Hampshire County Council is committed to supporting the wellbeing of employees and promoting attendance at work. The policy outlines the framework for managing sickness absence and the steps managers and employees must take to ensure attendance remains at an acceptable standard.

Scope

All employees employed by a Hampshire County Council department (i.e. outside of schools) on the following terms and conditions;

- EHCC
- Soulbury
- Teachers

How to use this document

This document is not part of the formal policy. Instead it provides additional information to help you as a manager with the practical day to day application of the policy.

It is expected that you will have an understanding of the Managing Sickness Absence Policy prior to using this guide.
Roles and responsibilities

As the manager you are responsible for:
- adopting a pro-active approach to wellbeing to prevent sickness absence amongst your employees
- using the portal to check employees are recording their sickness absence on the system
- reviewing sickness absence records on a regular basis to identify concerns and decide on appropriate action
- applying the Managing Sickness Absence Policy accurately and consistently
- tracking and progressing management of frequent short term sickness through case management
- informing HR Operations when progressing to stage two of the Policy
- considering adjustments and deciding whether to implement them where reasonable to do so
- maintaining confidentiality
- arranging meetings as necessary
- drafting and issuing of letters, reports and documentation with HR support as necessary

All employees are responsible for:
- adopting a pro-active approach to their individual wellbeing to prevent sickness absence
- attending work unless unfit to do so
- seeking to improve their attendance
- using ESS lite to record their sickness absence as soon as possible
- applying the Managing Sickness Absence Policy accurately
- engaging and co-operating with the process, including referrals to Occupational Health

The HR person who is supporting the manager is responsible for:
- advising on policy application
- supporting with case management
- advising on the completion of letters, reports and relevant documentation
- attending meetings in an advisory capacity
- HR does not perform a decision making role

Occupational Health are responsible for:
- receiving referrals from management and reviewing employees
• requesting medical information
• making recommendations in line with the needs of the service

The trade union representative or Hampshire County Council work colleague is responsible for:
• supporting their member/colleague
• attending meetings or ensuring meetings are covered and not delayed
• supporting a fair and equitable application of the policy

They may make representations, submit papers, ask questions and address a meeting on behalf of the employee. They may not answer questions on behalf of the employee.
**Part One - Framework for managing sickness absence**

There will be times when your employees are unable to attend work due to sickness. They may not have met a trigger point; however, these absences must still be managed effectively and consistently through this framework. This section provides information about the everyday queries you may have.

### Reporting sickness absence and keeping in touch

An employee is responsible for reporting their sickness to you prior to their start time. You will agree with the employee whether continuing sickness absence will be reported on a daily basis or whether the employee is to re-contact you in a specified number of days time.

You may have local reporting procedures which better suit the needs of your service. If so, make sure your employees are aware of the process they must follow.

### Recording sickness absence

The employee is responsible for recording their first and last dates of sickness absence and the reason, using the list provided. Where they experience difficulties in using ESS lite, they can contact the Customer Interaction Centre who can provide guidance on using the system. Where they do not have access or there is an error, the Customer Interaction Centre can raise a query on their behalf.

Where an employee is too unwell to record their absence themselves, you can complete the general query e-form to instruct the IBC to enter the absence on the employee’s behalf.

Using the portal, you are responsible for checking an employee has correctly entered their sickness absence and following this up with them where they have failed to do so, as appropriate.

### Statement of Fitness for Work

An employee is responsible for providing you with a Statement of Fitness for Work from their medical practitioner in a timely manner. You should scan a copy for the ePF and give the original back to the employee for their own records.

The statement indicates whether an employee is:

- not fit for work for a specified period
- fit for work subject to one or more of the following adjustments
  - phased return
  - altered hours
  - amended duties
  - workplace adaptations
The Statement of Fitness for Work is not binding on employers and therefore you are responsible for considering whether adjustments can or can not be made. This should be done by:

- discussing the advice on the statement with the employee and possible options available
- considering how it affects the job and the workplace
- considering the functional comments where any of the return to work boxes are ticked and any other action(s) that could help the employee return to work
- risk assess, monitor and review as agreed
- seeking further advice from Occupation Health as required (through a referral or simple telephone call to the Manager’s Advice Line)

If you decide the adjustments can be made and a return to work is possible, this forms part of the phased return to work plan.

However, if you decide the adjustments can not be made, explain to the employee the reasons for your decision and clarify that they are therefore unfit for work for the duration of the current statement. The employee does not need to obtain an alternative statement; they simply continue to be unfit for work until the adjustments are no longer required. They may however need to obtain further statements in due course, as and when their certificate expires.

An employee does not need a statement to say they are fit to return to work. However, the doctor can indicate whether they wish to see the employee before they do.

