Human Resources

# Supporting Attendance Procedure



Human Resources Service

2026: VERSION 1

Dumfries and Galloway COUNCIL

# Contents

Please click on any of the contents below to go to that page

Introduction

Roles & Responsibilities

Categories of Absence

Notification, Certification and Contact

Returning to Work

Short Term Absence Framework

Long Term Absence Framework

Occupational Health

Phased Return to Work

Redeployment

Permanent Incapacity due to Ill Health

Serious Ill Health/Critical Illness/Terminal Illness

Financial Inclusion and Welfare Support

Specific Absence Reasons

Changing Jobs (Internal in the Council)

Multiple Posts

Annual Leave and Sickness Absence

Resource Pack

# 1. Introduction

This procedure establishes a clear framework for the management of both short and long-term absence. It outlines the key responsibilities of employees, managers, HR, and Trade Unions. It also defines the Attendance Support Points that will trigger supportive management discussions and meetings. The procedure is designed to ensure that support needs and any potential capability issues are identified at an early stage, without the need to wait until occupational sick pay has been exhausted.

# 2. Roles & Responsibilities

## 2.1 Line Managers

- Understand the policy and procedure, and apply them fairly, consistently and supportively.
- Make sure employees know what is expected of them and provide any documentation needed.
- Record absence promptly and accurately on iTrent, and handle health information in confidence.
- Maintain regular, supportive contact during absence, as agreed with the employee.
- Carry out return-to-work conversations and any required meetings.
- Identify patterns of absence and address concerns early and supportively.
- Consider reasonable adjustments and signpost support services.
- Promote a positive, open attendance culture.

## 2.2 Employees

- Attend work when well enough and report absence promptly in line with the notification procedure.
- Maintain reasonable contact as agreed and engage with the process.
- Take reasonable steps to manage their own health and follow medical advice where they can.
- Raise any concerns affecting their health, and any need for adjustments.
- Comply with the Health and Safety at Work Act 1974.
- Can expect to be treated fairly, supported, kept informed, and to have their information handled in confidence.

## 2.3 Human Resources

- Provide professional advice and support to managers and employees on applying this policy.
- Ensure the policy is applied fairly and consistently, in line with legal and equality requirements.
- Coordinate Occupational Health referrals and advise on reasonable adjustments.
- Provide guidance, training and support for complex absence, redeployment and capability cases.

- Work in partnership with the trade unions and relevant agencies on attendance matters.

### 2.4 Trade Union Representatives

- Support and advise members and work in partnership with managers and HR.

### 2.5 Senior Management

- Demonstrate commitment to wellbeing and improved attendance and recognise and support good management practice.

## 3. Categories of Absence

Sickness Absence can be defined as follows:

**Short Term Absence**

- A period of sickness absence lasting up to 4 weeks.
- Short term absences are normally sporadic and are usually caused by minor ailments.

**Long Term Absence**

- A period of sickness absence lasting 4 weeks or more.
- Long term absences are normally attributed to a more significant or major illness, surgery or injury and are usually continuous.

## 4. Notification, Certification and Contact

This section sets out the requirements for notifying absence, providing certification (including Self Certification and Statements of Fitness for work) and the expectations around frequency, method and location of contact during periods of sickness absence.

### 4.1 Notification and Reporting Absence from Work

When an employee is unable to attend work due to sickness absence, they must notify their line manager or an alternative appointed person at the earliest opportunity, ideally before their scheduled start time. This allows cover to be arranged as necessary. Contact must be made personally by the employee (rather than by someone else on their behalf, unless exceptional circumstances prevent the employee from contacting their manager personally) either by telephone or text message (if agreed by line manager). Some teams may have their own specific reporting procedures, and these must be shared with staff during induction.

When reporting an absence, the following information should be provided or confirmed:

- The reason for absence
- The likely duration of the absence
- Whether the employee may be able to attend work later in the day
- The date the sickness began
- Any work-related issues that may be contributing to the absence and could be addressed
- Whether the employee has consulted a GP or any treatment or medication prescribed
- Any urgent work that requires cover, upcoming deadlines, contacts that need to be informed or meetings that need to be cancelled.
- The agreed arrangements for future contact during the absence

## 4.2 Welfare check

If an employee fails to make contact when they are absent due to sickness, the manager's main priority is the employee's welfare and safety. Line managers must take reasonable steps to establish contact with the employee or their next of kin, which may include arranging a home visit as a welfare check should there be sufficient concern for the employee's welfare. If necessary, a letter may be hand-delivered to the employee's address asking them to make contact by a specific time. Where there is a serious concern for an employee's immediate wellbeing due to a lack of contact, the police may need to be notified. In these cases, managers must seek guidance from HR before taking any action. In all circumstances, the focus remains on safeguarding the employee's health and safety.

## 4.3 Absence Certification

4.3.1 Outlined below are the required levels of absence certificates:

**1-7 Calendar days** – Self Certification through iTrent

**8 Calendar days plus** – Medical Certificate required

4.3.2 Employees covered by SNCT Conditions of Service i.e. Teachers, Music Instructors, Educational Psychologists, Education Support Officers, Quality Improvement Officers and Quality Improvement Managers should follow the notification and certification procedure at Section 6.27 - 6.32 in the SNCT handbook.

