declined, reasonable adjustments;
- Refer to previous support notice(s).

- Inform the employee that they have the right to bring a Trade Union Representative or work-place colleague. If the employee or their Trade Union representative/ colleague cannot attend the first scheduled meeting date they have the right to re-arrange the meeting once, but only to within a further 5 working days.
- Advise that if the employee refuses or fails to attend the meeting without good reason a decision may be made in their absence. The Assistant Director must take advice from HR in these circumstances.

The line manager will be present at the meeting to present the case. A HR representative must be present at the Stage Three meeting. Their role is to advise the Assistant Director/Executive Director on correct procedures and attendance management measures and to take a record of the meeting. The Assistant Director makes the final decision on any attendance management measure that may be applied.

The purpose of the meeting is to allow the employee or their representative to put their case and any mitigating circumstances to the Assistant Director handling the matter. The Assistant Director/Executive Director should listen to the employee and then consider if dismissal is appropriate. If the required improvement has not been achieved and/or sustained by this stage, then the likelihood is that dismissal will be appropriate.

The Assistant Director/Executive Director should inform the employee of their decision at the end of the meeting, or as soon as reasonably practicable following the meeting. The employee should be sent a note of the meeting.

In conveying the decision, they must explain to the employee:

- If dismissed, the reason(s) for their dismissal.
- If extended, the reason for the extension, its duration and expected attendance levels.
- reasons for accepting or rejecting evidence.
- if dismissed, the period of notice the employee will be given.
- the right of appeal.

An extension will only be agreed in limited circumstances, for example, the employee has commenced a new treatment which will resolve the reason for the absences, has a date for surgery/procedure which will resolve the reason for the absences.

A letter must be sent to the employee informing them of the outcome. **A copy of the letter must be sent to HR for the personal file.**

4 Long Term Absence (4 weeks or more)

It is the joint responsibility of both the line manager and the employee to maintain regular contact. Once the employee is on long term sickness absence the employee's line manager will contact the employee to agree the method and frequency of contact. Fit Notes must continue to be submitted promptly and be consecutive.

4.1 Case Conferences

TBC considers it essential that a case management approach should be adopted in all cases of long-term absence. Case conferences are integral to this approach and should be routinely used to review the current position, take stock of and plan next steps. The purpose of a case conference is for line management to discuss with the employee what progress has been made and what the prognosis is in terms of the individual's return to work. A case conference is also helpful in exploring whether there are any other measures of support available which could assist recovery and a return to work. Details of all actions taken and planned will be recorded and retained on the employee's file to inform all future discussions and actions. (Note: case conferences should not be the only contact between the employee and line manager).

Case conferences should be held **at 1, 3, 6, 9 and 11 month's absence** respectively. Other time frames may be more appropriate to the individual circumstances. If it is decided that it is appropriate in all the circumstances to hold a case conference, the employee should be invited and a mutually acceptable date, time and location agreed. The employee should be informed that they may, if they wish, be accompanied by a Trade Union representative or workplace colleague.

A representative from HR who will also attend to provide HR advice from the 3-month case conference onwards. The line manager may invite any other relevant persons to participate in the case conference where their specialist knowledge would be helpful.

Long term absence comprises of key steps as follows:

4.2 Step One: Referral to Occupational Health:

When an employee has been absent continuously for **28 calendar days** (except for cases related to stress or where information already known indicates that the absence will be long-term in nature when a referral should be made immediately), the line manager will consider whether a referral to Occupational Health is required, and a full referral form sent to HR for onward transmission to the Occupational Health provider prior to the consultation date. The referral form must be fully completed, HR is able to provide advice on completing the form if necessary. A copy of the referral must be shared with the employee. Employees must also attend Occupational Health for pre-surgery procedure appointments. The Occupational Health report will be shared with the employee, line manager and HR. Occupational Health is not a replacement for GP/NHS advice but to help further support where required.

4.3 Step Two: Case conference after one-month continuous absence

Where the employee is likely to be or has been absent for at least one month, the line manager is expected to convene the first of what may become a series of case conferences to ensure that all necessary and appropriate absence management action has been taken. In deciding whether to convene a case conference at this stage, the line manager will consider, for example, the following factors:

- nature of the illness.

- prognosis.
- the medical information available.
- the employee's personal circumstances.

Where a case conference has been convened after one month (or other appropriate period depending on the circumstances) continuous absence, the line manager should write to the employee accordingly. The letter should:

- outline the reasons for the case conference, copying any relevant documentation e.g. Occupational Health report;
- invite the employee to attend a case conference to discuss the matter. If the date is unacceptable due to availability, a further date will be arranged within 5 working days.
- propose a mutually acceptable date, time and location.
- inform the employee that they may be accompanied by a Trade Union representative or workplace colleague.

At the case conference the following matters will be discussed with the employee:

- progress made and prognosis.
- referral to Occupational Health.
- return to work with reasonable adjustment.
- return to work as part of a phased return to work programme.
- medical redeployment to an agreed position following OH recommendation.
- Counselling (internally or externally);
- any support available which could offer to help assist recovery and facilitate a return to work.
- information on when and how the employee's pay will be affected if the absence continues.
- the process of monitoring during long-term absence.
- the importance of regular contact and communication.

The line manager will write to the employee after the case conference to confirm the main points discussed at the meeting.

4.4 Steps Three, Four & Five: Case Conferences ordinarily at 3 months, 6 months, 9 months continuous absence:

If the employee remains absent after first reporting sick, the line manager will invite the employee to a case conference at each point of 3 months, 6 months and 9 months continuous absence where applicable. The letter should:

- refer to previous case conference (where appropriate) and outline the reasons for convening a case conference, copying any relevant documentation e.g. Occupational Health report;
- invite the employee to attend a case conference to discuss the matter.
- propose a mutually acceptable date, time and location.
- inform the employee that they may be accompanied by a Trade Union representative or workplace colleague.

At the case conference the line manager will discuss with the employee, where relevant:

- progress made since the last case conference.
- prognosis.
- how their continuing absence is giving cause for concern.
- support available to help the employee return to work.
- current Occupational Health advice, particularly in relation to possible adjustments which could be made to the working environment.
- the feasibility of a temporary or permanent change in the employee's working hours or pattern of work which might facilitate an early return to work.
- a temporary or permanent change in the individual's duties if there is more suitable alternative work available.
- whether it would be helpful to provide any specialist aids or equipment to support the employee to return and carry out their duties.
- Consideration for ill health retirement through an occupational health assessment.
- the process of monitoring during long term absence and that, in accordance with organisational policy, should the absence continue for 11 months without an agreed and/or acceptable return to work date, consideration will be given to whether the absence can continue to be sustained by the organisation.
- that a possible outcome of the above might be the need for a dismissal meeting.

The line manager will write to the employee to confirm the main points discussed at the meeting.

4.5 Final Step: Case conference - Referral to the Executive/Assistant Director at 11 months' continuous absence meeting

Where:

- the employee has been absent continuously for 11 months and there is no agreed return to work date; or
- the employee has less than 11 months' continuous absence but medical evidence available indicates that the employee is unlikely to be able to return to work in the foreseeable future and within 11 months of commencement of absence.
- Occupational Health has not recommended ill health retirement.

The line manager should refer the matter to the appropriate Assistant Director/Executive Director together with all the relevant documentation including an up-to-date Occupational Health report.

Depending on all the circumstances of the case, the Assistant Director/Executive Director will decide whether a consideration of dismissal meeting should be convened to consider the employee's continued employment.

If it is decided that consideration should be given to terminating the employee's employment, they will be required to attend a meeting. The letter will include the following:

- reference to previous case conferences together with copies of any relevant documentation e.g. Occupational Health report;
- confirmation that the dismissal meeting has been convened to consider the employee's continued employment and the outcome may be dismissal.
- at least five working days' notice of the meeting should be given.
- inform the employee that they have the right to be accompanied by a Trade Union Representative or workplace colleague. If the employee or their Trade Union Representative/colleague cannot attend the first scheduled meeting date they have the right to re-arrange the meeting once, but only to within a further five working days.
- advise that if the employee refuses or fails to attend the meeting without good reason a decision may be made in their absence. The Assistant Director/Executive Director must take advice from HR in these circumstances.

The relevant line manager will present the management case to the Assistant Director/Executive Director. An appropriate representative of HR will be present at the meeting to advise the Assistant Director/Executive Director and take a record of the meeting. The Assistant Director/Executive Director may invite any other relevant persons to participate in the meeting where their specialist knowledge would be helpful. The final decision on dismissal rests with the Assistant Director/Executive Director.

The purpose of the meeting is to allow the line manager to present the facts regarding the employee's absence, the management of the absences so far and their evaluation of the impact of the absences on TBC and for the employee to put their case and any mitigating circumstances to the Assistant Director/Executive Director hearing the matter.

The Assistant Director/Executive Director should listen carefully to any points raised by the manager and any representations made by the employee and then consider whether a decision to dismiss is appropriate. The Assistant Director/Executive Director should inform both parties of their decision at the end of the meeting or as soon as reasonably practicable following it.

The Assistant Director/Executive Director will write to the employee within five working days of the meeting to confirm:

- the reason(s) for their decision.
- if the decision is not to dismiss, what further action is proposed (e.g. an extension);
- the period of notice the employee will be given (if the decision is to dismiss).
- the right of appeal.

A copy of the letter should be sent to HR for retention on the employee's personal file.

The Assistant Director/Executive Director will also include written confirmation of the main points discussed at the meeting.

4.6 Support Notice – return from long term absence

There is an expectation that a Support Notice meeting will be convened on every occasion an employee returns from long term absence. The process applied at stage one of the short-term procedure (see section 3.7) should be adopted.

5 The Right to Appeal

An employee may appeal against a Support Notice, Final Support Notice or Dismissal by writing to the Head of HR and Organisational Development within 10 working days of the date of the outcome letter. The letter must state the specific reasons in detail for the appeal and relate these to one or more of the following areas:

- That they think a finding or penalty is unfair and outline why.
- That new evidence has come to light that wasn't previously available; or
- That they think there have been breaches in the Attendance Management Procedure.

