

Supporting Attendance Policy and Procedure

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Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process	Joint Trade Unions Employee Equality Forum	
Stakeholders	Contacts identified for each service	
	Joint Trade Unions Employee Equality Forum	CMT Managers Employees
Distribution		

Date	January 2021	Author	Tracy Simpson, Simpsontr@northlan.gov.uk
Key Changes made	<i>Early Support Procedure New Procedure for Short Term/Long Term Absences New Employee Wellbeing Information Reasonable Adjustments Protocol Clear Guidance on "Red Book" terms and conditions Supporting Attendance toolkit to replace Separate Guidance Note</i>		

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	<u>5.11 Suspension on Medical Grounds</u> <u>5.12 Suspension on Pregnancy Related Grounds</u> <u>5.13 Annual Leave and Public Holidays in relation to Sickness Absence</u>
<u>Section 6</u> Confidentiality, and Handling Sensitive Information	<u>6.1 Data Protection</u> <u>6.2 Medical Assessments</u> <u>6.3 Use and Retention of Absence Documentation</u>
Supporting Attendance toolkit	<ul style="list-style-type: none"> All of the template letters, forms and additional guidance referenced in this document are available here
Related Documents	<ul style="list-style-type: none"> Appendix 1 –Absence Stages – Short and Long Term Appendix 2 - Reasonable Adjustments Protocol Appendix 3 – Occupational Sick Pay Provisions

Section 1.

1.1 Introduction

North Lanarkshire Council is committed to supporting employee attendance at work to ensure the Council is equipped with a workforce that has the organisational capacity and capability to provide current and future service delivery needs.

The Council values and recognises the significant contribution made by employees at work and that the good health and wellbeing of its workforce and the provision of a healthy work environment are essential to achieving low levels of absence. The Council is fully committed to providing a range of health and wellbeing interventions and support to help our employees to be happy, healthy and motivated at work.

In return, the Council expects employees to take responsibility for supporting and improving their own health and wellbeing, take advantage of wellbeing opportunities and actively seek support where and when required to ensure that they maximise their attendance at work.

It is however recognised that there will be occasions when an employee is absent from work due to a period of sickness absence or ongoing ill health. The Council aims to ensure that all such absences are managed in a fair, sensitive, and consistent manner that takes into account the employee's individual situation and operational requirements.

1.2 Scope

This policy is applicable to all employees, irrespective of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. The policy does not apply to teachers for whom a separate, comparable policy exists.

1.3 Legislative Framework and Associated Council Policies

This policy and procedure complies with the legal requirements set out in the Equality Act 2010, Employment Rights Act 2008, and Access to Medical Reports Act 1988, Data Protection Act 2018, and Health and Safety at Work Act 1974.

This Policy and Procedure should also be read and applied in conjunction with other Council policies/frameworks such as Smarter Working, Special Leave, Mental Health & Wellbeing, and Workforce Change.

1.4 Key Principles

The overall key principles of this policy/procedure are to:-

- Create and maintain a culture that promotes health and wellbeing of our employees;
- Promote and maximise attendance at work for all employees, including those affected by ongoing ill health;
- Work in partnership with Trade Unions and employees to achieve the aims of the policy and to support and improve health and attendance levels across the organisation;
- Provide effective but fair and consistent standards and procedures for the management of sickness absence and ill health; ensuring a positive impact on service provision;
- Ensure that managers take the appropriate action necessary to help reduce levels of sickness absence; whilst recognising the individual circumstances of each case, and achieving the correct balance between supporting employees and taking action;

- Ensure that employees are provided with information and support that will help them improve their health and wellbeing; whilst ensuring they understand what actions may be taken to manage poor levels of attendance.

1.5 Policy Implementation and Monitoring

The Policy and Procedure for Supporting Attendance will be implemented in accordance with general provisions contained within this document and through application of the relevant processes.

A separate Supporting Attendance Toolkit supports the policy and procedure and contains standard template letters, documentation and guidance that can be used at all stages of the process. Section 7 of this policy contains the link to this information. Employee Relations (ER) will support and advise managers in implementing the policy and procedure.

The effectiveness of the policy will be monitored through regular reporting of relevant sickness absence management information to the council's Corporate Management Team and Elected Members.

1.6 Key Roles and Responsibilities

Responsibility for implementing and complying with the provisions of this policy and associated procedures lie with individuals at all levels of the council. Those responsibilities and roles are defined below.

Employees

- Be aware of and understand the requirements of the Supporting Attendance Policy and fully engage with the process including attending absence related meetings, referrals to Occupational Health and consideration of other interventions/support measures to help support a return to work and maximise attendance.
- Take personal responsibility and appropriate measures to manage their own health and wellbeing, including seeking medical advice, and bring any health or work related issues to the attention of their manager at the earliest opportunity. This also applies to employees that are working from home.
- Follow the Council's **notification and certification procedures (Section 5.1)** for reporting absence; including the timeously submission of fit notes if required and maintaining regular contact as agreed with their manager.

Service Managers/Line Managers

- Monitor and manage individuals and teams attendance levels and be responsible for applying the terms of this policy fairly and consistently, taking account of individual circumstances.
- Ensure employees are aware of and understand the requirements of the Supporting Attendance policy and communicate the expected standards to employees on a regular basis.
- Create a working environment that encourages good attendance and gives employees the confidence to raise any concerns they have about their health or work related issues at an early stage to try and prevent unnecessary absences.
- For those who experience ongoing ill health, ensure they feel supported yet understand the need to maintain the required level of attendance at work.
- Ensure employees are aware of the notification and certification procedures for reporting absence and the potential consequences of not adhering to these.

- Maintain regular contact with an employee throughout the duration of a long term absence, the level of contact will depend on the circumstances of the absence, but as a minimum this should be every four weeks.
- Arrange and conduct meetings with employees to discuss their attendance levels and take appropriate action in accordance with the policy. Appropriate action may include referrals to occupational health, adjustments to duties, phased returns, flexible working, and attendance warnings.
- Have an up to date understanding of their responsibilities in terms of making reasonable adjustments where an employee is disabled in line with the Equality Act 2010.
- Treat information regarding an employee's health in a sensitive and confidential manner taking account of the Data Protection Act 2018.
- To manage health and safety in the workplace with the aim of minimising sickness absence and to take appropriate action, where necessary, to address any concerns.
- To participate in training related to supporting attendance.

Corporate Management Team/Heads of Service

- Ensure Service/Line Managers are applying the terms of the policy including monitoring individual's attendance levels and undertaking all relevant meetings as appropriate.
- Review Council/Service sickness absence data and trends based on monthly and quarterly returns.
- Monitor sickness absence by service area on an ongoing basis using monthly data
- Determine as necessary, the requirement for targeted interventions in service areas with higher levels of sickness absence.
- Ensure Service/Line Managers are trained in applying the policy & procedures for Supporting Attendance at work.
- Monitor action being taken by managers in respect of cases where trigger levels have been reached and further action is required.
- Undertake Formal meetings as required by the policy.

Trade Unions

- Support and advise members through processes related to the Supporting Absence Policy, recognising that a positive approach to absence management helps to create safe and healthy workplaces, to assist individuals to obtain the maximum benefits from the agreed arrangements and sustain attendance at work.
- Support the implementation of the policy and work with management, HR, and any other professionals that may be necessary when representing their members during the process.
- Support members to engage and comply with the Supporting Attendance Policy.
- Participate in and contribute to Supporting Attendance and other Wellbeing initiatives and work in partnership with management to assist in reducing absence levels across the organisation and promote safe and healthy workplaces.

