

# Procedure – Attendance at work

<b>Approved by</b>	Cabinet
<b>Date approved</b>	<b>26/02/19</b>
<b>Date implemented</b>	<b>01/05/19</b>
<b>Owner</b>	LD
<b>Review date</b>	16/04/27

# Procedure – Attendance at work

## Version control

This document is subject to regular review due to legislative and policy changes. The latest versions of all our publications can be found on our website. Before contacting us about the content of this document, we recommend that you refer to the most recent version on the website and any relevant guidance.

Version	Date approved	Approved by	Notes / changes
v1.0	26/02/19	Cabinet	New policy
v1.1	06/03/20	Andrea Malam	Addendum to policy
v1.2	22/08/20	David Kennedy	Reformatting
v1.3	21/11/22	David Kennedy	Counselling
v1.4	19/10/23	David Kennedy	VIVUP
v1.5	15/04/24	Andrea Malam	New Return to Work form

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## Roles and responsibilities

### Denbighshire Leisure Ltd. (DLL)

For the purposes of interpretation of roles and responsibilities please see below:

Denbighshire County Council	Denbighshire Leisure Ltd
Head of Service	Managing Director / Executive Team Member
Director	Company Board Director
Senior Management Team	Company Executive Team
Section 151 Officer	Company Accountant
Monitoring Officer	Company Secretary

## EMPLOYEES

- Manage health and wellbeing to support their ability to attend work.
- Attend work unless unfit to do so.
- Ensure they are familiar with the Attendance at Work Procedure.
- Make contact within the first hour of expected usual attendance (where reasonably practical or in accordance with local arrangements) to confirm absence and maintain regular contact with their line manager, keeping them updated throughout the period of absence.
- Expect managers to make and maintain contact during period of absence.
- Provide reasons and outcomes of consultations with medical practitioners to managers through updates.
- Co-operate and attend meetings.
- Provide certification or information in a timely manner and ensure that any doctor's notes (Fit notes) cover the full period of absence.
- Not undertake any out of work activities which might delay recovery and return to work.
- Be expected to discuss and undertake alternative work opportunities to enable a

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return to work or prevent an absence, if applicable.

- Raise concerns with manager, Trade Union or Occupational Health if there are aspects of a job which are believed to be having an impact on their health.

### **SUPERVISOR / MANAGER / HEAD OF SERVICE**

- Ensure employee is aware and has access to Attendance at Work Procedure.
- To review and ensure all absence from work is appropriately reviewed, recorded and discussed with employee.
- To ensure, as far as possible, their employees' health, safety and wellbeing at work. Taking action to alleviate situations causing concern.
- To maintain accurate iTrent absence records via People Manager.
- To appropriately and accurately refer to Occupational Health.
- To maintain contact with employee during period of absence.
- To review opportunities for alternative work and discuss these with employee and seeking Occupational Health input as appropriate.
- To input doctor's notes/Fit Notes in iTrent. The employee is to keep the original copy of the Fit Note once this has been entered onto iTrent.
- Conduct return to work meeting for each period of absence regardless of the length, ensuring employees suitability to return to work.
- Manager to input Return to Work meeting date into iTrent, under stages and send an electronic copy to HR for filing.
- Send copies of all letters (which have been sent to employees) to HR for their employee file.

### **OCCUPATIONAL HEALTH AND HR**

- To provide support to managers and employees to facilitate return to work, access to support needed or ongoing interventions which prioritise the wellbeing of the individual and their return to work in the shortest timescale.
- Provide advice and guidance to managers for discussion and review concerning the impact of an employee's health on their ability to carry out their role.
- Support managers in identifying and understanding interventions and options

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available to support their teams' ability to maintain their attendance in work.

- Assess employees' health status for roles with particular health requirements.
- Obtain employee medical records (with the employee's written permission) in order to provide more support to the employee and manager.
- Facilitate access to interventions that can support employees such as “healthy you” initiatives such as stop smoking etc. and utilising the Reasonable Adjustments Guidance.
- HR support managers in reviewing and managing absence in line with the process.
- HR Business Partner to review any decisions to dismiss an employee with Head of Service to ensure consistency of decision making.

### TRADE UNIONS

- Support and advise their members at work
- Advise members of their responsibilities regarding the policy

### WORK COLLEAGUE SUPPORT

- Support work colleagues (cannot advise)
- Cannot answer questions on their behalf

### Additional Information

#### Equality Act 2010

Consideration when managing absence must be given to the Equality Act 2010. This defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities. Long-term means that the effect of the impairment has lasted or is likely to last for at least **twelve** months. Where an employee has a disability or medical condition that is considered under the Equality Act 2010, the council will make reasonable adjustments to help such employees carry out their job, and to have the same opportunities to perform well and develop during their employment as any other employee.

\* Please note that throughout the procedure, where there are lists of options, these lists may not be exhaustive.