**Return to work discussion**

The length and detail of the discussion should be proportionate to the reasons and length of absence. You should meet or make contact with an employee upon their return to work. Use this as an opportunity to check they are fit to return, provide an update on any work aspects and discuss the impact of their absence on their work.

If appropriate complete a return to work form to record the discussion and save on the ePF.

**Referral to Occupational Health (OH)**

Short term frequent absence is often due to unrelated ad-hoc illness and therefore a referral is not always necessary during the early management of absence concerns.
If, however, there are concerns of an underlying condition, the absences are for the same illness or you are moving into the later stages of formal management, then you may want to seek OH advice to inform your decision making.

You should meet with the employee to discuss the reasons for the referral and the process. The referral is made through completion of a form. Let the employee know that they are expected to engage in OH assessments and attend appointments.

Adjustments may relate to contractual hours, working patterns, the working environment or duties of the role (sometimes known as restricted duties).

Temporary adjustments may be identified between yourself and the employee, or by OH. Permanent adjustments should be supported by OH advice. Either way, you are responsible for deciding what adjustments can be accommodated. In making this decision you may want to consider whether the employee is likely to have a disability. A person has a disability for the purposes of the Equality Act 2010 if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities.

It is more likely that a temporary (as opposed to permanent) adjustment may be needed in relation to short term absence. You should capture any temporary adjustments as part of a phased return to work plan which lasts for a maximum of 4-6 weeks. Any extension beyond this should only be in exceptional circumstances and be supported by OH advice. Where there has been a reduction in hours, during an extension the employee’s pay normally reduces to reflect this. You must complete the Request Employee Record Change e-form accessed through the portal to arrange this.

The Reasonable Adjustments Policy and Managers’ How to Guide can help you with your responsibilities in this area.

Occupational annual leave and bank holidays accrue whilst an employee is off sick and they must have the opportunity to use this annual leave either upon their return to work or during their period of sickness absence, if they wish to do so.

Where an employee wishes to substitute a period of sickness
absence for annual leave, you must complete the on-line general query form to instruct the IBC to make the changes required.

The accrual and carry forward of annual leave is less likely to be an issue in relation to short term absence as it is not likely to build up. Therefore, carry forward of leave is usually preventable. Make sure you discuss the booking and taking of leave with all your employees, especially those with high sickness absence.

However where annual leave is being carried forward, you are responsible for creating the carry forward quota using the portal.

**Working whilst off sick**

There may be situations where an employee has more than one role / employment and due to the difference in nature of the two roles, is off sick from one whilst still being able to work in the other.

However, where an employee is off sick from a role, it is not acceptable for them to work in a second role, either for the Council or for another employer, during the normal working hours of the first role. If appropriate you should manage any concerns of this nature through the application of the Managing Misconduct Policy.
Part Two - Managing Absence - Frequent short term absence

Use this section to manage an employee’s frequent short term sickness absence once you have identified it is of concern.

What to do when a trigger point is met

The trigger points for frequent short term sickness are:

- 6 working days/shifts* over two or more occasions in the previous 12 month period**
- Whenever the level, frequency or pattern of absence causes a concern due to operational impact

* pro rata for part time employees and those in their first year of service
**the previous 12 month period is calculated from the first day of the current absence.

You must review the absence record and decide on an appropriate course of action. You must record this decision.

When reviewing the record consider the following:

- patterns of absence
- whether it is a discrete, isolated event or do you have concerns of frequent absence which has a negative impact on the service / workload
- discussions taken place during return to work interviews
- whether informal or formal absence management has already started
- absences that may be work related
- manager’s discretion – for example in the case of planned operations, courses of treatment and underlying chronic illness
- conditions covered by the Equality Act 2010
- exclude absence due to pregnancy related illness or authorised absence such as compassionate leave, time off for dependents

Then decide on a course of action:

- no current concern - continue monitoring
- absence is at a concerning level - monitoring discussion
- absence is sufficiently serious to move straight to formal stage one
- a warning has already been issued – consider progressing to the next stage
### Policy stages

There are five possible stages:
- informal monitoring discussion
- formal stage one
- formal stage two
- formal stage three
- appeal

There is a shortened procedure for employees with less than two years service.

### Informal monitoring discussion

You will normally seek to resolve absence issues with an employee informally through a one-to-one monitoring discussion. For the avoidance of doubt, you must make it clear to the employee that the meeting is the informal stage of the Managing Sickness Absence Policy and not a day today discussion.

The employee has no statutory right to be accompanied at the discussion, however, a request to be accompanied by a Trade Union representative, or Hampshire County Council work colleague may be considered in exceptional circumstances.