Employee Relations

- Provide ongoing advice to managers and employees on the application of policy and procedure taking into account legal obligations and professional best practice.

- Attend meetings related to the formal stages of the supporting attendance process (as appropriate) and provide procedural advice.
- Liaise with the Council's Occupational Health provider and provide support and advice to managers on the preparation of medical referral documentation and case management of complex absence cases as necessary.
- Prompt managers as necessary on outstanding actions including in particular, attendance review meetings and referrals to occupational health.
- Facilitate training in partnership with Talent & Organisational Development for managers on the application of the policy and procedures.
- Monitor and report on levels of sickness absence and attendance overall, and lead initiatives to reduce sickness absence across the organisation in partnership with the HR Business Partner team and Talent & Organisational Development.

Section 2. Key Stages of Supporting Attendance

2.1 Early Support

The purpose of early support is to provide assistance to an employee at an early stage of an absence or potential absence, as evidence shows early support mechanisms can aid an employee's recovery and increase the likelihood of a full recovery.

The manager should arrange an Early Support discussion with the employee as soon as the employee raises a concern or when the manager is concerned. The manager should try to establish any immediate support that might be provided to either prevent an absence or assist the employee's recovery and allow an earlier return to work. This is an informal discussion and it is important that the discussion is conducted in a supportive and constructive manner.

The employee can choose not to take up the offer of early support however the manager should note that the offer was made.

Section 3 provides information on some of the types of support mechanisms that can be offered to an employee, however there are certain circumstances where specific support should be offered as soon as reasonably possible, these are outlined below.

Mental Health Support

Where an employee reports an absence or potential absence due to a psychological condition in particular stress, the manager should encourage the employee to complete the Stress Assessment (this is particularly important where workplace issues are identified). The employee should also be signposted to the Employee Counselling Service or other appropriate support services.

There may also be occasions when an immediate referral to occupational health would be appropriate, advice on this should be sought from ER. Further information on how to support employees experiencing poor mental health including work related stress can be found in Section 3.

Where an employee considers that the line manager is the cause of their stress and as such does not wish to discuss it directly, the manager should direct them to another manager or other appropriate person to ensure the matter is addressed.

Physiotherapy Support

Where an employee reports an absence or potential absence due to a musculoskeletal condition, the manager should try and establish if a referral to the Council's Physiotherapy

provider would be appropriate or whether any temporary adjustments to duties would assist the employee's recovery and either prevent an absence or allow for an earlier return to work.

Temporary Adjustments/Alternative Duties

In order to prevent an absence or facilitate an earlier return to work managers should consider whether adjustments to an employee's existing duties or some alternative work could be undertaken. I.e. a driver is taking medication that makes him unable to drive for 6 weeks but can do other duties. If the service can accommodate this and the employee is willing then a clear timescale for any adjustments or alternative duties needs to be agreed.

Any adjustments or alternative duties should be for a limited period of time. If the employee considers they remain unable to fully carry out their duties advice should be sought from occupational health with a view to establishing a longer term solution in accordance with the appropriate policies/procedures.

2.2 Contact with employee during sickness absence

Employees have a responsibility to adhere to the Councils notification and certification procedures throughout the duration of an absence. In addition to this they are also required to fully engage with the Supporting Attendance procedures including attending meetings, occupational health appointments and any other appointments that the Council deem necessary to help maximise the employees attendance.

Managers must ensure that employees are reminded of their responsibilities at an early stage and advised that failure to follow the notification and certification procedures and/or refusing to engage with the Supporting Attendance procedures may result in Disciplinary action being taken or a decision being made on their continue employment based on the information that is available.

Whilst employees have a responsibility to adhere to the Council's notification and certification procedures, in order to ensure effective and timeous management of sickness absence, it is critical that managers make arrangements for early, regular, and face to face contact with an employee who is absent from work.

A record of any telephone contact should be held by the manager and face to face meetings should take place in accordance with this policy. Managers must ensure they have appropriate systems to retain and retrieve information regarding an employees' absence, taking confidentiality and the requirements of Data Protection into account.

Any meetings should normally be held at the employee's place of work or any other suitable Council establishment. However there may circumstances where holding the meeting in a work venue is not possible. In such instances, other suitable arrangements may be made.

2.3 Availability during sickness absence

Employees who are absent due to sickness are expected to make themselves available for meetings and medical appointments. They must notify their manager of periods when they will be unavailable for contact visits, medical referrals, etc. and the reason for this. If an employee intends to take a holiday then they must discuss this with their manager. Further information on using annual leave during sickness absence can be found in Section 5.13.

Details of the initial (and subsequent contact) with the employee should be recorded on the Sickness Absence Recording Form contained in the Supporting Attendance toolkit.

2.4 Absence Recording and Monitoring

Managers must record an employee's absence on iTrent through MyTeam. This should be done on the first day of absence and should include an expected end date if known and the reason for the absence.

Where an employee is required to provide a "fit note" the manager must also record this information and monitor the submission of "fit notes" where the absence is long term to ensure the employee is submitting these in a timeous manner and there are no gaps in dates of cover.

Work Related Absence

Where an employee advises that the absence is work related this also needs to be recorded in iTrent. If an employee's reason for their absence is work related stress, there are some immediate actions a manager must take to address this. Further information on this is contained in Section 3.4.

Guidance on how to record an absence on iTrent can be found [here](#).

2.5 Return to work Discussion

Return to work discussions are used to welcome the employee back to the workplace, provide an opportunity to discuss the cause of the absence, ensure the employee is fit to return and identify and address any problem that may be causing or contributing to the absence. If there are concerns about the employee's level of attendance this must also be discussed at the return to work meeting and further appropriate action taken if required as outlined below.

A return to work discussion must be conducted after each period of sickness absence for every employee, every time (irrespective of the reason for sickness absence). It must take place on the first day that the employee returns from being off sick, or as near as possible to that date.

Where an employee works in Council premises then the return to work discussion should be held face to face, however if the employee predominately works from home or is unable to travel then the discussion can take place remotely, and should be arranged in accordance with Section 2.7.3 below.

For more information on conducting meaningful Return to Work Discussions, please see the associated Guidance Note contained within the Supporting Attendance toolkit.

2.6 Absence triggers for Attendance Review Meetings

When an employee reaches any of the triggers detailed below the manager must hold an attendance review meeting with the employee and take appropriate action in accordance with the absence stages detailed below.

- 3 occasions* of sickness absence in a rolling 12 month cycle,
- 8 days or more cumulative absence* in a rolling 12 month cycle, or
- A continuous absence of 2 working weeks.
- A continuous absence that exceeds 4 working weeks - 29 calendar days (pro rata for part time) (long term absence)

*An occasion of sickness absence is defined as a minimum of half the working day and is based on the employee's working day.

*Cumulative absence refers to the total number of days absent accrued over more than one period of absence i.e. not one continuous absence of 8 days.

2.7 Absence Stages

Both short and long term sickness absences will be managed through a 3 stage formal process which a manager must follow. There is a difference in when the formal stages are instigated and the outcomes that apply to each stage, however ultimately whether the absence is short or long term the sustainability of an employee's attendance levels will be the deciding factor.

When dealing with a long term absence managers should make contact with an employee as early in the process as possible and the early support mechanisms outlined at 2.1 should be explored.