The Appeal should be heard by an Assistant Director/Executive Director previously not involved with the case. The outcome of the appeal hearing should be communicated in writing, to the employee as soon as possible and within 10 working days. The employee can also be notified of the outcome verbally immediately following the appeal hearing if this is feasible.

6 Medical Redeployment

If reasonable adjustments cannot be made to the employee's current role, the option of medical redeployment will be explored with occupational health to a level that the employee is judged to be capable of performing. One redeployment opportunity will be offered to employees.

Employees who are being considered for redeployment will be advised as soon as possible by the employee's line manager and/or Human Resources. It must be made clear that there are no salary or terms and conditions protections in cases involving medical redeployment. If an employee is redeployed to a lower graded role because of the attendance management process, then appeal rights are the same as if they had been dismissed.

Managers with vacancies or where a vacancy becomes available are required to consider all those employees who are seeking medical redeployment regarding their suitability for the post in relation to transferable skills and training needs. Managers are required to interview such employees who apply and meet the selection criteria. Managers should note that all alternative employment via medical redeployment must be subject to the successful completion of a trial period of no more than three months. Regular recorded reviews should be undertaken by the appropriate Line Manager to assess the progress and suitability of the employee during the trial period.

A medical redeployment trial period can be curtailed by either the line manager or employee after one month if both agree on the reasons for doing so. Employees who choose not to take up the redeployment opportunity offered to them or have been unsuccessful in securing alternative employment following a medical redeployment trial period will progress to the consideration for dismissal meeting.

7 III health retirement

Retirement on ill health grounds may be considered where it appears unlikely from the medical advice that an employee on long term sickness absence will be able to return to work. Early retirement on the grounds of ill health is a serious matter, which clearly has major personal and financial implications for employees. It is important to ensure that all reasonable and practicable avenues to facilitate an employee's return to work have been explored in the period prior to which consideration is given to dismissal or early retirement on the grounds of ill health.

In the case of continuing long term sickness absence where the employee is not a member of the pension scheme, and therefore not eligible for the pension benefits such membership provides, the decision to dismiss will centre on consideration of whether there is the prospect of a return to work, and full duties, within an acceptable time scale. There is no requirement for the criteria laid down by the pension scheme provisions relating to the likelihood of the individual being able to obtain gainful employment in the future to be met.

Where the employee is a member of the pension scheme, and has been for 2 years, early retirement on the grounds of ill health should be treated as a possible outcome where there is no prospect of a return to work within an acceptable timeframe. It may occasionally arise from frequent short term and persistent absences where an underlying medical condition is discovered.

If the occupational health physician indicates the likelihood of early retirement on ill health grounds, this should be progressed sensitively and in accordance with due process. It should be noted that early retirement on the grounds of ill health falls within the definition of a dismissal. The member of staff has a right of appeal against a decision of early retirement on the grounds of ill health and, conversely, against a decision that it would not be appropriate to agree an early retirement on the grounds of ill health.

To qualify for ill health benefits, employees must have met the 2-year active membership (vesting period) in the scheme and the employer, based on an opinion from an independent registered medical practitioner, recognised by Staffordshire Pension Scheme. They must be satisfied that the employee is permanently unable to do their own job until their normal pension age and is not immediately capable of undertaking gainful employment. Gainful employment means paid employment for not less than 30 hours in each week for a period of not less than 12 months.

Ill health benefits can be paid at any age and are not reduced on account of early payment, in fact, benefits could be increased to make up for early retirement. There are graded levels of benefit based on how likely the employee is to be capable of gainful employment after employment ends.

The different levels of benefit are:

- Tier 1 – if you are unlikely to be capable of gainful employment before your normal pension age, ill health benefits are based on the pension you have already built up in your pension account at your date of leaving the scheme plus the pension you would have built up, calculated on assumed pensionable pay, had you been in the main section of the scheme until you reach your normal pension age.
- Tier 2 – if you are unlikely to be capable of gainful employment within 3 years of leaving, but are likely to be capable of undertaking such employment before your normal pension age, ill health benefits are based on the pension you have already built up in your pension account at your date of leaving the scheme plus 25% of the pension you would have built up calculated on assumed pensionable pay, had you been in the main section of the scheme until you reached your normal pension age.
- Tier 3 – if you are likely to be capable of gainful employment within 3 years of leaving, or before your normal pension age if earlier, ill health benefits are based on the pension you have already built up in your pension account at leaving. Payment of these benefits will be stopped after 3 years, or earlier if you are in gainful employment or become capable of such employment, provided you have not reached your normal pension age by then. If the payment is stopped it will normally become payable again from your normal pension age but there are provisions to allow it to be paid earlier. Details would be provided at the time.

Full details on the LGPS scheme and appeals process can be found on the Staffordshire Pension Fund website.

If ill health retirement is not recommended, the employee's continued employment will be considered at the final case conference as outlined in section 4.5.

8 Unauthorised Absence (AWOL)

Day 1 – The employee does not report for work and does not contact the line manager. The line manager will make reasonable attempts to contact the employee by telephone and document actions taken.

Day 2 –The employee does not report for work and does not contact the line manager. The manager will make reasonable attempts to contact the employee by telephone. If unsuccessful the line manager will contact the next of kin or attempt a home visit. Where there is a real concern about the employee's health and wellbeing, the emergency services should be contacted.

Day 5 – If the employee has still not made contact, despite the efforts to make contact, the manager should write to the employee expressing their concern and reminding them of their obligation to maintain contact and expectation they adhere to the Attendance Management reporting procedures. This must be sent by recorded delivery or hand delivered. The letter should also advise that pay has been suspended.

Day 8 – No contact from employee is made. The line manager should write to the employee expressing their concerns, reiterating their responsibility

within the sickness policy and requesting their attendance at a disciplinary hearing within a period of 10 working days. The letter will be sent recorded delivery.

9 Medical Certification

9.1 Sickness absence of seven calendar days or less

A Fit Note (MED3 from a registered medical practitioner) is not normally required for absences lasting seven consecutive calendar days or less.

The line manager should ensure that the appropriate return to work form is properly completed on their return to work, sign it and forward it to HR.

9.2 Sickness absence of eight calendar days or more

If the sickness absence is for eight calendar days or more, the employee is required to submit a Fit Note. If the sickness absence continues beyond the return to work or due date on the certificate, further Fit Notes must be submitted promptly.

It is the line manager's responsibility to remind staff of the timely submission of outstanding certificates if they have not been received, conversely, it remains the responsibility of the employee to provide prompt fit notes.

There are no restrictions relating to an early return to work by mutual agreement between an employee and TBC. The risks must be assessed and documented in the return-to-work form, an employee can return to work when they feel sufficiently able even if the fit note is still in force. There is no requirement for the employee to seek formal authorisation from their GP prior to returning to work unless the Fit Note states the doctor or healthcare professional wishes to see them again.

If an employee wishes to return to work early, but the OH practitioner advises that this would not be appropriate (e.g. for reasons of possible cross infection of other employees, or the employee is not considered to be sufficiently recovered from their ill-health, etc.) the line manager should not permit the individual to return to work.

If the employee does not feel well enough to return to work at the end of a period stated in a Fit Note, they should seek an extension of that note from their GP.

It is also essential to ensure, through working practices, that employees are not subject to pressure from any party to return to work early. Nothing in the above statements must be taken as requiring employees to return to work until they feel well enough so to do.

9.3 Absence of less than one day

If an employee has worked for less than half of their expected hours and then leaves work through sickness, this will be counted as a full day's absence.

If an employee has worked for more than half of their expected hours and leaves work through sickness, this will be counted as a half day's sickness absence for monitoring purposes and will be counted in the calculation of trigger points for unsatisfactory attendance action.

9.4 Illness during approved annual leave/Bank Holiday

When an employee is taken ill during a period of annual leave, provided that a Fit Note is submitted promptly, the appropriate number of leave days will be restored to the employee's entitlement. Leave that was booked but not taken before the employee was taken ill will also be restored on production of an appropriate medical certificate; medical certificates must be paid for by the employee, if necessary.

The employee must contact their line manager as soon as they know that there will be a period of sickness during annual leave. The employee must also submit a written request no later than 10 days after returning to work setting out how much of the holiday period was affected by sickness and the amount of leave that they wish to take at another time.

If the employee is ill or is injured before the start of a period of planned leave, and is consequently unable to take the holiday, TBC will agree to the employee postponing the leave dates to another mutually agreed time. Any period of sickness absence will be treated in accordance with the Council's normal policy on sickness absence. The employee must submit a request to postpone the planned leave and this must be accompanied by medical evidence confirming they are unfit, or is likely to be unfit, to take the holiday.

If an employee wishes to go on holiday during a period of sickness absence, they must discuss this with their manager prior to the leave being booked. All such requests will not be unreasonably denied. However, the activity must not be detrimental to their recovery. It may also need to be supported by their GP and evidence of this can be requested. If the holiday request is approved, sick pay will be paused and they receive normal pay. After the employee has taken their holiday, if they are still unwell enough to return to work sick pay will be reinstated.

Employees will not be entitled to an additional day off if they are sick on a statutory or discretionary bank holiday.

10 Medical and other appointments - Unpaid

Employees should wherever possible arrange appointments outside of normal or rostered working hours (e.g., early morning or late afternoon). When this is not possible, employees should seek to arrange appointments that minimise the disruption to work; unpaid appointments include opticians, doctors, dentist. Where this cannot be arranged, permission to attend during work hours should be sought and should not be unreasonably refused. Except in cases of emergency, the employee should advise their line manager of the proposed time of the appointment as soon as possible and must produce an appointment card or letter. Where there are a series of appointments for regular and ongoing treatment, acceptable arrangements need to be approved by the line manager for handling these.

11 Cosmetic Surgery (elective/reconstructive)

In most cases where an employee elects to undergo cosmetic surgery, no Occupational Sick Pay (OSP) will be paid. However, OSP may be payable in cases where written confirmation is received from an employee's doctor that the surgery is essential for the physical and/or mental well-being of the employee.