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Length of Absence - timescales

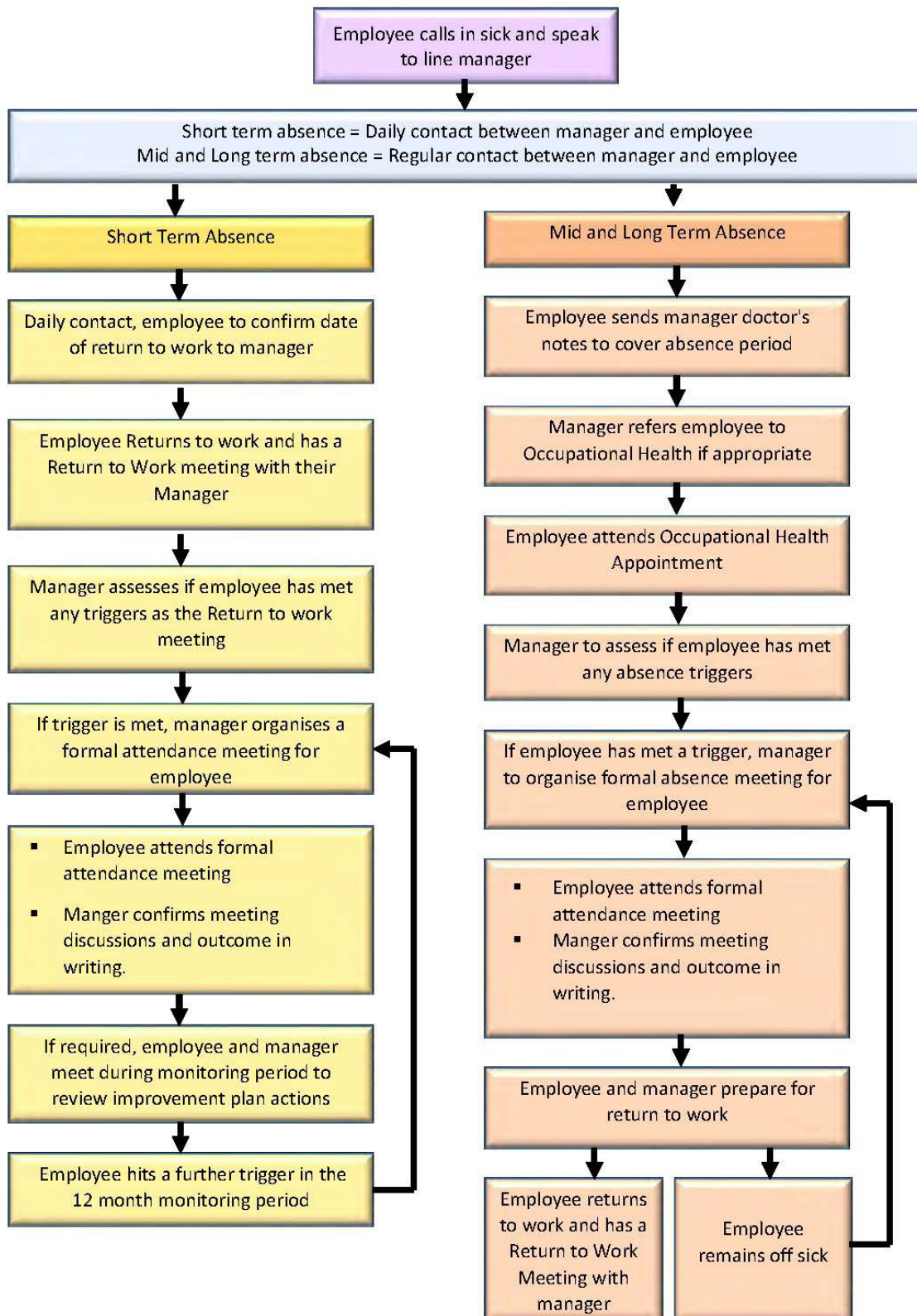
1 - 7 days – short term absences

8 - 27 days - mid-term absence

28 days or longer – long term absence.

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## Attendance at Work Process Flowchart



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Employee Actions - calls in sick.

Employees must phone their line manager as early as possible and within the first hour of expected usual attendance at work (where reasonably practical). Texts and emails are not permitted unless it is a previously agreed reasonable adjustment. If the employee's line manager is unavailable, then a message must be left with a phone number on which they can be contacted on that same day. The employee will be expected to answer the phone and have that discussion with their line manager. If the employee's line manager is on holiday or absent from the workplace, then the employee must contact their manager's manager / senior manager.

Manager's Actions –

Employee calls in sick: [Reporting Absence Form](#) Manager to enter the absence on iTrent Refer to Occupational Health if required Occupational Health Referral Form Establish Duration of absence Over 7 days – Fit Note required from a medical practitioner Under 7 days – Self Certification

Employees' Responsibilities:

Employees should expect to maintain regular contact with their manager through the period of absence Should the absence period or reason alter, it is the employee's responsibility to inform the manager ASAP Employees are expected to provide consecutive fit notes on or as soon as possible on expiry of a previous certificate

Manager's Responsibilities - Return to Work

Organise and conduct attendance management meetings Managing return to work process – this is to be completed for all absences regardless of length of absence Review of individual's absence data – have any absence trigger levels been reached? – (refer to trigger levels) Managers to undertake a Return to Work meeting and utilise the [Return to Work Form](#) Return to Work completion to be recorded on iTrent, under stages via People Manager Absence to be ended on iTrent via People Manager

## Reporting sickness absence

- If an employee is unable to attend work due to illness, they must phone and speak to their line manager as soon as possible and within the first hour of expected usual attendance at work (where reasonably practical). Please note that texts and emails are not permitted unless this is a reasonable adjustment and has been pre-authorised.
- If the line manager is unable to take the call from the employee, then the employee must leave a message with a contact phone number on which they can be contacted on, the same day. The employee will be expected to answer the phone and have a discussion with their line manager.

