

HR Employment Policy & Procedures

Supporting Employee Wellbeing Policy & Procedure

Implementation Date: October 2019

The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.





Document Management - Version Control

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Summary of Technical Changes (if applicable)	<p>Updates to referenced policies i.e. name changes and additions (e.g. PAM assist, Disability Passport, Employee One Page Support Guide).</p> <p>PDPs replaced with 'Be the Best Conversations'</p> <p>Addition outlining manager responsibilities to update HR21 system with information.</p> <p>GDPR legislation included.</p>		
Lead Officer	Rachel Robb, HR Adviser		
Final Trades Union Position	Version 4.2: This policy is the best achievable through negotiation recognising that some aspects require further monitoring of the application to ensure the supportive nature of the policy is prioritised. The period for formal review		

	with the Joint Trade Union to be set at between 9 and 12 months.	
Consultation & Approval Process	<i>Committee</i>	<i>Date</i>
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Accompanying Documentation (incl. EIA)	<p>Accompanying guidance for managers and employees, as well as forms and template letters (http://intranet.west-dunbarton.gov.uk/transformation/people-technology/hr-online/core-employment-policies/attendance-management/)</p> <p>Existing EIA (2011)</p>	
Linked Policy, Schemes and Procedures	<p>Bereavement Leave Scheme Cancer Support Policy Carers Leave Scheme Disability Leave Scheme Disciplinary Policy Equality & Diversity in Employment Policy Special Leave Scheme Stress Management Policy Supporting Employee Performance Policy SWITCH Policy Employee Wellbeing Supports PAM Assist</p>	

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1 Introduction

- 1.1 West Dunbartonshire Council recognises the value of its employees and is committed to ensuring that employees are supported to deliver and continuously improve the varied services the Council provides. To do this promoting employee health and attendance at work is essential and the Council is committed to creating and maintaining a culture where regular attendance at work is the norm.

This policy has been developed through the Employee Wellbeing Group to promote and support acceptable attendance at work, and to provide guidelines for the fair, reasonable and consistent management of sickness absence. The purpose of this policy is to ensure that all employees of West Dunbartonshire Council are supported at every opportunity to maintain acceptable attendance levels and to address attendance issues where positive levels are not maintained.

- 1.2 The Council aims to act reasonably and in a supportive manner at all times, taking account of all the circumstances including compliance with any relevant legislation.

2 Scope

- 2.1 The policy applies to **all** employees of West Dunbartonshire Council.
- 2.2 The Council will ensure that good equal opportunities practice underpins the operation of this policy irrespective of age, disability, sex, gender re-assignment, race, religion and belief, pregnancy and maternity, marriage and civil partnership or sexual orientation.

3 Key Principles

- 3.1 West Dunbartonshire Council is committed to creating and maintaining a working culture in which optimum attendance at work is the goal. This will be facilitated by applying this policy in a supportive and equitable manner. The policy has been discussed with Trade Unions in an attempt to:
- Cultivate a culture of health and wellbeing of our employees;
 - Achieve the right balance between managing absence efficiently and providing support and help to an employee who has health problems or is experiencing personal difficulties. This should be done in conjunction with any relevant supportive policies for example, but not limited to, the Domestic Violence and Abuse Policy and the Carers Leave Scheme;
 - Ensure that there is a primary focus during any discussion with employees on what the employee is able to do rather than what they are unable to do;

Support the council's Employee Wellbeing initiatives by making employees aware of the type of support services available to them to help minimise their absence or the length of the absence where possible;

- Ensure employee awareness of the importance of regular and sustained attendance at work and the impact of absence on the reliable and effective provision of WDC services;
- Ensure employees are aware that they are responsible for managing their own health and wellbeing and have a duty to inform the council of any underlying health condition that may impact on their ability to undertake their role safely; and
- West Dunbartonshire Council accepts that it has a duty to comply with the law governing health, safety and welfare of employees, including the conditions under which they work and the provision and maintenance of necessary protective clothing.

4 Definitions

4.1 For the purposes of determining management intervention and absence reporting:

- Short Term absence is defined as a period of sickness absence between 1 and 20 calendar days.
- Long Term Absence is defined as a period of sickness absence of 21 calendar days or more.

5 Application of Policy and Procedure

5.1 West Dunbartonshire Council has a responsibility and commitment to set acceptable, realistic and measurable attendance standards. These will be made clear to employees as part of their induction and reiterated on an ongoing basis by their line manager as part of the management of attendance process in place within the Council at the time.

5.2 Where attendance standards are not meeting expected levels as determined by the Supporting Employee Wellbeing Policy, the Supporting Employee Wellbeing Procedure will be followed. This is to ensure regular support is in place guided by our Employee Wellbeing initiatives to keep employees at work where possible. .