As a minimum the manager must ensure that an attendance support meeting is arranged when the employee's absence is anticipated to exceed 4 weeks as detailed above.

Any meetings conducted under this policy must be arranged taking into account any reasonable adjustments the employee may require in accordance with the Equality Act 2010.

The process to be followed is outlined below however further guidance on when and how the formal stages should be undertaken is contained in the Supporting Attendance toolkit.

2.7.1 Formal Attendance Review Meeting

Where an employee has reached a trigger as at 2.6, either as a result of short term absence, continuous absence or a combination of both, action must be taken by the manager in the form of the appropriate "Stage" attendance review meeting as outlined in the process below. There are 3 formal stages to this process.

- Stage 1 - Attendance Review Meeting – to be held when an employee's absence reaches a trigger point within a rolling 12 month period or on reaching 8 weeks of a continuous absence.
- Stage 2 - Attendance Review Meeting – to be held when an employee's absence again reaches a trigger point within a rolling 12 month period or on reaching 13 weeks of a continuous absence.
- Stage 3 – Capability Meeting - to be held when an employee's absence again reaches a trigger point within a rolling 12 month period or on reaching between 24 and 36 weeks of a continuous absence (this may take place earlier or later depending on the circumstances of the case).
- Before this meeting a review of the case must be undertaken by the manager in discussion with Employee Relations to ensure appropriate action up to that stage has been taken. Unless there are grounds for discretion or other mitigating circumstances an employee will be terminated on the grounds of capability due to unsustainable levels of attendance or ill health.
- ER must be in attendance at this stage however they can provide support at an earlier stage if required.

It should be noted that an individual's employment may be terminated before sick pay entitlement is exhausted. Equally, an individual's employment will not automatically be terminated on exhaustion of sick pay entitlement. Each case will be dealt with on its own merits and taking into account the nature of the employees condition and, where appropriate, the requirements of the Equality Act 2010.

Managers must confirm the outcome of any formal meetings in writing to the employee. Template letters and further guidance are contained in the Supporting Attendance toolkit. For ease of reference Appendix 1 attached provides a flowchart on the above process.

2.7.2 Attendance Support Meetings

In addition to the formal attendance review meetings above, it may be appropriate to hold attendance support meetings. These are particularly important for long term absences (i.e. to discuss referrals to occupational health, or to obtain an update on the employees condition), but may also be used to discuss any concerns about an employee's attendance prior to formal action or review any supports or adjustments that may have been put in place.

Further guidance on these meetings and the formal absence stages is contained in the Supporting Attendance toolkit.

2.7.3 Conducting Meetings Remotely

Where an employee is predominantly working from home or unable to travel absence meetings can take place remotely i.e. via video or telephone, as long as the employee agrees to this.

When arranging a remote meeting managers must ensure that both theirs and the employee's environment allows for this and that the meeting is conducted in the same professional and confidential manner it would be if it was held face to face. Both parties should also ensure that noise levels and interruptions are kept to a minimum.

Consideration must also be given to any adjustments the employee may require in accordance with the Equality Act in the same way as would be considered for face to face meetings.

At the start of the meeting employees and their companion must be advised that recording of the meeting is strictly prohibited unless by mutual consent of both parties. Any covert recording of meetings will not be considered as part of any future Council proceedings.

2.7.4 Combination of Short and Long Term Absence

Where an employee's absence changes from being long to short term or vice versa, progression through the stages of the procedure will continue taking account of both types of absence.

Short Term to Long Term Absence

For example where an employee is already on a Stage 1 for short term absence, and then is absent due to a long term absence for 8 weeks within the monitoring period will progress to Stage 2. The manager should review the absence history, the reason for the absence and if appropriate refer to occupational health before deciding proceeding to the next stage.

Long Term to Short Term Absence

Similarly, where an employee who is at Stage 1 as a result off a long term absence will proceed to Stage 2 if they reach a trigger as a result of short term absence within the monitoring period.

Further guidance on the above is contained in the Supporting Attendance toolkit and advice can also be sought from ER.

2.7.5 Patterns of Non-Attendance

Regular patterns of sickness absence, or other patterns of non-attendance i.e. regular Monday off, short notice annual leave, excessive requests for special leave will be monitored and may be taken into consideration when reviewing an employee's level of attendance.

Managers must take steps to monitor employees overall attendance levels and take action where appropriate.

2.8 Right to be accompanied

Employees have a legal right to be accompanied at any formal meetings that are conducted under this policy but only by a trade union representative (this does not need to be a NLC TU representative), a colleague, or an official employed by a trade union. This person is legally known as a companion.

The companion can do the following:

- Take notes
- Set out the case of the person
- Speak for them
- Talk with them during the meeting

The companion cannot:

- Answer direct questions to the person who is the subject of the meeting.
- Prevent anyone else at the meeting from explaining their side of things.

Where an employee is at Stage 2 of the process and proceeding to Stage 3 – Capability, where their employment may be terminated, they will also be allowed to be accompanied by the companion at any attendance support meetings that take place in between.

If an employee is not a member of a recognised trade union or does not wish to bring a colleague consideration can be given to allowing them to bring a relative or friend but this would only be for emotional support and not to make any representations on behalf of the employee.

Where the employee has a disability reasonable adjustments must be made and the employee will be able to bring an alternative companion with them to the meeting i.e. an appointed support worker (e.g. mental health/addiction/learning disability) or a family member/friend who has knowledge of the disability and its effects. However it must be clarified with the employee as to what capacity the companion is there in i.e. to make formal representation or to provide emotional support.

2.9 Management Discretion

The above absence stages will be applicable across the Council; however there is some discretion available to managers when determining whether to progress to the next formal stage for either short or long term absence. Discretion can only be considered at Stage 2 onwards and can only be applied once during the employee's journey through the formal process.

Pregnancy related absences will automatically be exempt from the supporting attendance procedure and qualify for discretion.

A discretion request form must be completed by the manager and submitted to the Head of Service/Nominated Senior Officer. This can only be considered in exceptional

circumstances. Further guidance on what constitutes exceptional circumstances and the discretion process is contained in the Supporting Attendance toolkit.

2.10 Right of Appeal

There is no right of appeal until such times that an employee is terminated on the grounds of capability/ill health. An employee who is dismissed from their employment with the Council on the grounds of capability/ ill health has 2 rights of appeal, one at service level and one to the relevant committee.

Where an employee considers the process has not been applied correctly they can raise this under the Councils' Grievance procedure.

Further information on the appeals process is contained in the associated guidance within the Supporting Attendance toolkit.

2.11 Disciplinary Action linked to sickness absence

Conduct issues relating to sickness absence e.g. the employee failing to comply with the Council's notification and certification procedures; or where the employee has deliberately or negligently put him or herself at risk of injury or ill health should be dealt with under the Council's Disciplinary Policy, which can be found [here](#).

Section 3. Occupational Health & Employee Wellbeing

3.1 Purpose of Occupational Health Referral

The Council's occupational health service gives advice to managers on issues where there is some relationship between health and work. They provide information to help managers make informed decisions as to how to manage an employee's absence and/or or health condition but they do not manage absence for the manager or the Council.

The main aim of a referral is to obtain advice about an employee's fitness for work and any workplace adjustments either temporary or permanent that would benefit the employee. The advice is based on functional terms rather than medical terms (i.e. what the person can or can't do rather than what is 'wrong' with them). Where medical detail is included this is to assist with the manager understanding of someone's condition, and is only done with the consent of the employee.

