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ATTENDANCE MANAGEMENT AND ILL HEALTH CAPABILITY PROCEDURE

Table of Contents

PURPOSE 2

SCOPE..... 2

KEY PRINCIPLES..... 2

ROLES AND RESPONSIBILITIES 2

MANAGING SICKNESS ABSENCE 2

APPEAL..... 5

GUIDANCE FOR EMPLOYEES MANAGERS 6

PURPOSE

The purpose of this procedure is to set out the framework by which short and long-term sickness absence will be addressed.

SCOPE

This procedure applies to all employees of Eckington Parish Council who perform the function of the employer.

KEY PRINCIPLES

This procedure is in accordance with legislative requirements and ACAS guidance and is also an adaption from the Derbyshire County Council policy in place at the time of implementation.

- The aim of the procedure is to promote high levels of attendance at work which will in turn lead to better levels of service provision.
- Following this procedure will enable sickness absence issues to be addressed in a fair and consistent manner so that employees can achieve and maintain a satisfactory level of attendance at work. The Council will provide appropriate support for employees who are absent due to sickness.
- Abuse of the sickness scheme will be dealt with under the Council's disciplinary procedure.
- Employees have a right to be accompanied at every stage of the process, normally by a colleague or trade union representative.
- Employees will be given a minimum of 7 calendar days' notice, in writing, of all formal meetings held under this procedure.
- Reasonable adjustments should be considered for employees where relevant, in accordance with the Equality Act 2010.

ROLES AND RESPONSIBILITIES

- The Chair of the Council is responsible for managing the Clerks sickness absence.
- Line Managers have responsibility for managing sickness absence of their employees.
- Private HR will provide advice and guidance as appropriate up to stage 2 of the process.
- Where required a representative from a private HR company will accompany the Manager from stage 2 of the procedure onwards.
- Manager and employee guidance supplement this procedure.

MANAGING SICKNESS ABSENCE

Sickness reporting

- Employees have a responsibility to report their sickness absence as set out below.
- Day 1 – Employee telephones their Line Manager to report absence by 9.30am, the Line Manger will inform the Clerk within 2 hours. Clerk to inform the Chair of the Council of sickness absence.
- Day 4 - Employee updates line manager on nature/duration of the absence.
- Day 8 – Employee, if still absent, provides a medical certificate.

- Where an employee fails to comply with these timescales line managers should contact the employee to discuss the absence.

Return to work discussion

- Return to work discussions will take place within 2 working days of an employee returning to work regardless of the length of absence. With their Line Manager.
- The discussion will be “face to face” wherever possible. Where this is not practicable, the discussion may take place via telephone.
- After the meeting the return to work documentation will be completed where appropriate.
- Consideration should be given as to whether a review meeting is appropriate as detailed below.
- Employees have a right to be accompanied at formal meetings, normally by a colleague or trade union representative.

Review process

- Managers should review absences when the triggers have been reached (pro rata for part-time staff):
- Short term intermittent absence (8 calendar days in any rolling 12-month period) or
- Long term absence (28 calendar days in any 12-month period) or
- Where there is other cause for concern on the level or pattern of absence.
- Managers will make a record of all discussions, meetings and actions taken, ensure they are placed on the personal file and give a copy to the employee.

Stage 1 Informal Meeting

- At the meeting considerations will include:
 - The employee’s absence record
 - The reasons for absence
 - Up to date medical information provided by the employee.
 - Referral to Occupational Health, physiotherapy or counselling where appropriate.
 - Temporary alternative duties where these would allow an employee to return to work.
 - Ending the process where the employee has returned to work and no further action is necessary.
 - Setting a review period of 1 to 3 months, dependent on circumstances.
 - Employees have a right to be accompanied at formal meetings, normally by a colleague or trade union representative.
- At the end of the review period there must be a discussion with the employee which should include:
- The actions taken in Stage 1
 - Steps the employee has taken to improve their attendance.
 - Current available medical information, including information from the employee and any Occupational Health report where appropriate.
 - Reasonable adjustments if these would help the employee to return to work or improve their attendance at work.
 - Referral to Occupational Health where this has not previously been done.
 - Reinforcement of the operational effects of absence from work.

- Removal from the process where attendance has improved to a satisfactory level or the employee has returned to work.
- Moving to Stage 2 of the meeting.
- Employees have a right to be accompanied at formal meetings, normally by a colleague or trade union representative.

Stage 2 Meeting

- The employee should be invited to a formal meeting to discuss their sickness absence. At the meeting considerations will include:
 - Reviewing information in relation to the employee's sickness.
 - Reviewing the outcomes of all earlier meetings
 - Further referral to occupational health.
 - Reasonable adjustments where appropriate.
 - Redeployment where the Occupational Health Physician has stated the employee is fit for alternative duties.
 - Ill health retirement where appropriate.
 - Setting a further review period and advising the employees that if their attendance at work does not improve or there is no return to work within a set timescale (1 to 3 months, dependent on circumstances), it may be necessary to arrange a Capability Hearing, the outcome of which may be dismissal.
 - Employees have a right to be accompanied at formal meetings, normally by a colleague or trade union representative.
- At the end of the review period there must be a discussion with the employee which should include:
- Reviewing information about the employee's sickness.
 - Discuss the potential implications of their continued level of absence, which may lead to a Capability Hearing.
 - Where attendance has improved or where further information is awaited, extending the review period.
 - Consideration of removal from the process where attendance has improved to a satisfactory level or the employee has returned to work.
 - Employees have a right to be accompanied at formal meetings, normally by a colleague or trade union representative.

Stage 3: Capability Hearing

A capability hearing should be arranged if attendance at work has not improved to the required standard or if a return to work date has not been agreed. The employee should be advised in writing of the requirement to attend a formal hearing and be provided with a statement of case a minimum of seven calendar days prior to the hearing. Employees have a right to be accompanied at formal meetings, normally by a colleague or trade union representative.

The hearing will be chaired by the Parish Clerk and a representative from a private HR company will advise. The decision of the Chair will be notified at the hearing. The Chair of the Council will chair the Clerks capability hearing.

Outcomes may include:

- Dismissal with notice (redeployment may be sought in appropriate circumstances).
- Final written warning.
- Further review period to allow time for attendance to improve.

A letter confirming the outcome of the hearing will be sent to the employee within 7 calendar days.

APPEAL

The employee has a right of appeal:

- An appeal against dismissal is to the Chair of the Staff Working Party and this must be registered in a letter to the named Councillor within 7 calendar days of receipt of the written notification of the hearing decision.
- An appeal against any other outcome will be heard by any other Council member of the Staff Working Party and must be registered in a letter to the named Councillor within the same timescales as above.

The employee will receive a reply to the appeal letter within 7 calendar days, acknowledging the registering of the appeal which will take place as soon as practicable. There will be a minimum of 7 calendar days' notice of the appeal date.

Any statements of case or evidence on which either management or the employee wishes to rely on, will be provided to the Appeal Panel and other party at least 7 calendar days prior to the hearing.

A legal advisor will be present at any appeal against dismissal.

The employee has a right to be accompanied at the appeal, normally by a colleague or trade union representative.

The employee will be informed of the outcome of the appeal in writing within 7 calendar days. The outcome is the final stage within the Council's procedures.