5.3 The Supporting Employee Wellbeing Procedure has been developed to support this policy.

6 Legislative/Policy Framework

- 6.1 The Policy and Procedure complies with the Employment Rights Act 2008, the Equality Act 2010 and the Access to Medical Reports Act 1988.
- 6.2 The Policy also complies with ACAS guidance: *Managing Attendance and Employee Turnover*, ACAS Code of Practice: *Disciplinary and Grievance procedures*, and EHRC guidance in the field of employment.

7 Responsibilities

- 7.1 It is the responsibility of all employees, managers, Trades Union representatives and Human Resources (HR) to:
- apply this policy and procedure in a fair, reasonable and consistent manner;
 - request advice and support from the Council's Human Resources team;
 - ensure attendance at work and that employees maintain good fitness for work by managing their own health;
 - ensure that employees fully understand the standards of attendance expected, proactively seek support or assistance at an early stage if required, and ensure that employees fully engage in the Supporting Employee Wellbeing Policy and procedure;
 - attend any relevant training, and to ensure that they are up to date with any policy changes by reviewing the HR Online Intranet pages; and
 - engage in early intervention to support continued attendance at work.

8 Wellbeing Prompts

- 8.1 Wellbeing Prompts are used to identify points at which the line manager will discuss an employee's wellbeing and absence record in order to identify any relevant supports that may be needed.

At all stages of the policy, the following instances will require a prompt meeting:

- **4 occasions of absence in a rolling 12 month period or;**
- **8 days in a rolling 12 month period.***

* Number of days will be pro-rated for part time workers as follows:

No of Days Worked Per week	Prompt for manager support
2	3 working days
3	5 working days
4	6 working days
5	8 working days

9 Review

9.1 The policy will be reviewed as required.

Supporting Employee Wellbeing Procedure

1. Introduction

- 1.1 The aim of the policy is to prioritise employee wellbeing and commit to ensuring employees feel supported when they find themselves absent from work. The Supporting Employee Wellbeing Procedure has been developed to provide a supportive procedural framework for line managers and employees in line with the key principles of the Supporting Employee Wellbeing Policy.
- 1.2 The procedure outlines the steps to be taken when managing intermittent absence (1 – 3 days), short term absence (4 – 7 days), medium term absence (8 days to 20 days) long term absence (21 days) and unauthorised absence.
- 1.3 It is the responsibility of all managers to ensure that the procedures outlined below are followed in relation to all employees. Application of this policy should be included in the Be the best conversations/PRDs of all managers across the Council and will be monitored as part of that process.

2. When an Employee is Absent

2.1 Absence Reporting and Record Keeping

2.1.1 Reporting

If an employee is unfit for work, they are required to contact their Line Manager to advise of their absence no later than 1 hour after the commencement of their shift. Employees are asked to make the call personally however, in exceptional circumstances, e.g. hospitalisation, a person authorised by the employee may call on their behalf.

It is not acceptable to contact managers via text message or email to report an absence however in exceptional circumstance where an employee is not able to speak directly with their manager, or an alternative manager, then a message should be left allowing the manager to return the call at the earliest opportunity.

When an employee reports to the manager to advise that they are not fit, all options and support should be explored to mitigate the absence or reduce the duration, e.g. alternative duties, working from home, adjusting start time. The focus of this discussion should be on what the employee is able to do rather than what they are not able to do and ultimately the employee determines whether they are fit to work and when.

When an employee has reported sick, they should maintain regular contact with their manager in line with section 2.2 below. During the first week of absence, after the initial notification, employees should contact their manager on the fourth day to provide them with up to date information in relation to the absence. Managers have a responsibility to update any information related to the absence under the employee's HR21 record in a timely manner.

2.1.2 Falling ill while at work

If, during the course of their duty period, an employee feels unwell and is unable to continue their shift, they should advise their line manager immediately. If the employee feels that they are unable to continue to work they may need to go home.

Where an employee works more than half of their shift this day will not be recorded as sickness absence but where less than half of the employee's shift is worked, then this day will be recorded as sickness absence. For further information please refer to Section 4.11.

2.1.3 Record Keeping

All records relating to absence shall be held in the employee's personal file and within the Workforce Management System in accordance with the GDPR Legislation and Framework and Data Protection Act to ensure accuracy and confidentiality.

An employee is required to notify their manager if an absence is related to disability or maternity/pregnancy and absences should be identified as such in the employee's sickness records to avoid less favourable treatment under the Equality Act 2010.

2.2 Contact during absence

The employer, through line management, has an obligation to maintain contact with employees who are absent from work. The manager will advise on day 1 when an employee reports sick, the arrangements for the next day of contact. When the absence is expected to be intermittent or short term, where appropriate, contact may be daily. When it is known that absence will be longer term then contact may be agreed on a less frequent basis however both managers and employees are expected to as a general rule, follow the **minimum** contact arrangements:

- Absence under 7 days – the **employee** has an obligation to report on day 1 and day 4.
- Absence over 7 days and up to 21 calendar days– the employee has an obligation to contact the manager on day 8 and the **manager** will contact the employee at least every 7 calendar days thereafter.