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- Employees should expect their managers to ask them a number of questions when they are reporting an absence from work. These questions may be revisited by the managers on all calls that follow the initial absence reporting.

## **Recording sickness absence**

- Manager to input doctor's Notes/Fit Notes in iTrent. The employee is to keep the original copy of the Fit Note once this has been entered onto iTrent.
- All absence is to be recorded on iTrent People Manager. It must be entered on notification of absence, updated as received and at the end of the absence period. Please refer to the Denbighshire website for iTrent People Manager Guidance on Recording and Managing Absence.
- It is important that the correct reason for the absence is captured in the system.

## **Contact during absence from work**

The manager and the employee are expected to make and maintain regular contact for the duration of the absence.

The manner, frequency and pattern of contact will be discussed and considered at the start of the absence process and reviewed on a regular basis. Contact may be considered necessary on a daily, weekly, fortnightly, or monthly basis or as appropriate to the circumstances of the individual absence. During periods of short term absences then contact could be considered daily, during periods of long term absences then contact should be considered weekly / fortnightly / monthly.

Contact should be directly between the employer and the employee, unless there are exceptional circumstances which have been discussed and agreed beforehand.

## **Occupational health referrals**

Criteria for referring an employee to Occupational Health:

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- Stress, depression, anxiety – If the cause is work related then managers and employees should complete a stress questionnaire. The stress questionnaire should be used as a tool to identify work related concerns for the manager to address. If not work related and the request is for counselling only, then please inform the employee of the counselling services available through the EAP through VIVUP.
- Long term absence (28 days or more) - If an absence begins as short term and subsequently progresses into a long term absence, an employee will then need to be referred to ensure any support or advice can be provided.

Please note, for Musculoskeletal conditions, managers will need to directly refer employees to Physio Therapy themselves. Please refer to the 'Physio Employee Referral Form – for Managers' on Linc (intranet).

## How to refer to the Occupational Health

The Management Referral for Occupational Health Sickness Absence Assessment Form is located on the Occupational Health Intranet pages on Linc.

Managers need to provide enough information to Occupational Health concerning the employee's reason for absence and any other relevant wider circumstances that are applicable.

To facilitate an Occupational Health review of the employee's absence, Managers should make it clear what they would like the Occupational Health intervention to involve, for example:

- Establish detailed understanding of absence type and cause so Occupational Health and the manager can review the next steps as appropriate
- Manager can gain a full (as appropriate) understanding of the condition and duration to support them in exploring opportunities such as:
  - Supported return to work options, including restricted/light duties/phased hours
  - Alternative duties (within team, service or organisation)
  - Home working (If operational requirement allows)

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Occupational Health are required to work with managers to ensure there is a full understanding of what an employee can undertake so managers can make informed recommendations based on business practicalities.

In order to help support the employee and line manager, occupational health can also request written copies of medical reports or records (with the employee's written consent).

Occupational Health and managers are expected to professionally seek clarification and challenge views based on each party's understanding of the situation. This is to ensure employees are fully supported within the context of their health and wellbeing and ability to attend work.

## **Occupational Health Appointments**

### **Refusal to attend**

Should an employee refuse to attend Occupational Health appointments or interact with Occupational Health, it will be considered that the employee is being obstructive to the overall ability for a manager to support the employee and consider all aspects of the absence in a fully informed way. Any decisions concerning the employee's future employment will be made considering the information available at that time.

In addition, should the information be vital to the manager being able to review the employee's absence and situation, then removal of enhanced (occupational) sick pay can be considered at this point.

### **Non-attendance at Occupational Health appointments**

If an employee repeatedly does not attend scheduled Occupational Health appointments after two non- attendances the employee can be charged for their non-attendance for any future appointments unless a reasonable notice or explanation can be provided.

Repeated non-attendance can also result in the removal of enhanced (occupational) sick pay.

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If an employee does not attend scheduled Occupational Health appointments the manager will be notified. Non-attendance and the reasons will be taken into account when deciding the course of action regarding the management of the employee's sickness absences at any formal attendance meetings.

### **Counselling**

Please note that that if an employee requires counselling, they will need to contact VIVUP (Employee Assistance Programme) not Occupational Health. The service free of charge for the employee and they do not need permission to use VIVUP.

Employees can speak to a professional

counsellor or information specialist in confidence. VIVUP is available 24 hours a day, 7 days a week, 365 days a year and is accessible by phone or online.

A free telephone helpline is available 24/7 365 days a year – 0800 0239387

Username and password details can be accessed via the Occupational Health page on the Intranet (LINC) or by asking your line manager, Occupational Health or Human Resources.