4.3.3 For sickness absence, certification refers to calendar days and does not depend on the employees working pattern.

## 4.4 Statement of Fitness for Work (Fit note)

Employees absent for eight consecutive days or more must provide a **Statement of Fitness for Work (Fit Note)** on the 8th day of absence. Where this is not reasonably possible, the Fit Note should be submitted as soon as practical and no later than three days after. Consecutive Fit Notes are required to cover the full absence period with no gaps. Employees must keep their manager updated on their progress and expected return date and confirm whether they will return at the end of the Fit Note or if the absence will continue. Guidance on fit for work notes can be found here.

## 4.5 Absence for part of the day

4.5.1 Not all absences will last a full day. An employee may be unwell in the morning but able to attend later, or they may become unwell while at work.

4.5.2 When an employee is ill and unable 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 contracted hours worked – this day will not be recorded as sickness absence (however if this is a regular pattern e.g. more than 3 times then the manager may choose to review this as an absence).
- Less than half of their contracted hours worked – this day will be recorded as a half day of sickness absence.

4.5.3 Employees must assess their fitness for work however should an employee present for work and the manager is concerned that they are too unwell to work or pose a risk to themselves or others, a discussion should take place to determine whether the employee should remain at work or not. Further advice may be sought from Human Resources.

## 4.6 Failure to Follow Notification/Certification Process

4.6.1 An employee is not entitled to receive Occupational Sick Pay (OSP) under the scheme unless:

- They notify the appropriate person as required by this procedure
- They provide ongoing notifications in line with this procedure
- A Fit Note is submitted on the eighth day of absence or where this is not reasonably possible it should be submitted as soon as practical and no later than three days after.
- Further fit notes are submitted as needed, without gaps, to cover the full period of absence
- On return to work, the employee completes a self-certification form for absences up to and including seven days.

4.6.2 Where the notification and certification process is not followed, an employee may not be entitled to receive occupational sick pay. In these

instances, a manager should always take reasonable steps to contact the employee and discuss this matter with them, prior to it being considered unauthorised absence.

4.6.3 If there is an unexplained failure to notify or provide a FIT note this may be considered as unauthorised absence. Unauthorised absence is not sickness absence and will not be paid.

## 4.7 Contact During Absence

4.7.1 Regular contact is essential to prevent isolation, gain an understanding of a return date, establish what support can be provided for recovery, and address any work-related matters where appropriate. The line manager and employee are jointly responsible for maintaining contact with each other and open and regular communication between line managers and employees is to be encouraged and promoted as best practice when an employee is absent due to illness.

4.7.2 Employees must be available during absences (during normal work time) to attend Supporting Attendance Meetings and Occupational Health appointments if required. These will always be notified in advance. Employees are expected to respond to all communication including letters, phone messages and e-mails. Where an employee's disability is impacting on their ability to maintain contact with their manager then please see section 4.10.2 below with reference to the involvement of occupational health to consider adjustments to assist with maintaining contact.

**Contact Points during absence:**

- For absences between 1-7 calendar days, minimum contact should be made on Day 1 and Day 4 unless an alternative arrangement is agreed with the line manager.
- For short term absences up to 4 weeks, minimum contact should be once every 2 weeks. More regular contact is discretionary and subject to discussion and agreement.
- For long term absences it is recommended that communication aligns with the submission of fit notes or a timescale mutually agreed with the manager and the employee. At a minimum this must be at least once a month.

Employees may request annual leave during sickness absence. Anyone intending to take a holiday while off absent must discuss this with their manager. Further details on using annual leave during sickness absence are provided in Section 17.

## 4.8 Location and Method of Contact

4.8.1 Meetings will normally take place at the employee's normal place of work. Where this is not possible or appropriate, an alternative location may be agreed, including a home visit, taking account of the nature of the employee's illness and

the employee's ability to attend. Home visits will only be undertaken with the employee's prior consent and at a mutually agreed time. Where consent is not given, a suitable alternative location will be considered.

4.8.2 A line manager and employee can agree the method and frequency of contact above the minimum standards outlined above.

4.8.3 In instances where an employee is absent from work due to work-related stress then contact must be made with the employee in accordance with the procedures laid out in the Workplace Stress procedure. In cases of work-related stress, a meeting should ideally take place within 5 days of the commencement of the absence.

## 4.9 Alternative Point of Contact

Employees will normally communicate directly with their line manager. (rather than contact via another party such as family member or trade union representative). In exceptional circumstances, an employee may request an alternative designated contact officer. Requests should normally be made to the employee's line manager, who will consider the reasons for the request and, where appropriate, agree an alternative contact arrangement. Where the employee does not feel able to make the request to their line manager, or the request relates to the line manager themselves, the employee may make the request to the next level manager. This will usually be an interim arrangement to support early communication, with the expectation that the line manager will be involved in future discussions.