3.2 When to refer

A referral to occupational health will depend upon the particular circumstances of the case, but will normally occur in the following circumstances:

- After a continuous absence of 4 working weeks or earlier if the manager deems it appropriate to do so
- When an employee has advised that the reason for their absence is work related stress (a referral in these circumstances should only be made either once the stress assessment has been completed or an attempt has been made to complete it)
- When an employee has advised that they have an underlying condition that is impacting on their ability to carry out some or all of the duties of their role.

For further information on the role of occupational health and the referral process, please refer to the associated Guidance Note.

3.3 Ill health Retiral

Employees who are members of the Local Government Pension Scheme and who have a medical condition that makes them permanently unable to carry out the duties of their post may be eligible for ill health retirement. Not all long-term absence cases will be considered for Ill health retiral.

The assessment for ill health retiral is based on current medical knowledge and whilst the determination as to whether an employee meets the criteria for ill health lies with the occupational health physician, the decision as to whether or not the employee should be granted access to their pension benefits lies with the employer.

Ill health retiral may involve the immediate, and in many cases, enhanced payment of pension and lump sum.

Employees have the right to appeal a decision made not to award ill health benefits. Further information on ill health retiral (and the outlined appeal process) can be accessed in the Supporting Attendance toolkit.

Further information on ill health retiral including the appeals process can be accessed in the Supporting Attendance toolkit.

3.4 Work Related Stress

The Council recognises that work related stress is a potential hazard that can lead to ill health if not addressed quickly. Managers have a duty of care to ensure that employees are not exposed to excessive workplace pressure and that any concerns raised by employees are addressed promptly to try and prevent workplace pressure leading to stress which can be harmful and undermine the health of an employee and their ability to attend work.

Where an employee has advised that they are absent or have the potential to be absent due to work related stress or indeed have indicated that their personal stress is impacting on work the manager should immediately take the following steps irrespective of the duration or likely duration of the absence.

1. The manager must meet the employee in the first instance to gather more information on the nature of the stress. The Early Discussion process can be used. Where it is not possible to meet right away or the employee feels unable to meet, contact must be made with the employee either via telephone or email and a follow up face to face meeting arranged as soon as possible thereafter.
2. The manager and the employee should complete the Council's Stress Assessment in order to identify the potential stressors, take steps to resolve them where possible and prevent a protracted absence. The stress assessment can be found [here](#).
3. If the employee remains absent following the completion of the stress assessment or if they are not willing to discuss the reasons for their absence, the manager should make a referral to occupational health and advise the employee accordingly.
4. Employees must also be made aware that if they consider their line manager to be the cause of their stress they can discuss their concerns with another manager, or another appropriate person i.e. trade union representative, Employee Relations Advisor

If the employee considers that the cause of their stress is due to inappropriate behaviour/s by another employee it may be appropriate to direct them to the Dignity at Work Policy, see section 3.5 below.

3.5 Dignity at Work

Where an employee advises that their work related stress is as a result of another employees behaviour managers must take steps to ensure any concerns are responded to quickly and effectively, and appropriate actions taken, including directing the employee to the Dignity at Work Policy and other support mechanisms such as Dignity at Work Support Officers.

Further information on the policy and details of Dignity at Work Support Officers can be found on MyNL [here](#).

3.6 Mental Health & Wellbeing Support

The Mental Health & Wellbeing strategy outlines what steps the Council is taking to promote and support positive mental health and wellbeing for all employees.

Managers must be understanding, sensitive and available to employees who wish to discuss or disclose information about their mental health, and provide a safe working environment for them to do so.

Employees should be aware of their own mental health and wellbeing, and if concerned about their mental health and/or wellbeing speak to their line manager, People & Organisational Development, trade union or employee forum representative e.g. Employee Equality Forum (EEF). Further information on the strategy can be found [here](#).

3.7 Alcohol and/or Drugs Misuse

The Alcohol and/or Drugs Policy provides guidance on how to support an employee who has reported a problem with alcohol and/or drug dependence.

Where an employee discloses a problem with alcohol and/or drug misuse managers should encourage them to seek help from their General Practitioner in the first instance. A referral to occupational health must be made if the employee is absent from work. If the employee is still at work it may be necessary to request that the employee refrains from work temporarily, undertakes restricted duties, or is assigned to an alternative temporary role to ensure their health and safety and that of others. A referral to occupational Health can be made to seek advice on restrictions, fitness for work.

Further information on the policy can be found [here](#). Managers can also seek advice and support from ER.

3.8 Gender Based Violence

North Lanarkshire Council recognises that its employees will be amongst those affected by Gender Based Violence (GBV) including survivors of domestic abuse, rape and sexual assault or those who have been impacted by commercial sexual exploitation.

The GBV policy outlines the Council's commitment to developing a workplace culture in which there is a zero tolerance for violence and which recognises that the responsibility for GBV lies with the perpetrator. The Council is also committed to ensuring that any employee who is a victim has the right to raise the issue with their employer in the knowledge that they will receive appropriate support and assistance.

The Gender Based Violence Guidance for Line Managers has been developed to provide information to managers so they can offer the most appropriate support for their employees experiencing GBV. The guidance can be accessed [here](#).

A list of GBV support officers can be found [here](#).

3.9 Menopause Information

The Council recognises that the Menopause is a natural part of every woman's life and whilst it isn't always an easy process with the right support at work it can be much better. Although every woman does not go through the same symptoms, putting support in place for those who do will improve their work/life experience.

To support those individuals affected by the Menopause the Council seeks to:

- Encourage an environment of openness and transparency regarding the subject of menopause and help employees feel more comfortable talking to their line managers and colleagues about menopause.
- Raise awareness about menopause in the workplace and provide guidance for line managers to help them support employees experiencing symptoms of menopause.
- Ensure that employees are offered appropriate yet reasonable adjustments and support to help them manage the symptoms of menopause.

Further information for employees and managers on Menopause at Work can be found [here](#).

3.10 Referrals to Wellbeing services

There are a number of wellbeing services that employees can be referred to that may prevent an absence or assist with an earlier return to work. Further information on these services can be found by accessing Work Well NL [here](#). Information on the main services can be accessed below:

Physiotherapy

Employee Counselling Service

Access to Work

Financial Wellbeing including advice from the Financial Inclusion Team

Section 4. Reasonable Adjustments

4.1 Phased Returns

The purpose of a phased return is to allow an employee who has been absent from work due to a physical or mental health condition time to build up their physical and/or mental capacity to return to their normal working hours. There is no automatic entitlement to a phased return.

A phased return to work will generally only be considered for employees who have been absent from work for an extended period of time unless the employee has a disability and therefore phased returns may be considered for shorter absences (providing the phased return is no longer than the absence itself). Normally the requirement for a phased return will be based on medical advice from occupational health, however each case will be considered on its own merits.

Phased returns will be for a maximum of 4 weeks unless it has been recommended by an appropriate health professional e.g. occupational health, GP that longer is required (up to a maximum of 6 weeks). A requirement to go beyond 6 weeks would indicate the employee is not fit enough to return to work and a further referral to OH may be required.

If employee requests a phased return beyond 4 weeks and it has not already been agreed that longer will be needed (e.g. occupational health recommendation) the manager must discuss this with ER to determine if there is justification for the employee to have additional weeks (up to maximum of 2).