Where an employee is undergoing cosmetic surgery for the purposes of reconstruction (i.e. following a previous illness, accident) OSP may be paid.

Elective surgery is not generally considered to be medically necessary. This includes cosmetic surgery which is concerned with the enhancement of appearance through surgical and medical techniques i.e. liposuction, facelifts, gastric band. Employees should discuss taking this as annual leave, but there is not an automatic right to take time off as annual leave is approved based on operational cover. Whilst OSP is not normally paid for elective cosmetic surgery, it may be paid if an employee develops serious complications following elective surgery necessitating hospital treatment.

12 Organ or Bone Marrow Donation

Occupational Sick Pay will be paid in cases where an employee donates an organ or bone marrow.

13 Fertility treatment

There is no statutory right to take paid or unpaid time off for fertility treatment. However, TBC supports 3 days paid leave for fertility treatment as outlined in the Annual Leave & Other Leave policy.

Some employees may be unable to work because of the treatment and signed off sick, this will be recorded as sickness absence.

14 Dangerous sports

TBC reserves the right to suspend OSP if the employee regularly participates in any paid or professional or dangerous sport or activity, which results in a high level of sickness absence from work (therefore incurring a cost to TBC). Under such circumstances, employees are advised to take out insurance to cover loss of earnings arising from such an event.

15 How to manage a phased return/temporary adjustment to duties

On occasion, particularly after a period of long-term absence, it may be helpful for an employee to return on a phased basis or with temporarily amended duties.

The purpose of a phased return or a temporary adjustment to duties is to assist a member of staff to return to work in a way that contributes to their recovery and return to full duties.

Phased returns or temporary adjustments to duties are made on the recommendation of occupational health. The normal timeframe is between 4 and 8 weeks however in exceptional cases it may be up to 12 weeks.

If a phased return or temporary adjustment is considered appropriate, the line manager should produce a programme and confirm in writing with the following details:

- Agree the start and end dates of the phased return period
- Attendance – what days and hours will be worked?
- Duties – what will they be doing? You may have to temporarily amend duties, perhaps by getting them back to work elsewhere in the team. Both physical and psychological needs should be considered.
- Increase the workload in gradual increments over the agreed period of return to work.

The line manager will ensure regular, documented review meetings take place, ideally weekly. It is important that these meetings not only address what is required to support the phased return but also that the documentation confirms progress made and any responsibilities which the individual is unable to carry out.

By the end of the phased return period, it is expected the employee will work their full, normal contracted hours.

During the phased return the employee is paid for their full, normal contracted hours regardless of the actual hours worked. If the individual is absent because of illness on one of the days when they agreed to be at work during the phased return, then this should be recorded as sickness absence. Any absences should be discussed at the review meetings.

16 Redeployment

TBC will consider redeployment where it appears unlikely from the medical advice that an employee on long term sickness absence will be able to return to their existing role and therefore medical redeployment is recommended.

Any offer to redeploy the employee will be entirely at the Council's discretion. Such an offer will be made only where TBC is confident that the employee is no longer able to continue to work in their current role and will be able to perform well in the redeployed role.

The employee is able to refuse any reasonable offer of redeployment. If TBC believes that there is no alternative role(s) available and suitable, the organisation may be left with no option but to dismiss under the final stage of the procedure. The employee will have a right to appeal against the dismissal and any dismissal will be with full notice or payment in lieu of notice.

17 Sick Pay

17.1 Employees are entitled to receive sick pay for the following periods:

During 1 st year of service	1 month's full pay
After completing 4 months' service	1 month's full pay, 2 months' half pay
During 2 nd year of service	2 months' full pay and 2 months' half pay
During 3 rd year of service	4 months' full pay and 4 months' half pay
During 4 th and 5 th year of service	5 months' full pay and 5 months' half pay
After 5 years' service	6 months' full pay and 6 months' half pay

17.2 Suspension of Sick Pay

If an employee fails to comply with any of their obligations under this policy, TBC may withhold Occupational Sick Pay (OSP) until they comply and/or invoke the Disciplinary Procedure. This includes, for the avoidance of doubt, the withholding of OSP where the employee has not complied with the employee notification requirements set out above.

OSP may also be withheld in the following circumstances:

- where there is deliberate conduct by the employee prejudicial to their recovery.
- where the absence has been caused by the employee's own misconduct or neglect.
- injury while working in the employee's own time on their own account for private gain, or for another employer without prior permission.
- the employee's manager has reasonable grounds to believe that the absence is for reasons other than sickness.

Where TBC doubts the integrity of sickness absence, OSP may be suspended and disciplinary action may be taken, which could result in dismissal. Managers must be able to demonstrate reasonable grounds for doubting any period of sickness and will discuss with the employee the reason why they are considering withholding OSP. In any event, the manager will confirm their decision in writing giving the reason. The employee may invoke the Grievance Procedure if they are dissatisfied with the manager's decision.

Prior to a manager taking a decision to suspend OSP, it is imperative that advice is taken from Human Resources to ensure that any change to OSP is appropriate in all the circumstances.

17.3 Enforced Sickness Absence

From time to time, management may feel that an individual may not be well enough to attend work, despite attending. The Health and Safety at Work Act places an obligation on managers to ensure that all staff are well enough to undertake work. Where a manager has concerns in relation to an employee's fitness to remain in work the manager may send the employee home, and request that they refrain from returning to work until the symptoms/condition improves and/or produce evidence from their G.P that they are well enough to

undertake work. In such circumstances management should ensure that the individual is well enough to travel home, unaccompanied and, if necessary, make arrangements for their safe journey home (for example by taxi).

Employees on enforced sickness absence are still required to produce Fit Notes and self-certification of the absence. Enforced sickness absence will be treated consistently with all other types in the management of the absence(s). A referral to Occupational Health should also be made if appropriate.

17.4 Hospital Appointments

Paid time off work will be given for employees to attend hospital appointments on the production of a valid document, this will include reasonable time to travel to the hospital.

This will be recorded as authorised absence and reported in the normal manner. However, it will not be used for monitoring under the guidelines given in the section Absence Monitoring.

This will also apply to employees who must receive regular medical treatment for an ongoing condition that is recognised as a disability under the Equality Act. Paid time off will be given to attend cancer screening.

17.5 Home Working and Sickness

In certain circumstances site or hybrid employees may be permitted to work from home whilst on a return-to-work programme. This arrangement would only be permitted via the Occupational Health referral process and confirmation that home working can be undertaken as part of an agreed return to work programme. Management will closely monitor this arrangement to ensure the employee is fit for work and achieving objectives.

17.6 Honarium, Essential Car User

Honorariums will cease to be paid to employees who are absent from work for more than 28 days (long term sick). Line Managers should inform Payroll when the three-week absence trigger is met by an employee. Similarly, the line manager should notify Payroll when the employee returns to work to ensure the honorarium payment is continued. Honorarium payments should not be re-instated until after any return-to-work programme has been completed.

The Essential Car User payment will reduce to 50% after 3 months continuous sickness absence and cease after 6 months continuous sickness absence. The payment will be reinstated upon return to work.

17.7 Reclaiming OSP from a third party

TBC may recover OSP from an employee who receives payment from a third party for loss of earnings. This will be deducted from the employee's salary after consultation with the employee.

18 Counselling Service

On occasion employees may need support and assistance to deal with problems that may or may not be work related. Managers, other colleagues, and Trade Union officials are possible sources of assistance. Human Resources can provide private support upon request. However, it is recognised that in certain situations the level of support required can only be provided by an individual outside of the organisation with the appropriate background and training.

The Council has therefore engaged the services of a professional occupational counselling service provider who provides confidential independent support for employees who may have health and/or personal problems that could affect either their performance at work or attendance. All counselling sessions are private, and feedback is not given to the Council.

Employees should be encouraged to use this service, details are on InfoZone [Counselling | Infozone \(tamworth.gov.uk\)](https://tamworth.gov.uk/counselling)

Employees may self-refer to the counselling service. Time off work will be given to attend any appointments.

After gaining the employee's consent the Counsellor may in some circumstances be required to contact the Head of HR and Organisational Development to discuss the number of sessions that may be required, if this is more than the standard 6 sessions. These will be paid for by the Council but will be subject to review.

The counselling service is available to all employees. A self-referral can be made at any time. The fundamental reason for offering this service is to assist employees with any problems that may affect their work. Absence from work is therefore not a condition that has to be met before a referral is made.

TBC also has internally trained Mental Health First Aiders, their details are on InfoZone.

19 The Role of Occupation Health (OH)

Guidance on referral to the Occupational Health Service (OHS)

OH is a specialist branch of medicine focusing on health in the workplace. It is concerned with the physical and mental well-being of employees. OH specialists can support organisations through advising on work-related illnesses and accidents, carrying out medicals for new starters and existing employees and monitoring the health of employees.

OH services are also used to assist organisations in managing absence situations – both short and long term. The opinion of an OH specialist might be crucial in determining how management manage attendance, which in return provides staff with the reassurance that managers will be educated on their condition before making any judgements.

Services provided by OH - As well as addressing issues that occur, a lot of the work of an OH service is proactive, aiming to reduce potential problems in the workplace. The activities of OH include:

- helping to implement policy
- ensuring compliance with health and safety regulations
- minimising and eliminating hazards
- dealing with cases of drug and alcohol abuse,
- offering pre-employment health assessment
- monitoring the health of employees after an accident or illness
- advising on ill-health retirement and Equality Act 2010
- promoting good health education programmes
- providing support to management on sickness cases to ensure that management are aware of any medical conditions
- giving employees the option to speak to a third party regarding their condition
- advising managers on what support staff need to help them back to work or remain at work

The benefits of OH - The OH Service advise on all matters concerning the effects of work on health. They work to the benefit of both employer and employee, to prevent work related ill-health. Benefits of an OH service include:

- Prevention of ill-health by providing active advice and guidance
- Support for managers to manage staff with health-related issues
- Provide practical and confidential health support for all staff within the workplace
- Advising on the control of potential health risks at work
- Providing health surveillance to detect OH disease at an early stage
- For experts to provide management with medical information regarding employee's conditions so that management can act accordingly
- To have an independent party who can advise management

Confidentiality and Occupational Health - Under the Access to Medical Reports Act 1988 employees are entitled to see a medical report relating to them before it is passed to an employer.