- Absence over 21 calendar days –the **manager will** contact the employee at least every 14-21 calendar days, dependent on the circumstances and reason for absence.

Employees are obliged to make themselves available for agreed contact during normal working hours. Contact will be by telephone to the employee's contact telephone number, or another number mutually agreed.

Should the employee not report in line with their obligation, the manager should attempt to contact them. If the manager is unable to make contact or there is a concern regarding the employee's welfare, contact their next of kin recorded on HR21.

Unreasonable failure to make or maintain contact may be treated as a failure to follow procedures see Section 5 – Conduct.

2.3 Certification of Sickness Absence

Absence in excess of seven calendar days must be covered by a Statement of Fitness for Work (Fit Note) which is obtained from a GP submitted at the beginning of each period to which it refers.

Any absence up to 7 days and the first 7 days of any long term absence should be self-certified by the employee. This should be completed at the Return to Work meeting using the relevant section on the Return to Work discussion [form](#).

If an employee returns to work within 21 days go to [Section 3 - Following an Absence / Returning to work](#)

2.4 Long Term Absence (exceeding 21 continuous calendar days)

Where an absence exceeds 21 calendar days it is considered a long term absence and in such instances there are a number of supportive actions and considerations that a manager is required to take to underpin the key principles of the Supporting Employee Wellbeing Policy.

2.4.1 Occupational Health referral

A referral to occupational health should be made when an employee's absence is, or is expected to be, categorised as long term. The Council's Occupational Health service can provide support and guidance to employees on a range of health related issues (see appendix 1 for further information on Occupational Health).

The line manager will ask Occupational Health to give an informed opinion on the employee's ability to do their job, or a suitable alternative job to the standard reasonably required by the Council in the foreseeable future.

Additionally, Occupational Health may be asked to provide advice regarding other supportive measures that may be applicable. The information provided in the occupational health report will allow managers, in consultation with HR, to make informed decisions and provide reasonable support to the employee. While it is the responsibility of Occupational Health professionals to provide a medical opinion, it is for the employer, via the line manager, to make subsequent decisions.

If an employee's absence is considered as short-medium term (anything under 21 days) it may be appropriate to refer them to Occupational Health to determine on-going supports. This will be dependent on the individual circumstances of that absence, with further advice sought from HR.

2.4.2 Wellbeing Support Meetings

During an absence the manager, employee and an HR adviser (as appropriate) will meet regularly to discuss the employee's progress and support the employee's recovery. This will normally be a minimum of every 21 days however this may not always be appropriate and will be dependent on individual circumstances.

Employees will be invited to Wellbeing Support Meetings in writing, a minimum of 5 working days before the date of the meeting, and will be given the right to be accompanied by a fellow worker, a trade union representative or an official employed by a trade union. Should trade union representation be unavailable, the employee should take all reasonable steps to find an alternative representative or colleague to attend. This should not cause an unnecessary delay to the meeting taking place.

At each of these meetings action points will be agreed and discussed at the following meeting. This will ensure that the appropriate support is provided and both the employee and the manager are kept up to date with any progress made. Where no progress is being made between the Wellbeing Support meetings consideration will be given to progress to a Wellbeing Review. Managers have a responsibility to update an employee's HR21 record with meeting dates etc.

Refer to S 2.4.3 under 'Exceptional Circumstances' in relation to alternative venues and formats.

2.4.3 Wellbeing Review

When an employee has been absent for 13 weeks a Wellbeing Review should be arranged with the employee, their Trade Union representative or colleague, the line manager, a senior manager and a HR adviser. This will be a supportive meeting arranged to discuss the on-going absence, the occupational health and/or additional medical advice and any support that can be put in

place to assist the employee to return to work. The manager should ensure appropriate consideration of any related supportive policies. An agreed plan will be put in place at the Wellbeing review to ensure appropriate support is in place and to outline, where possible, the potential outcome of the long term absence.

In some cases, it may not be appropriate to carry out a Wellbeing Review at 13 weeks and the individual circumstances of the case should be considered, with advice sought from the Strategic HR team.

In exceptional circumstances where the employee is not medically fit to attend the Wellbeing review, alternative formats and venues can be agreed i.e. home visit or meeting at a facility close to home. If no alternatives can be put in place, then this may take place in the employee's absence. All information will be relayed to the employee at the earliest opportunity. A trade union representative can attend this meeting, on behalf of the employee.

Managers have a responsibility to continuously update an employee's HR21 record with meeting dates etc.

2.5 Potential Outcomes of continued long term absence

While it is hoped that all employees will regain fitness and will return to their current role it is recognised that this will not always be possible, in such circumstances there are a number of options which should be considered as part of the Wellbeing review action plan.