Employees must return to work for at least 20% of their normal contractual hours and gradually increase their hours and days to their normal hours over the agreed number of weeks.

Employees that have been absent due to stress will only be considered for a phased return in exceptional circumstances (where the symptoms of the stress has had a significant physical or mental impact on the employee's capacity to immediately return to normal working hours) perhaps for example due to the bereavement of a partner and only if recommended by occupational health.

At the end of a phased return if the employee has not been able to return to normal hours/duties a temporary reduction in contractual hours and pay may be considered taking the needs of the service into account. This should be discussed fully with the employee and advice sought from ER.

4.2 Equality Act 2010 – Reasonable Adjustments

The Equality Act 2010 has amended and replaces almost all of the Disability Discrimination Act 1995 and defines a disability for this purpose as "A physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities". The legislation creates a duty on employers to make "reasonable adjustments" and managers must make every reasonable attempt to retain a disabled employee in employment.

Managers must continue to take such steps as are reasonable to manage the attendance of disabled employees. It is important to consider an employee's disability related sickness absence. This includes identifying at the earliest opportunity any necessary support and assistance to be provided to disabled employees to ensure all reasonable adjustments are considered and that appropriate and relevant action is taken. These considerations are an integral part of the supporting attendance process. They must take place at all stages of the process as an employee's medical condition/disability may change over time and this may impact on their ability to carry out all or some of their duties.

In some cases, an employee may be unable to undertake the full duties of their post due to health related issues which may be considered as a disability under the terms of the Equality Act 2010. In such circumstances, there is a duty to make reasonable adjustments in an effort to retain a disabled person in employment. Some examples of these may be:

- ensuring meetings are conducted using the most appropriate method of communication
- making adjustments to premises, buying or modifying equipment
- allocating some of the employee's duties to another employee
- redeploying the individual
- altering working hours
- allowing time off during working hours for rehabilitation, assessment or treatment
- providing training
- modifying procedures for testing/assessment during training
- providing a reader or interpreter
- extending the payment of occupational sick pay – but only in exceptional circumstances.

However, it should be borne in mind that if, after all attempts to make reasonable adjustments have been made, the employee is still unable to return to work, or to maintain an acceptable level of attendance, then their employment may be terminated on capability grounds with appropriate payments in lieu of notice.

The “Reasonable Adjustment” Protocol (Appendix 2) provides a framework for discussions between employees and managers in order to agree adjustments required, and record the outcome of these discussions. Advice on what adjustments may be required can be sought from the Councils Occupational Health provider and further advice and support can be sought from ER.

4.3 Redeployment for Health Reasons

Redeployment will only be considered where all adjustment options have been exhausted and the employee remains unable to carry out the duties of their role.

Before making a decision to dismiss an employee on capability grounds the Council would be expected to seek suitable alternative employment if an employee would be capable of carrying out a different role and had the necessary skills, or could obtain these skills within a reasonable timeframe.

If it has been determined that redeployment is a suitable option an employee will be placed on the redeployment register for a maximum of 12 weeks. If an employee is not successful in obtaining another post within this timescale their employment will be terminated on the grounds of capability.

Further guidance on the redeployment process can be found in the Supporting Attendance toolkit

4.4 Dying to Work Charter

The Dying to Work Charter sets out an agreed way in which Council employees will be supported, protected and guided throughout their employment following a terminal diagnosis.

The key principles are outlined below, however the Council will only be able to offer support within the context of agreed terms and conditions (such as the sick pay provisions which cannot be amended):

- Terminally ill employees will be fully supported following their diagnosis and treated with dignity and respect.
- Employees will be allowed to continue to attend work where it is safe and reasonable to do so and without any undue financial loss. It would be anticipated, that the employee is likely to have made a choice about their ongoing employment status before the end of their sick pay provision, however that may not always be the case.

Managers should seek advice and support from ER in these circumstances.

Section 5. General Policy Provisions

5.1 Notification and Certification Procedure

To receive full entitlement to sickness benefits, all employees must follow the Councils Notification and Certification procedure as contained in Schedule A – Terms and Conditions of Employment and as outlined below.

Employees and Managers should note that text messages or emails is not an acceptable form of communication when reporting sick for work, unless exceptional circumstances apply.

Where an employee is absent due to work related stress and they consider this has been caused by their immediate line manager and speaking to the manager would exasperate their stress, arrangements can be made for them to contact another manager at the appropriate

intervals. Managers should seek advice from Employee Relations as to the appropriateness of this arrangement.

First Day of Absence

The employee, or, in exceptional circumstances, some other person acting on the employee's behalf, shall notify the Council within an hour of normal starting time or within such other timescales as may be specified by individual Services. The Service may specify to whom the absence should be reported, however it is expected that this will be the employee's line manager.

Fourth Day of Absence

Where the absence continues to a fourth day, at that time the employee, or, exceptionally, some other person acting on the employee's behalf, shall notify the Council of the continuing absence and whether the period of absence is likely to continue beyond a seventh day.

Up to an Including Seventh Day of Absence

Where the absence is up to 7 calendar days the employee shall, on his/her return to work, self – certify their absence by ending the absence on MySelf.

Absence Exceeding Seven Days

Where the absence extends beyond 7 calendar days on the 8th day, the employee shall submit to the Council a “fit note” or other medical certificate(s) to cover the period of absence beyond 7 days.

The employee shall additionally notify the Council at intervals of no more than 7 days of the position where the absence extends beyond 7 days, or at such longer intervals as Services may deem appropriate in individual cases.

Failure to Comply with Notification and Certification Procedure

Where an employee fails to comply with the requirements of the above procedure in respect of any day of sickness or a day of incapacity for work, entitlement in respect of that day to either SSP or sickness allowance shall cease. In such circumstances, the case may also be considered under the Discipline Policy.

5.2 Fit Notes

Where an employee's absence from work exceeds 7 days and are therefore required to submit “Fit Notes” it is the employee's responsibility to ensure these are submitted in a timely matter and cover all days of sickness absence. Employees should be reminded that failure to adhere to this requirement will result in their sick pay allowance ceasing.

Managers must record the fit note information on iTrent and return the original to the employee.

5.3 Sick Pay Provisions

Payment for sickness absence is applied in accordance with the Council's terms and conditions of employment. There are circumstances in which an employee will not be entitled to sick pay i.e. has less than 26 weeks continuous service and also circumstances where sick pay may be suspended i.e. failure to follow notification and certification procedures.

Payment for sickness absence may also be withdrawn where, following full consideration of the circumstances of the case, it is considered that an employee has contributed to the

length/frequency of their absence(s) by engaging in conduct which has caused the absence or prevented recovery and return to work.

It should be noted that an individual's employment may be terminated before sick pay entitlement is exhausted. Equally, an individual's employment will not be automatically terminated on exhaustion of sick pay entitlement.

5.4 Infectious Diseases

Where an employee is unfit to attend work due to contracting an infectious disease, they should advise their manager immediately and will be entitled to receive normal pay. The period of absence in these circumstances should be recorded as special leave unless the absence extends beyond the recommended quarantine period and thereafter it would be recorded as sickness absence.

Where an employee who has an infectious disease, is otherwise fit to return to their place of work but is unable to do so due to the need to observe a period of quarantine, consideration should first be given to whether an employee is able to undertake alternative duties during the quarantine period. Where this option is not feasible, the absence will be recorded as special leave.