### **Fit Notes**

Employees must provide a Fit Note from their GP on the 8<sup>th</sup> day of absence and from then on until they return to work. There must be no gaps in dates between fit notes i.e. if a term time only employee is absent over half term, the Fit Note should cover this week as well.

It should be noted that fit notes are considered guidance from the GP to the employer, and whilst advice stated must be considered, there may be times where it is not possible to adhere to it.

It is the employee's responsibility to make sure they have an adequate doctor's note (Fit Note) to cover the full period(s) of absence. If an employee doesn't provide the required

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certificates by the stipulated date then following written notice from a manager, the period of absence will be unpaid and the individual would be subject to the disciplinary procedure.

Managers are required to input Fit notes onto iTrent. The employee is to keep the original copy of the Fit Note once this has been entered onto iTrent.

See Returning to work during periods of treatment for further information.

### Returning to work

There are a number of options available when an employee is intending to return to work. For an employee who has been off with a short term absence with no long term or on-going effects, they will be expected to return to work to their normal hours and role immediately.

For an employee who has been off for a short, mid or long term period who either has outstanding effects and/or needs time to readjust to returning to work or managing on-going aspects, the manager and employee can explore how and what the return to work involves, such as:

- Adjustments to the working environment – temporary or permanent.
- Flexible working i.e. hours of work, patterns of work – temporary or permanent.
- Phased / managed return to work – these need to be appropriate to allow the person to contribute to the role they are returning to. These are not typically any longer than 4 weeks, unless exceptional circumstances. Managers can seek guidance from Occupational Health. Refer to Phased Return to Work Procedure, which can be found on the Linc under Occupational Health.
- Alternative employment either on a temporary or permanent basis.

### Returning to work whilst covered by a Fit Note

If an employee wishes to return to work in the duration in which they have been signed off via a Fit Note from a medical practitioner, they **do not** need to be 'signed back' to work. However, if the employee works in a position where there is a need to ensure the



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employee is fit to undertake their role safely, e.g. DVLA rules re LGV/PCV drivers; it is appropriate for the employee to ask a medical practitioner to provide them with a medical certificate declaring they are fit to return to their permanent duties.

### Return to work meetings

It is important that managers prepare for the return of an employee to the workplace. Managers need to ensure that they are fully aware of the terms that an employee is expecting to return to work under and that they completely consider if these expectations are reasonable and acceptable for the service. For employees who may be covered by the Equality Act 2010 managers are advised to seek HR support in reviewing the return to work process and refer to the Reasonable Adjustments Guidance where appropriate.

Managers must hold a formal return to work meeting with the employee, regardless of the length of absence and for each period of absence, using the [Return to Work Form](#). A return to work meeting is to take place on the first day an employee returns to work, where possible, however it is expected that a return to work interview is completed within 7 days of an employee returning to work.

Managers must record that a return to work interview has taken place and input the date in iTrent, under absence stages. This is mandatory for every period of absence regardless of the length. Managers must send an electronic copy of the Return to Work Form to HR for the employee file.

### Absence trigger points

It is a manager's responsibility to address any concerns about an employee's level of non-attendance, **regardless** of whether they have hit any of the triggers. Employees should expect managers to be questioning their absence from work, the reasons, reviewing the use as appropriate of annual leave, flexi and workload at all stages when they have been absent from work.

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Managers have access to absence data on their teams through the Absence Dashboard and iTrent. For schools monthly reporting provides current data on their school's absence data.

## Trigger levels:

- 3 separate sickness absences of any duration in a 3-month period
- 5 separate sickness absences in a 12-month period
- A total of 12 days' absence in a 12-month period (pro rata for part time employees)
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.

## How to calculate triggers for part-time and term time employees

- 3 x separate sickness absences of any duration in a 3-month period.

Part time & Term Time Employees:

Each occasion of absence within the 3-month period will count, regardless if the employee may work part time or term time.

As long as the employee's working pattern is correct on iTrent, it will automatically recognise the part time or term time working periods and calculate the number of absences.

- 5 x separate sickness absences in a 12-month period.

Part time & Term Time Employees:

Each occasion of absence within the 12-month period will count, regardless if the employee may work part time or term time. As long as the employee's working pattern is correct on iTrent, it will automatically recognise the part time or term time working periods and calculate the number of absences.

- A total of 12 days' sickness absence in a 12-month period (pro rata for part time

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employees).

Part time & Term Time Employees:

The employee's working pattern on iTrent will automatically recognise the employee's part-time or term time working periods and calculate the number of days absent.

E.g. If an employee works 18 hours per week, then you would follow their pro rata calculation below:

**Step 1:**       $\frac{18 \text{ (working hours)}}{37} = 0.4864$  (full time hours)

**Step 2:**       $0.4864 \times 12 \text{ (working days)} = 5.83$

**Step 3:**      5.83 is the confirmed pro rata day's calculation

- A pattern of absence that causes concern. The cause for concern will be determined by manager / Head Teacher etc.
- Single episode of 4 continuous weeks or more. Regardless if employee works full time, part time or term time, the reference to four continuous weeks is to calendar weeks, not any work pattern.

