

# ANGUS JOINT NEGOTIATING COMMITTEE FOR TEACHERS

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Dear Colleague

## **AJNCT/32 SUPPORTING ATTENDANCE POLICY**

This agreement was previously known as Procedures for Managing Sickness Absence for Teachers and Associated Education Professionals. It was updated and renamed in March 2021 to reflect a new corporate policy and guidelines which have been revised and adopted by Angus Joint Negotiating Committee for Teachers.

This amendment to the local agreement was approved by the Angus Joint Negotiating Committee for Teachers at its meeting on 2 March 2021, and subsequently ratified by the Staffing Sub-Committee on 9 January 2024.

Yours sincerely

**JIM HAMMOND  
MIKE CALLAGHAN**

Joint Secretaries

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cc: Chief Executive  
Director of Education and Lifelong Learning and Chief Education Officer  
Director of HR, Digital Enablement and Business Support

## **SUPPORTING ATTENDANCE POLICY**

### **1. Policy Statement**

Angus Council recognises the importance of maintaining the health and wellbeing of employees and is committed to providing systems of management, which actively promote and encourage mental and physical health and wellbeing at work.

The council values all its employees and is committed to providing support and assistance in maintaining attendance at work or in the management of ill health or incapacity.

Managers have a critical role in supporting attendance and health and wellbeing at work within their teams and services. The council will provide training and guidance to all levels of management to develop the skills and competencies necessary to fulfil these responsibilities, our duty of care and to promote fair and consistent practices.

It is recognised that the level of attendance of employees contributes significantly to the council's overall performance, productivity and effective delivery of services. Attendance will therefore be monitored and will be managed under the Supporting Attendance Policy and associated procedure.

The Supporting Attendance Procedure outlines the expectations and responsibilities of employees, managers and Human Resources in relation to supporting attendance.

This policy is intended to complement and safeguard employees' legal rights and should be read in conjunction with the associated Supporting Attendance Procedure.

### **2. Definition**

'Supporting Attendance' is the term used to broadly describe the procedures, strategies and preventative measures that are taken collectively to support employees to be well, remain in work, facilitate a return to work and support the effective delivery of the services of the council.

'Sickness' or 'absence' are the terms that describe where an employee is incapable of carrying out the work he or she is employed to do due to a physical or mental health condition or concern and as such is not currently attending work.

A 'Supporting Attendance Meeting or Supporting Attendance Review' are the terms used to describe supportive meetings that take place between a manager and employee when; reaching one of the council's Attendance Concern Points, reviewing attendance over a formal improvement period or during periods of long term absence, establishing what collective measures may support an employee to return to work or making improvements in their attendance

An 'Attendance Improvement Period' is a specified period of time during which it is expected that a sustained improvement in attendance is achieved.

A 'Sustained Improvement in Attendance' is the term given to the standard of attendance required to no longer progress through the stages of the Supporting Attendance Policy. This is achieved where the employee has no more than two occasions of absence which does not exceed 3 working days during an Attendance Improvement Period. An adjustment to this standard may be accommodated where a disability impacts on attendance.

Where a sustained improvement in attendance is not achieved, an earlier review meeting will be scheduled.

'Wellbeing at Work Meeting' is the term used to describe a supportive meeting that takes place between a manager and an employee due to an isolated, fluctuating or recurrent health concern which does not impact on attendance at work but affects health or wellbeing at work or the ability to carry out duties. These meetings are held to ensure the employee is managing any condition/s at work, to help maintain attendance at work, determine if any further support may be required and to review any supportive measures that may already be in place.

### **3. Scope**

The provisions of this policy and associated procedures apply to all employees of Angus Council. Where there are differences in the application of the procedures for Local Government employees and Teachers and Associated Professionals, these will be clearly identified.

This policy does not apply to other types of absence from work e.g. special leave or annual leave.

### **4. Principles/Objectives**

Managers will adopt a supportive and constructive approach when supporting attendance issues, taking into account individual circumstances.

Attendance concerns will be dealt with promptly, confidentially, consistently and effectively, demonstrating clear outcomes at all stages.

All efforts will be made to support and assist an employee absent due to sickness with steps being taken to help facilitate their return to work at the earliest opportunity.

Managers will be mindful of their obligations under the Equality Act 2010 and consider reasonable adjustments, seeking advice from occupational health, including the pace of progression in managing attendance where absences are related to a disability.

Employees will know and understand that regular attendance at work is of vital importance and that the supporting attendance procedures must be adhered to.

Employees may seek advice from a trade union representative at any stage of the Supporting Attendance Policy and may be accompanied by a work colleague, trade union representative or an official employed by a trade union during any Supporting Attendance Meetings or Reviews. It is the employee's responsibility to arrange any such representation.

In addition to a range of health and wellbeing resources, the council offers an Employee Assistance Programme which includes a confidential counselling service to employees who have concerns which may be affecting their general health and wellbeing. Advice and guidance will be provided by Human Resources and the council's Occupational Health provider, where appropriate. An employee may be asked to attend an appointment with Occupational Health where there is a concern about their health or level of attendance. An assessment can provide objective information to assist management in their discussions with employees and to support decision making.

## **5. Related Legislation**

The council is aware of the implications of and its responsibilities under the Equality Act 2010.

## **6. Overview of Supporting Attendance Procedure**

### Wellbeing at Work Meetings

A Wellbeing at Work Meeting is held where an employee's health is having an impact on work, or vice versa. The purpose of this meeting is to discuss the impact of any health concern, consider any support, reasonable adjustments or advice from external agencies, to help maintain attendance and minimise any adverse impact on health.

### Return to Work Discussions

Return to Work Discussions are held between a manager and employee after every period of absence. They are documented discussions used to welcome the employee back to work, explore the reasons for absence and provide any work-related updates occurring during the absence. Should an employee choose to withhold their reason for absence, it may not be possible for the manager to provide appropriate support.

### Short-Term Absence

### Identifying an Attendance Concern

In order for attendance to be effectively supported it is necessary to identify what constitutes an Attendance Concern.

The council's Attendance Concern Points are as follows:

- 3 or more separate occasions of sickness absence (of any length) in a rolling 12 month period, or from the end of an Attendance Improvement Period that has ended in the last 12 months
- a total of 6 working days\* sickness absence accrued over more than one occasion of absence, in a rolling 12 month period (\*pro-rated for part time employees), or from the end of an Attendance Improvement Period that has ended in the last 12 months.

Where absences relate to a disability, managers should consider the appropriate pace of progression through the Supporting Attendance Policy and apply discretion where appropriate. An adjustment to an Attendance Improvement Period can be accommodated for an individual on these grounds. However, a Supporting Attendance Meeting should still take place in order to discuss and document the outcome and any adjustments or support identified and agreed.

Absences related to pregnancy should be discounted for the purposes of calculating Attendance Concern Points.

The initial meeting will typically be a Stage 1 Supporting Attendance Meeting. However, where an employee has previously reached an Attendance Concern Point and an Attendance Improvement Period has ended in the previous 12 months, a Stage 2 meeting is not automatically triggered, but the employee may be invited to a Stage 2 Supporting Attendance Meeting depending on the individual circumstances of the case. A Stage 2 meeting is appropriate when an employee's absence shows a pattern of persistent short term absence. Should the employee be invited to a Stage 2 Supporting Attendance Meeting the range of possible outcomes from that meeting are set out in the Supporting Attendance Procedure and does not automatically mean an Attendance Improvement Period at Stage 2 is put in place.

#### Stage 1 - Supporting Attendance Meeting and Review

Upon reaching an Attendance Concern Point, the employee will be invited to attend a Stage 1 Supporting Attendance Meeting. An outcome of this meeting may be a Stage 1 Attendance Improvement Period. A manager may apply an alternative outcome for example, no further action.

Where a Stage 1 Attendance Improvement Period is issued, a sustained improvement in attendance is expected during this time. A review will take place the end of the Stage 1 Attendance Improvement Period, or earlier where a sustained improvement is not achieved. An outcome of this meeting may be a Stage 2 Attendance Improvement Period.

#### Stage 2 Supporting Attendance Meeting and Review

Where a Stage 2 Attendance Improvement Period is issued, a sustained improvement in attendance is expected during this time. A review will take place at the end of the Stage 2 Attendance Improvement Period, or earlier where a sustained improvement is not achieved. Where there are concerns about an underlying health condition Occupational Health advice should be sought. An outcome of this meeting may be a Stage 3 Attendance Improvement Period.

The employee will be advised that there is a risk to their ongoing employment if no sustained improvement is achieved during a Stage 3 Attendance Improvement Period.

#### Stage 3 Supporting Attendance Review and consideration of dismissal

Where a Stage 3 Attendance Improvement Period is issued, a sustained improvement in attendance is expected during this time. A review will take place at the end of the Stage 3 Attendance Improvement Period, or earlier where a sustained improvement is not achieved.

If during a Stage 3 Attendance Improvement Period the employee has not achieved a sustained improvement in attendance, the case will be considered by an appropriate manager at either a Capability Hearing or Attendance Hearing, and a potential outcome is dismissal.

- A Capability hearing is appropriate where ill health impacts on short term attendance.
- An Attendance hearing is appropriate where short term absences persist due to some other substantial reason.

Consideration will be given to alternative outcomes including reasonable adjustments, redeployment or ill health retiral as appropriate.

### Long Term Absence

A long term absence is a continuous period of sickness absence of 4 weeks or longer. If an absence reaches 21 days and it is expected, or known, that an employee will not be returning within the following 7 days, the manager will contact Human Resources to plan the appropriate steps and timescales.

Ongoing contact should be maintained throughout a period of long term absence and the frequency and means of this contact should be established early in the absence.