If an employee returns to work with no adjustments go to [Section 3 - Following an Absence / Returning to work](#)

2.5.1 Adjustments to the employee's current role

Where an employee is not currently fit to continue in their current role but could return, with reasonable adjustments, the manager should consider and discuss any adjustments or accommodations that would facilitate a sustained return to work.

This may include a short term rehabilitation plan or phased return (if appropriate) and may involve (but is not limited to):

- A reduction of hours / Phased return – subject to individual circumstances, condition(s) and medical advice available.
- Flexible working hours
- Lighter duties
- Changes to work environment
- Temporary change to work location - this could be an alternative working location or working from home.

Where an employee returns to work following long term absence and the absence has crossed over two holiday years, any outstanding leave from a previous leave year should be utilised to facilitate a phased return.

Where no leave from a previous year is available a phased return will be paid as per normal contract for a **maximum** period of 28 calendar days. Should any further reductions be required, then the employee must use their annual leave entitlement to facilitate this. If annual leave has been exhausted for the current leave year then this may be unpaid. In exceptional circumstances, the option for an extended paid phased return may be considered in line with discretion from the manager and Strategic Lead. Note that this is not guaranteed and will be based on the individual circumstances of the employee.

Should there be any permanent change to the employee's working arrangements, the employee's contract of employment (including salary, leave, statutory holidays etc.) shall be adjusted accordingly.

2.5.2 Suitable Alternative Employment

Where reasonable adjustments cannot be made to the employee's working environment, advice will be sought from Occupational Health regarding the employee's ability to carry out an alternative role; this advice should be sought at the earliest opportunity and be included in Wellbeing Support meetings and Wellbeing Review discussions. In such instance where the employee is not fit to continue in their current role, and will not regain the required levels of fitness to do so in the foreseeable future but could undertake an alternative role within the council, the Switch policy will apply and every effort will be made to find suitable alternative employment. Please refer to the SWITCH policy for further information. During and following the redeployment / SWITCH process the Supporting Employee Wellbeing Policy will still apply. In cases of successful redeployment the new manager should refer to [Section 3 - Following an Absence / Returning to work](#)

2.5.3 Ill Health Retirement (members of LGPS/STSS)

Where an employee is not fit to continue in their current role they may be considered for ill health retirement. The manager will refer to Occupational Health and with the employee's knowledge ask for an opinion as to their eligibility for ill health retirement. Please refer to guidance on ill health retirement for further information.

2.5.4 Termination on the grounds of Capability

While the preference will always be to retain employees there may be circumstances where this may not be feasible. Where reasonable adjustments cannot be made to the employee's current job; an employee is incapable of undertaking a suitable alternative job, no suitable job is available, the employee

refuses to accept a suitable alternative job and does not qualify for ill health retirement or is not a member of either the LGPS/STSS (section 2.5.3) then the employee's employment will be terminated on the grounds of capability.

When considering termination on the grounds of capability, advice **must always** be sought from Human Resources and eligibility for IHR must be considered.

3. Following an Absence / Returning to work

3.1 Return to Work Discussion

A return to work discussion will be held after **every** absence in order to confirm the employee's fitness to return, to discuss the reason for the absence and to ensure that all reasonable support is offered to the employee to maintain good attendance at work.

The return to work discussion must take place on the day the employee returns to work or as soon as practicably possible thereafter if the line manager is unavailable. Details of the discussion should be recorded using the online Return to Work Discussion form, and held securely by the line manager. All RTW information should be updated on HR21. Employees should also ensure that the self-certification section of the return to work form is completed at this meeting. In exceptional circumstances and in agreement within specific service areas return to work may be carried out via telephone. In such circumstances the employee should ensure that a self-certification form is completed and sent to the manager at the earliest opportunity.

During the return to work meeting the manager will advise if a Wellbeing meeting is required in line with Section 8.1

3.1.1 Annual Leave

If an employee has been absent for more than 13 weeks the manager should advise at the return to work discussion that the employee's annual leave has been amended. Employees are only entitled to accrue annual leave at 28 days per year (including public holidays) during the sick leave period.

During a period of long term absence an employee can ask to use their annual leave. If the employee is on half pay or nil pay this would provide them with a period of additional full pay. To request this, leave approval must be sought from the employee's line manager.

3.1.2 Overtime

To support the employee's recovery and recuperation and to ensure that the employee has regained full and sustainable fitness before taking on any additional workload, it is not appropriate for them to work any additional hours

or overtime for a period of seven days during the week following their return to work or during any phased return period. Consequently they will not be asked to work and will be removed from additional working rotas where these are in operation.