The Access to Health Records Act 1990 gave individuals the right to access health reports relating to them, but the provisions of this Act have largely been overtaken by the Data Protection Act 1998 and GDPR. This Act is much broader and allows employees access to any information held about them, on paper or on computer. It has to be presumed, therefore, that an employee will have access to any report written about them at some time.

The Importance of OH - Without support from Occupational Health, TBC could make decisions that could adversely affect employee's employment. OH specialists protect employees by ensuring management is aware of individual's medical conditions and by recommending support plans to encourage management to implement reasonable adjustments in the workplace to avoid or reduce future sickness.

Guidance on referral to the Occupational Health Service (OHS) - There are five circumstances in which employees can be referred to the OHS.

- a. When the employee believes they have an illness or disability which comes under the terms of the Equality Act and wishes to be referred to the OHS.

- b. When they reach the trigger points outlined in the policy.
- c. Following medical advice that work related ill health or injury may be developing.
- d. Immediate referrals for stress related absence.
- e. When medical evidence/other information is received indicating that an absence is likely to be long-term in nature.

At a return-to-work interview, line managers should ask the employee if there are any underlying health problems, which may fall under the Equality Act. The Equality Act covers disabilities and illnesses, which are likely to last more than 12 months and which have a significant impact on an individual's ability to carry out day-to-day activities. This includes recognised mental health conditions and illnesses such as cancer and diabetes. Should the employee indicate that they have such a disability then their manager can complete an occupational health referral for guidance.

At a meeting to discuss the employee's attendance after reaching the first trigger point, the line manager should again ask if the employee has any underlying condition which may be covered by the Equality Act.

If the employee refuses to give permission for an OHS referral the possible implications should be outlined to them i.e., if their attendance continues to be unsatisfactory they risk dismissal and decision will be made on known information only.

Advice from Occupational Health is especially appropriate following a relatively long absence where it has been necessary to invoke a formal 'Return to Work' programme or following a particularly serious incident or injury.

20 Disability & the Equality Act 2010

The Equality Act became law in October 2010. It replaced previous anti-discrimination legislation (including the Disability Discrimination Act 1995) simplifying and ensuring consistency in what we need to do to make the workplace a fair environment and to comply with the law. TBC is committed to supporting employees and is a Disability Confident employer committed to:

- Inclusive and accessible recruitment
- Communicating vacancies
- Offering an interview to disabled people
- Providing reasonable adjustments
- Supporting existing employees

It is unlawful to discriminate against workers because of a physical or mental disability or to fail to make reasonable adjustments to accommodate a worker with a disability.

Disability has a broad meaning. It is defined as a physical or mental impairment that has a substantial and long-term adverse effect on the ability to carry out normal day-to-day activities.

'Substantial' means more than minor or trivial.

'Long term' means an effect that has lasted 12 months, is likely to last a total of at least 12 months or is likely to last for the rest of the person's life, even if the person is not expected to live for 12 months.

A disability can arise from a wide range of impairments which can be:

- sensory impairments, such as those affecting sight or hearing.
- impairments with fluctuating or recurring effects such as rheumatoid arthritis, myalgic encephalitis (ME), chronic fatigue syndrome (CFS), fibromyalgia, depression and epilepsy.
- progressive, such as motor neurone disease, muscular dystrophy and forms of dementia.
- auto-immune conditions such as systemic lupus erythematosus (SLE).
- organ specific, including respiratory conditions such as asthma and cardiovascular diseases including thrombosis, stroke and heart disease.
- developmental, such as autistic spectrum disorders (ASD), dyslexia and dyspraxia.
- learning disabilities.
- mental health conditions with symptoms such as anxiety, low mood, panic attacks, phobias, or unshared perceptions; eating disorders; bipolar affective disorders; obsessive compulsive disorders; personality disorders; post-traumatic stress disorder and some self-harming behaviour.
- mental illnesses such as depression and schizophrenia.
- as a result of an injury to the body, including to the brain.

The act provides protection for those with cancer, multiple sclerosis, and HIV/AIDS from the point of diagnosis. People with severe disfigurement will be protected as disabled without needing to show that it has a substantial adverse effect on day-to-day activities.

If a member of staff has a disability, you must consider what reasonable adjustments you can make in the workplace to help the member of staff carry out their role (remember, adjustments must be related to the role) so they do not suffer a detriment as a result of their disability.

A 'reasonable adjustment' could include:

- adjustments to premises
- re-allocation of duties
- alteration to working hours
- redeployment (following OH recommendation)
- giving or arranging training or modification of equipment

This list is not exhaustive, and a copy of the adjustments made need to be recorded.

How to support an employee through a reasonable adjustments process

If an employee advises they have a disability, or if they have an existing disability that requires additional or alternative adjustments, the line manager will have a pivotal role in ensuring they are supported. Being proactive in recognising when an employee may need to discuss something that is bothering them and having an open approach to working together to resolve issues can prevent many concerns from escalating. Be aware the employee may find it difficult to talk about their personal

circumstances and may feel concerned about any effect on their job. Adopting a positive attitude towards the prospects of adjustments and maintaining effective and regular communication with an employee with disabilities builds an environment where the employee feels able to openly discuss their needs and support requirements. Support may also be required for colleagues who may subsequently be affected by any reasonable adjustment put in place.

An employee with a disability may know what equipment or adjustments they need, but Access to Work and Occupational Health can ensure the right adjustments are considered to enable the employee to fully engage with their role. The manager and employee should discuss which aspects of the role create difficulties for them and whether reasonable adjustment may help remove any disadvantage. While applicants and employees are encouraged to say what adjustments they consider will help, it is ultimately for the organisation to decide whether the proposed adjustments are reasonable. Timely and effective management support and careful consideration of reasonable adjustments will help to ensure the employee feels valued and so is more able to perform their duties to their full potential.

Access to Work is a government scheme that can pay for extra support to help individuals start or stay in work. The support that individuals are offered will be based on their needs and could include a grant to help cover the costs of practical support in the workplace. Support can include:

- support workers to help the individual
- specialist equipment to make working easier
- help with the cost of travel to work and back
- mental health support

Employees can check their eligibility and apply for Access to Work on the GOV.UK website or

<https://www.gov.uk/access-to-work/eligibility>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1082550/easy-read-access-to-work.pdf

How to decide if the adjustment is reasonable

Whether it is reasonable to make a particular adjustment will depend on several factors that have to be looked at in totality. The organisation will consider the:

- effectiveness of the adjustment in preventing the disadvantage
- practicality of the adjustment
- financial and other costs of the adjustment including the disruption caused
- availability of financial or other assistance to help make an adjustment
- extent of the Council's financial or other resources
- the nature of the Council's activities and the size of its undertaking

TBC will be pragmatic with an inclusive mindset, focussing on providing the employee with equal opportunity. A reasonable adjustment must remove or reduce a disadvantage arising due to a disability. If the adjustment is of marginal benefit but is part of a number of adjustments that together are effective, it is likely to be

reasonable to make it. However, it is unlikely to be reasonable to make an adjustment that is of little benefit to the disabled person.

The manager should consider:

- if an adjustment costs little or nothing and is not disruptive, it would be reasonable unless some other factor made it unreasonable
- what might otherwise be spent in the circumstances, for instance it would be reasonable to spend at least as much on an adjustment to retain the employee as you might on recruiting and training a replacement
- the employee's length of service both with the Council and local government - it is more likely to be reasonable where the adjustment is for an employee who is likely to be in the job for some time compared to a temporary worker
- the employee's level of skill and knowledge
- the availability of external funding
- the Council's resources as a whole
- Availability of financial assistance

If equipment has been supplied through Access to Work in a previous employment, it is reasonable to expect the employee to bring the equipment with them. The employee is not required to contribute to the cost of an adjustment. However, if they are prepared to use a piece of personally owned equipment in their work, it would be reasonable to allow the use of this equipment. It might also make it reasonable for you to consider another adjustment such as whether it may be reasonable to meet the cost of any repairs.

It is more likely to be reasonable to make an adjustment which might cause only minor inconvenience to other employees, or the Council, rather than one that might prevent other employees from doing their job or causes other significant disruption. If making the adjustment would create a health and safety risk to the employee or any other person, then it may not be reasonable to make the adjustment.

If an adjustment recommended by Access to Work or Occupational Health cannot be accommodated, then this must be discussed with HR before the decision not to implement the recommendation is confirmed. HR will provide positive challenge to help the manager question the reasons why they consider the adjustment(s) may not be accommodated.

If it is agreed that the adjustment is not reasonable, and no workable alternatives appear to be available, the decision must be recorded with the reasons for this decision.

Reasonable adjustments (or the decision not to implement adjustments) should be reviewed on an annual basis. This enables the manager and the employee to discuss whether:

- their needs have changed
- any adjustments should be amended
- adjustments that were previously not made, may now be appropriate
- adjustments may no longer be reasonable due to team, organisational or workforce change

This review should be documented.

The Council as an employer has the legitimate aim of maintaining an appropriate level of service, and therefore is required to balance the cost and impact to the service when considering what adjustments it can reasonably accommodate.

21 Accident at Work related sickness absence

Absence in respect of normal sickness is entirely separate from absence through industrial disease, accident or assault arising out or in the course of employment. Periods of absence in respect of one shall not be set off against the other for the purpose of calculating entitlements under the scheme.

Where an employee has a higher than would be expected number of accidents at work, then the manager should investigate, the underlying reasons attributed to the accidents and identify where remedial training, an OH referral etc. may be required and action accordingly. If disproportionate absences are linked to negligence, disciplinary action may be taken.