Ongoing Supporting Attendance Meetings will also take place as required during the absence. Discussions during these meetings will include updates on the employees' health, the likely duration of the absence, consideration of advice from Occupational Health and any reasonable adjustments or supportive strategies that may help a return to work.

### *Long Term Absence – Consideration of Dismissal*

Whilst the majority of employees will have a successful return to work in some cases there is insufficient improvement to an employee's health which can lead to a position where the council cannot sustain the employee's level of absence any longer. In other cases, medical advice may indicate that the employee will not be able to return to their role or that a return to work date is not foreseeable.

In these circumstances the case will be considered by an appropriate manager at a Capability Hearing and dismissal on the grounds of ill health is a possible outcome. Consideration will be given to alternative outcomes including reasonable adjustments, redeployment or ill health retiral as appropriate.

## **7. Right to Appeal**

Any employee who considers that the procedure has been unfairly or incorrectly applied to them at any stage may address the matter through the Council's Grievance Procedure. There is however a specific right of appeal against dismissal.

Employees have the right of appeal against dismissal under the supporting attendance procedure. An appeal must be submitted within fourteen calendar days of receiving written confirmation of dismissal and must state the grounds for the appeal. The confirmation of dismissal will detail to whom the appeal should be addressed.

Appeals against dismissal will be heard by an Appeals Sub-Committee which is comprised of elected members. At an appeal hearing you have the right to be accompanied by a work colleague or a representative of a trade union or official from a trade union. It is your responsibility to arrange any such representation.

The decision reached at an appeal hearing is final; however, any right to make a claim to an employment tribunal is unaffected by this procedure.

## **8. Monitoring and Review of Policy**

The policy and associated procedures will be reviewed regularly and amended in line with any changes in legislation.

## **9. Links to other HR Policies / Further Support**

[Employee Assistance Programme - PAM Assist](#) [Alcohol and Drug Misuse Policy](#)  
[Special Leave Policy](#) [Flexible Working Procedure](#) [Carers Policy](#)  
[Time off for Dependants](#) [Management of Stress at Work Policy](#) [Mental Health and Wellbeing Policy](#)  
[Occupational Health Consultation Policy](#)  
[Safety Health and Wellbeing – stress, mental health and wellbeing guidance](#)  
[Employee Health and Wellbeing Strategy](#)

## **10. Data Protection**

The council processes personal data, including information about an employee's health and wellbeing, in accordance with its data protection policy, human resources data protection policy and employee privacy notice. Data collected while managing a case when an employee is absent from work due to sickness, or returning from a period of absence, has a health concern, requires a health check or other matter involving an employee's health and wellbeing is held securely and is accessed by, processed by and disclosed to, managers, human resources, and occupational health, only for the purposes of managing the case as set out in the employee privacy notice. Further information can be found at Employee Matters - [Human Resources – Data Protection](#) or contact [Human Resources](#).

***Should you have any questions or wish clarification please contact Human Resources.***

March 2021

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[APPENDIX A – Capability Flowchart](#)

[APPENDIX B – Capability Hearing Flowchart](#)



## 1. Introduction

This procedure is designed to provide guidance to all employees and to support managers to fulfil their responsibilities in relation to supporting attendance and wellbeing at work, in conjunction with the Supporting Attendance Policy.

The provisions apply to all employees of Angus Council. Where there are differences in the application of the procedures for Local Government employees and Teachers and Associated Professionals these are clearly identified.

For the purposes of this procedure:

- 'absence' relates to sickness absence and not any other types of absence from work e.g. annual leave, compassionate leave, time off for dependents.
- 'manager' - in the majority of cases this will be the line manager or supervisor, however in certain circumstances an alternative manager may be nominated.
- 'teacher' – relates to teachers, music instructors and other associated educational professionals.

Throughout this procedure, you will be signposted to further information or provided with guidance as detailed below:

**These boxes contain:**

**Links to relevant internal and external documents and resources. If you require a hard copy of any of the information referred to, please contact your manager or email [AskHR@angus.gov.uk](mailto:AskHR@angus.gov.uk)**

**These boxes contain:**

***Additional support and guidance for managers to assist in the fair and consistent application of the Supporting Attendance Policy and Procedure.***

Should you have any questions or wish clarification on the content of the Supporting Attendance Policy or Procedure please email [AskHR@angus.gov.uk](mailto:AskHR@angus.gov.uk) or [contact Human Resources](#).

## 2. Responsibilities and Expectations

All employees are expected to:

- work their contracted hours as confirmed in their Statement of Employment Particulars, and if prevented from doing so due to sickness absence, they should:
  - Co-operate with the Supporting Attendance Policy and Procedure
  - Discuss any health or wellbeing concerns, that have an impact on their work or attendance, with a manager. If an employee chooses not to discuss these matters, a manager may not be able to support them appropriately.
  - Report sickness absence in line with the reporting procedures
  - Provide appropriate self-certification and/or fit notes as required
  - Maintain regular contact with a manager during periods of absence
  - Attend appointments with the Council's Occupational Health provider as appropriate.

Managers are expected to:

- have day to day responsibility for the effective implementation of the Supporting Attendance Procedure for all the employees they are responsible for. They should:
  - Report, record and review absence
  - Undertake and record return to work discussions
  - Arrange and lead Supporting Attendance Meetings and Reviews
  - Arrange Wellbeing at Work Meetings to discuss any health concerns that are having an impact on work
  - Advise employees of their [right to representation](#) in advance of relevant meetings
  - Take appropriate action or measures and provide support to improve attendance
  - Maintain regular communication with employees absent from work
  - Consider risk assessments and return to work plans in line with guidance and procedures
  - Seek advice and guidance from Human Resources as required
  - Manage health and wellbeing information in line with [Human Resources – Data Protection Policy](#) and [Employee Privacy Notice](#).

Human Resources are expected to:

- offer advice and guidance to managers and employees in the application of the Supporting Attendance Policy and Procedure and attend formal Supporting Attendance Meetings where appropriate. HR will support managers in the process of making informed, fair and reasonable decisions, asking questions at meetings where required.

### 3. Absence Notification, Certification and Allowances

#### Notification

Absences should be reported as soon as an employee knows they are going to be absent from work. This is to allow for appropriate cover to be arranged and any necessary support offered. In the case of an infectious disease there may be additional reporting requirements and advice should be sought from Safety or Human Resources.

Where an employee becomes unwell whilst at work and is unable to continue their shift, they must notify a manager as soon as reasonably practicable.

This will normally result in a period of sickness absence. Where the absence relates to an infectious disease published council guidance should be followed and in the absence of this advice should be sought from Safety and Human Resources, as appropriate.

Whilst it is not generally deemed as acceptable to notify a manager of an absence by email or text, it is appreciated that services may have their own notification procedures, and these can be maintained where they are effective and appropriate. It is a manager's responsibility to ensure that employees are aware of any local arrangements in place for reporting sickness absence. Any absences reported by text or email must be followed up with a telephone discussion at the earliest opportunity.

For more information about notification requirements please refer to:

<p><b>Local Government Employees</b></p> <ul style="list-style-type: none"><li>• <a href="#">Conditions of Service (LG Employees)</a></li></ul> <p><b>Teachers</b></p> <ul style="list-style-type: none"><li>• SNCT Part 2: Section 6 (6.26-6.32) <a href="#">Sickness Allowances and Notification Arrangements</a></li></ul>
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#### Certification

Self-Certification will be required for local government employees for absences lasting up to and including 7 days.

For Teachers and other Educational Professionals, self-certification applies where the absence period is 4 to 7 days.

For all employees, a Statement of Fitness for Work ('Fit Note') will require to be submitted after 7 consecutive days of sickness absence.

Managers can only provide appropriate support if they are aware of the reason for absence.

Certification requires to be sent to payroll, including for part day absences, to allow sickness entitlement to be calculated.

For further information please see:

#### **Local Government Employees**

- [Conditions of Service \(LG Employees\)](#)

#### **Teachers**

- SNCT Part 2: Section 6 (6.26-6.32) – [Sickness Allowances and Notification Arrangements](#)

#### **All Employees**

- [Fit Note FAQs](#) \*new
- [Self-Certificate Form](#)

### **Entitlement to Sickness Allowance**

Entitlement to sickness allowance is dependent upon an employee's length of service at the start date of the absence. Any other periods of sickness absence during the previous 12 months are taken into account when calculating an employee's entitlement to sickness allowance.

Should an employee fail to comply with the requirements of the Supporting Attendance Policy, entitlement to sickness allowance may cease and disciplinary action may be taken. A manager should not make any changes to an employee's sickness allowance without discussion with Human Resources.

It is a manager's responsibility to ensure employees are made aware, as soon as possible, of any changes to their sickness entitlement, for example when the employee is moving to half pay or no pay. Managers can find out this information by contacting [PayrollSection@angus.gov.uk](mailto:PayrollSection@angus.gov.uk) or request it in discussion with Human Resources as part of preparing for a supporting attendance meeting.

For more information on entitlements to sickness allowance please refer to:

#### **Local Government Employees**

- [Conditions of Service \(LG Employees\)](#)

#### **Teachers**

- SNCT Part 2: Section 6 (6.6) – [Sickness Allowances and Notification Arrangements](#)

#### **4. Maintaining Contact during Absence**

It is important for contact to be maintained when an employee is absent from work. If an employee does not contact their manager then the manager should attempt to contact the employee.

Whilst early and regular contact is important, a manager should determine the appropriate method and frequency of contact based on the circumstances. Information regarding [PAM Assist](#) should be provided to the employee at an early stage if appropriate to the absence. Managers should also check if the employee requires access to any other relevant information that can usually be accessed within the workplace. Employees may also choose to seek access to any other information they may require through their manager or via [Human Resources](#).