3.2 Back to Work Wellbeing Support Meetings

Wellbeing Support Meetings are an opportunity for a manager to discuss reasons for an absence and put in place any appropriate supports for the employee. They are formal meetings* and will be arranged when an employee has returned from a period of absence and the manager has identified that a meeting and their support is required in line with standards set out in Section 8.1 of the policy. These meetings should take place, wherever possible, within 10 working days of the Return to Work discussion, and earlier if possible.

Employees will be invited to Wellbeing Support Meetings in writing and *will be given the right to be accompanied by a fellow worker, a trade union representative or an official employed by a trade union. Should trade union representation be unavailable, the employee should take all reasonable steps to find an alternative representative or fellow colleague to attend.. This should not cause an unnecessary delay to the meeting taking place.

The purpose of these support meetings is to give the manager the opportunity to discuss the Occupational Health Report (if applicable), reasons for absences, any support that can be offered, any evidence of patterns of absence or any other concerns, including assessing their fitness for their role.

Each time an employee is invited along to a Wellbeing Support Meeting, the manager will determine if it's appropriate for them to be issued with an attendance advisory note. The maximum number of attendance advisory notes that can be issued is 3 (see S3.2.1below).

3.2.1 Attendance Advisory Notes

1st Attendance Advisory Note

1st Attendance Advisory Note will remain on file for **9 calendar months** from the day following the last day of absence.

2nd Attendance Advisory Note

2nd Attendance Advisory Note will remain on file for **12 calendar months** from the day following the last day of absence.

3rd Attendance Advisory Note

When a further support meeting is required due to subsequent absence and an

employee is within their 2nd attendance advisory note period , an HR adviser will be required to attend the Wellbeing Support Meeting with the manager. Should the manager issue the employee with a third and **final** attendance advisory note, this will run for **12 calendar months** from the day following the last day of absence.

3.2.2 Final Wellbeing Support Meeting

If an employee has subsequent absence during the 3rd attendance advisory period they will be invited to a Final Wellbeing Support Meeting where an HR Adviser will also be in attendance. This meeting will give the manager the opportunity to discuss how the absence has been managed to date including discussing the occupational health reports, reasons for absences, absence history, any supports that have been offered, any evidence of patterns of absence or any other concerns. This meeting will give the employee the opportunity to respond to all points raised in the meeting as well as highlight any further relevant information.

Where there are clear mitigating circumstances the manager may decide to move the employee back to the 3rd attendance advisory period , however this should only be done in exceptional circumstances and in consultation with HR and the Strategic Lead. If it is clear that the absences cannot continue to be supported and are no longer sustainable, one of the outcomes of this meeting could be dismissal on the grounds of capability. Please refer to the scheme of delegation in appendix 3 or 4.

Managers have a responsibility to regularly update an employee's HR21 record with meeting dates etc.

3.2.3 Improved Attendance

If at any stage of the process an employee meets the required standards of attendance and absence levels improve, for the duration of the advisory note, they will thereafter exit the process. The advisory note will be removed from their record however it should be noted that the entire absence history can be considered in any future proceedings. Throughout each stage of the policy, managers should remind employees about the ongoing employee supports available by enclosing the Employee Wellbeing support guide (Appendix 5) in their correspondence.

3.3 Discretion

Dependent on the individual circumstances a manager may feel that it is not appropriate to issue an attendance advisory note. In such circumstances the manager in consultation with HR and their Strategic Lead will consider whether it is appropriate to apply discretion, using a Discretion Request form. Further guidance on the use of discretion is available in appendix 2.

3.4 Appeal against Advisory Notes

Employees are entitled to appeal the decision to issue an Advisory Note. Appeals must be lodged with the person or persons specified within the Advisory Note within 10 working days of receipt of the letter. Appeals will normally be held as soon as possible and no later than 4 weeks after receipt of the employee's written appeal. Appeals should be submitted in writing using the standard Advisory Note Appeal Form setting out the grounds for the appeal. Notification of the outcome of the appeal will be confirmed as soon as possible and within 5 working days of the meeting.

3.5 Appeal against Dismissal on the grounds of capability

Any employee who has been dismissed in accordance with this policy will have the right to appeal to the Appeals Committee. The employee must lodge their appeal in writing with the Strategic Lead People & Technology within 10 working days of receiving the termination letter. The employee must complete and submit the standard Appeals documentation setting out the grounds of their appeal. The Strategic Lead will acknowledge receipt of the appeal in writing and will progress the appeal to the Appeals Committee. The right to appeal expires 10 working days after receipt of the termination letter.

4. Management of particular types of sickness/absence

4.1 Disability

Line managers have a duty to consider, after consultation with the employee and Occupational Health, whether or not an employee has a disability or underlying health condition as defined by the Equality Act 2010. This will determine what actions / supports will be appropriate to support the employee in continued employment. Where there is a recognised disability and this has an impact on the employee's ability to carry out their role, Managers should consider the use of a Disability Passport. Managers should also consider the appropriateness of progression through the stages of this policy and the application of discretion where appropriate. Employees and Managers should also refer to the [Disability Leave Scheme](#) for time off for appointments.