## 4.10 Failing to maintain contact during absence

4.10.1 It is important during a period of absence that contact is maintained between an employee and their line manager.

4.10.2 Where it appears that the employee's medical condition is impacting on their ability to maintain contact as required, the manager should adopt a supportive and flexible approach. This may include:

- Adjusting the method of contact (e.g. allowing email or text rather than phone calls, teams meetings rather than face to face)
- An alternative point of contact on an interim basis
- A short period of time to allow the employee to prioritise health and wellbeing (this would not normally be more than 2 weeks)
- Seeking advice from Occupational Health to understand what further supports and/or adjustments can be put in place to help the employee engage.

4.10.3 Employees are expected to maintain reasonable contact during absence, as set out in this procedure. (Reasonable is defined as minimum of once every 2 weeks for short term absence and a minimum once a month for long term

absence). Unreasonable refusal to engage without good cause can have a detrimental effect on a return to work. All employees are duty bound to act reasonably, however, as a last resort, it may be necessary to consider such matters under the Council's Disciplinary Policy. Before reaching this conclusion, managers should consider any health-related or other factors affecting the employee's ability to maintain contact, in line with the supportive approach outlined in 4.9 and 4.10 above.

## 5. Returning to Work

### 5.1 Return to Work Discussions

A return-to-work (RTW) discussion must take place after every absence to check the employee's wellbeing, address any concerns, and identify any support required. This should be completed at the point of return to work or ideally no later than 2 days after. Discussions should be held in a private and confidential setting and may take place in person, by telephone, or online. The focus is on supporting a safe and sustained return to work, identifying any underlying issues or absence patterns, and reducing the risk of further absence. The return-to-work form must be completed during the discussion, either online or on paper. Once completed, managers must update iTrent, following the instructions available.

**Return to work discussions should include:**

- Confirming the employee is fit to return to work
- Ensuring the employee feels welcomed and valued
- Discussing the reason for absence and identifying any support needed to maintain attendance
- Considering a referral to Occupational Health if appropriate.
- Exploring any related issues inside and outside the workplace that may have contributed to the absence
- Signposting to appropriate Council policy if required (Section 1.5)
- Signposting to appropriate internal or external agencies
- Discussing any attendance concerns and clearly outlining expected standards

## 6. Short Term Absence Framework

Managers should manage short-term absence supportively. The purpose is to understand the reasons for absence through open and constructive dialogue and to identify any support or adjustments that may help the employee to reduce future absences.

## 6.1 Attendance Support Points

6.1.1 An Attendance Support Point is a defined point during absence that prompts a supportive management discussion with the employee. The Council has defined these as follows:

**Identified Attendance Support Points:**

- 3 occasions of absence within a 12-month period
- 10 or more cumulative days' sickness absence within a 12-month period
- Pattern of absence

6.1.2 Once an attendance support point is reached, the employee will be invited to a Supporting Attendance Meeting 1, 2 or 3 (depending on whether previous meetings have taken place). The manager must issue a letter inviting the employee to the meeting.

6.1.3 There are 3 Supporting Attendance Meetings within this procedure, each including a supportive management discussion. The aim at each meeting is to understand the reasons for absence and agree any support or adjustments that may help to improve attendance. If attendance does not improve after the third meeting, the matter may progress to a Capability Assessment Meeting.

6.1.4 Managers should allow an employee to be accompanied by a work colleague or Trade Union Representative to these meetings. Managers will not be expected to postpone meetings solely for the purpose of enabling supporter / trade union representative attendance but may do so where the proposed postponement is no longer than 5 working days and is otherwise reasonable to accommodate.

6.1.5 While there are defined attendance support points, managers and employees should regularly engage on matters of attendance. This is particularly helpful, but not limited to, cases where patterns of absence emerge which do not meet the defined Attendance Support Points.

6.1.6 An overview of the process is provided below:

## Short Term Absence Flow Chart

### ATTENDANCE SUPPORT POINT

When any of the following occur:

- 3 occasions of absence within a 12-month period
- 10 or more cumulative days' sickness absence within a 12-month period
- Pattern of absence

### SUPPORTING ATTENDANCE MEETING 1

- Discuss reasons for absence
- Identify support and adjustments
- Agree support plan and explain review period

**Review Period: 12 months with 6 monthly reviews**

**YES**

### ATTENDANCE IMPROVES

No further action
Return to normal monitoring

**NO**

### SUPPORTING ATTENDANCE MEETING 2

- Review progress
- Consider additional support and adjustments
- Continue support plan

**Review Period: 12 months from date of meeting with 6 monthly reviews**

**YES**

### ATTENDANCE IMPROVES

Return to normal monitoring

**NO**

### SUPPORTING ATTENDANCE MEETING 3

- Review long-term sustainability of absence
- Explore redeployment and IHR (if applicable)
- Consider all available support options

**Review Period: 12 months from date of meeting with 6 monthly reviews**

**NO**

### CAPABILITY ASSESSMENT MEETING

- Consider whether the employee can sustain the attendance requirements of their role
- Review all support, adjustments and alternatives explored
- A potential outcome of this meeting is employment may end on grounds of capability

### SUPPORT AT EVERY STAGE

The focus at every stage is on understanding the reasons for absence, providing appropriate support and adjustments and helping employees achieve and maintain satisfactory attendance.