#### **5. Right to Representation**

For meetings held under the Supporting Attendance Policy, an employee can be accompanied by a work colleague, trade union representative or an official employed by a trade union. It is the employee's responsibility to arrange any such representation. Where employees have the right to be accompanied, they will be informed of this in writing.

The right to be accompanied does not normally apply to return to work discussions, however requests to be accompanied will be considered in exceptional circumstance.

*For more information please refer to:*

[Right to Representation guide](#)

## 6. Supporting Attendance and Wellbeing at Work – Overview

Type of Meeting	Who Can Attend	Additional Information
<a href="#">Wellbeing at Work Meeting</a>	Employee Manager TU Rep/Colleague HR Adviser (if required)	Initiated by manager, or requested by employee, where health has an impact on work, or vice versa and a meeting would be helpful or necessary.
<a href="#">Return to Work Discussion</a>	Employee Manager <i>(Trade Union Rep in exceptional circumstances, where agreed in advance)</i>	A discussion to take place after every absence, as soon as possible on return to work.
<b>Short Term Absence</b> Stage 1, 2 and 3 <a href="#">Supporting Attendance Meeting</a>  <a href="#">Supporting Attendance Review Meeting</a>	Employee Manager TU Rep/Colleague HR Adviser (at Stage 2 if required and at Stage 3)	Stage 1 meeting scheduled if employee reaches an Attendance Concern Point.  Attendance Improvement Periods are typically issued for approximately 6 months. An alternative outcome may be appropriate.  Adjustments may be made to an Attendance Improvement Periods where disability impacts on attendance.  A Review Meeting is held at the end of an Attendance Improvement Period, or earlier if appropriate. The supporting attendance process is formally ended or progresses to Stage 2 or 3 as appropriate.
<b>Long Term Absence</b> Long Term – <a href="#">Supporting Attendance Meeting</a>	Employee Manager TU Rep/Colleague HR Adviser (if required)	Manager to contact Human Resources where a continuous absence reaches 21 days <b>and</b> is expected to extend beyond 4 weeks.  Appropriate timings for initial meeting and ongoing review is agreed based on individual circumstances.

<p><b>Long Term Absence</b> Long Term – <a href="#">Supporting Attendance Meeting</a></p>	<p>Employee Manager TU Rep/Colleague HR Adviser (if required)</p>	<p>Manager to contact Human Resources where a continuous absence reaches 21 days <b>and</b> is expected to extend beyond 4 weeks</p> <p>Appropriate timings for initial meeting and ongoing review is agreed based on individual circumstances.</p>
<p><b>Attendance Hearing</b> (no underlying health issue connected to attendance at work)</p>	<p>Employee Manager (Service Leader) TU Rep/Colleague HR Adviser</p>	<p>Notice of an attendance hearing issued following where no sustained improvement achieved at a Stage 3 Supporting Attendance review meeting. Risk of dismissal due to some other substantial reason.</p>
<p><b>Capability Hearing</b> (underlying health issue connected to attendance at work)</p>	<p>Employee Manager (Service Leader) TU Rep/Colleague HR Adviser</p>	<p>Notice of a capability hearing issued at the appropriate time where a capability concern identified. Risk of dismissal due to ill health capability.</p>

## 7. Wellbeing at Work

Taking a proactive and holistic approach to wellbeing at work can help an employee maintain their attendance and assist in identifying concerns at an early stage. The following interventions can provide a framework for managers and employees to initiate and structure discussions about health and wellbeing at work.

### 7.1 Return to Work Discussions

A Return to Work Discussion **must** be conducted after **every** period of sickness absence and should be done as close to the first day of return as possible. Speaking to employees, particularly on the day they return to work after an absence, has been shown to be a very effective tool for managing short term absence and ensures the timely implementation of any necessary supportive measures. Managers should use the Return to Work Form to structure and document the discussion.

An effective return to work discussion is a two-way conversation and the purpose is to:

- welcome the employee back to work
- Seek the cause(s) of absence giving the employee the opportunity to highlight any relevant issues
- provide any significant work updates which have occurred during the absence
- If the absence from work was stress related, managers should refer to the additional guidance on Managing Stress and can access advice around Supporting Sensitive Conversations
- Discuss the council's Attendance Concern Points and advise the employee if a Supporting Attendance Meeting is required

*If appropriate, an employee may be advised during a Return to Work Discussion that separate arrangements will be made for either –*

- *a Supporting Attendance Meeting if an Attendance Concern Point has been reached OR*
- *a Wellbeing at Work meeting if an attendance concern point has not been met however there is a health concern that may have an impact on the employee at work, or vice versa that a require a more in depth discussion.*

*For more information on carrying out a return to work discussion and for a template form please refer to;*

- Record of Return to Work Discussion Form \*New
- Return to Work Discussion Managers Guidance \*Updated
- Supporting Sensitive Conversations - Managers Guidance\*Under Development (available in due course)

## **7.2 Wellbeing at Work Meetings**

Discussion and consideration of support mechanisms are appropriate for employees who are attending work as well as those who are absent.

A Wellbeing at Work Meeting may be appropriate where an [Attendance Concern Point](#) has not been reached, but an employee's health is having an impact on work, or vice versa. This could be in relation to a physical or mental health condition. It could be short term, long term, fluctuating or defined as a [disability](#). A Wellbeing at Work meeting can be initiated by a manager or arranged at the request of an employee.

The purpose of a Wellbeing at Work Meeting is to discuss the impact of the health concern, consider any support, [reasonable adjustments](#) or advice from external agencies to help maintain attendance and minimise any adverse impact on health. A referral to Occupational Health may be appropriate depending on the circumstances.



*For more information please refer to:*

- Wellbeing Concern offer of support \*New
- Invite to Wellbeing at Work meeting \*New
- Outcome of Wellbeing at Work Meeting \*New
- [Disability Related Absence and Wellbeing](#)
- [Guidance on issuing HR Correspondence](#)

### 7.3 Wellness Action Plan

A Wellness Action Plan (WAP) is a tool used to record information about what helps an employee to feel and stay mentally well, what might trigger them to cope less well and what the individual and others can do to provide support to alleviate any symptoms of being unwell.

A manager may signpost an employee to a WAP, however the content does not have to be discussed with a manager and employees may wish to use the tool as a self-awareness strategy.

A Wellness Action Plan does **not** replace a manager's obligation to undertake a [Stress Risk Assessment](#) where this appropriate.

*For more information please refer to;*

- [Wellness Action Plan \(WAP\)](#) \*New
- [WAP Guidance](#) \*New

## 8. Identifying an Attendance Concern Point

It is recognised that there will be occasions when employees are unfit to attend work and, in many cases, this is managed through return to work discussions. The council has agreed Attendance Concern Points to identify the point at which an individual's attendance levels should be discussed in more detail, with a view to providing support and achieving an improvement in attendance levels.

A [Supporting Attendance Meeting](#) is **always** required when an **Attendance Concern Point** is reached.

An Attendance Concern Point is either:

- 3 or more separate occasions of sickness absence (of any length) in a rolling 12 month period, or from the end of an Attendance Improvement Period that has ended in the last 12 months

**OR**

- a total of 6 working days\* sickness absence accrued over more than one occasion of absence, in a rolling 12 month period (\*pro-rata for part time employees), or from the end of an Attendance Improvement Period that has ended in the last 12 months.

**What is the purpose of an Attendance Concern Points?**

If an employee is reaching or has reached an Attendance Concern Point it indicates a concern for the employee's health or wellbeing and there is likely to be an impact on the Service.

Attendance Concern Points are also a reminder for managers to discuss these concerns and resolve them in line with Supporting Attendance Policy.

**How are Attendance Concern Points monitored and calculated?**

Attendance Concerns Points are monitored and calculated by line managers based on a rolling period of 12 months.

Examples of reaching an Attendance Concern Point are set out below.