Should an employee covered by the Equality Act 2010 have sickness absence, either long term, or short term, related to their disability or underlying health condition, the line manager should seek advice from Human Resources. Whilst all possible measures should be taken to improve the attendance of an employee with a disability, or underlying health condition there may be occasions when an employee's employment is terminated due to a lack of capability in accordance with sections 2.5.3, 2.5.4 or 3.2 of the Supporting Employee Wellbeing Procedure.

Sickness absence related to a disability must be identified as such in the employee's sickness absence records. This is to ensure that employees with a disability are treated equitably in employment decisions and will also assist line managers when considering reasonable adjustments.

4.2 Work Related Stress

When an employee has identified either when reporting sick, or through submission of fit notes, that their absence is related to Work Related Stress (or similar i.e. anxiety or debility) then the manager must arrange a meeting to complete an [individual stress risk assessment](#) with the employee. This meeting must take place within 7 days. The employee must also be referred to Occupational Health and a copy of the completed stress risk assessment form, with agreed actions, should be enclosed with the referral

4.3 Reactive Stress

When an employee reports absent with stress relating to an ongoing disciplinary or grievance process etc. the absence will continue to be managed under this policy. Early intervention in such cases is essential and employees should be supported to return to work at the earliest opportunity. Employees are required to fully cooperate and be available to participate in ongoing investigations and processes.

Sick pay may be suspended if an employee abuses the sickness scheme or is absent on account of (i) sickness due or attributable to deliberate conduct prejudicial to recovery; or (ii) the employee's own misconduct or neglect; or (iii) active participation in professional sport; or (iv) injury while working in the employee's own time on their own account for private gain or for another employer. Please refer to S12.7 of the Council's terms & conditions for further information.

4.4 Musculoskeletal Condition or Injury

When an employee has identified either when reporting sick, or through submission of fit notes, that their absence is related to a musculoskeletal condition or injury then the manager must consider when an occupational health referral is appropriate. Advice can be sought directly from occupational health or from Human Resources.

4.5 Pregnancy/Maternity

Should an employee have a period of sickness absence related to a current or recent pregnancy, this must be identified as such in the employee's sickness absence records. This is to ensure that employees absent due to pregnancy

are treated equitably in employment decisions and these absences will not be considered in relation to an attendance advisory note. Any other sickness absence, unrelated to the pregnancy, would be counted in line with the procedures set out within the Supporting Employee Wellbeing Policy.

4.6 Accidents at Work and Workplace Accidents

When an employee has an accident at work this must be reported and investigated in line with the Council's Accident reporting procedure using an HS1 form and informing the relevant H&S trade union representative as soon as possible. If an accident at work results in an absence lasting more than 3 working days a referral should be made to Occupational Health.

Where it had been determined following an investigation that the Council could have reasonably prevented the accident and the employee was not at fault any related absence should be discounted and should not be part of any considerations relating to the issuing of an attendance advisory note in this policy. Any decision to discount absences must be made in conjunction with HR.

Where it has been determined that an employee could have reasonably avoided having the accident any related absence will be included in the considerations relating to attendance advisory notes outlined in this policy.

Where an employee is assaulted at work (for example, but not limited to, by a service user) then this should be reported on an HS1 form and the incident investigated. In such circumstances where the employee is not at fault and could not reasonably have prevented this, any resulting absence will not be included in the considerations relating to attendance advisory notes.

4.7 Certified and Notifiable Infectious Disease

An employee who is prevented from attending work because of contact with infectious disease (confirmed by a medical certificate) must notify their Strategic Lead immediately. Any related absence will not be included in the considerations relating to attendance advisory notes.. Information on notifiable infectious diseases can be found here [Notifiable Diseases](#).

4.8 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.

Managers may also decide to exclude employees who work within Care Homes, Care at Home or other services dealing directly with vulnerable clients when they have suffered from diarrhoea and/or vomiting.

Employees who work with or around food as part of their primary duties or deal directly with vulnerable clients may be redeployed to alternative duties, when they report fit for work. In exceptional cases the line manager may instruct an employee not to return to work until 48 hours after the symptoms have ended.

In these instances the line manager should discount the 48 hours exclusion **after** the symptoms and this will not be included in the considerations relating to an attendance advisory note.

4.9 Alcohol and Substance Misuse

The Council is committed to assisting employees who have serious long-term alcohol or substance misuse problems as well as those whose difficulties are relatively less serious and / or short-term, through preventative action and a range of referral options outlined in the Council's Alcohol and Substance Misuse Policy and Procedure.

If an employee's sickness absence is directly as a result of alcohol and / or substance misuse, this will be treated as sickness absence and recorded accordingly. However, if absence related to alcohol or substance misuse is frequent and recurring then this may be treated as a conduct issue and the Council's disciplinary policy may apply. Employees may still, however, be subject to termination in accordance with section 2.4 or 3.2 of this policy.