If an employee has been in contact with another person who has an infectious disease and is concerned, then they should be advised to seek advice from their GP.

The current list of Infectious Diseases can be obtained from Safety & Wellbeing.

5.5 Reportable Diseases

Certain work related occupational diseases are reportable to the Health & Safety Executive under the Reporting of Injuries, Diseases & Dangerous Occurrences Regulations 2013 (RIDDOR).

A prescribed list of what should be reported can be found [here](#).

5.6 Diarrhoea and/or Vomiting

In line with the Food Standards Agency guidelines, managers must exclude employees who have suffered from diarrhoea and/or vomiting from working with or around open food, normally for 48 hours from when the symptoms stop naturally.

Services may also decide to exclude employees who work within Schools, Nurseries, Care Homes, Homecare, or other services dealing directly with children or vulnerable clients. In these circumstances each Service should agree their own arrangements.

Where an employee reports an absence due to diarrhoea and/or vomiting, but is otherwise fit to return to their place of work but is unable to do so due to the need to observe a period of quarantine, consideration should first be given to whether the employee is able to undertake alternative duties during the quarantine period. Where this option is not feasible, the absence will be recorded as sickness absence, however the 48 hours from when the symptoms stop will be recorded as special leave.

Where an employee's diarrhoea and/or vomiting occurs on a non-working day/s, the exclusion period will not commence until an employee has occurred at least one days sickness absence. Some examples of how this will be treated is outlined below.

Example 1) Employee has diarrhoea Saturday and Sunday (non-working days) but advises symptoms have stopped. Monday would be recorded as sickness absence and Tuesday would be Special Leave (this provides 48 hrs absence from work)

Example 2) Employee has vomiting on a Wednesday (non - working day) and advises symptoms have stopped. Thursday would be recorded as sickness absence and Friday special leave.

Managers should monitor absences of this nature and address any concerns around patterns of non-attendance with the employee.

Further guidance on this can be sought from ER.

5.7 Industrial Injury/Disease

An absence will only be deemed to be an industrial injury or disease and recorded as such following a full and proper investigation by the Council. Where an employee considers that their absence is due to an industrial injury or disease managers must initially record this as a sickness absence until such times the accident/incident is recorded on the relevant system, an investigation is completed and it is established that an accident/incident took place arising out of or in the course of employment.

Where an employee reports that a violent incident has occurred during the course of work this should be dealt with in the same way as above.

Any employee who is absent due to an industrial injury/disease will still be subject to the same procedures as sickness absence including any formal action that is required. Where the investigation concludes that accident/incident occurred as a result of an employee's own misconduct or neglect, formal action may also be taken under the Councils Disciplinary Policy.

Payment for any periods of absence as a result of an industrial injury or disease is separate from normal sickness absence. Periods of absence in respect of one will not be offset against the other for the purposes of calculating entitlement.

Work Related Stress should **not** be recorded as an Industrial Injury. This should be recorded as sickness absence and the relevant field on iTrent completed.

Further guidance on how to deal with a reported accidents/incidents at work can be obtained from the Councils Safety & Wellbeing Team.

5.8 Payment of Damages due to Accident

If an employee is paid damages as a result of an accident they will be required to re-pay any sickness allowance paid, either in total or the proportion represented in the amount of damages received. Once payment has been made any period of absence will not be treated as sickness absence. Further information can be obtained from the Employee Service Centre.

5.9 Absence and Part Attendance at Work

If an employee reports for work and then goes home sick within 2 hours of their start time this will be recorded as a sickness absence and will count towards absence triggers.

If an employee reports for work and then goes home sick after working more than 2 hours this should be recorded as "other absence". Whilst this will not count towards absence triggers managers should monitor any patterns of non-attendance and discuss any concerns with the employee at an early stage.

5.10 Unauthorised Absence

An employee who does not report for work and has not followed the notification and certification procedures i.e. has not notified their manager they are off sick or provided some other reason for non-attendance will be considered to be on un-authorized absence. The employee's sick pay entitlement for that day will cease and furthermore the matter may be considered under the Councils Disciplinary Policy.

5.11 Suspension on Medical Grounds

There may be circumstances in which an employee needs to be suspended for medical grounds i.e. my a serious allergic reaction to a chemical they need to use in the course of their work. Any suspension would only be considered following advice from occupational health and whereby it had been determined that the risk or hazard could not be removed or adjustments made that would allow the employee to continue working.

5.12 Suspension on Pregnancy related Grounds

Where an employee has advised that they are pregnant the manager must undertake a pregnancy related risk assessment, taking into account any advice the employee has received from their doctor or midwife. If any risks are identified and cannot be removed, the manager may need to consider suspending the employee from work on paid leave until their maternity leave begins or it is safe for them to return to work.

Should any of the above circumstances arise the manager must contact ER in the first instance for further guidance.

5.13 Annual Leave and Public Holidays

Employees who fall sick prior to approved annual leave

Where an employee falls sick prior to a period of approved annual leave and has complied with the Council's normal arrangement for notification and certification of sickness, they can reclaim and re-assign such a period of leave. The employee will still be required to provide a "fit note" if their absence exceeds 7 working days.

Sickness during annual leave

If an employee falls sick during a period of annual leave and wishes to re-claim their annual leave they are required to submit a "fit note" covering the period of annual leave and follow the Notification and Certification procedures. The period of leave would then be recorded as sickness absence and paid as such.

Annual leave during sickness absence

Employees are entitled to take annual leave during a period of sickness absence. Whilst the sick pay would cease for the duration of the annual leave (and restart if the employee remained unfit to return to work) the employee will continue to be recorded as sick for the purposes of the management of their absence and monitoring of triggers.

Sickness during a Public Holiday

Where an employee is receiving sick pay under the Scheme, sick pay will continue if a public holiday or extra statutory holiday falls during such sickness absence. No substitute public or extra statutory holiday will be given. Where an employee has exhausted sickness allowance entitlement, no payment should be made in respect of a public holiday or extra statutory holiday occurring during the period of absence.

Abatement of Annual Leave

When an employee has been on sick leave for a period of 65 working days (13 weeks) or more (pro rata for part time or alternative work patterns), either continuously or cumulatively, during the current leave year, the annual leave entitlement above 28 days including public holidays will be limited to a proportionate amount equal to the period of actual service given during the leave year.

If the employee's absence occurred in the previous leave year the annual leave entitlement above 20 days including public holidays will be limited to a proportionate amount equal to the period of actual service given during the leave year.

Section 6. Data Protection and Handling Sensitive Information

6.1 Data Protection

The General Data Protection Regulation (the "GDPR") and the Data Protection Act 2018 (The "Act") makes provision for how personal data (information) about living individuals in any form including paper and electronic must be collected, processed and held.

The Council's Data Protection Policy provides information on the Data Protection principles, the definition of "personal" data and an individual's responsibility in relation to this. It is a condition of all employees contract of employment that they comply with all relevant data protection legislation and/or any policy regarding data protection when processing personal data in the course of employment including personal data.

In addition to the general Data Protection principles information pertaining to an employee's health is considered "sensitive" personal data and the processing of this is a special category under GDPR (Article 9) and the Data Protection Act 2018 (Schedule 1).

The employee privacy statement can be found [here](#).

6.2 Medical Assessments

As part of the Council's terms and conditions of employment, employees are required to attend for a medical assessments as deemed necessary by the Council to either comply with statutory legislation (i.e. Health Surveillance) or to support decisions in relation to an employee's attendance at work or fitness for their current post (occupational health referral).