## Absence to be closed off on iTrent

Please refer to Trent guidance – Recording and Managing Absence which can be found on the Denbighshire website.

## Managing absence

### Short term, frequent, persistent absence (1-7days) and Mid-term absence (8-27 days in length)

Short / Mid-term, persistent or frequent absences are usually minor illnesses, which can often be unconnected, ranging from a single day to under 4 weeks.

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## Long term Absence (28 days or more)

Long term absence is regarded as any absence where an employee is away from work for a period of four weeks (28 days) or more. This can be distinguished from frequent short term absence in that it is continuous and/or can be traced to an underlying medical condition

If an employee is absent, or are likely to be absent, for a period of four weeks or more, the manager must refer the employee to Occupational Health using the **Management Referral for Occupational Health Sickness Absence Assessment Form**

The purpose of the occupational health referral is to:

- Obtain information from the employee regarding the medical condition and the employee's ability to attend work.
- Establish a return to work date.
- Enable occupational health to provide a continual support mechanism during the employee's absence and provide any assistance during the return to work process

The use of triggers, outlined within this procedure, will allow managers to monitor the levels of attendance and provide a consistent and appropriate method of taking action in order to improve attendance. When an employee's absence meets a trigger then the manager should hold a formal attendance meeting. Managers should monitor triggers after an absence and on a monthly basis for those absences which are long term.

For Example:

Employee A has an absence which then causes them to hit a trigger point – A formal Stage 1 Attendance meeting is held, the discussion and conclusion of this meeting will be:

- Consideration of any reasonable adjustment / support
- Set an improvement plan
- Employee's absence will be monitored for the following 12 months from start date of the last absence

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- The employee will be informed that if a further trigger is met within the monitoring period the manager will consider the following options:
  - the employee will move to the next formal stage of the process
  - consider any other reasonable adjustments / support
  - Re-convene stage one meeting and develop further action plan

Please note triggers are calculated over the previous 12 month rolling period. The monitoring period is the 12 months from the start date of the last absence.

## Managing absence related to a disability

The Equality Act 2010 says a person is disabled if they have “A physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities”. The Equality Act 2010 places a duty on the council to make reasonable adjustments to employment arrangements and/or premises to accommodate the needs of an employee who has a disability. Long-term means that the effect of the impairment has lasted or is likely to last for at least twelve months.

Where an employee has a disability or medical condition that is considered under the Equality Act 2010, the council will consider reasonable adjustments to help such employees carry out their job, and to have the same opportunities to perform well and develop during their employment as any other employee.

A ‘reasonable’ adjustment may include:

- Allowing an employee to work reduced or different hours
- Allowing an employee to work partly from home
- Flexible working
- Changing an employee’s start and finish times to accommodate travel arrangements
- Providing specialist equipment or auxiliary aids

The above list is not exhaustive, there may be a range of other reasonable adjustments which can be considered, please refer to the Reasonable Adjustment Guidance and discuss these options with your HR Specialist / Business Partner.

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If an employee has a disability that may affect attendance at work, the employee should inform their manager and discuss their individual needs so that the manager may work with the employee to support attendance. If the employee discloses that they have a disability, this will help the manager to support them.

All absences that are disability related will be monitored in line with this procedure and will be recorded in line with the trigger system.

## **Disability leave**

Disability leave is used for the purposes of rehabilitation, treatment and assessment, and is for a fixed period or periods of time that the employer and the employee know about in advance. In other words, it is pre-planned and there is a fixed end date for the leave.

It is not intended for when the employee is not well enough to come in to work. Disability leave is also suitable for absences of a short period of time that are needed on a regular basis.

Where it is likely that an employee is unable to return to their normal duties, to facilitate a return to work, reasonable adjustments will be discussed so that these can be put in place prior to a return, and a risk assessment undertaken. Where all reasonable adjustments have been made, and the employee is still unable to return to their substantive post, then consideration will be given to applying the Redeployment Procedure.

For further details, please refer to the Time off Work Policy for disability leave and entitlements.

## **Carer Protection**

Under the Equality Act 2010 carers are protected from discrimination by virtue of their caring association to a disabled person. It is advisable for employees to ensure a line

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manager is advised of any caring responsibilities if this is likely to affect an employee's attendance.

### **Ill health retirement**

If an employee is a member of the Clwyd Pension Scheme, the employee may be eligible for early retirement on the grounds of ill- health. Further information is available via Clwyd Pension Scheme, Occupational Health or via the Denbighshire website.

### **Non-attendance at work due to other medically related procedures**

#### **Non Elective - Medical appointments – GP/ Dentist /Optician/ Hospital (This list is not exhaustive)**

Employee's attending a planned **hospital appointment** should seek management approval to attend prior to the appointment date. Managers can ask for proof of the appointment, failure to provide this may result in the employee having to take unpaid time off or annual leave.

If you are pregnant and attending **antenatal appointments** or if you are attending routine cancer screening you will be able to take the time off with pay.

#### **Employees on Flexi-time**

Routine medical appointments, including dental appointments should be taken in the employee's own time, and be taken outside of the working day whenever possible.

#### **Appointments without pay (time not credited)**

Where it is not possible to attend an appointment in their own time, employees are able to attend medical and personal appointments during the normal working day subject to adequate office cover. Employees are required to clock out for such appointments and will not be credited for this time.