22 FAQs

22.1 Frequently Asked Questions - For Managers

Q. What can I do if a pattern of short-term sickness absence emerges?

A. Frequent absence might indicate a medical condition which requires investigation but can have other causes and may indicate lack of capability to do the job, it may be an indication of stress or it may be that the individual has issues with attending at particular times such as transport or childcare difficulties. It is important to discuss concerns with the individual at the Return-to-Work Interview and try to gain an understanding of the reasons for the absence. Once you have done this you can determine the best approach for addressing the absence.

Q. A member of my team is absent from work due to a long-term illness. The rest of the team keep asking me what the problem is. What can I tell them?

A. All discussions and information relating to an individual's absence should remain strictly confidential. Talk to the absent member of staff and ask them how they would like you to deal with the subject of their absence with their colleagues. Respect their wishes.

Q. If a member of staff refuses to attend an Occupational Health appointment, can I instigate disciplinary proceedings?

A. You should explain to the individual why you are seeking medical evidence i.e. that we have a responsibility to do all that we reasonably can to assist them and it would be of assistance in determining our duty of care (for example, to make reasonable adjustments if there is a disability). If the member of staff refuses to attend, then they should be advised that any decision made under TBC's Attendance Management Policy will be made on the information available. However, TBC considers this to be a reasonable management request.

Q. Can I dismiss a member of staff because they have been absent on a long-term basis?

A. If the time eventually comes when all procedures have been exhausted, all avenues explored and the job can no longer be kept open, the individual should be

fully consulted and informed about possible dismissal. Be particularly certain that you have explored all available avenues to try and help the person back to work. A formal meeting under TBC's Attendance Management Policy and Procedure will be convened to consider whether dismissal is the only available option, in addition to other case management meetings. You should always consult HR fully and involve them in the process.

Q. What about absence because of pregnancy or maternity?

A. Absence relating to pregnancy or maternity should be recorded but is not included for purposes of triggering improvement meetings and notices. HR should be contacted for advice in these circumstances.

21.2 Frequently Asked Questions - For All Employees

Q. Can I refuse to attend a return-to-work meeting?

A. Under the procedure everyone should attend a return-to-work interview. If the reason for your sickness absence is for a personal medical reason, and your line manager is of a different gender to yourself, you can ask to have the interview with someone of the same gender in your department. If no one is available in your department then, in exceptional circumstances, arrangements can be made for you to have a return-to-work interview with HR or another manager in TBC.

Q. Can I be accompanied when attending a return-to-work meeting?

A. The meeting is an informal discussion to ensure that you are fit to return to work and to determine whether any adjustments of a temporary or more permanent nature are required to be made to your job. Being accompanied to the meeting suggests that you want the discussion to take place on a more formal basis and this is not the intention of the discussion.

Q. How long do I have to be absent from work before I have a return-to-work meeting?

A. Any absence of one day or longer will require a return-to-work meeting. If you attend for work and then leave work because of sickness or an accident you should inform your line manager prior to leaving the workplace. Provided you return to work the next day, there will normally be no need for you to attend for a return-to-work meeting. However, if a pattern emerges, management reserve the right to hold a return-to-work meeting.

Q. How do I collect my personal possessions during my absence?

A. If you are absent from your base of work for any length of time, it is your responsibility to have your personal possessions collected in a timely manner or to arrange with your manager for them to be stored, if this is possible.

22.3 Employee Information Summary Sheet

Employees will have the occasional episode of sickness during their working lives. However, when an individual member of staff is off sick on a frequent basis this is of concern, not only for the individual who is suffering frequent bouts of sickness but also because it impacts on customers and colleagues. Sickness absence is expensive in terms of the hours lost and sometimes the cost of replacing absent staff

by expensive temporary staff. The aim of this policy is to ensure that non-attendance is dealt with in a fair and effective manner.

Your manager will ask you to attend a sickness review if you breach one of the trigger points under the Attendance Management Policy.

SICKNESS ABSENCE MONITORING ↓	
TRIGGER POINT REACHED - SHORT TERM, PERSISTENT ABSENCE PROCEDURE	
<ul style="list-style-type: none"> • 4 episodes of sickness of any length in a 12-month rolling period and/or • 8 days in a 12-month rolling period (pro rata for part time staff) and/or • Recognisable patterns of absence 	
↓	
Breach of any trigger within review period <ul style="list-style-type: none"> • First Formal Sickness Meeting with targets set (see policy) • Review period set (6 months) → ↓	No further breach of any trigger within review period. Back to normal sickness absence monitoring
Breach of any trigger within review period. <ul style="list-style-type: none"> • Second Formal Sickness Meeting • Further review period set (6 Months) with new targets (see policy) → ↓	No further breach of any trigger within review period. Back to normal sickness absence monitoring
Breach of any trigger within review period. <ul style="list-style-type: none"> • Final Formal Sickness Meeting • Termination considered →	No further breach of any trigger within review period. Back to normal sickness absence monitoring

The review period is 6 months from the date of the meeting. A rolling period means that when an episode of sickness occurs the manager must look back from the first day of the sickness absence for a period of 12 months to establish if the employee has breached a trigger.

You must attend any sickness reviews as requested by your manager. Failure to attend or refusal to attend under this procedure without good reason may result in disciplinary action being taken.

Appendix 1 - Absence Contact Log

ABSENCE CONTACT LOG	
Employee name:	
Manager name:	
Date of call/ meeting:	
Time of call/ meeting:	
Who initiated the phone call?	
If a phone call did the manager reach the employee?	
Agreed future contact:	
Brief summary of call/ meeting	
Manager Signature _____ Date _____	

Appendix 2 - Return to Work Form

Return to Work Interview Form

This form must be completed by the Manager on the employee's first day back at work.

Purpose of the return to work interview:

- Welcome employee back and enquire about their health and welfare.
- Bring employee up to date with work/ reallocation of work during their absence.
- Employee to assist Manager to identify where they can help or take action to help prevent a further recurrence of sickness absence. Record actions agreed.

Employee Information					
Employee Name					
Employee Job Title					
Department					
Current Absence					
First date of absence					
Last date of absence					
Date of return to work					
Total number of working days absent					
Type of certification for absence	Self-Certificate		Fit Note		Both
Reason for absence					
Is it disability related?	Yes		No		
Is it pregnancy related?	Yes		No		
Is employee on current improvement notice?	Yes		No		
Was the absence a result of an injury at work- or work-related accident and illness?	Yes		No		
If Yes, please give details					
If this absence is because of an accident at work, has an accident form been completed?	Yes		No		
Did the employee follow the notification set out in the Attendance Management Policy and Procedure throughout their absence?	Yes		No		
If No, please give details (explore why and explain requirement according to the policy)					
Update employee on any events					

during the period of absence			
Date of discussion with employee			
Was the meeting	face-to-face or Teams		via telephone
Absence History			
Number of days absence in the past 12 months (including most recent absence)			
Number of occasions of absence in the past 12 months (including most recent absence)			
Trigger reached - details			
Future Action			
Is the employee's level / pattern of absence a cause for concern (hit a trigger)? (please add details in Managers comments/actions section)	Yes		No
Is a referral to Occupational Health required? (If yes complete referral form and send to HR)	Yes		No
Is a Risk Assessment required (workstation/stress etc.)?	Yes		No
Summary of Discussion			
Manager Comments / Action			
(include information regarding any support measures that can be put in place to help the employee back into their work routine, help the employee to sustain their attendance and any meetings required regarding absence levels if a trigger has been reached)			
Employee Comments / Action			
Employee - I declare the information given is complete and correct			
Signed		Date	
Manager			
Signed		Date	

**13 Appendix 3
SICKNESS INTERVIEW (LONG TERM ABSENCE)**

- To be completed by the Manager and kept on employee's personal file
- Details must be summarised in a letter to the employee confirming the outcome of the meeting.

Name of Employee: _____	Present at Meeting: _____
Post: _____	_____
Team: _____	_____
Date of Meeting: _____	_____

<u>REASON FOR MEETING (SICKNESS ABSENCE HISTORY AND DATA)</u>
--

Notes of the meeting	
Outcome	
Occupational Health Referral	Yes/NO
Other Action	
Action if any by the employee	

Occupational Sick Pay benefits - - Employee Notified of half/nil pay: **Yes/No**

Signed Manager

Date

RETURN TO WORK PROGRAMME - Example

EMPLOYEE NAME:

DATE	DAYS AND TIMES	DUTIES/COMMENTS
WEEK 1 5 TH Aug – 9 th Aug	8.45 am – 1.00 pm Mon, Weds, Fri	No heavy manual work or lone working Review meeting on Friday 12.30 pm
Week 2 12 th Aug – 16 th Aug	8.45 am – 1.00 pm Mon – Friday	As above but lone working now permitted Review meeting on Friday 12.30 pm
Week 3 19 th Aug – 23 rd Aug	8.45 am – 5.05 pm Mon, Wed, Fri 8.45 am – 1.00 pm Tues and Thurs	Introduction to normal work on Mon, Wed, Fri only No heavy manual handling but lone working permitted Review meeting on Friday 12.30 pm
Week 4	Full Contracted hours	Full duties permitted Review meeting on Friday 12.30 pm
Next 4-6 weeks		Review meetings will be on Friday at 12.30 pm

This return-to-work programme can be subject to change as necessary.

If difficulties arise you (the employee) must notify your manager/supervisor or Human Resources Team in their absence.

If serious difficulties arise you should cease work and notify your manager/supervisor or Human Resources in their absence. You may have to attend an appointment with Occupational Health for their assessment and advice before continuing with this return-to-work programme

Letter Templates

a) Invite Letter to Stage One Short Term Sickness Meeting

Dear

RE: Attendance Management Meeting – Stage One Short Term Sickness

I note from your recent Return to Work Interview and sickness absence record that you have triggered the Attendance Management Policy Stage 1 process. In view of this I write to invite you to attend a meeting under the Attendance Management Policy to discuss your absence. The details for the meeting are:

DATE:

TIME:

VENUE:

This will be a Stage One formal meeting under the Attendance Management policy and therefore you are entitled to bring with you to the meeting a Trade Union Representative or workplace colleague. I would remind you that it is your responsibility to make these arrangements directly. The purpose of the meeting is to review and discuss the reasons for your absence and identify any ways in which Tamworth Borough Council may be able to assist or support you to improve your health, wellbeing and attendance at work.