An employee needs to give their consent to any medical assessment and consent to the resulting reports being released to the Council by the occupational health provider.

If an employee refuses to consent to a statutory medical assessment, they may be removed from their post and action may be taken under the Councils Discipline Policy.

If an employee refuses to consent to an occupational health referral which has been made in relation to their attendance at work and/ or their fitness for their current post or the release of the resulting information, the Council will make the relevant decisions based on the information available to them at the time.

Once consent is given in accordance with GDPR (Article 9) and Schedule 1 of the Data Protection Act 2018 the Council will process occupational health information and any other sensitive personal data pertaining to absence as it is deemed necessary for the purposes of meeting legal and contractual obligations,(such as not to unfairly dismiss, health & safety requirements), not to discriminate against a disabled employee, to identify reasonable adjustments where applicable and to ensure fitness for work.

6.3 Use and Retention of Absence Documentation

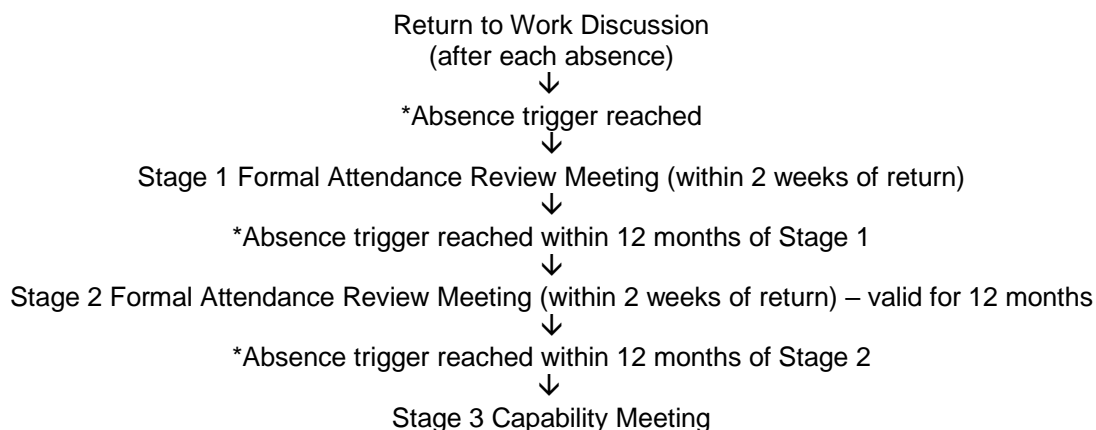
In order to effectively manage an employee's attendance managers will be required to retain documentation relating to absence (i.e. return to works, attendance review meetings, occupational health reports etc.). Managers must ensure that any absence related information is retained on a secure electronic system or in a secure container and is only accessible by those that have a need to know the information and are authorised to use the personal data to ensure employees confidentiality.

Any absence documentation must not be kept in an identifiable form for longer than is necessary. Managers must take all reasonable steps to destroy or erase from their systems all personal data, sensitive or otherwise, that is no longer required for the purposes of supporting an employee's attendance

The Council will maintain retention policies and procedures to ensure personal data is deleted after a reasonable time for the purposes for which it was being held, unless a law requires such data to be kept for a minimum time. Further information on the Council's retention schedules and associated policies can be found [here](#).

Supporting Attendance Absence Stages

Short Term Absence Stages



* When an employee reaches any of the triggers detailed below the manager must hold an attendance review meeting with the employee and take appropriate action in accordance with the absence stages detailed in the policy.

- 3 occasions* of sickness absence in a rolling 12 month cycle,
- 8 days or more cumulative absence* in a rolling 12-month cycle, or
- A continuous absence of 2 working weeks.
- A continuous absence that exceeds 4 working weeks - 29 calendar days (pro rata for part time) (long term absence)

*An occasion of sickness absence is defined as a minimum of half the working day and is based on the employee's working day.

*Cumulative absence refers to the total number of days absent accrued over more than one period of absence i.e. not one continuous absence of 8 days.

Long Term Absence Stages

Continuous absence that is anticipated to exceed 4 working weeks
i.e. 29 Calendar Days (pro-rata for part time employees)



Between 3 and 4 weeks - Attendance Support Meeting



8 weeks absence - Stage 1 Formal Attendance Review Meeting



Attendance Support Meeting (if required)



13 weeks absence - Stage 2 Formal Attendance Review Meeting



Attendance Support Meeting (if required)



*24 to 36 weeks absence - Stage 3 Capability Meeting

*this may take place earlier or later depending on the circumstances of the case

Applying Management Discretion

Discretion to vary from these procedures must be approved by a Senior Manager/Head of Service.

Discretion should only be applied at Stage 2 onwards, and only once during the employees' journey through the formal process.

Discretion should only be applied where the employee.

- Is absent due to a chronic illness/disease and/or has to undergo a surgical procedure/requires hospitalisation which has a specified/expected date of recovery and/or;
- Is likely to be covered by the disability provisions of the Equality Act 2010 advised in an Occupation Health Report and an extension to the timeframes in the procedure would be deemed a reasonable adjustment in the circumstances of the absence.
- Has been identified by Occupational Health as having an underlying medical condition which may affect their attendance intermittently over a set period of time' – this will apply to short term absence.
- Should the employee's absence extend beyond the expected date of return discretion will be removed and the employee will continue to be met under the formal procedures.

Disability Discrimination / Equality Act 2010

Reasonable Adjustment Protocol

The Equality Act 2010 has amended and replaces almost all of the Disability Discrimination Act 1995 and defines a disability for this purpose as “A physical or mental impairment which has a substantial and long term adverse effect on his or her ability to carry out normal day to day activities”. The legislation creates a duty on employers to make “reasonable adjustments” and managers must make every reasonable attempt to retain a disabled employee in employment.

The reasonable adjustment protocol provides a record of the reasonable adjustments that have been agreed between an employee and their line manager. The purpose of the agreement is to provide a framework for discussions between employees and managers in order to discuss and agree any reasonable adjustments required.

Managers should use the **Tailored Adjustment Agreement Form** to record the outcome of these discussions, the form can also and to provide any new manager with details of agreed adjustments

What are reasonable adjustments?

Equality law recognises that bringing about equality for disabled people may mean changing the way in which employment is structured, the removal of physical barriers and/or providing extra support for a disabled worker.

This is the duty to make “reasonable adjustments”.

The duty aims to make sure that, as far as is reasonable, a disabled worker has the same access to everything that is involved in doing and keeping a job as a non-disabled person. When the duty arises, you are under a positive and proactive duty to take steps to remove or reduce or prevent the obstacles a disabled worker or job applicant faces.

Sources of Further Information

Further information and advice relating to Equalities and reasonable adjustments is available on MyNL and from Employee Relations, Employee Equality Forum and Safety & Wellbeing.

Access to Work <https://www.gov.uk/access-to-work/overview> can also help with the costs of providing reasonable adjustments. It is particularly important for new disabled employees to get in touch with Access to Work within 6 weeks of commencing employment.