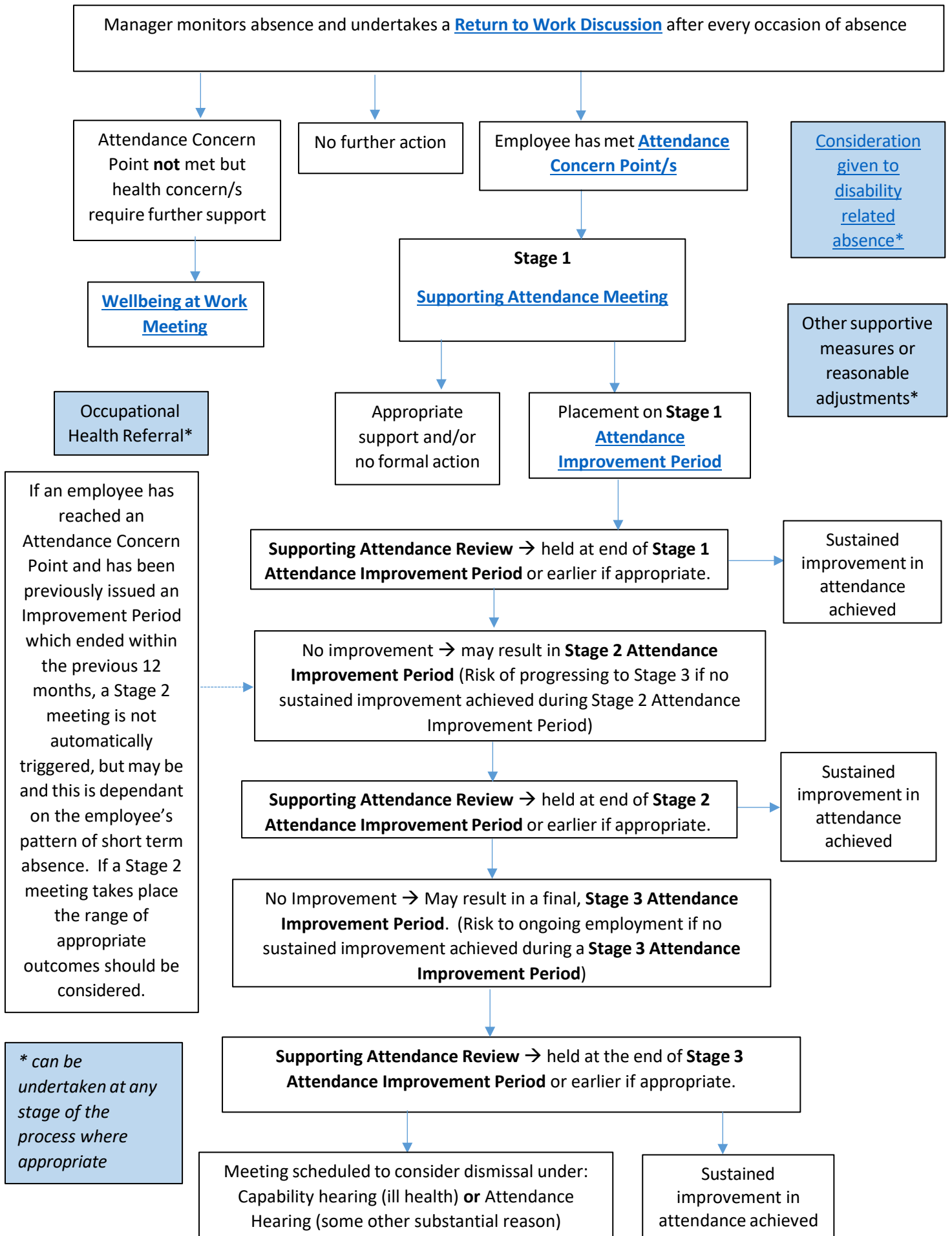
**Examples of when an Attendance Concern Point has been reached.**

	Working Days Absence	Occasions	Attendance Concern Point Not Reached/Reached
<b>Employee 1</b>			
3 March	1	1	Not reached
6-7 April	2	1	Not Reached
20-26 September	5	1	Reached*
*Supporting Attendance Meeting arranged within 2 weeks of last absence			
<b>Employee 2</b>			
20-21 December	2	1	Not reached
18-19 January	2	1	Not Reached
6-8 January	3	1	Not Reached
*In rolling 12 month period only 2 absences and less than 6 days, so Attendance Concern Point has not been reached.			
<b>Employee 3</b>			
23 June	1	1	Not reached
14-18 August	5	1	Reached*
*Total of 6 days over more than one occasion. Supporting Attendance Meeting arranged within 2 weeks of last absence			
<b>Employee 4</b>			
18 October to 5 November	15	1	Not reached. Fit Note submitted.
*Total of more than 6 days but not over more than one occasion so Attendance Concern Point is not reached.			
1-3 February	3	1	Reached*
*Total of more than 6 days and over more than one occasion within 12 month period so Supporting Attendance Meeting arranged within 2 weeks of last absence.			

## 9. Short Term Absence

Frequent short term absences can in some cases be a sign of an underlying health condition or wellbeing concern, therefore it is important that supportive steps are taken to discuss a pattern of absence in order to explore the cause, the impact and how an improvement may be achieved (with support if required). While the council wishes to be supportive in addressing frequent short-term absences, absences of this nature can have an impact on the operation of services. This Supporting Attendance Procedure outlines the typical approach to the management of short term absence. Specific guidance is also available where a [disability impacts on short term attendance at work](#).

## 9.1 Short Term Absence Flowchart



## 9.2 Supporting Attendance Meetings

A Supporting Attendance Meeting is a meeting to discuss concerns about the employee's level of attendance. These meetings ensure employees are offered any appropriate support and advice at an early stage, provide an opportunity to discuss any health concerns that may have any impact on work or vice versa, and identify any ways to improve attendance and wellbeing at work.

An invite letter will be issued by the manager to the employee to invite them to attend this meeting, giving them at least 7 calendar days' notice. The meeting is expected, wherever possible, to be held within 2 weeks of an Attendance Concern Point being reached.

The initial meeting will typically be a Stage 1 Supporting Attendance Meeting. However, where an employee has previously reached an Attendance Concern Point **and** an Attendance Improvement Period has ended in the previous 12 months, a Stage 2 meeting is not automatically triggered, but the employee may be invited to a Stage 2 Supporting Attendance Meeting depending on the individual circumstances of the case. A Stage 2 meeting is appropriate when an employee's absence shows a pattern of persistent short-term absence. Should the employee be invited to a Stage 2 Supporting Attendance Meeting the range of possible outcomes from that meeting are set out in the Supporting Attendance Procedure and does not automatically mean an Attendance Improvement Period at Stage 2 is put in place.

A Supporting Attendance Meeting is used to discuss and establish -

- reasons for absence
- any pattern of absences (see table below)
- if there is an underlying health concern or disability impacting on attendance
- if there is any support which may help to improve attendance
- the appropriate next step in the procedure should attendance levels continue to be of concern.

### ***What do we mean by a pattern of absences?***

A pattern of absences are similarities in when, why and what circumstances the employee is absent from work, for example, e.g. every Monday, fortnightly, monthly or annually or on occasions where certain duties are required to be performed/certain shift patterns or periods of on-call work are scheduled, frequently leaving work due to illness, links to reduction in sick pay or concern points, before or after public holidays or annual leave, associated with outside events, i.e. school holidays etc

Outcomes of a Supporting Attendance Meeting will be based on individual circumstances, and the stage reached in the process. It may include **one or more** of the following:

- An [Attendance Improvement Period](#) being issued
- An Attendance Improvement Period at Stage 2 where the employee was invited to a Stage 2 meeting Information provided on national and local support groups/PAM Assist/Self Help tools/NHS support services
- Consideration of supportive measures and/or a reasonable adjustments [where disability impacts on short term attendance at work.](#)
- Completion or review of a [Wellness Action Plan \(WAP\)](#) or [Stress Risk Assessment](#)
- No further or formal action being taken
- Further information or advice being sought (e.g. referral to occupational health/physiotherapy/human resources and postpone outcome of supporting attendance meeting if appropriate pending consideration of further information)
- [Consideration of dismissal](#) if no sustained improvement is achieved following a third and final Attendance Improvement Period.

The manager will decide on the appropriate outcome of a Supporting Attendance Meeting. This allows discretion to apply 'no further action' or an alternative outcome to an Attendance Improvement Period to allow for any extenuating circumstances to be recognised. Further advice, including the management of disability related short term absence, can be found in the [examples](#) at the end of this section.

### 9.3 Attendance Improvement Periods

The outcome of a Supporting Attendance Meeting may be to place an employee on an Attendance Improvement Period. An Attendance Improvement Period is typically set for 6 months from the date of the meeting however the timescale can be amended where appropriate (e.g. to take into account the timing of school holidays for term time employees or to an alternative timescale which may be connected to a reasonable adjustment).

A Supporting Attendance Review meeting will be held at the end of the Attendance Improvement Period, **or earlier** if a sustained improvement in attendance has not been achieved.

During an Attendance Improvement Period the employee is expected to achieve a '**sustained improvement**' in their attendance. This means no more than 2 occasions of sickness absence, or a period sickness absence which does not exceed 3 working days.

The exception to this is where an adjustment is agreed (e.g. due to a disability) and an alternative Attendance Improvement Period is accommodated based on the individual circumstances. Refer to examples of [Short Term Absence in Practice](#) and seek advice from Human Resources where appropriate.

If a sustained improvement has been achieved during the Attendance Improvement Period, the employee will not progress through any further formal stages of the procedure at that time and this outcome can be confirmed in writing.

However, if the required improvement has not been achieved, the case will be considered under Stage 2 or subsequently a Stage 3 of the supporting attendance procedure if appropriate.

*For more information please refer to:*

- [How to hold a Supporting Attendance Meeting or Review Managers Guidance](#)\* New
- Invite to Supporting Attendance Meeting Stage 1 \* New
- Invite to Supporting Attendance Meeting Stage 2 \* New
- Record of Supporting Attendance Meeting \* New
- Short Term Record Guidance \* New
- [Guidance on issuing HR Correspondence](#)
- [Right to Representation guide](#)
- [Short Term Absence Flowchart](#)
- [Short Term Absence in Practice](#)

#### **9.4 Supporting Attendance Review Meetings**

A Supporting Attendance Review Meeting should be scheduled -

- to confirm a sustained improvement has been achieved
- where there has been no sustained improvement during a Stage 1, 2 or 3 Attendance Improvement Period (taking into account any adjustment agreed for a disability where appropriate).

The manager will invite the employee to a Supporting Attendance Meeting. The meeting is expected, wherever possible, to be held within 2 weeks of the end of the Attendance Improvement Period, or 2 weeks from when the attendance concern arises.

### **What is the purpose of a Supporting Attendance Review meeting?**

The purpose is to explore -

- The reasons for further absence
- What steps might be taken to improve attendance going forward
- Any work related factors which may have an impact on attendance
- Any relevant advice from a medical practitioner
- Whether an occupational health referral would be appropriate
- Whether a [Wellness Action Plan](#), is appropriate
- The review or creation of a risk assessment, specific to physical adaptations or [stress](#) as appropriate
- [Reasonable adjustments](#) to the role, hours of work or working environment or a review of any that have already been made
- Whether an adjustment to the Attendance Improvement Period should be considered (e.g. due to disability related absences)
- Refer the employee to the Short Term Absence Flowchart to ensure they are clear of the course of action that may follow if attendance does not improve

An Attendance Review Meeting may result in;

- The employee being informed that they have achieved a sustained improvement in attendance
  - The employee being informed their level of attendance is having an impact on the effectiveness of the service, causing operational difficulties and cannot continue at the current level.
  - The employee being placed on an Attendance Improvement Period (Stage 2) Typically this would be for a period of 6 months
- OR**
- Where there has been no sustained improvement following an Attendance Improvement Period (Stage 2), the employee being placed on a third and final Attendance Improvement Period (Stage 3). Typically, this would be for a period of 6 months.