If there is an unavoidable reason why you are unable to attend at this time, you have the right to request the meeting be re-scheduled up to five working days from the above date. Please let me know as soon as possible in order that I can arrange an alternative date and time. However, I would advise that should this be necessary, I will only be able to reschedule this on one occasion.

It is important that you attend this meeting, as it is your opportunity to provide valuable information about your health and circumstances, which may help us to decide how we can help and support you.

As a result of the meeting a decision may be made to issue a First Attendance Support Notice and your absence levels will continue to be monitored for a period of up to six months.

If you refuse or fail to attend the meeting, a decision may be made in your absence.

If you have any queries or concerns regarding this meeting, please do not hesitate to contact me.

Yours sincerely

Manager Name

Job Title

Cc HR

Enc xxxx named documents

b) Invite Letter to Stage Two Short Term Sickness Meeting

Dear

RE: Attendance Management Meeting – Stage Two Short Term Sickness

Further to your Stage One meeting held on (**Dates of Stage One meeting**) under TBC's Attendance Management Policy I note from your recent Return to Work Interview that you have had a further period(s) of sickness absence within the 6 month review period which has triggered the next stage of the policy.

In view of this I write to invite you to attend a meeting under TBC's Attendance Management Policy to discuss your absence. The details for the meeting are;

DATE:

TIME:

VENUE:

This will be a Stage Two formal meeting under the policy and therefore you are entitled to bring with you to the meeting, a Trade Union Representative or workplace colleague. I would remind you that it is your responsibility to make these arrangements directly. The purpose of this meeting is to review the reasons for your further absence and identify any ways in which TBC may be able to assist or support you to improve your health, wellbeing and attendance at work.

If there is an unavoidable reason why you are unable to attend at this time, you have the right to request the meeting is re-scheduled up to five working days from the above date. However, I would advise that should this be necessary, I will only be able to reschedule this on one occasion..

It is important that you attend this meeting, as it is your opportunity to provide valuable information about your health and circumstances, which may help us to decide how we can help and support you.

As a result of the meeting a decision may be made to issue a Final Attendance Support Notice and your absence levels will continue to be monitored for a period of up to six months. If you refuse or fail to attend the meeting, a decision may be made in your absence.

If you have any queries or concerns regarding this meeting, please do not hesitate to contact me.

Yours sincerely

Manager

cc HR
Enc xxxx named documents

c) Invite Letter to Stage Three / Final Short Term Sickness Meeting

Dear

RE: Final Stage Short Term Sickness

I refer to meetings held on (**Dates of Stage One and Stage Two meetings**) under TBC's Attendance Management Policy. I note from your recent Return to Work Interview that you have had further period(s) of sickness absence within the 6-month review period which has triggered the final stage of the policy.

In view of this I write to invite you to attend a consideration of dismissal meeting under TBC's Attendance Management Policy with a HR representative and myself. The details of the meeting are;

DATE:

TIME:

VENUE:

This meeting will be the final formal sickness meeting under the procedure and therefore you are entitled to bring with you to the meeting or be represented at the meeting by a Trade Union Representative or a workplace colleague. I would remind you that it is your responsibility to make these arrangements directly.

If there is an unavoidable reason why you are unable to attend at this time, you have the right to request the meeting be re-scheduled up to five working days from the above date. Please let me know as soon as possible in order that alternative arrangements can be made. However, I would advise that should this be necessary, I will only be able to reschedule this on one occasion.

At the meeting your line manager will present the case for Management and a copy of the evidence which will be presented is enclosed. The purpose of this meeting is to review all the information we have regarding your levels of sickness and the reasons for it and it is possible that following a thorough review of all aspects of the situation, including the support and opportunities given for improvement, reasonable adjustments made, and any Occupational Health advice, that the decision may be taken to terminate your employment with due notice in accordance with the Attendance Management Policy.

If you have any information you wish me to consider, please provide this at least 2 days before our meeting.

It is important that you attend this meeting as if you do not attend without good reason, decisions will be taken regarding your future employment in your absence.

Yours sincerely

Assistant Director

cc HR

Enc xxxx name documents

d) Invite Letter Stage One Meeting - Disability Short Term Sickness

Dear

RE: Attendance Management Meeting – Stage One Disability Short Term Sickness

I note from your recent Return to Work Interview and enclosed sickness absence record that you have triggered the Attendance Management Policy Stage 1 process.

In view of this I write should be grateful if you would to invite you to attend a meeting under TBC's Attendance Management Policy to discuss your absence. The details for the meeting are;

DATE:

TIME:

VENUE:

This will be a Stage One First Formal meeting under the procedure and therefore you are entitled to bring with you to the meeting a Trade Union Representative or workplace colleague and I would remind you that it is your responsibility to make these arrangements directly. The purpose of this meeting is to review and discuss the reasons for your absence and identify any ways in which TBC may be able to assist or support you to improve your health, wellbeing and attendance at work.

As your absence is disability related as defined by the Equality Act, the meeting will provide an opportunity to support and put in place any required adjustments by formulating or updating a Reasonable Adjustments Action Plan.

If there is an unavoidable reason why you are unable to attend at this time, you have the right to request the meeting be re-scheduled up to five working days from the above date. Please would you let me know as soon as possible in order that I can arrange an alternative date and time. However, I would advise that should this be necessary, I will only be able to reschedule this on one occasion.

It is important that you attend this meeting, as it is your opportunity to provide valuable information about your health and circumstances, which may help us to decide how we can help and support you.

As a result of the meeting a decision may be made to issue a First Attendance Support Notice and your absence levels will continue to be monitored for a period of six months. If you refuse or fail to attend the meeting, a decision may be made in your absence.

If you have any queries or concerns regarding this meeting, please do not hesitate to contact me.

Yours sincerely

Manager Name

Job Title

Cc HR
Enc xxxx named documents

e) Outcome Letter – Formal Stage One short term sickness meeting

Dear

RE: Outcome of Formal Stage One Attendance Management Meeting - Short Term Sickness

Thank you for attending the formal meeting on (DATE), which was the Formal First Stage Attendance Management meeting under TBC's Attendance Management Policy & Procedure.

At this meeting you were accompanied by (NAME) Trade Union Representative) or (NAME). HR(NAME) was also in attendance. *

Or

At this meeting you chose not to be accompanied*

I emphasised that the reason for the meeting was not the genuine nature of your sickness but that the level and frequency of your absence has an adverse impact on service performance and or service delivery. Discussions took place regarding the level of your sickness absence and you were shown your sickness record, which you agreed was correct.

Brief summary of any information that was given i.e. reason for absence, GP opinion if available, what treatment is being used prognosis etc.

or

Notes of the meeting are provided in the attached notes.

We agreed that a referral to Occupational Health would be arranged. As I explained it is important that you attend the appointment made for you in order that we receive appropriate information and advice about how to manage your sickness absence. Once the report is available we will reconvene our meeting when a decision will be made*

Or

We agreed that it would not be appropriate to refer you to Occupational Health at the present time although if you wish to be referred in the future you should let me know. *

Brief summary of any action by employee/manager.

I stressed the importance of regular attendance at work as all absences have implications for service provision and delivery and an impact on other staff in the department. As discussed at our meeting, under the terms of the Attendance Management Policy & Procedure, I am obliged to inform you that a failure to maintain a sustained improvement in attendance will lead to further progression through the procedure and may ultimately lead to your dismissal.

*** You were advised that your current level of sickness absence is a cause for concern and as a result of this my decision is to issue you with a First Attendance Support Notice, this letter serves as that notice. An improvement in your attendance is required but should you breach a further trigger, as outlined in the policy, within the 6-month monitoring period you will progress to the Second Stage of the process

OR (delete as necessary)

*** You were informed that your current level of sickness absence is a cause for concern. Following our discussion of your particular circumstances I decided it is not appropriate at this stage for you to be on issued with a First Attendance Support Notice. However, should you have further absence within the rolling 12-month period you will automatically re-trigger Stage One of the process and as such I will meet with you again.

*** You have the right to appeal against the Attendance Support Notice by sending written notification as to why you feel the Notice was issued inappropriately or incorrectly to the Head of HR & OD within 10 working days of the date on this letter.

Thank you for attending the meeting. I do hope your health improves to enable you to continue to make a valuable contribution to the service and TBC. I will continue to support you in any way I can and would remind you that assistance is also available directly from HR, Occupational Health and our EAP provider.

Yours sincerely

Manager
Job Title

cc HR
Enc Name documents

f) Outcome Letter – Formal Stage Two Short Term Sickness Meeting

Dear

RE: Outcome of Formal Stage Two Attendance Management Meeting - Short Term Sickness

Thank you for attending the formal meeting on (DATE), which was the Formal Second Stage Attendance Management meeting under TBC's Attendance Management Policy & Procedure.

At this meeting you were accompanied by (NAME) Trade Union Representative) or (NAME) . (NAME) HR) was also in attendance. *

Or

At this meeting you chose not to be accompanied*

I emphasised that the reason for the meeting was not the genuine nature of your sickness but that the level and frequency of your absence has an adverse impact on business performance and service delivery. Discussions took place regarding the level of your sickness absence, and you were shown your sickness record, which you agreed was correct.

Brief summary of any information that was given i.e. reason for absence, GP opinion if available, what treatment is being used prognosis etc.

or

Notes of the meeting are provided in the attached notes.

We agreed that a referral to Occupational Health would be arranged. As I explained it is important that you attend the appointment made for you in order that we receive appropriate information and advice about how to manage your sickness absence. Once the report is available we will reconvene our meeting when a decision will be made*

Or

We agreed that it would not be appropriate to refer you to Occupational Health at the present time although if you wish to be referred in the future you should let me know.
*

Brief summary of any action by employee/manager.