### How to run an informal monitoring discussion

You must
- set out the nature of the attendance concern
- ask the employee to explain their reason for absence/s and if they are receiving any medical treatment
- establish what the employee has done to address the issue
- ask the employee whether there is any support, training or reasonable adjustments that might help them
- decide on an outcome

### Possible outcomes of the informal monitoring discussion

- the employee is given an explanation of why their current absence level is a cause for concern
- the employee is told how their attendance needs to improve and this may include the setting of an attendance target
- a timescale is set within which an improvement needs to take place and a review meeting scheduled
- a referral is made to OH
- support or training is agreed
- a clear statement is made that a failure to improve may lead to formal action in line with this procedure

Use the Record of Informal Discussion form to keep a summary
of the discussion. Working with the employee, you may also find it helpful to draft an action plan which reflects the key outcomes from the discussion and associated timescales. Share the record with the employee and keep a copy on the ePF.

<table>
<thead>
<tr>
<th>How to progress from a monitoring discussion to the formal stage</th>
</tr>
</thead>
<tbody>
<tr>
<td>If you are not satisfied that an employee’s attendance has met the standard required following a monitoring discussion, or if an initial improvement is not sustained, this should be progressed to the formal stage.</td>
</tr>
<tr>
<td>There may be circumstances in which you feel the employee’s absence is sufficiently serious to progress straight to the formal stages without a monitoring discussion taking place.</td>
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</tbody>
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<table>
<thead>
<tr>
<th>How to invite an employee to a formal stage meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>You must write to the employee to invite them to a formal meeting. The letter must give up to 9 calendar days notice of the meeting.</td>
</tr>
<tr>
<td>Use the template letter to ensure you include all the necessary information.</td>
</tr>
<tr>
<td>If you are progressing to a stage two meeting you must contact HR Operations if you have not already done so.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Right to be accompanied</th>
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</thead>
<tbody>
<tr>
<td>The employee has the right to be accompanied at a formal meeting or appeal meeting by a trade union representative or a Hampshire County Council work colleague.</td>
</tr>
<tr>
<td>It is the employee’s responsibility to arrange their own companion and advise management of this.</td>
</tr>
</tbody>
</table>

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<tr>
<th>Alternative date</th>
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<tbody>
<tr>
<td>An alternative date is automatically scheduled for within 9 calendars days of the first. All reasonable efforts should be made by the employee and their companion to attend the first scheduled date but where this is not possible due to availability, the alternative date will be used.</td>
</tr>
<tr>
<td>If the employee is unable to attend or fails to attend the re-arranged meeting, this will normally go ahead in the employee’s absence.</td>
</tr>
</tbody>
</table>
### Who chairs the formal meeting

<table>
<thead>
<tr>
<th>Stage</th>
<th>Chair of the meeting</th>
<th>Adviser to the chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage one</td>
<td>Employee’s Line Manager</td>
<td>None</td>
</tr>
<tr>
<td>Stage two</td>
<td>Employee’s Line Manager or other Manager</td>
<td>HR Adviser</td>
</tr>
<tr>
<td>Stage three / Less than two years service</td>
<td>Employee’s Second Line Manager or other Senior Manager</td>
<td>HR Adviser</td>
</tr>
</tbody>
</table>

Other meeting attendees may include:
- the employee and their representative
- where the manager is not the chair of the meeting, they (or a management representative) attend to present the absence concerns and actions taken to date.

### What information should be shared

You and the employee are expected to provide details of any significant issues and relevant papers in advance of the meeting.

A simple record of the absences and notes of previous discussion may be all that is required during the early stages of the process. Alternatively a template management report is available to help you compile the relevant information if necessary in more complex cases and at stage three. The length and detail of this report is proportionate to the absence concern and the stage in the procedure.

The record or report is normally supplied with the invitation letter.

The employee, or their companion, must submit their information to arrive at least **4 calendar days** before a meeting.

You must provide the employee with two copies of any documents that will be used in advance of the meeting, one for them and one for their companion.

### How to run a formal meeting

The chair of the meeting must:
- identify the sickness absence concerns and discuss the measures put in place during any previous stage of the procedure, referring to any documents or evidence – or ask the manager to do so
- ask the employee to respond, referring to any
documents or evidence
• all parties may ask questions
• adjourn the meeting, if necessary, to consider the evidence and decide on the outcome
• keep a written record of the meeting
• inform the employee of the decision

Possible outcomes of a stage 1 and 2 formal meeting

The chair of the meeting will decide whether:
• no formal action is required - and the required improvement and/or alternative action is stated or
• a written warning is issued
  o stage one: first written warning up to 12 months
  o stage two: final written warning between 12-24 months or
• the previous warning is extended

The length of the warning depends on the nature of the absence, whether there is a belief that the absence may reoccur and whether a warning at the same stage has previously been issued.