<https://www.equalityhumanrights.com/en/publication-download/what-equality-law-means-you-employer-managing-workers>

Information on training for managers on disability equality and reasonable adjustments <https://nlclearningacademy.co.uk/>

Tailored Adjustment Agreement Form

When the agreement should be used

The agreement should be used when any employee requests adjustments because they have a disability that affects them at work. The employee may make the request following medical advice from the GP or Occupational Health adviser or when they are about to start working for the Council. The arrangements may be short term – e.g. in the case of a phased return to work following absence or can be a longer-term arrangement.

If the arrangement is short term, this will be recorded and the arrangement will come to an end on the date specified, unless otherwise reviewed and agreed. Employees may have disclosed their disability previously or this may become known as a result of a recent absence, as part of a return to work or attendance review discussion. There may be an existing arrangement, not formally recorded and this agreement provides an opportunity to formally record adjustments.

Managers should also consider that new employees may require a reasonable adjustment at work, as advised by Occupational Health as part of the Council's pre-employment health screening process and should use the agreement to record this. Managers should seek advice from Employee Relations as required.

Advice and Support

Advice and guidance to support the Tailored Adjustment Agreement can be sought from Occupational Health and Employee Relations. There should be an initial meeting between the employee and the manager to discuss and agree required adjustments. The attached form is used as a framework for the discussion. Primarily the discussion takes place between the employee and their current line manager. If necessary, Employee Relations can attend the initial meeting to provide advice on what may be considered reasonable adjustments. If they so wish, employees may be supported at any meetings by a colleague or trade union representative.

Meeting to discuss Tailored Adjustment Agreement

At the meeting full consideration will be given to the adjustments requested by the employee taking into account the advice provided by medical professionals, Employee Relations and the exigencies of the service. This will include exploration of all alternative options, length of time that tailored adjustments will be required, timescales for review, etc.

If a Personal Emergency Evacuation Plan (PEEP) is required for the employee, you should seek advice from Health and Safety.

Recording the Outcome

It may not be necessary to complete all parts of the form and therefore only the relevant sections should be completed. For example, the section on emergency contacts is only relevant to employees who know that the nature of their condition may require emergency treatment or advice. Once the adjustments have been agreed they should be recorded on the form and the form signed by the manager and the employee. The manager should then send a copy of the completed form to Employee Relations. Once the form has been signed, the employee should retain a copy and ensure it is made available to any new manager or if they change jobs. A copy of the form will be recorded in the employee's personnel file.

What happens if there are changes to the agreement?

It is the employee's responsibility to discuss and agree with their manager any change to the adjustments. This may be due to a change in their condition, work location or working arrangements. If the employee changes job and/or line manager they should make their new line manager aware of the adjustments in place, as detailed on the form. A formal meeting is only required if there is a need to change the adjustments in place. Any new adjustments should be recorded on a separate form and processed as stated previously.

A change in line management does not require the existing adjustments to be renegotiated as they have previously been agreed.

Examples of reasonable adjustments (Please note this list is not exhaustive)

Impairment	Task/difficulty	Adjustment
Hearing impairment	Taking part in meetings	Provide communication support - palantypist or BSL interpreter.
Hearing impairment	Making phone calls (in the office)	Provide a videophone or text phone
Hearing impairment	Contacting the office (for example, to find out the time and location of their next meeting)	Provide a mobile text phone that can be used with the Text Relay Service - e.g. a Nokia communicator
Vision impairment	New employee arriving at work	Colleague meets them at the bus stop
Vision impairment	Taking part in meetings	Provide minutes and papers in advance, find out what format the employee requires (e.g. Braille, large print)
Dyslexia	Taking part in a meeting	Provide minutes and papers in advance, in a user-friendly format
Dyslexia	Writing a report	Provide mind mapping software
Dyslexia or learning difficulty	Taking minutes at meetings	Provide a Dictaphone and allow extra time to type up minutes
Severe asthma	Travelling to meetings using public transport	Provide taxis to and from the nearest public transport
Epilepsy	Long meetings, long days	Frequent breaks, cold drinks, and a fan available
Lupus	Attending work full time all year	Allow flexible working, such as compressed hours
Work related upper limb disorder	Long day working on a PC	Allow rest breaks; provide timing software which will remind the employee to take rest breaks at regular intervals.
Stammer	Taking part in meetings	Provide awareness training for other staff
Severe back pain	Operating a checkout	Full ergonomic assessment and regular rest breaks
Autism	Starting a new job, fitting into a new team	Assign a 'buddy' to assist and explain office culture
Depression	Reception duties from 8am	Adjust shift to best part of day – after 11am
Anxiety	New employee arriving at work	Colleague meets them at bus stop
Anxiety	Travel in rush hour	Allow flexible working so they can avoid the rush hour

Tailored Adjustment Agreement Form

Employee Name		Employee Number	
Manager Name / Position			
Date of Request		Date of Agreement	
		Date of first Review	

With the aim of supporting you, this agreement may be reviewed and amended as necessary, but at the very least once a year: -

- At any regular one-to-one meeting / supervision.
- At a return to work or attendance review meeting, following a period of sickness absence.
- At six monthly and/or annual PRD meetings.
- Before a change of job or duties or introduction of new technology or ways of working.
- Before or after any change in circumstances for either party.
- On request

This agreement may be put in place before an employee commences working with the Council.

Describe what it is that puts you at a substantial disadvantage?	
Is it a workplace rule, policy, procedure, arrangement, decision? For instance, the start time is not flexible and medication in morning causes drowsiness; if off sick requirement to contact by phone and employee is Deaf etc.	
Is it a workplace physical barrier? For example, background noise makes it hard to hear; heavy doors make it hard to move about freely; no colour contrast in the office to define physical objects, no dedicated disabled parking bay etc.	
Is it a lack of auxiliary aids or service not in place? For example, there is no loop system, no screen reader etc.	
The following details is what colleagues should be made aware of about my disability and how they should be informed. (e.g. employee has epilepsy)	

--

Is a personal emergency evacuation plan (PEEP) required?

Yes

No

The following reasonable adjustments have been agreed	Comments	Date Implemented	Date ended (if appropriate)

Emergency contacts

Employees should be advised to provide details of their emergency contact details on myself.

Declaration

I will let my line manager know if there are changes to my condition which have an effect on my work and/or if the agreed adjustments are not working. We will then meet privately to discuss any further reasonable adjustments or changes that could be made.

Employee Signature		Date	
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Manager Signature		Date	
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An up to date copy of this form will be retained by the employee, the line manager and employee relations.

A copy of this form may also be given to a new or prospective line manager with the prior consent of the employee.

Date Sent to Employee Relations	
Date Received by Employee Relations	
Receiving ER Advisor/Officer	

Occupational Sick Pay Provisions (SJC – Terms & Conditions of Employment for Local Government Employees)

Employees are entitled to receive sick pay under these provisions providing they meet the requirements of the Council's Notification & Certification procedures as detailed at Section 5.1 of the Supporting Attendance Policy & Procedure.

The period during which sick pay will be paid will be calculated by deducting any sick pay entitlement the employee has already received during the 12 months immediately preceding the first day of the sickness absence.

There will be no entitlement to sick pay if on the first day of sickness absence an employee has already exhausted or subsequently exhausts their sick pay entitlement.

Service at Start of Absence	Full Pay for	Half Pay for
Less than 26 weeks	Nil	Nil
26 weeks but less than 1 year	5 weeks	5 weeks
1 year but less than 2 years	9 weeks	9 weeks
2 years but less than 3 years	18 weeks	18 weeks
3 years but less than 5 years	22 weeks	22 weeks
5 years and over	26 weeks	26 weeks