I stressed the importance of regular attendance at work as all absences have implications for service delivery, performance and impacts on other staff in the department. As discussed at our meeting, under the terms of the Attendance Management Policy, I am obliged to inform you that a failure to maintain a sustained improvement in attendance will lead to further progression through the procedure and could ultimately lead to your dismissal.

*** You were advised that your current level of sickness absence is a cause for concern and as a result of this my decision is to issue you with a Final Attendance

Support Notice, this letter serves as that notice. An improvement in your attendance is required but should you breach a further trigger, as outlined within the attendance management policy, within the 6-month monitoring period you will progress to the Final Stage of the process which could lead to your dismissal.

OR (delete as necessary)

*** You were informed that your current level of sickness absence is a cause for concern. However, after our discussion of your particular circumstances I decided it is not appropriate for you to be issued with a Final Attendance Support Notice at this stage. However, should you have further absence within the rolling 12-month period you will automatically re-trigger the process and as such, I will meet with you again.

*** You have the right to appeal against the Attendance Support Notice by sending written notification as to why you feel the Notice was issued inappropriately or incorrectly to the Head of HR & OD within 10 working day of the date of this letter.

Thank you for attending the meeting. I do hope your health improves to enable you to continue to make a valuable contribution to the service and TBC. I will continue to support you in any way I can and would remind you that assistance is also available directly from HR, Occupational Health and the EAP provider.

Yours sincerely

Manager
Job Title

cc HR
Enc xxx name documents

g) Outcome Letter – Formal Stage Three short term sickness meeting (contract not terminated)

Dear

RE: Outcome – Final Stage Short Term Sickness

I am writing to confirm the outcome of the Final Stage of the formal sickness meeting held on **(DATE)** under TBC's Attendance Management Policy.

At this meeting you were accompanied by (NAME Trade Union Representative) and (NAME HR) was also in attendance to record the meeting and provide HR advice.

Or

At this meeting (NAME) HR was in attendance but you chose not to be accompanied.
*

At the meeting I reviewed all the information that was presented in relation to your circumstances and after adjournment and careful consideration of all the evidence, I explained that I had decided not to proceed with terminating your employment at this stage. However, a further Final Support Notice will remain active against your attendance record for a period of xxxx months from today's date.

You should understand that having been given a further Final Support Notice, it is essential you know what is expected of you if consideration of your dismissal is to be avoided. Dismissal will be considered if, following the date of our meeting you incur a further days absence or Further separate absence (pro-rata for part time staff) within the review period.

I stressed the importance of regular attendance at work as all absences have implications for service provision and delivery and an impact on other staff in the department, you are urged to do all you can to meet and maintain the required standards of attendance.

Thank you for attending the meeting. I do hope your health improves to enable you to continue to make a valuable contribution to the service. Your line manager and the organisation will continue to support you in any way they can.

Yours sincerely

Assistant Director

**c.c. HR
Enc Name documents**

h) Outcome Letter – Formal Stage Three short term sickness meeting (contract terminated)

Dear

RE: Outcome Final Stage Short Term Sickness

I am writing to confirm the outcome of the Final Stage of the formal sickness meeting held on **(DATE)** under TBC's Attendance Management Policy and Procedure.

At this meeting you were accompanied by (NAME Trade Union Representative) and (NAME HR) was also in attendance. *

Or

At this meeting (NAME) HR was in attendance but you chose not to be accompanied.
*

At the meeting I reviewed all the information that was presented in relation to your circumstances and after adjournment and careful consideration of all the evidence, I explained to you that in view of the impact your sickness absence was having on service provision that, regrettably I had decided to terminate your employment with due notice in accordance with TBC's Attendance Management Policy and Procedure, on the ground of capability with effect from **(DATE)**.

Or

At the meeting I reviewed all the information that was presented in relation to your circumstances and after adjournment and careful consideration of all the evidence. I considered the impact your sickness absence was having on service provision and listened to your mitigation. I decided to extend your monitoring period for a further () weeks and my expectation for attendance is ().

You have the right to appeal against the decision to terminate your employment. If you wish to do so, your appeal should be made in writing within 10 working days of the date of this letter, clearly stating the grounds for appeal and should be addressed to the Head of HR & Organisational Development.

Yours sincerely

Executive Director/Assistant Director

Cc HR
Enc Name documents

i) Invite letter to Case Conference: One/Three /Six months – Long Term Sickness

Dear

Re: Invitation to Case Conference – One Month/Three Months/Six Months – Attendance Management Meeting – Long Term Sickness

In line with TBC's Attendance Management Policy & Procedure your long-term sickness absence has triggered the requirement for a meeting to be held.

You have continued to keep me informed of your sickness and progress during the absence period and provided GP Fit Notes covering the absence period. I note that unfortunately you will remain absent due to sickness for a further period of weeks up to and am sorry to hear that you are still unwell.

The purpose of a meeting would enable me to discuss various issues relating to your absence and review the information provided to date. For example, in order to allow me to make appropriate arrangements to cover your workload in your absence, it would be helpful to have a clearer understanding of how long you may be absent from work.

In addition, it will be an opportunity to identify if there is any practical assistance or adjustments that we can offer to enable you to return to the workplace; for example we can discuss adjusted duties/alternative duties or reduced hours. There will also be the opportunity to discuss if it might be helpful to refer you to Occupational Health. I will also be able to provide you with any information you may require regarding sickness pay.

In view of this I write to invite you attend a meeting under TBC's Attendance Management Policy & Procedure with myself and a representative from HR (if applicable). The details for the meeting are

DATE:

TIME:

VENUE:

If you require any adjustments to be made prior to your attendance at this meeting, please let me know.

You have the right to be accompanied by a Trade Union Representative or a workplace colleague.

If there is an unavoidable reason why you are unable to attend at this time you have the right to request the meeting is re-scheduled up to five working days from the above date.

Please contact me on receipt of this letter to confirm that this appointment is convenient and if not, to advise me accordingly so that I may make alternative arrangements.

I look forward to meeting with you soon and wish you all the best for a speedy recovery. If you have any queries or concerns regarding the above, please do not hesitate to speak to me prior to the meeting if you feel this would be helpful.

Yours sincerely

MANAGER

Job Title

Cc HR

Enc Named documents

* delete as necessary

j) Invite letter to Final Case Conference: Long Term Sickness

Dear

Re: Invitation to Final Case Conference – Attendance Management Meeting – Long Term Sickness

In line with TBC's Attendance Management Policy & Procedure your long-term sickness absence has triggered the requirement for a final meeting to be held.

In view of this I write to invite you attend a meeting under TBC's Attendance Management Policy with a representative from HR and myself. The details for the meeting are

DATE:

TIME:

VENUE:

If you require any adjustments to be made prior to your attendance at this meeting, please let me know.

You have the right to be accompanied by a Trade Union Representative or a workplace colleague.

If there is an unavoidable reason why you are unable to attend at this time you have the right to request the meeting is re-scheduled up to five working days from the above date. Please let me know as soon as possible in order that alternative arrangements can be made.

At the meeting your Line Manager will present the case for Management and a copy of the evidence which will be presented is enclosed. The purpose of this meeting is to review all information we have regarding your sickness absence levels and the reasons for it. You will also be invited to make any representations. Following a thorough review of all information provided a decision will be made regarding your continued employment.

If you have any queries or concerns regarding the above, please do not hesitate to speak to me prior to the meeting if you feel this would be helpful.

Yours sincerely

Assistant Director

Cc HR

Enc name documents

k) Outcome letter Case Conference: One/Three/Six months - Long Term Sickness

Dear

RE: Outcome of Case Conference - One Month/Three Months/Six Months/Nine - Attendance Management Meeting - Long Term Sickness

Thank you for attending the meeting on (DATE) with myself and (x) where you were accompanied by your Trade Union Representative / workplace colleague*.

At the meeting I emphasised that it is not the genuine nature of your sickness that is in doubt but that the level of your absence is having an adverse impact on business performance and service delivery.

We have been in regular contact since you commenced sickness absence and I explained that the reason for the meeting was to discuss that now you have been absent for (LENGTH of PERIOD) weeks/months, it is important to consider our options, both to support you personally and also for the service needs of the organisation.

INCLUDE COVERAGE OF FOLLOWING ITEMS AS APPROPRIATE (include any other relevant information):

*** You advised that you are feeling a lot better than you have been in recent months, which we were very pleased to hear, and that you are ready to consider a return to work in the coming month.

*** I was sorry to learn that you remain unwell and unable to return to work within the foreseeable future

*** We discussed making a referral to Occupational Health and you felt it would/would not be beneficial to attend an appointment.

You have visited Occupational Health and I have been advised xxxxxxxxxxxxxx [Discuss advice– particularly any concerns].

We discussed reasonable adjustments that may help you to return e.g.....
We discussed alternative duties that may help you e.g.

We discussed altering your hours of work to assist a return to work ...e.g.....

I asked you to suggest any additional support you feel would benefit you.....e.g.....

We discussed the option of redeployment, should you be unable to return to your duties as xxxxxxxx.

I look forward to you continuing to make contact with me on a regular basis to update me on your condition / prognosis or indeed wish to discuss the contents of this letter further.

We discussed a phased return to work programme that you were happy with and I assured you that you would be closely supported and supervised on your return to the workplace.

We will continue to review your progress on a weekly basis and more formally should you reach the next trigger within the Policy.

You should be aware of the potential implications of future absences and failure to reach and maintain a satisfactory level of attendance may result in you progressing to the next stage of the process and ultimately termination of your employment on capability grounds.

I hope that your health improves and that you are able to return to work and resume your role in the near future.

Yours sincerely

LINE MANAGER

Job Title

* delete as necessary

Cc HR

Enc Name documents

I) Outcome Letter Final Case Conference Long Term Sickness

Dear

RE: Outcome of Final Case Conference Long Term Sickness

I am writing to confirm the outcome of the Consideration of Dismissal meeting, the final stage of the formal long term sickness meeting held on **(DATE)** under TBC's Attendance Management Policy & Procedure.