**YES** — **No further Attendance Support Point met within the 12-month review period (with support and adjustments, if required)**
Return to normal monitoring

**NO** — **Another Attendance Support Point reached within the 12 – month review period**
Move to next stage

Contents Page

## 6.2 Employee Support Check-in's

Employee support check-ins should form part of the management of the short-term absence process. A wellbeing check-in is an informal, proactive opportunity for the manager and employee to discuss the employee's overall wellbeing, review the effectiveness of any support or adjustments in place, and agree any further support or actions required, including those linked to any improvement plan. There is no requirement for additional parties to attend these informal supportive meetings; agreement may be reached in exceptional circumstances for a third party to attend.

## 6.3 Discretion

6.3.1 A manager may apply discretion where appropriate to vary from the normal procedure. Where discretion is exercised, this may mean that a specific absence does not result in escalation through the Attendance Meetings, or that the timings of those meetings are adjusted.

6.3.2 Discretion should **only** be considered when absence relates to:

- **Pregnancy related absences** – Automatically eligible
- **Recurrence of the same condition** within 24-48 hours due to returning to work too soon after a previous absence.
- **Industrial incident/accident during the course of work** where a safe system of work was followed, the incident was reported at the time, and an investigation has taken place. The incident must be relevant to the request.
- **Terminal/Critical illness** – e.g. an employee undergoing cancer treatment but continuing to work between treatments.

6.3.3 Each case will be assessed on its individual merits by managers, and therefore each decision will not set a precedent for future cases and line managers must consider all relevant factors. If discretion is granted, managers may choose to restart or extend the monitoring period instead of escalating to the next supporting attendance point.

6.3.4 Where discretion is applied, the employee will remain at their current absence point, but the 12-month monitoring period will restart or the period extended. All discretion must be recorded in iTrent, and managers will be held accountable for any application of discretion.

### 6.4 Absence related to a Disability

6.4.1 Under the Equality Act 2010, a disability is defined as “a physical or mental impairment which has a substantial and long-term adverse effect on an individual’s ability to carry out normal day to day activities”.

6.4.2 When a disability is identified as the cause of an employee’s absence, reasonable adjustments will be explored as early as possible. Guidance relating to Reasonable Adjustments and Disability related absences can be found here.

6.4.3 If an employee’s disability is preventing them from engaging then advice should be sought from occupational health to establish what adjustments can be made to reinstate contact, engagement and communication. Please refer to section 4.10.2 above.

6.4.4. Absences relating to disability will not be automatically excluded from Supporting attendance points, however it is recognised that employees with a disability may experience periods of absence that are directly related to their disability or underlying health condition. Decisions regarding these absences should take account of occupational health advice, reasonable adjustments, and the specific impact of the employee's disability. Any discretion exercised should be reasonable, evidence-based, and applied consistently, taking into consideration both the needs of the employee and the operational requirements of the service.

### 6.5 Capability Process – Short Term Absence

Where the Short-term absence framework has been followed and the employee is unable to sustain an acceptable level of attendance in the workplace then management may have to determine whether they are able to effectively carry out their job. This determination will be made through a capability assessment meeting and further information in relation to this can be found in section 7.2.

## 7. Long Term Absence Framework

7.1 For long-term absences the framework is provided below:

# Supporting Attendance Procedure

## Long Term Absence Flow Chart

**WITHIN 4 WEEKS**

Contact will be undertaken by the line manager, who will consider referral to Occupational Health to obtain advice on the employee's fitness to return to work and to explore potential return-to-work options/adjustments. Note: whilst a referral should be considered, it is not mandatory.

**3 MONTHS**

**3 Month Formal Review Meeting arranged** and held by line manager and 3-month review plan implemented. An Occupational Health referral is recommended prior to the 3-Month Review Meeting to obtain up to date information.

**OUTCOME: RETURN TO WORK**

Employee is supported and returns to work, and due to an Attendance Support Point being met, attendance is monitored for a 12-month period with 6 monthly reviews.

**OUTCOME: REMAINS ABSENT**

Employee remains absent from work and employee support check ins are held to support a return to work.

**6 MONTHS**

**6 Month Formal Review Meeting arranged and** held by line/appropriate manager and 3-month review in place **(Access to Medical Records and Redeployment options may be considered and run concurrently).** An Occupational Health referral is mandatory prior to the 6-month review meeting.

**OUTCOME: RETURN TO WORK**

Employee is supported and returns to work, and attendance is monitored for a 12-month period with 6 monthly reviews.

**OUTCOME: REMAINS ABSENT**

Employee remains absent from work and employee support check ins are held to support a return to work.

**9 MONTHS**

**9 Month Formal Review Meeting** arranged and held by line/appropriate manager with focus on securing a future return to work date. **(Consideration for Ill Health Retirement (IHR) may take place and run concurrently).** An additional Occupational Health referral is mandatory if absence continues prior to the 9-month review meeting.

**OUTCOME: RETURN TO WORK**

Employee is supported and returns to work, and attendance is monitored for a 12-month period with 6 monthly reviews.

**OUTCOME: REMAINS ABSENT**

Employee remains absent from work and employee support check ins are held to support a return to work.