In all cases, the employee should be advised of what course of action may follow if the improvement sought is not achieved. Where a third and final Improvement Period is issued, the employee will be advised of the risk of dismissal if a sustained improvement is not achieved.

A record of the outcome of the meeting will be issued to the employee within 10 working days of the meeting taking place, where practicable.

**Further advice, including the management of disability related short term absence, can be found in the examples at the end of this section.9.5 Consideration of Dismissal**



*For more information please refer to:*

- Record of supporting attendance meeting – short term
- [Short Term Absence Flowchart](#)
- [Short Term Absence in Practice](#)

## 9.5 Consideration of Dismissal

Following the end of a Stage 3 Improvement Period, a final Supporting Attendance Review meeting will be held to determine whether the employee has demonstrated a sustained improvement in attendance.

Where an employee has been unable to achieve a sustained improvement in their attendance at this stage, they must be advised that there is a risk to their ongoing employment.

The appropriate action at this stage will depend on the circumstances of the individual case. However, it may progress to a Capability or Attendance Hearing (chaired by a manager with appropriate authority due to the risk of dismissal) to consider dismissal due to:

- a) 'Capability on the grounds of ill health' where an underlying medical condition has impacted on attendance. The process detailed in [Identifying a Capability Concern](#) should be followed and this may result in a Capability Hearing, **OR**
- b) 'Some other substantial reason' where no underlying medical condition has impacted on attendance. The employee will be invited to an Attendance Hearing arranged and chaired by a manager with authority to dismiss. The manager who has led the Supporting Attendance meetings will attend the hearing to present the employee's attendance history and any relevant background information and to establish the impact of the level of attendance on the Service. The employee will be advised in advance of the hearing of the period of attendance under consideration. The employee will be given the opportunity at the hearing to provide an explanation as to why their attendance has not improved and present any other information relevant to their case. The outcome of this meeting will either be:
  - Dismissal (with contractual notice)
  - Alternative outcome – e.g. further and final period of attendance improvement granted due to procedural failures or other exceptional circumstances

*For more information please refer to:*

- Outcome Letter **\*under development**
- [Short Term Absence Flowchart](#)
- [Appendix B – Capability Flowchart](#)

## 9.6 Short Term Absence in Practice

### **When would it be reasonable to issue an Attendance Improvement Period?**

Factors to consider include:

- *There are no underlying health concern(s)*
- *There is an underlying health concerns or disability and reasonable adjustments have been considered and/or implemented however attendance concerns have continued*
- *A sustained improvement has not been achieved following the issuing of an Attendance Improvement period*
- *The frequency of the absence is unmanageable for the service*

### **When is an informal outcome to a Supporting Attendance Meeting appropriate?**

Factors to consider include:

- *There have been no previous attendance concerns*
- *There is an underlying health condition or disability that reasonable adjustments have not yet been considered or further information is required*
- *An isolated attendance concern which had/has an expected recovery timescale after which attendance is anticipated to improve.*

***The above examples are not exhaustive and the outcome is determined by the manager based on the individual circumstances.***

### **When would it be reasonable to issue an Attendance Improvement Period?**

Factors to consider include:

- *There are no underlying health concern(s)*
- *There is an underlying health concerns or disability and reasonable adjustments have been considered and/or implemented however attendance concerns have continued*
- *A sustained improvement has not been achieved following the issuing of an Attendance Improvement period*
- *The frequency of the absence is unmanageable for the service*

### **When is an informal outcome to a Supporting Attendance Meeting appropriate?**

Factors to consider include:

- *There have been no previous attendance concerns*
- *There is an underlying health condition or disability that reasonable adjustments have not yet been considered or further information is required*
- *An isolated attendance concern which had/has an expected recovery timescale after which attendance is anticipated to improve.*

**The above examples are not exhaustive and the outcome is determined by the manager based on the individual circumstances.**

### **What constitutes a 'sustained improvement in attendance'?**

*When an Attendance Improvement Period is issued, a sustained improvement in attendance is required. To achieve this an employee must not be absent from work due to sickness during the Attendance Improvement Period on more than 2 occasions **or** for a single period of absence which exceeds 3 working days.*

*Where an Attendance Concern Point is individually adjusted, e.g.: due to a disability, the sustained improvement in attendance for that individual will also be determined at in discussion with management at the Supporting Attendance Meeting.*

*The manager will schedule an early review meeting if the set threshold is met during the Attendance Improvement Period.*

### **What period of time should an Attendance Improvement Period be issued for?**

An Attendance Improvement Period is typically set for 6 months from the date of the meeting however the timescale can be amended where appropriate e.g. to take into account the timing of school holidays for term time employees or an alternative timescale, for example, linked to assessing the impact of a reasonable adjustment.

### **How should short term absences be managed for employees with a disability?**

Where absences relate to a disability, managers should consider the appropriate pace of progression through the Supporting Attendance Procedure and apply discretion where appropriate. Reasons for absence may be a mixture of both disability and non-disability related the Supporting Attendance Meetings should be used to establish this.

Where attendance levels are impacted by a disability, consider [reasonable adjustments](#) for example:

- adjustments to an Attendance Concern Point
- adjustments to the sustained improvement in attendance required when an Attendance Improvement Period is issued
- postponing a meeting outcome pending Occupational Health advice
- use of additional Attendance Improvement Periods to reduce the pace of progression

However, Supporting Attendance Meetings should still take place in order to discuss and document the appropriate outcome and any adjustments or support identified.

### **How should pregnancy related absences be managed?**

Absences related to pregnancy should be discounted for the purposes of calculating Attendance Concern Points. Where absences are purely pregnancy related, a [Wellbeing at Work Meeting](#) would be more appropriate. Further information is available about [pregnancy related absence and wellbeing](#) or [contact Human Resources](#) for clarification.

**What if an employee changes job or manager whilst an Attendance Improvement Period is in place?**

*If an employee is subject to an Attendance Improvement Period and changes roles, any current stage in the procedure will be maintained within their new post to ensure appropriate review and support is continued. Where new adaptations or adjustments may be required due to a new working environment, the employee should alert their manager to this at the earliest opportunity. If appropriate, any ongoing Attendance Improvement Period may be extended to allow for any adaptations to be made.*

**What if a further Attendance Concern Point is reached following the expiry of an Attendance Improvement Period?**

*Where an Attendance Improvement Period has ended in the previous 12 months, AND the employee reaches an Attendance Concern Point again, a Stage 2 meeting is not automatically triggered, but the employee may be invited to a Stage 2 Supporting Attendance Meeting depending on the individual circumstances of the case. A Stage 2 meeting is appropriate when an employee's absence shows a pattern of persistent short-term absence. Should the employee be invited to a Stage 2 Supporting Attendance Meeting the range of possible outcomes from that meeting are set out in the Supporting Attendance Procedure and does not automatically mean an Attendance Improvement Period at Stage 2 is put in place.*

**Does a representative from Human Resources attend all supporting attendance meetings?**

*A Human Resources Adviser will not always be present at a Supporting Attendance Meeting but may be contacted by a manager for advice before or after.*

**When should I consider making a referral to Occupational Health due to repeated short term absences?**

*Short term absence can often be managed directly with the employee in the first instance. [Occupational Health](#) (OH) is useful where absences may be linked to an underlying health condition or if there are continued concerns that the employee is struggling to manage their health at work. Where cases escalate to Stage 2 and/or 3 due to an underlying health condition, OH advice should be sought.*

**Should I consider short term and long term absences separately when considering attendance concern points?**

Attendance Concern Points may be met with a combination of both short and long term absences. A period of absence is referred to as 'Long Term' where it continues for at least 4 weeks.

Due to the nature of a [long term absence](#), separate guidance is provided to help manage these absences and to support and facilitate a return to work. In some cases, it may be appropriate for a manager to issue an [Attendance Improvement Period](#) when making return to work plans from a long term absence. This decision will take into account the Attendance Concern Points and the absence record over the rolling 12 month period.

Similarly, when reviewing attendance records over a rolling 12 month period, it may be appropriate to consider any periods of long term absences at that stage. The manager is advised to seek advice from Human Resources should this arise.

**At what stage could persistent short term absence have an impact on ongoing employment?**

In dealing with attendance concerns, managers must treat each case on its own merits. Managers must carefully consider what action is appropriate and at each stage based on the circumstances and in line with the Supporting Attendance Policy. In all cases of persistent short term absence, employees will be given support and opportunity to improve their level of attendance.

In cases where attendance does not improve, formal action, including termination of employment, will be considered. If there is no sustained improvement achieved during an Attendance Improvement Period (Stage 3) the case may escalate to either a Capability or Attendance Hearing, the outcome of which may be dismissal.

Managers should refer to the [Short Term Absence flowchart](#) and [Supporting Attendance and Wellbeing at Work - Overview](#) and seek advice from Human Resources.

## 10. Long Term Absence

A 'long term' absence is a continuous period of sickness absence of **4 weeks** or longer.

Where appropriate, a manager should share information about [PAM Assist](#) with an absent employee at an early stage. The manager should seek any other information that may be required such as [sickness allowance entitlements](#) to be provided at scheduled meetings provided to the employee at an earlier stage if necessary.