4.10 Planned Medical Procedure

If an employee requires time off to attend a medical appointment or to have a medical investigation / procedure carried out, the Special Leave policy should be applied. If the employee is subsequently unfit to attend work on the following day(s) then the *subsequent* absence will be considered sickness absence and will count towards a prompt. In conjunction with the employee, managers are encouraged to explore any alternative options to sickness absence, e.g. working from home, alternative duties, use of a personal day.

4.11 Absence and Part Attendance at Work

If an employee is ill and is not able to complete a full day at work (either leaving early or coming in later) the absence should be recorded as follows:

- More than half of their shift worked – this day will not be recorded as sickness absence
- Less than half of their shift worked – this day will be recorded as a half day of sickness absence.

Employees are responsible for determining their own fitness for work however should an employee present for work and the manager is concerned that they pose a risk to themselves or others a discussion should take place to determine the most appropriate course of action.

4.12 Serious Ill health

Where an illness or medical condition is diagnosed as one from which the employee will not recover and they have a short life expectancy, the most appropriate course of action will be considered. Any referrals to Occupational health will be made to assist with the employee's wellbeing. At all times the employee will be dealt with sympathetically and treated with respect and dignity. The options available will be discussed at the appropriate time (at the very least after 3 months) taking in to account their individual circumstances.

It is imperative that managers consult their HR representative at the earliest opportunity to ensure that the best pension arrangements available in the circumstances can be made in good time.

5. Conduct

While there is an expectation that all employees will maintain satisfactory levels of attendance, failure to achieve this for any of the reasons set out below will be dealt with under the Disciplinary Policy.

5.1 Failure to Report

Failure to follow absence reporting procedures and/or certification procedures as outlined in sections 2.1 and 2.3 may result in the absence being considered unauthorised and could lead to the withdrawal of occupational sick pay and disciplinary action.

5.2 Problematic Absence

Where absences are problematic, for example:

- Repeated intermittent absence that is not medically certified
- Absence without reasonable explanation
- Persistent patterns of absence where the instances of absence detailed in Section 8.1 of the policy are not met

This may be considered misconduct and where appropriate (with advice from HR) will be managed under the Disciplinary Policy and Procedure; and in such circumstances occupational sick pay may be withdrawn.

5.3 Failure to engage in the Supporting Employee Wellbeing Process

It is the responsibility of all employees to fully engage in the Supporting Employee Wellbeing Policy and Procedure. This includes appropriate notifications, making themselves available for Wellbeing Support / Case review meetings, attending Occupational Health appointments, attending Wellbeing Support Prompt Meetings. Should an employee fail to engage fully in this process then this may be considered misconduct and will be managed under the Disciplinary Policy and Procedure and occupational sick pay may be withdrawn.

NB: This section of the policy must be read in conjunction with the Council's Disciplinary Policy.

6. Related Policies & Forms

This policy should be read in conjunction with:

- [SWITCH Policy](#)
- [Stress Management Policy](#)
- [Special Leave Scheme](#)
- [Bereavement Leave Scheme](#)
- [Disability Leave Scheme](#)
- [Carers Leave Scheme](#)
- [Cancer Support Policy](#)
- [Equality & Diversity in Employment Policy](#)
- [Supporting Employee Performance Policy](#)
- [Disciplinary Policy](#)
- [Employee Wellbeing Support](#)
- [PAM Assist](#)
- [Return To Work and Self Certification Form](#)
- [Wellbeing Prompt Meeting – Record of Discussion](#)
- [Wellbeing Support Meeting – Record of Discussion](#)
- [Case Review Meeting – Record of Discussion and Action Plan](#)
- [Appeal Form \(Advisory Notes/Dismissal\)](#)

Appendix 1 Support Resources

A1.1 Occupational Health Service

Management may require advice about the health of their employees in relation to work in a variety of circumstances and may make a referral to Occupational Health and/or Physiotherapy. Its role is to keep workers healthy and at work through protecting them from workplace health hazards as well as rehabilitating injured or ill workers back into the workplace. Physiotherapy is provided for workers suffering from musculoskeletal conditions and back problems. Its role is to help restore movement and function to as near normal as possible when someone is affected by illness or injury.

Further information on Occupational Health referrals can be found on the Intranet.

A1.2 Employee Counselling

If employees feel that they would benefit from formal counselling, West Dunbartonshire Council provide a free, confidential counselling service through an independent provider. Counselling sessions will be tailored to the individual needs of the employee and will be arranged out with the workplace.

Employees can refer themselves to the service or can ask their line manager to make the arrangements on their behalf. Telephone counselling is available for those who find it hard to attend face to face counselling appointments. Counselling sessions are arranged at a time when the employee can be comfortable and private and the cost of the calls are met by West Dunbartonshire Council.