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## Appointments with pay (time credited)

Employees attending hospital appointments will be required to clock out for such appointments and will be credited for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be required to clock out for such appointments and will be credited for this time.

Employees who require time off to give blood to the National Transfusion Service will be required to clock out for such appointments and will be credited for this time (as long as the needs of the Service are met before the line manager agrees to the time off).

## Employees not on Flexi-time

Employees should endeavour to arrange routine medical appointments, including dental appointments, outside of normal working time. Where this is not possible, reasonable time off with pay will be granted.

Employees attending hospital appointments will be granted reasonable time off with pay for this time. Hospital appointments which are half a day or more will be classed as sick leave.

Employees attending routine cancer screening will be entitled to time off with pay.

Employees who require time off to give blood to the National Transfusion Service will be allowed reasonable paid time off (as long as the needs of the Service are met before the line manager agrees to the time off).

For further information on the above please refer to the Time off Work Policy which can be found on the intranet.



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## Elective Procedures

### Gender reassignment

Should employees plan and arrange elective procedures they will be considered absent from the workplace under the Attendance at Work Procedure. When the individual is absent for treatment or surgery, then normal sick pay arrangements (Occupational and SSP) or absence arrangements should apply. The normal policy for medical appointments should also apply, flexibility should be offered in taking holiday or rearranging working hours in order to attend medical appointments. Where a sick note is required, it does not need to state the procedures performed. Managers are able to select a box within iTrent People Manager which will not display the reason for sickness in any subsequent reporting.

### IVF treatment

IVF treatment often requires 8-10 attendances at a clinic and can involve one or both partners concerned to attend. Within a rolling 12-month period there is an allowance up to the equivalent to 3 days (or pro rata to 60% of contractual working time for part time staff). On occasions the treatment may require extensive travel and by prior agreement the time off can be extended to the equivalent to 5 days (37 hours) within the 12 month rolling period. If any additional time off is required, this would be taken as annual leave or flexi.

Please refer to the Time off Work Policy for further details which can be found on the Denbighshire website. [Pregnancy related](#)

It is good management practice to ensure that an early pregnancy risk assessment is carried out with a pregnant employee. Adjusted duties or other reasonable measures should be explored with pregnant employees who are at risk of being absent. Managers must ensure they are reviewing the initial risk assessment throughout the pregnancy.

Absences related to a pregnancy will not count towards the trigger system. If an employee is off sick due to a pregnancy related aspect in the four weeks leading up to

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the expected birth of the baby, then the employee's maternity leave will commence early.

For further information on the above please refer to the Parental Leave policy which can be found on the Denbighshire website and the Health and Safety pages which are available on the intranet (Linc).

## **Domestic Abuse**

Domestic abuse is best described as the use of physical and/or emotional abuse or violence (including undermining of self- confidence) sexual violence or the threat of violence, by a person who is or has been in a close relationship. Anyone can be the victim of domestic abuse and it can take many forms.

Domestic abuse affects people in their place of work and can result in absenteeism, decreased productivity and poor performance. It can also lead to unhealthy stress levels of employees that may affect their overall health.

Employees are encouraged to advise their line manager or Occupational Health if they are experiencing domestic abuse and discuss the support they may need at work. Managers and or Occupational health, once aware of the underlying causes of the absence, should take this into account when taking steps to manage absence and apply this and other relevant policies.

Please refer to the Domestic Abuse Policy which is available on the Denbighshire website for further details.

## **Returning to work during periods of treatment**

If an employee has a long term condition in accordance with the Equality Act 2010 which requires treatment but the employee feels that they are capable of working and wants to work, then the employee can ask their GP for a Fit Note.

# Procedure – Attendance at work

This Fit Note must outline the hours and days that an employee can / or is able to work.

Hours of work must be reasonable, for example employees will not be permitted to work for one hour per day and this option will be time bound for a maximum period of three months, which will be regularly reviewed during that three-month period. At the end of the three-month period the employee will either return to work on their contractual hours of work or if they are still unfit for their duties they will need to remain off sick.

Benefits to the employee:

- The employee's sickness record will be reduced as the absence will be not be counted towards sickness, given that they are still in work.
- Does not affect current pay and employees will receive their contractual pay for this period.
- The employee still feels part of the team and is able to work around their treatment.

If an employee wishes to access the above, they must speak to their line manager and HR Business Partner to see if they are eligible. All other absence in relation to this condition will be managed under the attendance at work process.

A HR Business Partner will need to be involved at all stages.

This process will be reviewed in relation to this procedure after 12 months from implementation date of this procedure.

## Formal Meetings

### Identification of sickness absence triggers being reached

- 3 separate sickness absences of any duration in a 3-month period
- 5 separate sickness absences in a 12-month period
- A total of 12 days' absence in a 12-month period (pro rata for part time employees)
- A pattern of absence that causes concern (i.e. regularity, day of week or type of absence)
- Single episode of 4 continuous weeks or more.