## 10.1 Monitoring Contact

Regular contact should be maintained throughout the course of a long term absence. The frequency and means of ongoing contact should be discussed and agreed with the employee, considering individual circumstances.

### **When should a manager seek advice about a long term absence from Human Resources?**

*If an absence reaches **21 days** and it is expected, or known, that the employee will not be returning to work within the following 7 days, the manager must [contact Human Resources](#) to discuss and plan the next steps and consider the appropriate timing of a Supporting Attendance Meeting. The timing of the meeting will be based on the individual circumstances; however, this meeting would typically take place at around 4 weeks of continuous absence.*

*Often the purpose of the initial Supporting Attendance meeting is to understand the nature of the employee's illness and identify any potential implications of this for their return to work (i.e. the potential length of the absence and any longer-term impact of their condition). It is an opportunity to establish whether an occupational health referral is appropriate and at what stage, identify what mechanisms are in place to support the employee during their absence and any support that will help them prepare for their return.*

*A HR Adviser will be allocated to support a manager with a long term absence. However, the manager should discuss and agree with Human Resources whether a representative from HR is required to attend the initial Supporting Attendance meeting. This will not be necessary in all cases and advice can be provided to the manager before and after the meeting.*

Information regarding [PAM Assist](#) should be provided to the employee at an early stage if appropriate to the absence. Managers should also check if the employee requires access to any other relevant information that can usually be accessed within the workplace. Employees may also choose to seek access to any other information they may require through their manager or via [Human Resources](#).

If an employee is absent from work, they must inform their manager of any occasion when they will be uncontactable. Employees must provide alternative contact details, if appropriate, as this may have an impact on planning Attendance Support Meetings and/or Occupational Health appointments. Providing it is not detrimental to recovery or inconsistent with the reason for absence, there may be occasions where time away from home or taking part in social activities form part of a recovery plan.

## 10.2 Supporting Attendance Meetings – Long Term

A Supporting Attendance Meeting should be a supportive discussion to keep in touch, exchange information and/or make return to work arrangements where appropriate.

Employees will be invited to meet with their manager within their usual place of work. It can be harder for employees to return to work if there has been no face to face contact or a meeting(s) held at their workplace during their absence. In certain circumstances, or at the request of an employee, alternative arrangements can be made.

Managers should ensure that they explore the nature of the absence, the employee's progress, whether work is in any way related to the cause of the absence, the estimated duration of the absence, whether occupational health or PAM Assist or any of the other available support strategies may help to facilitate a return to work.

Where a long term absence is ongoing, review meetings should be scheduled. The timing of these meetings should be assessed on a case-by-case basis.

As a guide, the timing of reviews is likely to be based on:

- A set period of time (e.g. 1 month or around the expiry of a Fitness of Statement for Work), subject to the circumstances of the absence
- After receiving an Occupational Health report (or other medical advice) which needs to be discussed
- After being informed by an employee of a notable change in their medical circumstances
- After any event which may impact on the employee's ability to return to work.

### **What should a manager expect to discuss during a Supporting Attendance Meeting for long term absence?**

*The content of the meeting will depend on the circumstances but may include discussion about some/all of the following areas–*

- *Remaining entitlement to sickness allowance*
- *An update on current health & the level of progress made since the start of the absence (if any)*
- *The likely duration of the absence*
- *Whether or not a referral to Occupational Health is appropriate (e.g. in order to obtain further information on the above), or discussion of any medical advice already received*
- *Exploration of any supports or adjustments which may help a return to work*
- *Sharing of relevant workplace developments/updates*
- *An opportunity for the employee to raise any queries, difficulties or concerns*
- *Confirmation of the next steps in the process (e.g. date of next meeting)*



*For more information please refer to:*

- Keeping in Touch – \*under development (available in due course)
- Invite to supporting attendance meeting – Long Term [\\*new](#)
- Record of supporting attendance meeting – Long Term [\\*new](#)
- [Guidance on Issuing HR Correspondence](#)

## **Referral to Occupational Health**

Where appropriate, arrangements will be made for a consultation referral or a review with Occupational Health during the long term absence and/or as part of planning a return to work.

*For more information please refer to;*

- [Occupational Health](#)

## **Planning a Return to Work**

For employees returning from a long term absence, a manager may require to consider a phased return and/or [reasonable adjustments](#), guided by any recommendations from Occupational Health and the GP.

It is important the return to work is planned in advance and monitored informally on return to work. This should include arrangements for the employee to re-familiarise themselves within the workplace. Employees have a responsibility to highlight any difficulties that arise on their return to work.

In some circumstances, an [Attendance Improvement Period](#) may be set for employees returning from a period of long term absence. Please refer to guidance on [identifying an attendance concern](#).

## **Phased Return to Work**

A 'phased return' is a working arrangement which can support an employee back to work gradually, in stages, before undertaking their normal duties and/or normal working hours/days typically for a period of one to four weeks.

The employee must be considered fit for returning to work and this may be indicated as appropriate by a GP or Occupational Health. Where a phased return is requested by an employee without medical opinion, the manager should consider if a phased return is appropriate based on the nature of the absence and the duties of the post. A phased return is not an entitlement or a requirement in all cases.

*For more information and details on payment arrangements please refer to;*

- [Phased Return Arrangements](#)

### Ill Health Retiral

Where appropriate, guidance will be provided in connection with the ill health retiral process.

*For more information on the ill health retiral process, please refer to:*

- [Ill Health Retiral – Local Government Pension Scheme](#)
- [Ill Health Retiral – SPPA Scheme \(Teachers and Associated Educational Professionals\)](#)

## 11. Identifying a Capability Concern

The majority of long term absences result in a successful return to work however there are occasions when discussions concerning capability are appropriate. This can also arise in the case of persistent short term absence connected to an underlying health condition.

Where medical information indicates that an employee cannot sustain their attendance due to an underlying health condition or is unfit to return to work for the foreseeable future consideration should initially be given to whether this can be addressed via reasonable adjustments. Where this is not possible, there will be a concern about the employee's capability to carry out or return to their contractual duties of their substantive post. The outcome of this process may result in dismissal on the grounds of capability due to ill health.

This can arise when an employee has significant period(s) of short and/or long absence due to an underlying health condition and:

- the prognosis for a return to work, or sustained attendance is not foreseeable **or**
- the timescale for a return to work is unreasonable **and**
- the impact of the absence is not sustainable for the service

There is no requirement to wait until the employee's sick pay has been fully exhausted prior to identifying a capability issue. If the employee refuses to attend or does not consent to release an occupational health report, decisions about future employment will be made without the benefit of this advice.

Supporting Attendance meetings should continue to take place with the employee with consideration to the up to date Occupational Health opinion to fully explore timescales for fitness for work and/or consideration of reasonable adjustments that may help facilitate a return to work.

The following steps and considerations are outlined in [Appendix A - Capability Flowchart](#):

### **Ill Health Retirement**

As part of these discussions, eligibility for [ill health retiral](#) can be explored via Occupational Health. Ill health retirement is subject to meeting criteria set by the pension administrator and will not be a viable outcome in all cases, for example, where the employee -

- is not granted ill health retiral under the Local Government or SPPA Pension Scheme, or,
- is not a member of the pension scheme, or has insufficient service within the scheme, or has already reached normal retirement age and is already eligible to access their pension benefits.

### **Redeployment**

Consideration should be given to the medical advice on fitness to undertake alternative duties and the employee's view on this. Should this be of interest to the employee, arrangements should be made to support the employee to complete a Personal Skills Profile. The employee should be advised that this would ultimately proceed via a Capability Hearing and notice of dismissal would be served and the employee would be placed on the council's Redeployment Register. The council's redeployment policy and procedure for capability would apply in these cases. Where redeployment has not been considered prior to the Capability Hearing it will be considered as part of the hearing process.

### **Other Possible Outcomes**

In some circumstances, there is mutual agreement to dismissal on the grounds of capability due to ill health at the request of the employee. This would only be appropriate if instigated by the employee, and would require thorough consideration and discussion as part of the supporting attendance process, with input from Human Resources.

### **Capability Hearing**

Where all avenues for a return to the substantive post have been exhausted, the case will progress to a Capability Hearing.

The purpose of this meeting is to discuss:

- the medical advice regarding the employee's state of health
- any improvement in the health of the employee
- the employee's view regarding their health and how they feel about their future employment
- the impact of the absence on the service
- any reasonable adjustments available to facilitate a return to work
- any steps taken to explore ill health retirement
- whether or not the employee is fit and agreeable to consider redeployment

Where the redeployment process is appropriate but proves unsuccessful due to the unsuitability of the employee or where there are no suitable alternative posts, the employee will be asked to attend a final meeting during the last week of their notice period. This may result in them being dismissed and will be in accordance with the Supporting Attendance Policy and Procedure.

*For more information please refer to:*

**All employees:**

- [APPENDIX A – Capability Flowchart](#)
- [APPENDIX B – Capability Hearing Flowchart](#)
- Redeployment Policy/Procedure **\*under development**
- Capability Hearing guidelines/holding a capability hearing **\*under development**

## 12. PAM Group

People Asset Management (PAM) Group are an Occupational Health and Wellbeing Provider and provide a number of health and wellbeing related provisions and benefits.

The [PAM Assist website](#) provides access to a 'medicine chest' with a range of health advice, access to a quarterly magazine and stress management techniques amongst various other health and wellbeing resources.

### 12.1 PAM Assist – Employee Assistance Programme

The council has provided an Employee Assistance Programme - PAM Assist that is available for all employees to access. PAM Assist is a free and confidential service that provides advice, information, counselling and CBT for a number of personal or work related issues or concerns and is available 24/7. Counselling can be offered on a face to face, telephone or online basis. Employees **do not** need to be referred to this service and can make contact any time support is required.