**9 MONTHS PLUS**

**A Capability Assessment Meeting** will be held and chaired by a Band 14 Manager/Head Teacher or above, in cases where an employee is unable to return to work within a reasonable and acceptable timescale (either to their substantive role or a suitable redeployed position), or where a return date remains unknown. In such circumstances, IHR may be considered where appropriate. A potential outcome of this meeting is employment may end on grounds of capability due to ongoing absence.

**EMPLOYEE SUPPORT CHECK-INS UNDERTAKEN OUTSIDE FORMAL REVIEW PERIODS**

Ongoing contact, support and informal check-ins will be provided throughout the process and continued exploration of return-to-work options.



Contents Page

7.1.1 The purpose of each review meeting is to check in on the wellbeing of the employee, ask how their recovery is progressing and to support a safe and timely return to work. Every absence is considered individually, and the timing of meetings may be adjusted when appropriate. For example, it may become evident early in the absence that the employee is unlikely to return to their role. In such cases, it may be necessary to move directly to the actions normally discussed at the 9-Month Review Meeting, such as exploring redeployment or ill-health retirement (IHR).

7.1.2 Absences that approach 9 months will normally be reviewed under the capability assessment process. The aim for dealing with any long-term absence is to work towards and support a return to work. If a return cannot be achieved within a timescale considered reasonable (generally considered to be 9-12 months) by management, the situation will be escalated to a capability assessment meeting.

7.1.3 There may be exceptional circumstances where an absence is allowed to continue beyond 9 months. Similarly, it may be necessary to initiate a capability assessment meeting before the 9-month point (where the medical advice regarding prognosis is clear and the likelihood of a future return to work is unlikely or where it is otherwise unreasonable for the employer to be expected to wait longer for the employee to return to work).

7.1.4 In some circumstances, patterns of absence may not fall into the short/long term categories outlined above. Where an employee is on long-term sickness absence, but returns to work for short periods, managers can manage their sickness absence as a long-term absence (when the absence reason may be the same). This is on the basis that an employee has returned to work for a short period in between absences.

### 7.2. Capability Assessment Process: Long-Term Absence

7.2.1 Where the Long-Term absence framework has been followed, and the employee is unable to maintain satisfactory attendance or return to work within the timescales set out in this procedure, management may need to review the case and consider whether the employee can return to their role. Any decision on capability will be made through a Capability Assessment Meeting.

7.2.2 Details on the Capability Assessment Meeting can be found here.

## 8. Occupational Health

8.1 The role of Occupational Health is to provide managers with independent, specialist medical and workplace advice that includes assisting the Council to

manage sickness absence and return to work fairly, supportively and in line with legal requirements. Occupational Health plays an important part in advising managers on an employee's fitness for work, the impact that any medical condition may have on the employees ability to attend work, and any support or adjustments required that may help facilitate a successful return to work. Occupational Health will also independently assess eligibility for ill-health retirement under the Local Government Pension Scheme. For teachers, the Scottish Public Pensions Agency (SPPA) will independently assess eligibility for ill health retirement based on medical information obtained from the Council's occupational health provider and their own medical experts.

8.2 Our Occupational Health service is an investment in the health and wellbeing of our employees. Employees are expected to attend Occupational Health appointments, as these are designed to assist employees and the Council to manage sickness absence in a supportive way.

8.3 Occupational Health can provide advice on:

- The employee's fitness to work
- Whether an employee has or is likely to have a disability
- The nature and extent of any disability, including the impact it may have on the employee's ability to carry out the key duties of their role.
- Recommendations on reasonable adjustments.
- The level of attendance that may reasonably be expected in the future and whether the employee is likely to sustain their attendance in the future.
- Provide a prognosis and advice on the expected duration of absence.
- Advice on rehabilitation or modified duties.
- Whether the employee is considered permanently unfit for their role.
- Whether the employee may be fit to undertake alternative duties or an alternative role

**Occupational Health advice may be sought at the following points:**

- **In advance of a Supporting Attendance Meeting** within the short-term absence framework where an underlying medical condition is contributing to absence, or to inform Supporting Attendance Meetings in the long-term absence framework.
- **Where an employee advises they have a disability,** and the manager requires confirmation of the disability and advice on how to support the employee in the workplace
- **When a case is progressing to a Capability Assessment Meeting** (Occupational Health advice must be less than 12 weeks old)
- **To obtain advice on eligibility for Ill Health Retirement (IHR)**

8.4 In situations where the advice provided by Occupational Health differs from the advice of an employee's GP, a balanced and reasoned decision will be made based on all available evidence. Occupational Health advice forms an important part of the Council's decision-making process but will be considered alongside any medical certification provided by the employee. Where there is conflicting medical advice, managers should seek guidance from Human Resources before determining any appropriate next steps.

## 9. Phased Return to Work

9.1 A phased return to work isn't normally required, however, it may be recommended by a GP on a Fit note or by Occupational Health. This usually follows a period of long-term sickness absence and will depend on the nature of the illness or condition. The aim is to support an early return to work where the employee may not be fully fit to carry out their full hours/duties but will be after a short period of a gradual return.