# Procedure – Attendance at work

## Manager

### 1<sup>st</sup> Formal Absence Meeting

#### Outcome of meeting:

- Consider reasonable adjustments and support
- Employee not to hit further triggers within a 12 month monitoring period, from the start date of the last absence.
- Set improvement plan.
- Offer right of appeal

#### Options for consideration if the employee meets another trigger:

1. Move to stage 2 of the process.
2. Consideration of any other reasonable adjustments.
3. Reconvene stage one and develop further improvement plan.

#### Offer right to appeal

See Corporate Appeals procedure

## Middle Manager

### 2<sup>nd</sup> Formal Absence Meeting

#### Outcome of meeting:

- Consider of reasonable adjustments and support
- Employee not to hit further triggers within a 12 month monitoring period, from the start date of the last absence.
- Set improvement plan.
- Offer right of appeal

# Procedure – Attendance at work

## Options for consideration if the employee meets another trigger:

1. Move to stage 3 of the process.
2. Consideration of any other reasonable adjustments.
3. Reconvene stage two and develop further improvement plan.

## Offer right to appeal

See Corporate Appeals procedure

## Head of Service

### 3rd Formal Absence Meeting

#### Outcome of meeting:

- Dismissal on grounds of absence capability.
- Consider any other reasonable adjustments and support.
- Offer right of appeal

#### Options for consideration if employee meets another trigger:

1. Reconvene stage three and develop further improvement plan.
2. Dismissal on grounds of absence capability.

## Offer right to appeal

See Corporate Appeals Procedure

## Guidance for managers – conducting a formal attendance meeting

This guidance is applicable to conducting 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> formal attendance meetings.

### Who will be present / manage the formal attendance meeting?

- The manager will conduct all of the Formal Attendance Meetings at stage 1 and 2 and when required supported by a HR Officer; the 3rd meeting will be

## Procedure – Attendance at work

conducted by the Head of Service

- The Head of Service will conduct all of the Formal Attendance Stage 3 meetings and will be supported by a HR Business Partner – a possible outcome from this meeting could be dismissal.
- The employee can bring a union representative or DCC colleague.

### Arrangements for the formal attendance meeting

- All arrangements and relevant invites must be produced by the manager.
- The employee should be formally invited to the meeting – [Invite to Formal Attendance Meeting Letter](#). This should be issued a minimum of 5 days before the meeting, providing 2 copies of any relevant paperwork relevant to the meeting. The employee has the right to be represented at this meeting by a Trade Union Representative or work colleague.
- Manager prepares all of the information concerning absence history to demonstrate the fact that the employee has met one of the trigger levels.
- Ensure adequate time is put aside for the meeting.
- Ensure that an appropriate confidential area is available for the meeting.
- Ensure that sufficient notes are taken of the meeting. These notes are the basis for the manager formulating the [Outcome of Formal Attendance Meeting Letter](#). Should the manager require a note taker this should be arranged by the manager (HR do not undertake this role). Please ensure a copy of the outcome letter is sent to HR for the employee file.

### The purpose and content of the formal attendance meeting:

- Review the employee's level of sickness absence
- Determine if the absence is work related or not? Is there any underlying cause?
- Consider reasonable adjustment and support required
- Examine what actions have been taken to date to reduce their level of sickness absence
- Make referral to Occupational Health for assessment and/or support
- Ascertain the nature of current absence for those off sick in the process and if and when they are likely to return to work

## Procedure – Attendance at work

- Agree an improvement plan
- Inform the employee that their attendance will be monitored over the next 12-month period, if a further trigger is hit again within the monitoring period the manager will consider the following options:
  - the employee will move to the next formal stage of the process
  - consider any other reasonable adjustments / support
  - Re-convene stage one/two/three meeting and develop further action plan

The outcome of the meeting is to be confirmed in writing within 5 days of the meeting, including advice on the appeals process. Where targets and an improvement plan are issued, the letter should include details of the improvement plan, the monitoring period and how progress will be monitored, any reasonable adjustments to be made, any support available and depending on what stage the procedure is at, that any failure to improve attendance could ultimately lead to dismissal.

### Stage 3 Attendance Meeting –

Please note: A Stage 3 meeting should be conducted as per the guidance above, however it is important to note on the invitation letter to the meeting that an outcome to this meeting could be dismissal.

### The improvement plan and setting targets

Managers should think through the following aspects when they are considering the setting of targets within the improvement plan:

- An improvement plan should consist of actions that are realistic, reasonable and achievable and that they are reflective of the absence experience to date. Consideration should be made against the requirements of the Equality Act 2010 and given targets that provide reasonable adjustments.
- The employee is aware of the possible consequences of not meeting targets set within the improvement plan.

Examples of targets within the improvement plan:

- Improved attendance, i.e. no further triggers met
- To submit fit notes in a timely manner

## Procedure – Attendance at work

- To attend any hospital /specialist appointments, keeping your line manager up to date with progress
- To attend Occupational Health appointments
- To attend a review meeting if necessary. Date to be specified within the improvement plan. Targets must not include the following:
  - No absence within the agreed improvement plan and /or 12-month monitoring period
  - Absence less than x days within the agreed improvement plan and / or monitoring period

### Monitoring periods

- The monitoring period is a 12-month period (from the start date of the last absence) and must be discussed with the employee along with the expectations of them during the monitoring period.
- The employee knows where to go for help and support during the monitoring period.