PAM Assist can also be accessed by managers (the same as any other member of staff) but they can also use the service if they require a sounding board to discuss any difficult issues in the workplace and how to handle these sensitively. They are also able to arrange support for a group of employees that may have experienced a traumatic event.

PAM Assist can be accessed online, through an App (available for Android via the Google play store and Apple via the Apple Store) or via telephone (0800 882 4102).

*For more information please refer to:*

- [PAM Assist Information](#) **\*New**
- PAM Assist website - <https://login.pamassist.co.uk/public/login.aspx?ReturnUrl=%2f> Username – ANGUS, Password - COUNCIL

## 12.2 Occupational Health

The role of Occupational Health is to provide managers with an up-to-date medical opinion, to assist them in deciding on the best course of action in dealing with individual absence cases or wellbeing at work concerns. The contribution of Occupational Health in supporting health and attendance at work is valuable as they provide managers with advice and guidance on fitness for work, the impact of any medical condition(s) that is affecting ability to attend work and guidance on any support or adjustments to support a return to work. Occupational Health can also assess eligibility for ill health retiral for employees under the Local Government Pension Scheme and normally provide a role in the ill health retiral process for teachers under the provisions of the SPPA scheme.

Should an employee refuse to attend an appointment with Occupational Health, or the release of an Occupational Health report, decisions will be made based on the information that is available and without the benefit of Occupational Health input. Further FAQs can be found within the Occupational Health Consultation Policy.

*For more information please refer to;*

- [Occupational Health Consultation Policy](#)
- [Manager's Guide to Making an Occupational Health Referral](#)
- [Occupational Health Referral Form for Managers](#)

## 12.3 Physiotherapy

Physiotherapy appointments require a management referral. Managers should be satisfied that the physiotherapy would assist an employee to return to work or prevent an absence from work. Sessions through this scheme are limited and where longer term physiotherapy is necessary, employees should pursue options via their GP.

*For more information please refer to;*

- [Referral form](#)
- [Information for employees, guidance for managers](#)

## 13. Supporting Mental Health and Stress at Work

The council has policies and resources to help manage mental health and stress in the workplace. Everyone has mental health and like physical health, it can fluctuate along a spectrum from good to poor.

Where mental health or stress related concerns have an impact on work, or vice versa, employees are encouraged to discuss this with a manager or, if they feel unable to contact a manager, they can contact Human Resources.

Managers may be concerned about an employee's wellbeing at work, or employees may be experiencing mental health, work related stress, or personal stress which impacts on them adversely at work. In other cases, an employee may be absent from work due to a mental health or a stress related condition and managers should seek advice from Human Resources.

A manager can consider the use of a [Wellbeing at Work Meeting](#), (or Supporting Attendance Meeting if appropriate). Managers should take steps to share information about [PAM Assist](#) at an early stage and signpost to the [Mental Health Support Service](#) and [local or national support services](#) if appropriate. Stress assessment tools or other [supportive strategies](#) can be used as preventative or return to work measures.

A [Wellness Action Plan](#) can be instigated by an employee or manager to help support and review wellbeing at work.

[PAM Assist](#) can also be accessed by managers (the same as any other member of staff) but managers can also use the service if they require a sounding board to discuss any difficult issues in the workplace and how to handle these sensitively.

### 13.1 Mental Health Support Service (MHSS)

The MHSS is a free and confidential service funded by the Department of Work and Pensions. It is available to any employee experiencing depression, anxiety, stress or other mental health issues affecting their work. A representative from MHSS can work with an employee to develop a tailored plan and coping strategies to help manage their health at work

To be eligible for this service, you need to be in permanent or temporary employment and have a mental health condition (diagnosed or undiagnosed, including stress or anxiety related) that has resulted in absence from work, or is causing difficulties to remain in work.

Specialist advisers can provide:

- Tailored work-focused mental health support for up to nine months
  - Suitable coping strategies
  - A support plan to keep employees in, or to help facilitate a return to work
  - Ideas for workplace adjustments to help employees fulfil their job role
  - Practical advice to support those with a mental health condition
- A specific service is also provided by MHSS for apprentices who are finding it difficult to attend or concentrate due to a mental health condition, or have been signed off sick with a mental health condition, diagnosed or undiagnosed, but want to continue with their apprenticeship.

#### ***Is contact with the Mental Health Support Service confidential?***

*The MHSS is an external service and can be accessed confidentially. However, an employee may find it helpful to openly discuss this support with a manager at some stage in the process.*

*For more information:*

Contact one of the mental health support service providers: [Remploy](#) or [Able Futures](#).

You can apply for advice and guidance directly from these providers. These services are fully funded by Access to Work and you do not need to be diagnosed with a condition to apply for mental health support.

## **13.2 Additional Resources for Managing Mental Health and Wellbeing**

Employees are encouraged to take ownership of their own health and wellbeing. Contact information for national and local support services is available in addition to support provided by the NHS and self-help tools and apps. These cover a range of physical and mental health concerns and can offer additional support to employees out with the workplace. Communication tools such as noticeboards and Yammer can be used to find and share information about local health and wellbeing initiatives.

A wide range of information can be found on the council's [Health and Wellbeing](#) intranet pages.

Where concerns have an impact on work, or vice versa, employees are encouraged to discuss this with a manager or, if they feel unable to do so, they can contact a different manager or contact Human Resources.

Trade Unions work with the council to raise awareness and promote the importance of wellbeing in the workplace and can be a source of advice and support for employees.

Coaching can also be accessed through Organisational Development by employees who wish to support their personal development in areas such as; performance, interpersonal skills, handling change and career planning. Professional Relationship Coaching can also be explored with employees at work, where professional working relationships have broken down and require practical support to move forward.

Organisational Development offer internal workshops:

- Developing Personal Resilience (open to all employees)
- Mentally Healthy Workplace (open to managers)

Always Learning eLearning courses are also available;

- Personal Stress
- Stress Management
- Mentally Healthy Lives (prior learning to workshop)

External training can also be accessed:

- Scottish Mental Health First Aid Training - <http://www.smhfa.com/>

For more information please refer to;

- [Coaching](#) and [Professional Relationship Coaching](#)
- [Links to support - national, local, NHS and self-help apps](#) \*New
- [Alcohol and Drug Misuse](#)
- [Smoking at Work](#)
- [Gender Based Violence](#)

## 14. Equality Act

An employer should not discriminate against an employee based on 'protected characteristics' specified in the Equality Act 2010. These protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### 14.1 Disability Related Absence and Wellbeing

Under the Equality Act 2010 a person is disabled if they have a physical or mental impairment which has a substantially adverse and long-term effect on their ability to carry out normal day-to-day activities.

Employers must make [reasonable adjustments](#) to ensure employees with disabilities, are not disadvantaged and take steps to remove, reduce or prevent obstacles a disabled employee faces. Appropriate regard will be given to the Equality Act 2010 in order to support an employee's return to work or achieve acceptable levels of attendance.

#### **Attendance Concern Points and Attendance Improvement Periods**

Where Attendance Concern Points are reached due to disability related reasons, please refer to the further guidance on [determining the appropriate outcome of a Supporting Attendance Meeting](#) and examples of managing [Short Term Absence in Practice](#). This can include consideration to adjusting the attendance concern points based on the individual circumstances and identifying appropriate support measures. Where attendance concerns continue following any appropriate reasonable adjustments, it is likely that an Attendance Improvement Period would be issued.



### **How can a manager support the wellbeing and attendance of an employee with a disability?**

*If an employee has been diagnosed with a disability or if there has been a change to an existing disability that may have an impact on performance of duties, wellbeing or attendance at work, this should be discussed sensitively with the employee. An employee may not have disclosed their disability until they find it is impacting on their performance or attendance or it may be discussed with a manager informally or during a Wellbeing at Work or Supporting Attendance Meeting. Advice can be sought if necessary from Human Resources.*

*An employee can seek advice directly and/or request involvement from a [disability employment advisor \(DEA\)](#), at a local Jobcentre Plus office; and/or [Access to Work](#).*

*In other cases, there may be no immediate action required and the role of the manager is to listen to an employee who may be sharing information about the impact of a disability, coping with news of a diagnosis or adjusting to a change in symptoms.*

### **Other Supportive Strategies**

Contact HR for advice and/or arrange a [Wellbeing at Work](#) meeting to facilitate further discussions. Confidential advice and support is available via [PAM Assist](#). Managers can also access advice around approaching [sensitive conversations](#) and may choose to contact PAM Assist themselves as a sounding board for supporting an individual or team during a difficult period. Practical advice is also provided by Remploy - [Remploy Disability guide for Employers](#) and it may be helpful to signpost employees to organisations or sources of [local or national support](#).

### **Occupational Health**

Where a disability has an impact on work, or vice versa, a referral to Occupational Health is likely will be considered in line with the [referral guidance](#) and Occupational Health Policy. The purpose of a referral will be to support discussions with the employee in relation to:

- the nature and extent of the disability;
- whether it is permanent or temporary and in which case the likely duration; and
- to what extent, if any, the disability affects the employee's ability to carry out any of the key duties of the job.

Advice from the occupational health adviser will be relevant to the workplace and the duties of the post and may include:

- the nature of the condition and the potential impact, if any, on current and future work attendance or performance;
- any recommended adjustments to the workplace or tasks for management consideration
- signposting to support from relevant agencies, for example Access to Work

Occupational Health advice will help support further discussion between the manager and the employee to ascertain what reasonable adjustments could be made to support the employee to do their job and without compromising health and safety of the employee or others. These discussions will take into account the views of the employee, advice from Occupational Health and any other relevant agencies, for example Access to Work or other specialist advice.