9.2 A phased return to work will likely include a gradual increase in working hours, adjustments to work tasks, a temporary change of workplace, or alternative duties/temporary redeployment. Where an employee returns on reduced hours, they will receive their normal pay for the duration of the phased return period (up to a maximum of 4 weeks, which may be extended to 6 weeks in exceptional circumstances). The expectation is that, by the end of the phased return period, the employee will have resumed their full contractual duties and hours. If the phased return needs to extend beyond 6 weeks, please refer to the Phased Return to Work factsheet.

## 10. Redeployment

10.1 Redeployment can be considered at any stage (most likely as part of the Capability Assessment process). As a minimum it must be discussed before progressing to Supporting Attendance Meeting 3 of either the short-term or long-term absence framework.

Redeployment may be considered where:

- It is not possible to accommodate reasonable adjustments to an employee's current role,
- It becomes clear that the employee is unable to continue in their current role or undertake the full range of duties due to ill health or disability but may be capable of undertaking an alternative role.
- An employee is unable to return to their current role within a reasonable timeframe but may be able to undertake other roles.

10.2 Redeployment helps to move from one role to another, maintaining employment if an employee can no longer do their substantive role due to ill health. Employees are encouraged to engage fully with the redeployment process to obtain the best chances of securing continued employment. In some cases, Occupational Health may advise that the employee is unfit to undertake any work and, in those situations, redeployment is not appropriate. Where an

employee does not wish to engage in redeployment or be considered for a redeployment search, they must confirm this in writing stating the reasons for their decision by completing this document. In such circumstances, this will result in the matter progressing to a Capability Assessment Meeting.

10.3 To support the redeployment process information must be obtained from Occupational Health in relation to the following:

- Whether the employee can undertake the duties of their substantive post and if not, whether they may be able to undertake alternative work within the Council in another role or;
- If the employee is able to undertake work in another role, what restrictions or adjustments are required to be considered.

10.4 The process for redeployment is as follows:

- The employee is unable to undertake the duties of their current post.
- A referral is made to Occupational Health to seek advice on whether redeployment should be considered.
- The employee enters redeployment as a reasonable adjustment and as an alternative to a Capability Assessment Meeting.
- An alternative role is identified, and further advice is sought from Occupational Health to confirm whether the employee is fit to undertake duties of that role and to determine any adjustments required.
- The employee assumes the terms and conditions of new post

*Where no suitable alternatives have been identified within the redeployment period (refer to 10.6), or when an employee decides to withdraw or not engage in the redeployment process managers must meet with the employee and advise that a Capability Assessment Meeting will take place.

10.5 Where a new role is confirmed then please refer to section 15 with regards to changing jobs within the Council.

10.6 A redeployment search will last a minimum of 1 month and a maximum of 12 weeks. The length is dependent on the length of service of the employee (1 week for every completed year of service).

## 11. Permanent Incapacity due to Ill Health

11.1 An employee who is unlikely to return to work from illness and is a member of the Local Government Pension Scheme or Scottish Teachers Superannuation Scheme, then if certain pension conditions are met, an employee may be eligible to be considered for ill health retirement.

11.2 There is a need to conduct an independent medical assessment before a decision can be taken by the Council or the SPPA (Teachers) to release pension benefits on the grounds of permanent ill health. The test is whether an employee

is incapable of carrying out their job until State Pension Age and relies, principally, on medical evidence.

11.3 An Ill Health Retirement Assessment is carried out by an Independent Registered Medical Practitioner (IRMP) through an approved Occupational Health service. The Occupational Health service will assess the employee against the Ill Health Retirement criteria contained within the Local Government Pension Scheme Regulations and can make the following assessments:

- The employee does not meet the criteria for Ill Health Retirement - The employee is not considered as permanently unfit to normal pension age, therefore does not satisfy the condition for ill health retirement.
- The employee meets the criteria for Ill Health Retirement (Tier 1 or Tier 2) - The employee is considered as permanently unfit to normal pension age.

11.4 Once the IRMP has provided their opinion, this will come to Dumfries and Galloway Council for an employer decision and employee will be advised of outcome and the process has an appeal process.

11.5 Where the employee does not meet the criteria for Ill Health Retirement, a Capability Assessment Meeting will be arranged.

11.6 Where a determination is made that an employee **does meet** the criteria for Ill Health Retirement then a meeting will take place to discuss this outcome to mark the end of employment on grounds of Ill Health Retirement.

11.7 The Ill Health Retirement provisions and process for Teachers/SNCT employees are separate and information in relation to this can be found here.

11.8 The process for Ill Health Retirement is attached here.

## 12. Serious Ill Health/Critical Illness/Terminal Illness

Where an illness or medical condition is diagnosed as a critical or terminal illness, the most appropriate course of action must be carefully considered in consultation with the employee. An immediate referral to Occupational Health is required to confirm the prognosis and the employee must be treated sensitively, respectfully and with dignity, taking their personal circumstances into account. In such cases managers should contact Human Resources who will liaise with the Council's Pensions Team to provide further advice and guidance. The following guidance may be useful for managers and employees to refer to.

## 13. Financial Inclusion & Welfare Support

The Financial Inclusion & Welfare Support team may be able to assist in maximising income by carrying out a benefit health check for staff to identify any entitlement to Welfare Benefits. They can then help complete application forms and identify any other advice and assistance that may be relevant to individual situations. A referral can be made to the team by telephoning 030 33 33 3008 or email to (FIWSReferrals@dumgal.gov.uk). This team may be a useful link in

cases where employment may come to an end, or employees sick pay is impacted due to absence.