If the employee reaches another trigger point within the 12-month monitoring period, the next steps will need to be considered, either at the return to work meeting or during the employee's continuing absence. The manager may conclude that the next steps are as follows:

Move to the next stage of the process (This can only happen if the employee has met a further trigger) Consideration of any other reasonable adjustments

Reconvene the current stage and develop further improvement plan

### Absence dashboard – Managers only

- The absence Dashboard can be found in the desktop page under the icon heading sickness reports and absence reports.
- The absence data is drawn directly from iTrent so it is reporting the most up to date absence data.
- Guidance on accessing the Dashboard and its reports can be found on the home page or by contacting HR.



## Procedure – Attendance at work

- All Managers are able to access DCC and Service top level information on the absence position.
- Managers will also be able to access the RAW data for their reporting teams.
- The reporting structures for the Dashboard are based on iTrent reporting structures. Directors have access to all levels of data. Heads of Service have access to all data pertaining to their service.

## Pay when absent from work whilst sick

- Unauthorised absence is unpaid. Absences which are 7 days or more must be covered by a doctor's note (Fit Note). It is an employee's responsibility to make sure they have an adequate doctor's note (Fit Note) to cover the full period(s) of absence.
- Following written notice from a manager, if a medical certificate is not provided by a stipulated date, the period of absence will be unpaid and the individual would be subject to the disciplinary procedure.
- The organisation may, with notice, refuse to continue to pay enhanced (occupational) sick pay for certificated or un- certificated absence from work. For example, where an employee continues to participate in outside work activities which have a repeat impact on their health and ability to attend work, or if an employee refuses to attend an occupational health appointment or engage with occupational health.

## Suspension on medical grounds

On return to work or planned return to work, should a manager have serious concerns about an employee's fitness to work, they may suspend the employee on medical grounds. Managers will need to consult both HR and Occupational Health to ensure guidance on decision and next steps are provided. Managers must also inform Payroll immediately after the suspension has taken place.

Suspension is on full pay and is for a period whilst further medical advice from a medical practitioner and Occupational Health is sought/provided.

# Procedure – Attendance at work

## Annual leave

Should an employee fall sick during a period of annual leave, then the annual leave can be taken at another time subject to the following conditions:

- The employee notifies their manager on the first day of the sickness.
- The absence period regardless of length must be certified by a qualified medical practitioner.
- Where an employee is overseas when he/she falls ill or is injured, evidence must be produced that the employee has made an insurance claim for medical treatment received at an overseas location.

## Annual leave accrual

Employees who are off long term sick still accrue their holiday entitlement and they can choose to take annual leave during a period of absence. An employee needs to complete the 'Request for annual leave during long term sickness form' which is attached to the Annual Leave Guidance (available on the Denbighshire website) and this will need to be in agreement with their manager.

If an employee does go on holiday during a long term period of absence they need to take this period as annual leave. It should be noted that employees should not engage in activities that are:

- Inconsistent with their stated reason for absence
- Have a detrimental effect on their recovery
- May worsen/prolong their absence

Should it transpire that an employee has undertaken an activity that proves detrimental to their recovery, this may result in the removal of enhanced (occupational) sick pay.

Please refer to the Annual Leave Guidance which is available on the Denbighshire website for further information.

## **Procedure – Attendance at work**

### **Grievance raised during other proceedings e.g. attendance, disciplinary, redundancy etc.**

There may be occasions where an employee, who is subject to another procedure, raises a grievance. The way in which this is handled will depend on the facts of each case. An assessment of the facts should take into account how the grievance is related (if at all) to the matter in hand.

Whether or not the grievance and the ongoing case are associated will be determined by the appointed Deciding Officer of the case.

#### **Where the grievance and the other case are related**

In exceptional circumstances it may be appropriate to temporarily hold the ongoing proceedings while the grievance matter is investigated further. The aim here is to establish whether the complaint has a material impact on the case and eventual outcome.

Be mindful that other ongoing proceedings should not be delayed unnecessarily.

#### **Where the grievance and the other case are not considered to be related**

In such cases it is advised that both cases are dealt with separately and that they run concurrently. The proceedings of the case in question may not be impacted by the grievance raised and should therefore be able to continue as planned.

Refer to the Grievance Procedure for details relating to the grievance process.

### **Appeals process**

Please refer to the Corporate Appeals Procedure which is available on the Denbighshire website.

### **Absences as a result of a third party or Industrial injury**

In the case of an industrial injury, Corporate Health and Safety must be informed immediately and an accident/incident report form must be completed and recorded in all

## Procedure – Attendance at work

cases. Please refer to the Corporate Health and Safety pages on Linc for further information. Managers must record the absence as 'Industrial Injury' within iTrent People Manager. This will inform Payroll that an industrial injury has taken place and the employee will receive any sick pay entitlements in accordance with their terms and conditions of employment.

Absences of this type are still monitored and will count towards trigger calculations.

If any employee is actively making a personal claim with regards to an accident caused by a third party (i.e. personal injury) please inform the Payroll section.