Details of this service and contact numbers can be found on the intranet.

A1.3 Access to Work

Access to Work is a publicly funded employment support programme that aims to help more people start or stay in work. It can provide practical and financial support if you have a disability or long term physical or mental health condition.

Further information on access to work can be found on the intranet here

Appendix 2 – Guidance on Applying Discretion

When an employee has returned to work and the requirements for a Wellbeing Prompt meeting are met in line with Section 8.1 of the policy, it is essential that the Meeting is arranged in order to provide support and assistance to the employee. In some individual circumstances the manager should consider the application of discretion. When doing so the manager **must** consider what is reasonable and justifiable in relation to the particular circumstances of the case and in consultation with the Strategic Lead and HR apply discretion using a Discretion request form. When it has been agreed that discretion will be applied the employee must be notified of this in writing.

In preparation for the Wellbeing Prompt Meetings, it may be appropriate for managers to consider discretion in advance, proactively taking into account the circumstances surrounding the employee's recent absence and their history.

Shown below are examples of circumstances which **may** lead to the application of discretion.

- Serious / Life Threatening Illness
- Planned medical procedure where future absence may be prevented
- Bereavement of an immediate family member (in cases where special leave has been exhausted)
- No absence in the last 2 years* ((dependent on individual circumstances of the case)Employee shows best effort to return to work / to consider flexible return ((dependent on individual circumstances of the case)

This list is not exhaustive; therefore cases are not limited to those examples shown above. In addition, there may be circumstances of cases exemplified above where progression through the stages in the policy *would* be considered appropriate.

The decision to apply discretion rests with the manager, considering the individual circumstances of the employee's case and in consultation with the Strategic Lead, however Human Resources **must** be consulted as part of the decision making process to monitor appropriate and equitable application of the policy on behalf of the Council.

Any decision taken by the line manager and Strategic Lead will not be considered a precedent. Decisions will be made on a case by case basis dependent on the individual circumstances.

In reaching a decision, the line manager and Strategic Lead must consider all circumstances of the individual employee within the context of the Supporting Employee Wellbeing Policy and act reasonably.

* if employee has been at work – e.g. not applicable to new employees / long term absence / career break, etc.

**Appendix 3 – Scheme of Delegation – Local Government Employees
AUTHORITY TO TAKE ACTION FOR ISSUE OF ATTENDANCE
ADVISORY NOTES AND DISMISSALS**

Level of Action	Employees Grade 1-8	Middle Managers Grades 9-10	Service Managers Grades 11-12
1st Attendance Advisory Note	Line Manager	Service Manager or Line Manager	Strategic Lead
Appeal	Line Manager's Manager	Strategic Lead or Line Manager's Manager	Director
2 nd Advisory Note	Line Manager	Service Manager or Line Manager	Strategic Lead
Appeal	Line Manager's Manager	Strategic Lead or Line Manager's Manager	Director
3 rd Advisory Note	Line Manager	Service Manager or Line Manager	Strategic Lead
Appeal	Line Manager's Manager	Strategic Lead or Line Manager's Manager	Director
Dismissal	Middle Manager, Service Manager or Strategic Lead (minimum Grade 9)	Strategic Lead or Director	Director
Appeal	Council Appeals Committee	Council Appeals Committee	Council Appeals Committee

- (1) The job evaluation output of the immediate line manager (based on the responsibilities contained within their job profile) will determine the appropriateness of their being asked to undertake duties in relation to attendance management as part of their role (including issuing improvement notes). If not appropriate, the hearing will be conducted by the next most appropriate manager within the structure.

**Appendix 4 – Scheme of Delegation – Teaching Employees
AUTHORITY TO TAKE ACTION FOR ISSUE OF ATTENDANCE
ADVISORY NOTES AND DISMISSALS**

Level of Action	Teaching Staff in a Secondary School	Teaching Staff in a Primary School	Teaching Staff in a Primary School with no Depute Head Teacher
1 st Advisory Note	Principal Teacher	Depute Head Teacher	Head Teacher
Appeal	Depute Head Teacher	Head Teacher	Strategic Lead
–2 nd Advisory Note	Principal Teacher	Depute Head Teacher	Head Teacher
Appeal	Depute Head Teacher	Head Teacher	Strategic Lead
3 rd Advisory Note	Head Teacher	Head Teacher	Head Teacher
Appeal	Strategic Lead Or nominee	Strategic Lead or nominee	Strategic Lead or nominee
Dismissal	Director Or nominee	Director Or nominee	Director Or nominee
Appeal	Council Appeals Committee	Council Appeals Committee	Council Appeals Committee

(1) This list is for illustrative purposes and levels may be changed to reflect structure arrangements.

Note: The responsibility for conducting these interviews / meetings can be agreed as appropriate through discussion with the individual and management, taking account of individual circumstances