## 14. Specific Absence Reasons

### 14.1 Industrial Injuries Disablement Benefit

An absence due to an accident at work will only qualify for Industrial Injury Allowance where it has been reported, investigated and accepted as a work-related injury in accordance with Councils Health and Safety procedures. Industrial Accident Allowance will be paid when an absence due to a work-related injury occurs and will not count towards the employee's sick pay entitlement. The conditions upon when Industrial Injury Allowance is paid will mirror the conditions in relation to sickness entitlement as detailed in the employee handbook and will be subject to verification of the accident by the Line Manger.

If the employee remains absent following the exhaustion of industrial injury allowance, occupational sick pay will not be paid, however, if applicable, Statutory Sick Pay may be paid. A manager may choose to operate discretion, (e.g. not count this as an absence for the purpose of escalating through the meetings of the short-term absence framework).

### 14.2 Violence at Work

14.2.1 Violence is any incident in which an employee suffers serious abuse, threats or assault by a member of the public or service users in circumstances arising during, or as a consequence of Council employment.

14.2.2 The incident **must** be recorded on the Dumfries and Galloway H&S portal/app as soon as possible after the incident. Including near miss, verbal abuse and physical assault. (If the app is not yet live in your service the normal reporting form should be completed.) Injury sustained from an assault or other violent incident whilst on duty should be treated in the same way as an accident at work.

14.2.3 The Council's online digital health and safety portal should be used to record the incident.

14.2.4 Where absence from work arises from or is relevant to a reported, investigated and agreed violent incident in the course of employment then this can be recorded as "industrial sickness" on iTrent. This period of sickness absence shall not count against the periods of sickness entitlement and absence will be kept under medical review and support the employee in their return to work. If the absence no longer relates to the violent incident and the employee continues to remain certified unfit for work the absence will be treated as sickness absence and the sickness absence provisions shall apply.

## 14.3 Workplace Stress Absence

14.3.1 When an absence is identified by the employee or through medical certificates as being related to work-place stress, the manager must immediately prioritise this by ensuring the **Council's Workplace Stress Process is followed without delay**. This process ensures a targeted, supportive intervention and includes:

- **Proactive Discussion:** A supportive discussion must take place with the employee ideally within 5 days.
- **Work Support Plan**: A work support plan must be put in place.
- **Return to Work Plan**: A return-to-work plan must be formulated, detailing any necessary reasonable adjustments.

14.3.2 As outlined in section 4 contact must be maintained and is the responsibility of both the employee and line manager.

## 14.4 Reactive Stress

When an employee reports absence due to stress that is related to an ongoing formal process (such as a disciplinary process), the absence will continue to be managed under the Supporting Attendance at Work Procedure. Early intervention is essential and employees should be supported to return to work as soon as reasonably possible. If the employee indicates that they are unable to engage with the formal process, advice may be sought from Occupational Health to help determine what specific support, or adjustments can be put in place to help the employee participate safely and effectively. It is not reasonable for formal processes to be paused in these circumstances.

## 14.5 Non-Genuine Absence and Unauthorised Absence

14.5.1 The Council recognises that most sickness absences will be genuine. The Council is committed to supporting employees with compassion and understanding during periods of ill health, acknowledging that health challenges, including those related to mental health or past experiences, can be complex and may require sensitivity and flexibility. In the rare circumstances where there are reasonable grounds to believe that reported sickness absence does not reflect a genuine health reason, where patterns of absence give cause for concern, or where there are deliberate failures to follow correct processes then we will address this matter fairly, transparently and supportively. Instances of suspected non-genuine sickness absence or process irregularities will be addressed under the disciplinary procedure and may constitute gross misconduct.

**The disciplinary process may be applied when an employee:**

- Has no acceptable medical reason for their absence from work.
- Falsifies records or claims to be absent due to sickness or injury when this is not the case (i.e. is dishonest about the reason for their absence)
- Fails to comply with the Supporting Attendance Procedure, including requirements for reporting absence, maintaining reasonable contact or submitting medical certificates
- Has period(s) of unauthorised absence
- Has contributed to their own sickness absence through their conduct (e.g. failing to follow medical advice or agreed treatment plan)
- is refused annual leave and subsequently takes absence on those same dates.

*Please note this list is not exhaustive*

## 15. Changing Jobs (Internal in the Council)

If an employee is being supported under the short-term or long-term Supporting Attendance framework and subsequently moves to a new role, their current Supporting Attendance Meeting within the procedure will continue in their new post to ensure continuity of review and support.

This information does not need to be disclosed during the interview process. After appointment, the current line manager will share with the employee the information that is to be shared with the new manager. This would typically include:

- The current stage of the Supporting Attendance process
- The agreed improvement actions
- Any reasonable adjustments in place
- The factors that may trigger progression to the next stage

## 16. Multiple Posts

Where an employee holds more than one post with the Council and is absent from all of their contracted roles, and an Occupational Health referral is required, it is good practice to seek information relating to all posts. This ensures the employee receives appropriate support and that the Council uses its resources efficiently. In these situations, it is practical for one manager, normally the manager of the employee's main post, to take the lead. The lead manager should consult with the other manager(s) and with the employee to coordinate the process effectively. All managers should discuss and agree who is best placed to

manage the absence, including who will conduct Supporting Attendance meetings, or whether it is more practical for meetings to be held jointly.