### **Identifying a Capability Concern**

All reasonable steps will be taken to support employees with a disability to maintain their attendance and remain in their substantive employment. Should circumstances arise where this is not possible consideration would be given to [identifying a capability concern](#).

## **14.2 Pregnancy Related Absence and Wellbeing**

Employees who are absent from work due to sickness whilst pregnant are managed in line with this procedure. However, any periods of sickness absence relating to the pregnancy should **not** be counted for the purpose of Attendance Concern Points. Therefore, a pregnant employee should not be placed an attendance improvement period due to pregnancy related absence. It is important for the manager to discuss with the employee the reasons for absence and determine if they are pregnancy related, in order to record this accurately and take any appropriate steps, for example a review of the pregnancy risk assessment or advice may be required from Human Resources.

If an employee is absent from work with a pregnancy related illness during the last 4 weeks before the EWC (expected week of childbirth), maternity leave will commence early in line with the relevant maternity procedure. If any clarification is required support can be sought from Human Resources.

### **14.3 Reasonable Adjustments**

Reasonable adjustments should be considered where a health concern is having an impact on an employee's attendance or ability to undertake their duties or, in the case of a long term absence, may be recommended to facilitate a return to work and sustain attendance. A discussion should take place with the employee to identify potential adjustments. A GP may provide recommendations on a Statement of Fitness for Work and advice can also be taken from Occupational Health.

Managers may be able to consider reasonable adjustments such as:

- re-allocation/rearrangement of responsibilities between employees with similar roles to eliminate specific area of concern from the employee's duties
- change of work location/working environment to eliminate any physical barriers
- alteration to hours of work e.g. varying start/finishing times, reduced working hours via the Flexible Working Procedure
- Referral to Occupational Health or signposting to Access to Work to explore adjustments to the working environment/premises, the provision of specialist aids, or modification of existing equipment

While the council has a duty to make reasonable adjustments, consideration should be given to the following in determining whether an adjustment is a reasonable, practical step for the council to take:

- The extent to which the adjustment(s) would help to remove the barrier.
- The extent to which it is practical for the council to make the adjustment(s).
- The financial and other resources available to the council and the cost which would be incurred as a result of making the adjustment.
- The extent to which taking the step would disrupt any of the council's other activities

Reasonable adjustments can be agreed on a temporary, occasional or permanent basis. The nature of the arrangement agreed should be clear from the outset. If appropriate adjustments should be reviewed at appropriate intervals to assess the impact of the adjustments. In some cases, adjustments may be agreed based on current resources, and review may be triggered by a substantial change to this.

*For more information please refer to;*

**All employees:**

- [Definition of Disability under Equality Act 2010](#)
- [Access to Work Information Pack](#) \*new (available in due course)
- [Remploy Disability guide for Employers](#) – Practical advice for employers to supporting disabled people and those with long term health conditions in the workplace
- [Employee Transgender](#)

**Local Government Employees:**

- [Maternity Leave & Pay – Employee Guide](#)

**Teachers:**

- [SNCT Handbook Part 2 Section 7 Family Leave](#)

## 15. Industrial Injury

Where it is determined that an employee has sustained an injury, illness, disease or other health condition that is wholly or mainly attributable to their Angus Council employment, they may be entitled to an alternative allowance (Injury Allowance) rather than sick pay. This is subject to certain qualifying criteria and conditions as detailed in the guidance document.

**All employees:**

- [Industrial Injury Guidance](#)

Additional information for Teachers:

- SNCT Part 2: Section 6, 6.20 -6.25 - [Absence Due to Work Related Injury/Illness](#)

## 16. Unexplained or Unauthorised Absence

Should an employee be absent without leave during a period of sickness absence (e.g. the employee stops sending in fit notes). Managers should follow the guidance provided and seek advice from Human Resources.

*For more information please refer to;*

- Unexplained or Unauthorised Absence – Managers Guidance  
\*under development (available in due course)

## 17. Absence and Holiday Entitlement

For more information please refer to;

- [Absence and Holiday Entitlement Factsheet](#) \* under development (available in due course)

Local Government employees:

- [PAB - Leave](#)
- [Term-Time Only Working and Equated Pay](#) \*to be updated (available in due course)

Teachers

- SNCT Part 2: Section 6 (6.37 – 6.50)- [Sickness Allowances and Notification Arrangements](#)
- [Accrual of Annual and Compensatory Leave during a period of sickness absence for Angus Teachers and Associated Professionals](#)  
\* updated (available in due course)

## 18. Medical Suspension

In exceptional circumstances, a manager may require to consider medical suspension and this should initially be discussed with Human Resources. Where appropriate, the employee may be medically suspended on full pay pending an Occupational Health referral at the earliest opportunity to confirm fitness for work.

## 19. Right to Appeal

Any employee who considers that the procedure has been unfairly or incorrectly applied to them at any stage may address the matter through the Council's Grievance Procedure. There is however a specific right of appeal against dismissal.

Employees have the right of appeal against dismissal under the supporting attendance procedure. An appeal must be submitted within fourteen calendar days of receiving written confirmation of dismissal and must state the grounds for the appeal. The confirmation of dismissal will detail to whom the appeal should be addressed.

Appeals against dismissal will be heard by an Appeals Sub-Committee which is comprised of elected members. At an appeal hearing you have the right to be accompanied by a work colleague or a representative of a trade union or official from a trade union. It is your responsibility to arrange any such representation.

The decision reached at an appeal hearing is final; however, any right to make a claim to an employment tribunal is unaffected by this procedure.

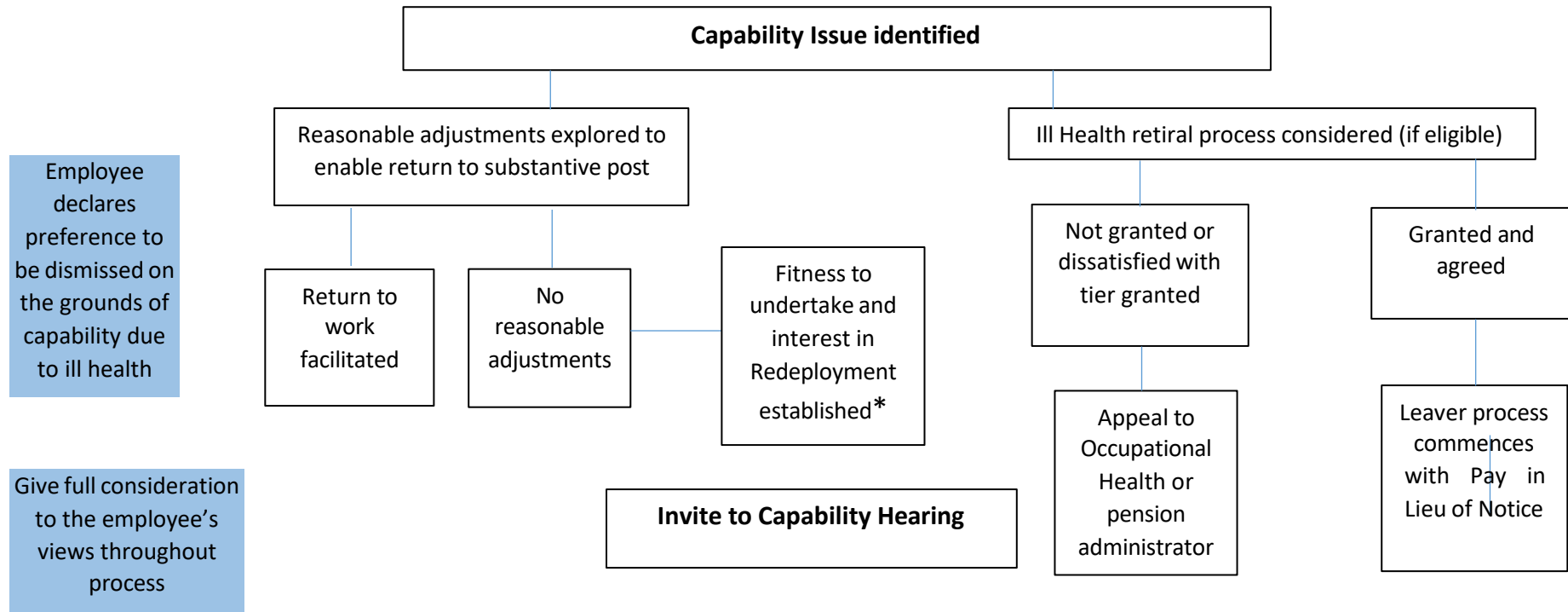
## 20. Data Protection

The council processes personal data, including information about an employee's health and wellbeing, in accordance with its data protection policy, human resources data protection policy and employee privacy notice. Data collected while managing a case when an employee is absent from work due to sickness, or returning from a period of absence, has a health concern, requires a health check or other matter involving an employee's health and wellbeing is held securely and is accessed by, processed by and disclosed to, managers, human resources, and occupational health, only for the purposes of managing the case as set out in the [employee privacy notice](#). Further information can be found at Employee Matters - [Human Resources – Data Protection](#) or contact [Human Resources](#).

***Should you have any questions or wish clarification on the content of the Supporting Attendance Procedure please contact Human Resources.***

April 2021

## APPENDIX A – Capability Flowchart



- Discuss and document that case will move to a Capability Hearing if a return to work is not feasible within a reasonable timescale and that a possible outcome is dismissal on the grounds of capability due to ill health.
- Where appropriate, refer to the steps detailed within the Redeployment Policy Absence/Capability, Work Performance or Other Reasons
- Ensure Occupational Health advice is up to date and it provides opinion on the likely duration of the employee's illness or medical condition. If the employee refuses consent, they should be advised that a decision about future employment will be made without the benefit of this advice.

## APPENDIX B – Capability Hearing Flowchart