At this meeting you were accompanied by (NAME Trade Union Representative) and (NAME, HR) was also in attendance. *

Or

At this meeting (insert NAME) HR was in attendance but you chose not to be accompanied. *

At the meeting I reviewed all the information that was presented in relation to your circumstances and after adjournment and careful consideration of all the evidence, I explained to you that in view of the impact your sickness absence was having on service provision that, regrettably I had decided to terminate your employment with due notice in accordance with TBC's Attendance Management Policy, on the ground of capability with effect from **(DATE)**.

You are entitled to (x weeks pay in lieu of notice) and untaken accrued annual leave.

You have the right to appeal against the decision to terminate your employment. If you wish to do so, your appeal should be made within 10 calendar days of the date of this letter, clearly stating the grounds for appeal and should be addressed to the Head of Human Resources & Organisational Development.

Yours sincerely

Manager

Cc HR

Enc Name documents

m) Attendance Management – Notes of Meetings

NOTES OF MEETING		
Employee Name:		Work Location:
Stage [indicate the stage under consideration] 1 <input type="checkbox"/> 2 <input type="checkbox"/> Case Conference 1 month <input type="checkbox"/> 3 months <input type="checkbox"/> 6 months <input type="checkbox"/> 9 months <input type="checkbox"/>		
Attendees:	Date of Meeting:	

Items to be considered: [indicate item covered]	
Individual's sickness absence record	<input type="checkbox"/>
Patterns of absence	<input type="checkbox"/>
Length of service	<input type="checkbox"/>
Occupational Health Report [if appropriate]	<input type="checkbox"/>
Previous warnings in respect of sickness	<input type="checkbox"/>
Information obtained at Return to Work Interviews	<input type="checkbox"/>
Any underlying medical condition, disability or pregnancy	<input type="checkbox"/>
Reasonable Adjustments	<input type="checkbox"/>
Outstanding Annual Leave	<input type="checkbox"/>
Relevant information recorded in Supervision Notes	<input type="checkbox"/>

Notes of Meeting: [please provide below full notes of the meeting]

Decisions: [please provide reasons for either issuing or not issuing an Improvement Notice]		
ACTION TO BE TAKEN with reasons	BY WHOM	BY WHEN

I accept that these notes are a fair and accurate record of the meeting:

Signature (Manager) _____ Date _____

Signature (Employee) _____ Date _____

Please note: A copy of these notes MUST be forwarded to HR

Appendix n

Unauthorised absence letter

Dear

Unauthorised absence from work

Further to your absence from work since (date). I have tried to contact you on several occasions (including leaving messages on your voicemail) and have contacted your next of kin, (name), on (.....).

You should be aware that being absent from work without explanation is a breach of your contract of employment which requires you to attend at work and may be in breach of the Disciplinary Policy.

In light of this, I am extremely concerned about both your absences from work and your failure to make contact with line management. Therefore, I urge you to contact (name) on (telephone number) within 3 working days to discuss this matter.

I must also make you aware that I have suspended payment of your salary until further notice as you have failed to follow the Attendance Management Policy & Procedure.

Yours sincerely

Name
Line Manager

Appendix O

Unauthorised absence letter two

Dear

Unauthorised absence from work

Further to my letter dated (date) you have not contacted me to explain your non-attendance at work. As you have not made contact, your pay continues to remain suspended.

You should be aware that being absent from work without explanation is a breach of your contract of employment which requires you to attend work.

Therefore, you are required in accordance with the Disciplinary Procedure to attend a disciplinary hearing on (date) at (time), (location).

The hearing panel will consist of (name), supported by (Name of HR Rep). I will present the management evidence. I enclose a copy of my management report which details the steps taken to contact you.

The hearing has been called to consider your absence from work since (insert date). You should be aware that employees who breach their contract of employment through non-attendance at work are liable to immediate dismissal without notice.

You are entitled to be accompanied at the hearing by a Trade Union Representative or a colleague but I must advise you that it is your responsibility to make the necessary arrangements.

A note taker will also be in attendance at the hearing to ensure an accurate record is taken of the proceedings.

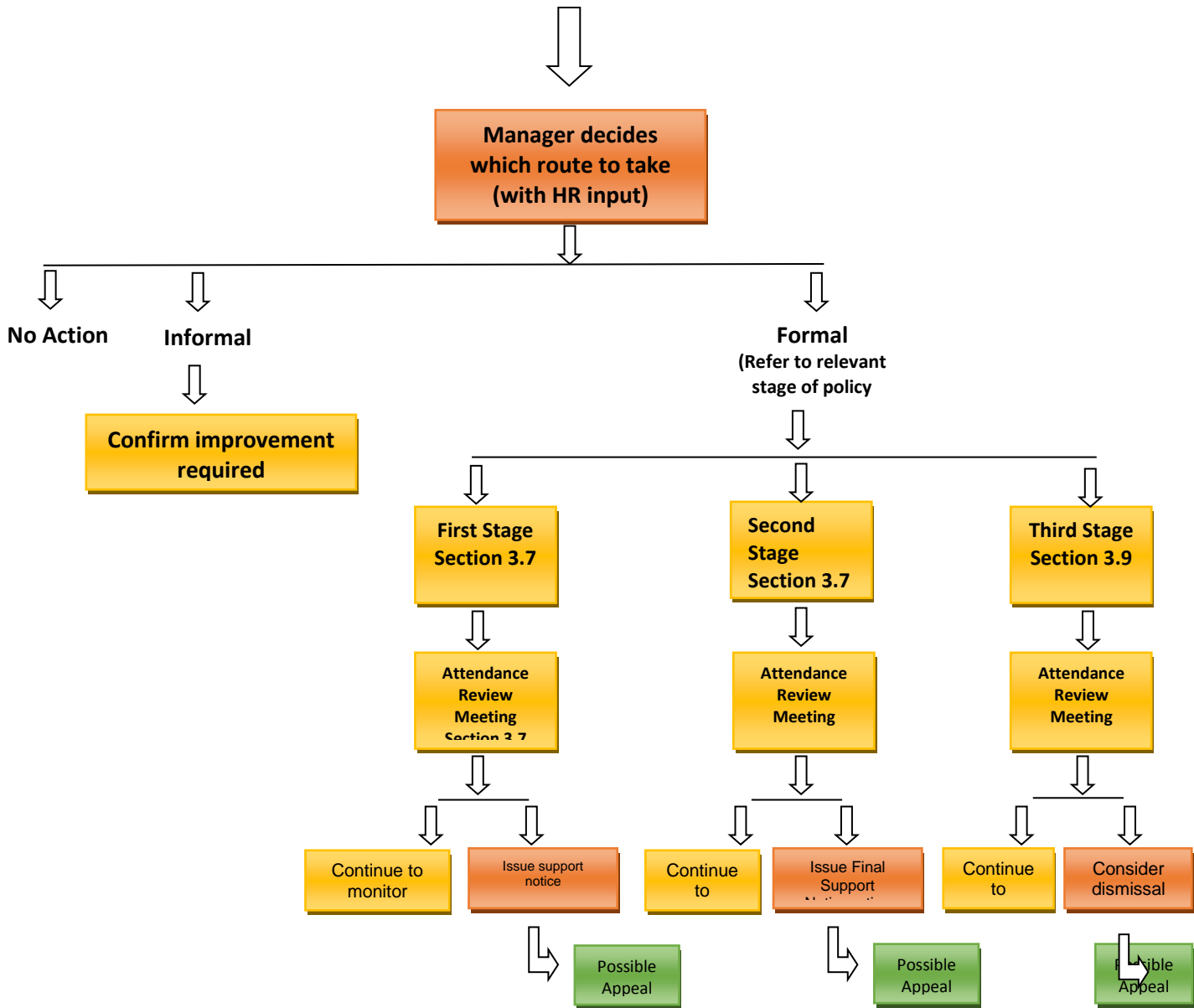
Prior to the hearing, I would be grateful if you would confirm to me your attendance and whether you intend to be accompanied. If you are unable to attend the hearing without justifiable cause, the case will be heard and a decision taken in your absence.

Yours sincerely

(Name)
(Job Title)

15 Appendix 10 - Absence Management Flow Chart: Short Term Absence

Return to work discussion Section 2.4



KEY





Part 1 – Details	
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Attendance Management
Date Conducted	January 2023
Name of Lead Officer and Service Area	Jackie Noble HR
Commissioning Team (if applicable)	N/A
Director Responsible for project/service area	Anica Goodwin
Who are the main stakeholders	Employees
Describe what consultation has been undertaken. Who was involved and what was the outcome	CMT TULG Members
Outline the wider research that has taken place (E.G. commissioners, partners,	

other providers etc)		
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it? Indicate with an 'x' which applies	New	<input checked="" type="checkbox"/>
	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

To provide guidance on how to manage attendance

Who will be affected and how?

All employees -

Are there any other functions, policies or services linked to this impact assessment?

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
If you answered 'Yes', please indicate what they are? All employees Stress Risk Assessment Wellbeing Policy Annual Leave and other Leave Policy Equality Scheme Disciplinary Policy			

Part 3 – Impact on the Community Thinking about each of the Areas below, does or could the Policy function, or service have a <u>direct</u> impact on them?			
Impact Area	Yes	No	Reason (provide brief explanation)
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of age
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of disability and explicitly references reasonable adjustments
Gender Reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of gender reassignment
Marriage & Civil Partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of marital status
Pregnancy & Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair

			treatment irrespective of pregnancy and maternity
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of race
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of religion or belief
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sexual orientation
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Gypsy/Travelling Community	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of those with caring responsibilities
Those having an offending past	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The policy applies consistent and fair treatment irrespective of sex
Children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Vulnerable Adults	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Families	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those who are homeless	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those on low income	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Drug or Alcohol problems	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Not a factor
Those with Mental Health issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies consistent and fair treatment
Those with Physical Health issues	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The policy applies consistent and fair treatment
Other (Please Detail)	<input type="checkbox"/>	<input type="checkbox"/>	

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Part 4 – Risk Assessment
From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk

Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome

Date of Review (If applicable)