## 17. Annual Leave and Sickness Absence

Information relating to sickness absence and annual leave can be found in the attached guidance. This includes what happens if you fall sick while on holiday, or prior to planned leave in addition to holiday accrual during periods of sickness absence.

| Glossary | Description |
|---|---|
| Alternative Appointed Person | An individual designated to act as the employee's primary point of contact in exceptional circumstances, where communication with the employee's line manager is not appropriate or practicable. |
| Attendance Support Point | A defined point at which an employee's attendance is reviewed through a supportive discussion focused on wellbeing, attendance and any support that may be required. Reaching an Attendance Support Point does not constitute disciplinary action. |
| Capability Assessment Meeting | A formal meeting held when attendance concerns continue despite support being provided. The meeting will review the employee's ability to carry out their role and consider any appropriate next steps. A potential outcome of this meeting is employment may end on grounds of capability. |
| Disability-Related Absence | Absence arising from an employee's disability as defined under the Equality Act 2010 and which may require consideration of reasonable adjustments. |
| Employee Support Check Ins | Agreed meetings or conversations held during periods of attendance, absence, or return to work to maintain communication, discuss the employee's health and wellbeing, consider any support needs, and review progress against agreed actions. |
| Fit Note / Statement of Fitness for Work | Medical certification issued by a healthcare professional providing advice on an employee's fitness for work and any adjustments that may support their return. |
| Ill Health Retirement | Retirement granted under the provisions of the relevant occupational pension scheme where an employee is assessed as being permanently incapable of undertaking their current role, or any regular employment as defined by the scheme, due to ill health. |
| Mental Health Champions | A trained employee who promotes awareness of mental health and wellbeing in the workplace, encourages open and supportive conversations, and signposts colleagues to appropriate sources of support. Mental Health Champions do not provide clinical advice or counselling. |
| Occupational Health | An independent professional service that provides advice regarding fitness for work, workplace adjustments, rehabilitation and support. |
| Occupational Health Referral | A referral made to Occupational Health seeking independent advice about an employee's health, fitness for work, prognosis or workplace adjustments. |
| Occupational Sick Pay | Sick pay provided by the organisation under its contractual sick pay scheme when an employee is absent from work due to illness. |
| Pattern of Absence | A recurring, identifiable or unusual trend in an employee's attendance record which may warrant |

| | |
|---|---|
| | further review to understand any underlying causes and identify appropriate support measures. |
| Phased return to work | A structured and temporary return-to-work programme that allows an employee to gradually build up their working hours and/or duties following a period of sickness absence. The aim is to support an early return to work where the employee may not be fully fit to carry out their full hours/duties but will be after a short period of a gradual return. |
| Redeployment | The process of seeking and, where appropriate, offering an employee suitable alternative employment within the organisation when they are unable to continue in their current role. |
| Reasonable adjustment | A change to working arrangements, duties, working hours, equipment or the working environment to remove or reduce disadvantages experienced by a disabled employee, in accordance with the Equality Act 2010. |
| Return to Work Discussion | A supportive discussion held following every sickness absence to confirm fitness to return, discuss wellbeing, identify support requirements and review attendance. |
| Statutory Sick Pay | The minimum level of sick pay that employers are legally required to pay to eligible employees who are absent from work due to illness, subject to qualifying criteria set by the government. |
| Supporting Attendance Meetings | A meeting to understand the reasons for absence and agree any support or adjustments that may help to improve attendance or next steps. |
| Trauma Informed Approach | An approach that recognises the impact that trauma may have on an individual's health, wellbeing and attendance and seeks to respond with compassion, dignity, understanding and support. |
| TUPE | Transfer of Undertakings (Protection of Employment) Regulations (TUPE). Legislation that protects employees' employment rights when a business, service or undertaking transfers from one employer to another. |
| Unauthorised absence | A period during which an employee is absent from work without obtaining the necessary approval, following the required reporting procedures, or maintaining appropriate contact with their manager, unless there are exceptional circumstances. |
| Work-Related Stress | Stress arising from factors connected with an employee's work or working environment and managed in accordance with the Council's Workplace Stress Procedure. |

| Meeting | Attendance |
|---|---|
| Return to work meetings | Employee and line manager |
| Supporting Attendance Meetings | Employee and line manager, Colleague or trade union representative<br><br>Stage 3 meetings **may*** be a more senior manager<br><br>*It is accepted that operationally this is not always possible |
| Wellbeing check ins | Employee and line manager |
| Capability Assessment Meetings | Manager Band 14 and above (Headteacher), HR Representative, Employee and line manager, Colleague or trade union representative, Note taker (Optional) |
| Occupational Health Appointments | Employee |

## Document History

### Policy

| Version | Revision Date | Previous Revision Date | Summary of Changes |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

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| 2 | | |
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