Discuss the following with the employee in order to support them to achieve an improvement;
• the improvement in attendance required, any attendance targets and the associated timescale within which this should be achieved
• any other actions for the employee e.g. following the correct reporting procedure or pro-active steps to improve their health and well-being and the timescales within which these should be achieved
• any additional support or training to help the employee achieve the attendance standards required
• schedule dates for review meetings
• whether a referral to OH is appropriate
• whether any reasonable adjustments need to be considered
• whether redeployment opportunities will be explored and explain the key stages of the redeployment procedure (this is for medical redeployees where OH has advised that the employee is not capable of continuing in their current role)
• confirm that the employee has the right of appeal against the outcome

Working with the employee, you may also find it helpful to draft
an action plan which reflects the key outcomes from the meeting and associated timescales. Share the record with the employee and keep a copy on the ePF.

Possible outcomes of a stage 3 formal meeting

The chair of the meeting will decide whether;
- no formal action is required – and the improvement required and/or alternative action is stated or
- the previous stage 2 written warning is extended or
- dismissal on the grounds of medical capability with contractual notice is appropriate or
- dismissal on the grounds of medical capability with contractual notice and engagement of the Redeployment Policy as appropriate

Where the decision is not dismissal, the employee will be supported to achieve an improvement as per the list above.

How to confirm the decision

The chair of the meeting must send a letter to the employee to confirm the outcome. Use the template letter to ensure you include all the necessary information.

The letter will be sent ideally on the same day as the meeting but if not within 4 calendar days and a copy placed on the ePF.

Where the outcome is dismissal on the grounds of medical capability, HR Operations will complete the Leaver Notification and Termination Payments form.

Review meetings

Following the issuing of a formal warning, you must hold review meetings with the employee and a final review meeting at the end of the warning period. Initially these should be every 4 weeks however you may wish to decrease the frequency where an improvement is being sustained. These meetings enable you to monitor progress and provide feedback to the employee. Use the review meeting to establish whether there is a need to progress to the next formal stage.

How to progress through the formal stages

Progression through the formal stages will normally occur where absence continues to be a concern whilst a written warning remains active. You do not have to wait until the end of the action plan or warning period if there are concerns early on.

However, where there is a history and pattern of absence over a prolonged period of time which continues to give cause for concern, despite there not being an active warning, there may be grounds upon which to move to any stage of the procedure.
A history of absence may be identified by a record of previous written warnings and / or where there is evidence to show the employee is unable to sustain regular and committed attendance.

**Right of appeal**

If the grounds for the appeal are unclear, you should ask the employee to clarify the specific reasons and evidence.

**How to invite an employee to an appeal meeting**

You must write to the employee to invite them to a formal meeting. The letter must give **up to 9 calendar days** notice of the meeting.

Use the template letter to ensure you include all the necessary information.

The employee has the **right to be accompanied**. An **alternative date** will be arranged.

**Who chairs the appeal meeting**

<table>
<thead>
<tr>
<th>Stage</th>
<th>Chair of the meeting</th>
<th>Adviser to the chair</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal against formal warning</td>
<td>One senior manager</td>
<td>HR Adviser</td>
</tr>
<tr>
<td>Appeal against dismissal</td>
<td>Two senior managers</td>
<td>HR Adviser</td>
</tr>
</tbody>
</table>

**How to run an appeal meeting**

The chair of the meeting will:

- ask the employee or their companion to present their appeal referring to any documents or evidence
- ask you to respond to the appeal and present the grounds upon which previous decisions have been made, referring to any documents or evidence
- invite questions from all parties
- adjourn, if necessary, to consider the evidence and decide on the outcome
- let the employee know the outcome at the end of the meeting
**Possible outcomes of an appeal**

- the appeal is not upheld and the previous decision remains
- the appeal is upheld and an alternative outcome is decided

If the employee is reinstated on appeal after a previous dismissal, the employee’s service is continuous and any loss of pay between dismissal and reinstatement is paid. HR Operations are responsible for contacting the IBC to make these arrangements.

**How to confirm the appeal decision**

The chair of the meeting must send a letter to the employee to confirm the outcome. Use the template letter to ensure you include all the necessary information.

The letter will be sent ideally on the same day as the meeting but if not within 4 calendar days, and a copy placed on the ePF

**Less than two years continuous service**

Where an employee with less than two years service meets the trigger points you must review the absence record and take the same factors into consideration as you would for those with longer service, especially conditions covered by the Equality Act 2010 (see section What to do when a trigger point is met).

Where a formal warning is issued and there is no subsequent improvement, or an improvement is not sustained within the first two years, a further formal meeting will need to be held to consider dismissal. However be careful if an employee has moved into their third year of service, as the full procedure will now need to be applied and this warning will now count as a stage one warning.

**Support**

Managers:

Information about work-related health matters can be accessed by visiting Fit for Work.org

Occupational Health Manager’s advice line will help with health related queries prior to making a referral or during a case process. 023 8062 6600 (0900-1600 weekdays)

Other queries can be directed to HR Operations at hradvice@hants.gov or on 01962 813975